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OBJECTION TO PLANNING APPLICATION P162021 PROPOSED CONSTRUCTION OF SIX NEW POULTRY UNITS

On behalf of Mr and Mrs Fletcher, Gillow Manor, St Owens Cross, Herefordshire, HR2 8LE

This objection is divided into three parts. This section addresses errors and omissions in the application documents and the planning policy context of the proposals.

Appendix one assesses the landscape and visual impacts of the proposed development with a review of the applicant's LVIA. Appendix two is a heritage impact assessment, which also reviews the applicant's heritage report.

There is also an appendix three of photomontages and photographs from public viewpoints in the local area from which the proposed development would be visible.

1) The EIA assessment

The proposed development would introduce a very large industrial installation into a picturesque and tranquil rural environment. The operation of the units would create noise, odour, dust and light pollution into this environment, with some of the most intense and disruptive activities taking place at night.

The scale of the proposed development means that it falls under Schedule One of the Town and Country Planning (Environmental Impact Assessment) Regulations 2012, the category of

development expected to give rise to the most damaging environmental impacts and therefore requiring robust and detailed assessment.

While the application documents address a wide range of potential impacts, they contain several erroneous statements, under or incorrectly assess impacts and fail to address some impacts at all.

Some (though by no means all) of the inadequacies of the EIA assessment are as follows:

- * Conflicting descriptions of production cycle, with potential for significant understatement of impacts.
- * Traffic survey fails to assess night time traffic, although majority of HGV movements will be at night
- * Manure production and consequent highway and environmental impacts understated
- * Risks to habitats/protected species on adjoining land not fully addressed
- * Potential to mitigate landscape impact/impact on setting of a listed building over-stated
- * Noise, odour and dust impacts of bird clearance and clean-out are not assessed
- * Traffic generation is under-stated
- * Inadequate landscape impact assessment
- * Inadequate heritage impact assessment

These matters are addressed in more detail below and in the appendices.

Overall the application proposals fail to comply with Herefordshire Council's Core Strategy Vision and Objectives as set out in policy SS6:

Policy SS6 – Environmental quality and local distinctiveness

Development proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations. In addition, proposals should maintain and improve the effectiveness of those ecosystems essential to the health and wellbeing of the county's residents and its economy. Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset, and based upon sufficient information to determine the effect upon each where they are relevant:

- *landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty;*
- *biodiversity and geodiversity especially Special Areas of Conservation and Sites of Special Scientific Interest;*
- *historic environment and heritage assets, especially Scheduled Monuments and Listed Buildings;*
- *the network of green infrastructure;*
- *local amenity, including light pollution, air quality and tranquillity;*
- *agricultural and food productivity;*
- *physical resources, including minerals, soils, management of waste, the water environment, renewable energy and energy conservation.*

2) Production Cycle

The Environmental Statement (EIARpt 14 (4)) says that the proposed development would operate eight cycles per year, based on birds growing for 35 days with a ten day clean-out period at the end of each cycle (2.5.2)

This suggests that the development would be operated on an “all-in, all-out basis”, i.e. all the sheds would be on the same cycle, with a thinning of the birds carried out at day 30 and clearance of the remaining birds from all six units on day 35.

However, the transport statement and noise assessment say that clearance of birds will take place over several days with no more than six lorries per day. This indicates that each unit will operate on a separate cycle, meaning that the peak activity of all of the processes, catching, cleaning, re-stocking, feed deliveries etc, could occur during every week of the year.

The production process described in the noise and transport assessments would result in 48 cycles per year across the six units on the basis of the 35 growing cycle and ten day clean-out period described in the ES or some 60 cycles per year at current industry production rates (see below).

As a result, odour, noise, light pollution and general disruption would be a constant feature of the development, with severe impacts on neighbours, the rural setting and wildlife.

The ES says that bird removal would take place at night as is common practice in the industry (ES 9.5.32) but both transport and noise assessments are based on the assumption that this is a daytime activity and therefore contain a very significant under-assessment of impacts.

The broiler industry is undergoing rapid changes principally aimed at increasing productivity. The described process does not reflect current widespread practice. Cargill producers are growing birds to table weight in 28 days and cleaning out the units in five days, allowing a unit to produce a cycle almost every month of the year.

The industry is continuing to reduce growth times. The National Farmers' Union's chief poultry advisor Gary Ford said last year that industry innovations were reducing the time for broilers to reach table weight on average by a day each year, meaning that cycles may become shorter and more frequent.

The 45-day cycle described in the EIA documents does not allow proper assessment of the likely environmental impacts of the development. Even if the development were to commence on the basis of eight “all-in, all-out” cycles per year, the number of cycles would inevitably increase during its expected 50 to 60 year lifetime.

