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Rebuttal
Proof of Evidence
Landscape and Visual Issues

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In respect of Appeal by
Hertfordshire Holdings Ltd

Concerning
**Land south of the A271 and
east of the A22,
Lower Horsebridge,
Hailsham**

On behalf of
Wealden District Council

Appeal ref
APP/C1435/W/23/3335625
Council Ref
WD/2022/3222/MAO

April 2024



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File name:	1285 Lower Horsebridge Landscape MB Rebuttal FINAL.docx
Date issued:	April 2024

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1 Introduction

- 1.1 My qualifications and experience are set out in Section 1 of my Proof of Evidence.
- 1.2 This rebuttal proof has been prepared to address issues raised in the evidence of Paul Warren which were not in the LVA submitted with the application (CD1.14), or referred to in the Appellant's Statement of Case (CD13.4). They are:
- The suggestion that the proposed development should be seen as a continuation of the settlement of Lower Dicker.
 - The relevance of two sites to the north of the appeal site.
 - The suggestion that employment sites assessed as suitable in the 2024 SHELAA should be considered as '*the future baseline landscape context for the site.*'¹
- 1.3 This rebuttal does not set out all the judgments in Paul Warren's evidence with which I disagree and the fact that I don't mention something in this rebuttal should not be taken as meaning that I agree with it.
- 1.4 Where my judgments and the reasoning behind them are already set out in my evidence I try not to repeat them here. Where helpful I provide references to where my reasoning can be found in my main proof.

¹ Proof of Evidence of Paul Warren paragraph 4.3

2 Lower Dicker

- 2.1 As set out in my evidence I was not clear from either the application documents or from the Appellant's SoC what settlement it was considered that the proposed development would belong (MB PoE Paragraph 7.2.1). I considered that the two options were either Hailsham or Lower Horsebridge and in Section 7.2 of my evidence, I set out why I don't consider that the proposed development would belong to either.
- 2.2 A previous draft local plan was proposing a 'South Wealden Growth Area'. As part of the evidence base for that local plan the *South Wealden Growth Area Landscape and Ecology Studies 2017* report was prepared by The Landscape Partnership (2017 TLP Study, CD 9.13) That draft local plan has subsequently been withdrawn and the 2017 TLP Study (CD 9.13) is no longer part of the evidence base for the emerging local plan. A subsequent study was prepared by LUC *Landscape Sensitivity Assessment Residential and Employment Development 2023* (LUC Sensitivity Study) (CD 9.2) which does form part of the evidence base for the emerging local plan.
- 2.3 Paul Warren describes the 2017 TLP Study as '*an older, but much more detailed and considered assessment prepared by the Landscape Partnership*' (Paragraph 3.7). It is more detailed because the assessment units considered are smaller. However, it was prepared in a policy context that has now changed and, as I set out in my evidence (Paragraphs 6.4.2 and 6.4.3, and 7.2.2 - 7.2.4), I do not agree with all of its conclusions.
- 2.4 At the time the LVA was submitted the LUC Sensitivity Study had not been issued and the LVA relies on the 2017 TLP Study (CD 9.13) to conclude that the site is less sensitive than the remainder of the assessment unit. I address the suggestion in the 2017 TLP Study that development in the north western corner of the site could be seen as a continuation of the settlement pattern of Lower Dicker in my evidence at paragraphs 6.4.2 and 6.4.3, and at paragraphs 7.2.2 - 7.2.4. I explain that because Lower Dicker has a distinctive linear pattern development the area proposed could not be seen as a continuation of that pattern. The historic origins of the Lower Dicker linear settlement pattern are set out in the Hellingly Neighbourhood Plan (HNP) Paragraphs 152-158 and the settlement pattern is protected under Policy LD1 of the HNP.

