

Application ref: AP/23/0042

Appeal reference: PINS Ref: APP/C3620/C/21/3269098

**Inert Recycling Operation, associated earthworks and planting, Bolney Park Farm,
London Road, Bolney RH17 5QF**

Appeal (*LPA ref: AP/23/0042, PINS ref: APP/C3620/C/21/3269098*) by PJ Brown against the issue of an Enforcement Notice at Land East of Dan Tree Farm (*AP/23/0042*).

Proof of Evidence (PoE)

Landscape Character and Views

By Nick Harper BA (Hons) DipLA (Hons) CMLI (95)

On behalf of PJ Brown

21st August 2024

Contents

	Page
1.0 Name, Qualifications and Experience	3
2.0 Preamble	4
3.0 Instruction	5
4.0 Introduction	6
5.0 Response to the Landscape matters stated in the Enforcement Notice	8
6.0 Conclusion	13

1.0 Name, Qualifications and Experience

Name: Nick Harper

Qualifications: Landscape Design BA (hons), Post Graduate Diploma in Landscape Architecture (hons), full Chartered Member of the Landscape Institute since 1995.

Experience: *Current:* Partner and founder of Harper Landscape Architecture LLP (since 2008).

Previous (from 1989): Senior Lecturer at Greenwich University; Principal at Hyder Consulting; Associate at Chris Blandford Associates; Senior Landscape Architect roles at the Derek Lovejoy Partnership, the London Borough of Enfield and Battle McCarthy Engineering; and a Landscape Architect at the Architecture and Design Group and HLM Architects.

Expert Landscape Witness: Many developments in many sectors for development located in sensitive landscapes.

Design Reviews Panels: South East Design, Eastbourne District Council, and Rother District Council.

2.0 Preamble

- 2.1 This document is the Proof of Evidence (PoE) presented by me, Nick Harper, BA (hons), DipLA (hons), CMLI (since 95), and Partner of Harper Landscape Architecture LLP.

- 2.2 This document should be read in conjunction with evidence to be presented on behalf of PJ Brown ('the Appellant') by Mr Peter Brownjohn in respect of Planning matters.

3.0 Instruction

- 3.1 I was instructed by PJ Brown, on the 25th July 2024 to update the previous Landscape and Visual Impact Assessment (LVIA) that was produced in August 2020 and to prepare this Proof of Evidence. The HLA LVIA was updated in August 2024 (ref: *hla 394 R01 rev A*) with associated appendices (specifically important is *Appendix 1* (also updated from 2020) that describes public Viewpoints 1 to 6 (ref: *hla 394 R02 rev A*)). The LVIA and its appendices are used to defend the landscape issues as stated in the Enforcement Notice (ref: *PS/00407*, 28th February 2023), and this PoE seeks to avoid repetition of the LVIA, where this is possible.
- 3.2 It is noted that the hla LVIA was prepared in accordance with: the '*Guidelines for Landscape and Visual Impact Assessment*' by the Landscape Institute and the Institute of Environmental Management and Assessment (GLVIA 3); and 'the Landscape Institute Technical Guidance Note 02/21 Assessing Landscape Value' 26-5-21.

4.0 Introduction

- 4.1 The evidence which I have prepared and provide for this appeal, in this PoE is true and has been prepared and is given in accordance with the guidance of my professional institution, the Landscape Institute. I confirm that the opinions expressed are my true and professional opinions.
- 4.2 This landscape evidence is given to support the Appellant's case against the Enforcement Notice. On page 4 the '*Reasons why it is considered expedient to issue this notice,*' are given, with items 4.3, 4.4, 4.7 and 4.8 relating to landscape matters (emboldened) and quoted as follows. It is noted in the Statement of Common Ground (SoCG) that the LPA do not wish to pursue the reason for issue of the Enforcement Notice (number 4.7) relating to the risk to harm to ancient woodland and biodiversity however my PoE defends this point in case it comes up under any other landscape matter.