The development would generate noise, odour, dust and disturbance from human activity, from traffic movements and from the machinery used during clean-out, putting the proposals in conflict with Herefordshire Council Core Strategy policies RA6, SS6 and SD1. These impacts would be exacerbated by more frequent cycles.

Policy RA6 - Rural Economy:

Planning applications which are submitted in order to diversify the rural economy will be permitted where they;

- do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise and dust, lighting and smell;*

And SD1 Sustainable design and energy efficiency

...all development proposals should incorporate the following requirements:

- ensure that proposals make efficient use of land - taking into account the local context and site characteristics,*
- safeguard residential amenity for existing and proposed residents;*

• ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;

3) Traffic Impacts

The Transport Assessment provides traffic flow data for the A49 but inexplicably excludes any baseline data for traffic between 10 pm and 6 am, when the peak movements of the development would take place.

Neighbours living nearby and those on the A49 - the route that will be used by HGVs removing the birds - would be disturbed by night-time HGV movements on at least one night every week, according to the transport survey's description of the proposed operation.

The table on page 13 of the Transport Report provides data from the Highways Agency Traffic Information Database. This shows that traffic numbers on the A49 fall to low levels in the evenings and early mornings.

Northbound flows between 0600 and 0700 averaged just over 150 per hour, while they were fewer than 80 per hour between 2000 and 2100. This compares with a peak flow of more than 460 vehicles per hour between 1700 and 1800 and much higher flows southbound. This is not surprising and suggests that vehicle flows overnight when the HGV movements take place would be negligible, increasing the impact of the night time traffic generated by the proposed development. However, there can be no certainty of this because the Transport Statement simply omits this information.

The transport statement also grossly underestimates the number of vehicle movements the development would generate in the removal of manure and dirty water and in feed deliveries.

The birds would produce approximately 538 tonnes of manure per cycle (Schedule One, Nitrate Pollution Prevention Regulations 2015 (NPPR)), requiring 36 tractor and 15-tonne trailer loads to remove it from site each cycle (or each set of 6 cycles).

This is 288 movements (576 two-way) if there are eight sets of cycles per annum and 432 (864 two-way) if there were 12 annual sets of cycles.

The ES advises (2.6.5) that 150 cubic metres of water would be generated by clean-out each year, but does not say how this figure has been arrived at. Advice from Northern Ireland's Environment Agency (<https://www.doeni.gov.uk/sites/default/files/publications/doe/pollution-guidance-operators-preparing-an-agricultural-water-audit-IPPC-farming-installations-2011.pdf>) is that pressure washing broiler units utilises 6.8l per sq m, giving a total requirement of approximately 80,000 litres (80 cubic metres) per cycle. (11,760 sq m (net internal area) x 6.8l = 79,968l). This gives an annual total of 640 cubic metres if there are only 8 cycles per year, and 960 cubic metres if the number of cycles rises to 12.

Dirty Water is usually removed by tractor-drawn tanks holding 3,000 litres, thus requiring some 27 (54-two way) movements per cycle (or set of cycles).

The long-slow moving tractor and trailer combinations have similar highway impacts to HGV movements, with the potential to impede traffic and cause accidents as the vehicles cross the flow of fast moving traffic.

The Transport Assessment and ES have also understated the number of vehicle movements required to deliver feed to the facility.

The current broiler feed conversion rate is approximately 3:1 - i.e. it takes 3kg of feed to produce a 1kg broiler chicken. (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/

[448965/ghgindicator-7poultrysector-29jul15.pdf](#)). Average finishing weight of birds are around 2.3 kg (DEFRA:United Kingdom Poultry and Poultry Meat Statistics).

Assuming the birds are produced to average size, they would consume 1766 tonnes of feed per cycle. If delivered by 44 tonne HGV with 30 tonne payload, this would generate 59 (118 two-way) lorry movements per cycle, rather than the 29 (58 two-way) claimed by the Transport Statement.

The Transport Statement also includes very conservative assessments of the requirements for chicks, fuel and bedding deliveries. Equivalent broiler unit planning applications have cited one HGV for each unit for chick and shavings deliveries. And a single delivery of fuel is unlikely to supply sufficient heating for six units: this is the amount most broiler unit developments use for the back-up boilers. Biomass is now the most commonly used form of heating for broiler units.

Collection of birds would require 32 lorries per set of cycles, not 31 as stated. The HGVs can accommodate 180 crates each carrying 45 birds, so 31.6 would be required to transport 256,000 birds. (Source: Worcestershire County Council highways department).