- 2.5 The LVA quotes the conclusions of the 2017 TLP Study (CD 9.13) as part of describing the context of the site, it is not part of the LVA assessment. The LVA does not at any point suggest that the development would be seen as a continuation of Lower Dicker.
- 2.6 In his evidence Paul Warren introduces the idea that he sees the site '*as part of the Lower Dicker/Boship developed area*' (3.50). The description 'Lower Dicker/Boship developed area' is not one that I have come across in any of the many landscape studies that have been undertaken for this area. It appears to have been coined by Paul Warren. Lower Dicker is recognised as a settlement, Boship is the name of a roundabout which contains highway services. I do not consider that there is a 'Lower Dicker/Boship developed area' and it is not something identified in the HNP.
- 2.7 The conflation of these two very different areas results in some surprising conclusions, such as Paul Warren's assessment of the visual changes at the Boship roundabout as shown in the visualisation from LVA Viewpoint 4. He says that the development '*would not be uncharacteristic of the Lower Dicker/Boship roundabout cluster of development*' (7.39). The only built form in the area that the development in LVA Viewpoint 4 resembles is the Travelodge, and in that way, the proposals may reflect the services at the roundabout. However, the Travelodge is not Lower Dicker and does not represent either the settlement pattern or style of residential development in Lower Dicker.
- 2.8 The suggestion that the appeal development will be seen as a continuation of Lower Dicker and the Boship roundabout does not appear in the LVA or in the Appellant's SoC; there is no mention of Lower Dicker in Appellant's SoC. Development at the Boship roundabout is described in paragraph 2.4 of the Appellant's SoC as '*The Site is adjacent to the Boship Roundabout and associated development on the A22 at this location including a petrol station and convenience retail store, coffee shop and food on-the-go outlet, 'Travelodge' and a hotel (Boship Lions Farm Hotel).*' There is no suggestion that the services at the roundabout should be viewed as part of Lower Dicker.
- 2.9 Paul Warren also misquotes the 2017 TLP Study. At 3.58 he says '*The report agrees, stating that 'development in this area could form a continuation to the existing concentration of development around the A22/A271 roundabout junction.'*' This is also repeated at 10.12. What the 2017 TLP Study actually says is '*development in this area could form a continuation*

to the settlement pattern of Lower Dicker along the A271 and relate to the existing concentration of development around the A22/A271 roundabout junction.’²

- 2.10 In his planning evidence Andrew Elliot reaches a very different conclusion to Paul Warren. At 5.6.1 he says:

‘I consider that implemented development at the site would be an identifiable part of Hailsham, albeit physically detached from Lower Horsebridge, with the village retaining its own separate character and identity in accordance with the broad aims of the HNP (CD 5.4, Introduction, page 6). The site is outside of the Lower Horsebridge Village Area identified by Map 4 of the HNP, and is similarly distinct from the dispersed, linear Lower Dicker Village Area in view of the physical boundary of the Hailsham bypass and Boship roundabout. (Emphasis added).

- 2.11 At 5.6.2 Andrew Elliot goes on to say ‘*I therefore consider that the appeal site is under-utilised land on the edge of Hailsham.*’ This contrasts with Figure 4 in Paul Warren’s evidence which promotes the concept of a substantial gap between the edge of Hailsham and development on the appeal site.
- 2.12 At 5.6.2 Andrew Elliot also sets out the limitations for agricultural use of the appeal site because ‘*it is bounded to the north and west by two busy roads, encircled by a stream on its eastern and southern sides which cuts it off from the neighbouring field, and the seasonal extent of flooding as expected within the flood zones on the lower part of the field.*’ This isolation is the reason I set out in my evidence as to why residential development on this site would not be connected to any settlement (Hailsham, Lower Horsebridge or Lower Dicker) and would therefore appear as a detached housing estate.
- 2.13 Having read the evidence of Paul Warren and Andrew Elliot it is clear that the Appellant, like me, is unsure which settlement the appeal development would belong to. This does not surprise me as the appeal site is not in fact connected to any of the existing settlements. It is this lack of connection, which I identify in my evidence (Section 7.2), that increases the landscape harm.

² 2017 TLP Study, Page 668

3 Land at Knights Farm

3.1 Appendix H of Paul Warren's evidence contains a landscape and visual appraisal of two sites.

- **Land at Knights Farm East** - the site of an application by WDC for a Sports Hub (resolved to approve by Planning Committee South on 25 January 2024)
- **Land at Knights Farm West** - A proposed allocation for employment land in the Regulations 18 draft Local Plan.

3.2 The landscape and visual appraisal in Appendix H was prepared by Paul Warren in June 2023 but has not previously been submitted to WDC and was not included as an appendix in the Appellant's SoC.

The Sports Hub.

3.3 Paul Warren in his main proof notes that a full landscape and visual appraisal was not submitted with the application. I would also add that the consultation response from 'WDC Arboriculture and Landscape' concerns only arboricultural issues. The consideration of landscape issues is dealt with in the Committee Report by the Case Officer.

3.4 Paul Warren notes that in several places in the Committee Report the Case Officer describes the landscape as 'rural-urban fringe'. However, I agree with Paul Warren's assessment that it '*appears to be of a farmland character*'³ In this respect it is like this appeal site.

3.5 I also agree with Paul Warren's assessment that the site is well enclosed and that '*As a result of the physical and visual enclosure of the site, the site itself is relatively cut off from the surrounding landscape.*' In this respect, it is very different to the appeal site which is open on three boundaries to the surrounding landscape.