4.3

“The Unauthorised Development is located in a rural area and is unrelated to the needs of agriculture and is considered contrary to policies DP12 and DP16 of the Mid Sussex District Plan 2014 2031, policies W3, W4, W8 and W9 of the West Sussex Waste Local Plan 2014 2031, policy AS3 of the Ansty, Staplefield & Brook Street Neighbourhood Plan, paragraph 7 and Appendix B of the National Planning Policy for Waste 2014 and paragraph 177 of the National Planning Policy Framework 2021.”

4.4

“By virtue of its location, scale, and appearance the Unauthorised Development causes harm to the visual amenity of the rural area and the High Weald Area of Outstanding Natural Beauty in which it lies contrary to policies DP12, DP 16, DP1 26 and FDP 29 of the Mid Sussex District Plan 2014-2031, policies W11, W12, and W13 of the West Sussex Waste Local Plan April 2014-2031, policy AS3 of the Ansty, Staplefield and Brook Street Neighbourhood Plan 2015-2031, paragraph 7 and Appendix B of the National Planning Policy for Waste 2014 and paragraphs 176 and 177 of the National Planning Policy Framework 2021.”

4.7

“By virtue of its location, scale, and appearance the Unauthorised Development causes harm to the adjacent ancient woodland and biodiversity of the Land contrary to policies DP27 and DP 38 of the Mid Sussex District Plan 2014 – 2031 and policies W14, W16 and W19 of the West Sussex Waste Local Plan April 2014-2031, paragraph 7 and Appendix B of the National Planning Policy for Waste 2014 and paragraph 174 of the National Planning Policy Framework 2021.”

4.8

“The Council does not consider that planning permission for the Unauthorised Development should be given because it is contrary to the policies of the development plans and planning conditions could not overcome these objections to the Unauthorised Development.”

- 3.3.1 This PoE and the LVA focus on Landscape Character and Visual matters, as noted above, and addresses each point, in turn, in the next section. The Inert Recycling Operation is referred to as the ‘*Recycling Operation*’ or the ‘*Site*.’

5.0 Response to the Landscape matters stated in the Enforcement Notice

5.1 As an overview of the Landscape Character and Visual matters, the LVIA concluded that as a result of the introduction of the Recycling Operation in 2005, the Impacts and Effects on: the Landscape Character would be Minor Adverse and Not Significant, in the long term and at all scales; and there are no public views when the planting is in leaf and Not Significant Negligible Adverse Visual Effects when the planting is not in leaf (winter) for a handful of rare views (see LVIA Appendix 1 (Viewpoints 1 to 5) only. The conclusions are based on the inclusion of the Landscape Strategy which includes new raised earthworks shaped to feather in to and echo the existing (and pre-2005) contours and significant areas of new native planting. As well as screening the Recycling Operation the new planting would offer benefits for the Landscape Character, Views and Biodiversity to offset the Not Significant Adverse Landscape Character and (winter) Visual Impacts and Effects.

5.2 Response to Paragraph 4.3 of the Enforcement Notice

4.3

“The Unauthorised Development is located in a rural area and is unrelated to the needs of agriculture and is considered contrary to policies DP12 and DP16 of the Mid Sussex District Plan 2014 2031, policies W3, W4, W8 and W9 of the West Sussex Waste Local Plan 2014 2031, policy AS3 of the Ansty, Staplefield & Brook Street Neighbourhood Plan, paragraph 7 and Appendix B of the National Planning Policy for Waste 2014 and paragraph 177 of the National Planning Policy Framework 2021.”