Table 1. Main Understated HGV/Tractor Trailer Movements

HGV/Tractor Trailer Requirement per cycle (flock)	ES/Transport Statement	Actual based on evidence above
Feed deliveries	29 (58)	59 (118)
Manure Removal	24 (48 two-way)	36 (72 two-way)
Dirty Water removal	0	27 (54 two-way)
Total 8-cycles per annum	424 (848 two-way)	976 (1952 two-way)
Total 12 cycles per annum	636 (1272 two-way)	1464 (2928 two way)

4) Manure/Dirty Water Disposal

The ES says that most of the manure will be spread on the applicant's owned and rented land, but no formal management plan was submitted and the spreading of dirty water has not been accounted for. This means there is a potential for the development to result in a breach of the NPPR and likely pollution of water courses, contravening the Habitat Regulations and the Water Framework Directive.

The vast majority of this manure will have to be exported to land rented by the applicant or other farms, meaning that most of the tractor trailer movements will be over public roads. The appendix entitled "manure management plan" provides a list of landowners it says will import manure, but does not include any assessment of the suitability of the land to which the manure would be exported or any definite or long term commitment from receiving farmers.

There is no risk assessment field plan and so it is not possible to say how much of the applicant's land or that of farmers saying they will receive manure is available for spreading. Much of the applicant's land is sloping and adjacent to watercourses, meaning it is likely to be high or very high risk and therefore not available for spreading for much of the year.

The proposals are therefore in conflict with HCS policies RA6, SD3 and SD4

Policy RA6 - Rural Economy

Planning applications which are submitted in order to diversify the rural economy will be permitted where they;

- do not undermine the achievement of water quality targets in accordance with Policies SD3 and SD4.*

Policy SD3 – Sustainable water management and water resources

Measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on water quantity; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation. This will be achieved by ensuring that:

- 8. development proposals do not lead to deterioration of EU Water Framework Directive water body status;*
- 9. development should not cause an unacceptable risk to the availability or quality of water resources; and*
- 10. in particular, proposals do not adversely affect water quality, either directly through unacceptable pollution of surface water or groundwater, or indirectly through overloading of Wastewater Treatment Works.*

Policy SD4 - Wastewater treatment and river water quality

Development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater.

In the first instance developments should seek to connect to the existing mains wastewater infrastructure network. Where this option would result in nutrient levels exceeding conservation objectives targets, in particular additional phosphate loading within a SAC designated river, then proposals will need to fully mitigate the adverse effects of wastewater discharges into rivers caused by the development.

This may involve:

in the case of development which might lead to nutrient levels exceeding the limits for the target conservation objectives within a SAC river, planning permission will only be granted where it can be demonstrated that there will be no adverse effect on the integrity of the SAC in view of the site's conservation objectives;

and

where the nutrient levels set for conservation objectives are already exceeded, new development should not compromise the ability to reduce levels to those which are defined as favourable for the site

5) Odour

The odour assessment acknowledges that the strongest smells occur during the clean-out operation, but cites a planning inspectorate decision from 2007 as adjudging that there is no requirement to carry out any assessment of this impact.

The inspector in the appeal case referred to based his conclusion on the fact that clean-out operations would be infrequent. The development proposed in that application was for five sheds operating five 63-day cycles per year.

The more rapid cycles in modern broiler unit developments as described above mean that clean-out operations will be much more regular and releases of odour will make a much greater contribution to the annual percentiles than they would have done in 2007.

While the ES says that removal of litter will take four hours per shed, this is a conservative estimate with many sheds taking six hours or more to clear of litter. There are also several further phases to the clean-out, which generate a lingering smell.

Based on evidence from the Health and Safety Executive and poultry industry workers, the clean-out process is as follows:

- Litter is removed from the units using mechanical shovels (Bobcats) and loaded onto tractor trailers for removal. This takes five to seven hours per shed.
- Floors are mechanically scrubbed
- Dust is blown from surfaces using compressed air lines or portable blowers
- Feed and drinking equipment and pipework is cleaned and disinfected
- The inside of the units are pressure-washed, each taking six to eight hours
- Units are sprayed with disinfectant.
- The dirty water is vacuum pumped from the storage tanks for removal
- The units are bedded with fresh litter
- Boilers switched on at full capacity to re-reheat units to c.35C ready for new flock.

The ES states that ADAS in conjunction with the Silsoe Research Institute has developed an emission blueprint based on *“many years of research and measurement”* (ES 6.1.12). The Silsoe Research Institute closed in 2006 so the research is at least a decade out of date and does not reflect current more intensive production cycles.

The odour model does not factor in the proposal to reduce the base of the units below ground level and to step the platform down in three stages. This is likely to alter any dispersal model; dust and odours will not be blown as far into the air as suggested and so may be dispersed across surrounding land at lower levels.