³ Paragraph

- 3.6 The Case Officer deals with landscape issues at the bottom of pdf page 35 of the Committee Report. This begins by acknowledging that the development would *'alter the character of this undeveloped parcel of land'* and notes that *'it is recognised that urban land uses could be unacceptable in this location.'* However, the Case Officer concludes that because of the nature of the development (sports provisions) it could be considered as part of green infrastructure and therefore acceptable. The difficulty of finding a site of a suitable size to accommodate the sports provision is also a factor that the Case Officer considered carries weight.
- 3.7 I agree with Paul Warren that there would be adverse visual impacts from the lighting columns and from night time lighting, although this is capable of mitigation through limiting the hours of use and the use of modern floodlights designed to avoid glare and to minimise light spill or trespass.
- 3.8 I do not agree with Paul Warren's conclusions with regard to a comparison of landscape or visual effects of the Sports Hub with the residential development proposed for the appeal site. I consider the landscape effects of the appeal proposals to be significantly more adverse than Paul Warren does but as this is set out in my proof at Section 7 I do not repeat it here.
- 3.9 With regard to visual effects, I note that Paul Warren considers that *'Visual receptors using the public open space on the west side of Hailsham would experience a change in the view with the lighting masts visible above intervening vegetation in the middle distance. This would detract from the otherwise semi-natural outlook from this area. The proposal would also introduce significantly more high level light sources into the view, currently restricted mainly to highway lighting.'* (2.29) I have assumed that the *'the public open space on the west side of Hailsham'* is the POS located to the north of Welbury Meadows. The visual impact of lighting columns will be minimal compared to the visual impact of the appeal proposals. Users of the POS are not assessed as visual receptors in either the LVA or in Paul Warren's evidence.

Proposed Employment Allocation.

- 3.10 Knights Farm West is a proposed allocation for employment land in the Regulation 18 emerging Local Plan. As agreed in the Statement of Common Ground Paragraph 5.5 '*At present, the emerging Local Plan is insufficiently advanced for its policies to attract material weight in relation to this appeal.*'
- 3.11 Although the Knights Farm West proposed allocation does not carry material weight in relation to this appeal, I have looked at the criticism Paul Warren has made of the LUC SHELAA assessment for the Knights Farm West site (CD 9.2 internal page B-119 pdf page 587 Site 780/3000). I agree with Paul Warren that the assessment of the Knights Farm West site does not seem to be consistent with the main report and I consider that insufficient weight has been given to the impacts on the Public Rights of Way (PRoW) that cross the site. I consider that sensitivity to employment use should be **medium/high**, as in the main report. I agree with Paul Warren that there would be significant adverse landscape effects if this site was to be developed for employment use.
- 3.12 I do not agree with Paul Warren that '*The development would result in the perception that the developed area of Hailsham is sprawling into areas that are currently predominantly rural*' because I consider that the development would not be seen as part of Hailsham.

4 Employment Sites

- 4.1 Figure 3 in the evidence of Paul Warren is entitled *North West Hailsham Development Growth*. I consider that the fourth plan on this page, which is then repeated as Figure 4 *Development Pattern with Gap*, is misleading as it conflates sites with permission / sites where WDC is minded to grant permission, with sites considered suitable in the 2024 SHELAA.
- 4.2 Figure 3 correctly identifies the SHELAA sites as ‘*SHELAA assessed suitable employment sites*’, but Figure 4 describes them as ‘*WDC Proposed employment sites*.’ This is incorrect. One site, the Knights Farm west site discussed above, is proposed for allocation in the Reg 18 consultation for the emerging Local Plan. However, it has been agreed that even this proposed allocation should not attract material weight in relation to this appeal. None of the other sites keyed by Paul Warren as ‘WDC proposed sites’ are even proposed allocations.
- 4.3 Based on Figure 4 Paul Warren states that ‘*The area of Boship and Lower Dicker is already an established area of development, and it is set to grow and so the appeal site adjacent to it is not going to appear isolated, but part of the growth area.*’ There is no certainty of any future growth in Lower Dicker. MB Figure 5 identifies all the sites where permission has been granted or is likely to be granted. None of them are adjacent to any part of Lower Dicker.
- 4.4 Paul Warren’s approach that employment sites assessed as suitable in the 2024 SHELAA should be considered as ‘*the future baseline landscape context for the site*’⁴ is therefore clearly inaccurate. He reiterates this at 8.7 when he describes his Figure 4 as illustrating imminent further growth. As his analysis of landscape effects is based on this misunderstanding of the likely future development it has inevitably affected his assessment of landscape harm and resulted in an underestimation of that harm.

⁴ Proof of Evidence of Paul Warren paragraph 4.3



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