5.2.1 **Mid Sussex District Plan (MSDP)**

Policy DP12, Protection and Enhancement of Countryside: Whilst a small area of the agricultural field (where the Site is located) has been given up for the Recycling Operation it must be noted that it is in a discreet location where the rural and countryside Landscape Character is significantly adversely influenced by the landscape detracting A23 road corridor located in close proximity to the west. Also the Landscape Strategy that proposes new earthworks and native planting would be an enhanced buffer for the wider more remote and tranquil High Weald National Landscape, specifically of the east of the Site. The new planting would also enhance the local biodiversity. These Landscape Character, Visual and Biodiversity Benefits would offset the Not Significant Adverse Landscape Character and Visual Impacts and Effects.

Policy DP16, High Weald Area of Outstanding Natural Beauty: For the same reasons given for DP12 the new earthworks and native planting would give an enhanced buffer to the A23, to reduce its adverse perceptual influence on the wider, more remote and tranquil parts of the High Weald National Landscape located east of the Site, as well as the enhanced Biodiversity Benefit. These Landscape Character,

Visual and Biodiversity Benefits would offset the Not Significant Adverse Landscape Character and Visual Impacts and Effects on this local part of the National Landscape, High Weald AONB.

5.2.2 **Ansty, Staplefield & Brook Street Neighbourhood Plan 205-2031 (ASBSNP)**

Policy AS3: The Site and the Local Landscape Character Area (LLCA), as judged for the LVIA, are located within the jurisdiction of Bolney Parish Council. The Ansty and Staplefield Parish is located outside and to the north east of the LLCA. Policy AS3 of the (ASBSNP) refers to the High Weald Area of Outstanding Natural Beauty however as the LLCA is outside the Parish boundary this is not a relevant policy (although the Not Significant Landscape Character and Visual Impacts and Effects, in relation to the AONB, are described in detail in the hla LVIA and this PoE). The relevant policies of the Bolney Neighbourhood Plan are described in the LVIA (ref: 4.7 on page 13), these are BOLE1: “*Protect and Enhance Biodiversity*” and BOLE2: “*Protect and Enhance Countryside*.” Both of these NP policies are covered by my responses to MSDC Policies DP 12 and 16, above.

5.2.3 **National Planning Policy Framework, December 2023 (NPPF)**

Paragraph 177, September 2021 (now NPPF, December 2023 Paragraph 183): For the reasons given above (for MSDP Policies DP12 and DP16) that describe how the Landscape, Visual and Biodiversity Benefits (as a result of the Landscape Strategy) offset the Not Significant Adverse Landscape Character and Visual Effects, the Recycling Operation is not contrary to NPPF, Paragraph 183, limb c), quoted as follows.

“Consideration of such applications (AONBs) should include an assessment of:

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”

5.3 Response to Paragraph 4.4 of the Enforcement Notice

4.4

“By virtue of its location, scale, and appearance the Unauthorised Development causes harm to the visual amenity of the rural area and

the High Weald Area of Outstanding Natural Beauty in which it lies contrary to policies DP12, DP 16, DP1 26 and FDP 29 of the Mid Sussex District Plan 2014-2031, policies W11, W12, and W13 of the West Sussex Waste Local Plan April 2014-2031, policy AS3 of the Ansty, Staplefield and Brook Street Neighbourhood Plan 2015-2031, paragraph 7 and Appendix B of the National Planning Policy for Waste 2014 and paragraphs 176 and 177 of the National Planning Policy Framework 2021.”

5.3.1 Overview:

Location: The Recycling Operation is located in a discreet location entirely screened to the north and west with limited private views to the south and east and none from public locations (except in winter when rare, partial and obscured, medium to long distance views may be discernible). It is located close to the A23 limiting the area for which lorries need to travel across the landscape which minimises the Landscape and Visual Impacts and Effects caused by vehicles. Further whilst this is AONB landscape it is heavily influenced by the landscape detracting A23 road corridor as noted above and in the LVIA (page 16).

Scale: The scale of the Recycling Operation is in keeping with the scale of the local landscape detractors (A23 and the land uses located on its west side). When this is combined with, the discreet location, the minimal distance for lorries to travel to the A23, and offset by the Benefits as a result of the proposed significant areas of native planting, the scale of the Operation is judged to be appropriate.

Appearance: The appearance is based on what can be seen of the Recycling Operation. There is a limited Zone of Theoretical Visibility (see LVIA Figure 9 on page 23) with no public views except in winter (when there are no leaves on the trees) and these are rare, partial, obscured, medium to long distance and judged to be Not Significant. Similarly there are minimal, partial and barely discernible medium distance views from a handful of local houses (located over 500m away).

Policy DP12, Protection and Enhancement of Countryside, and Policy DP16, High Weald Area of Outstanding Natural Beauty: The *Overview* supports the responses I gave to MSDP Policies 12 and 16 above.

Paragraph 176, September 2021 (now NPPF, December 2023 Paragraph 182): For the reasons given for the MSDP above, that the Landscape Benefits offset the Not

Significant Adverse Landscape Character and Visual Effects, the Recycling Operation is not contrary to the last sentence of Paragraph 182, quoted as follows.

“The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”

5.3 Response to Paragraph 4.7 of the Enforcement Notice

4.7

“By virtue of its location, scale, and appearance the Unauthorised Development causes harm to the adjacent ancient woodland and biodiversity of the Land contrary to policies DP27 and DP 38 of the Mid Sussex District Plan 2014 – 2031 and policies W14, W16 and W19 of the West Sussex Waste Local Plan April 2014-2031, paragraph 7 and Appendix B of the National Planning Policy for Waste 2014 and paragraph 174 of the National Planning Policy Framework 2021.”

5.3.1 The Recycling Operation is located outside the boundary of the Ancient Semi-Natural Woodland and its 15m Protection Zone (see hla LVIA Figure 6). The Ancient Semi-natural Woodland is a physical and visual screen for access and views in from the north and west of the Recycling Operation. As such there is no conflict with the Ancient Woodland in Landscape planning Policy (including the government guidance and the NPPF, December 2023 Paragraph 186, limb c). It is noted that NPPF 2021, Paragraph 174 is out of date and NPPF December 2023, Paragraph 180 replaces this however neither include ‘*Ancient Woodland*,’ so it is unclear what is meant in this part of the Reason. The Statement of Common Ground includes a paragraph that states the LPA no longer wishes to pursue point 4.7 in respect of ‘*harm to the Ancient Woodland and biodiversity*,’ however we retain this point in case the Ancient Woodland is discussed under any other landscape matter.

5.4 Response to Paragraph 4.8 of the Enforcement Notice

4.8

“The Council does not consider that planning permission for the Unauthorised Development should be given because it is contrary to the

policies of the development plans and planning conditions could not overcome these objections to the Unauthorised Development.”

- 5.4.1 For the reasons given above we believe that the Recycling Operation and the Landscape Strategy are not contrary to the Landscape Planning Policies described in the Development Plans.

6.0 Conclusion

- 6.1 The LVIA judges that there has been Not Significant Landscape Character and Visual Impacts and Effects as a result of the Recycling Operation. The Recycling Operation has become an established Landscape Receptor with an incremental influence on the Landscape Character since its inception in 2005. The Landscape Strategy proposals for the new earthworks and native planting would incrementally enhance this local area of the National Landscape, High Weald AONB in terms of Landscape Character, Views (it would further obscure and screen the few, rare, partial medium to long distance obscured views, seen in winter only) and it would enhance Biodiversity.**
- 6.2 As the Landscape Character, Visual and Biodiversity Benefits would offset the Not Significant Adverse Impacts and Effects it is judged that the Recycling Operation has not resulted in unacceptable detrimental *‘harm upon the visual amenity of the rural area,’* (4.4) nor to the Landscape Character in this part of the National Landscape. As such there are good grounds with regard to Landscape Character and Views for the Operation to be allowed to continue and the Enforcement Notice to be removed.**