The odour assessment does not address the impact of spreading and especially storage of the large quantities of manure produced by the development. While the applicant claims to import poultry manure for spreading at present, he would not have imported manure in these quantities to his 100 ha home holding.

The impact of storage and spreading should be assessed in accumulation with the impact of the development itself. There is potential for the cumulative impact of odour and dust to result in a statutory nuisance to neighbours.

6) Noise

The noise assessment says that the birds will be moved in phases of of about 48,000 birds (six lorry loads), demonstrating that each unit would operate on a different cycle. However, it has assessed clean-out operations as if they would operate during a single period every seven weeks and claimed that this would be an infrequent impact.

The ES asserts at 11.2.35 that *“from the results of the background noise survey and observations at the site, it is clear that the noise climate in and around the vicinity of the proposed development is affected by road traffic noise emanating from local roads.”*

This is an inaccurate description of the noise landscape at Gillow Manor. The noise monitoring was carried out from a point on the road 300m from Gillow Manor. As the Manor and adjoining properties are well-removed from the road and surrounded by mature trees, road noise is rarely if ever heard.

The noise assessment therefore does not have any baseline assessment for Gillow Manor and the other nearby residences, undermining the credibility of any of its findings. It is not possible for the noise assessment to have arrived at any conclusion about the impact of noise from either operation or the construction period.

There is certainly no basis for the claim that noise impacts from operation, traffic and construction would be “negligible” (11.5.8, 11.5.58 and table 11.35).

The noise assessment has not considered the impact of siting the units within an excavated cavity, which is likely to result in noise rebounding off the rock faces.

The noise assessment has not addressed the process of removing the birds, which will introduce overnight noise from forklift trucks, human voices, movement of crates etc or from clean-out.

The assessment says at 11.5.52 that bird catching would involve 25 HGVs over a number of days in each cycle, and so under-assesses the number of HGV movements and fails to recognise that this activity will take place at night. The number of HGV movements overall has been under-stated and so the assessment of noise impact from traffic cannot be relied on.

The table at 11.15 suggests that the filling of feed hoppers will take “20 minutes per load” and does not make clear that a load is required for each unit. It does not say that the feed is blown into the hoppers generating a very loud noise or even say how often feed deliveries will be made. Feed deliveries will generate loud noise for two hours each time the hoppers are replenished and this occurs daily towards the end of the growth cycle. It could not be regarded as “insignificant” as the noise assessment concludes.

7) Ecology

ES paragraph 9.3.10 says *“No other protected species surveys (than great crested newt) were considered necessary due to lack of features offering the potential to support wildlife on site and in the immediate surrounding area likely to be impacted by the development.”*

This statement is subsequently contradicted by the description of habitats in the vicinity of the site suitable for a number of protected species including otter, bats and white clawed crayfish. These are all species whose habitats would be threatened by high levels of ammonia produced by the development and any contamination of the water (bats feed on insects hatched in water bodies). The ammonia screening conducted as part of the Environmental Permit application did not consider these habitats, assessing potential impacts on only designated sites.

While the proposals include measures to mitigate the discharge of contaminated water from washout and surface run-off, no allowance is made for any failure of the attenuation pond, which could have devastating long-term impacts on the habitats in the nearby ponds and woodland at The Moors (Ancient Semi-Natural Woodland and Special Wildlife Site).

The ecology assessment proposes enhancements including hibernacula, habitat piles and compost heaps, but does not explain how or where these would be provided. The application site is tightly constrained around the proposed buildings and while the landscape area extends beyond the red line boundary its focus is on providing a dense landscaping belt within a short time. The achievability of the landscaping proposals is discussed in Appendix One of this objection.

Proposals to grow grass between the buildings are unlikely to be followed unless conditioned because of the management requirement to keep the grass cut regularly and the need to reintroduce soil and seed or turf these areas. Grass is in any case unlikely to thrive in proximity to the units due to the concentration of ammonia.

The proposal to provide offsite enhancement of feed sources for skylark as a replacement for loss of habitat would not provide mitigation. Skylark numbers are in steep decline because of loss of nesting habitat and feeding areas, rather than declines in the availability of food itself. Skylarks will not feed in areas where sightlines are disrupted by trees and buildings.

10.5.4 of the ES says external areas including behind gable end fans will be cleaned, but it does not say how. If they are washed with water, this contaminated water is likely to drain into the water course via the attenuation pond.

10.5.18 acknowledges that the applicant's land is within the catchment of the River Wye SAC but assumes that because the fields are between 80m and 1.5km from the river itself there would be no risk of pollution from the spreading of poultry manure.

This statement along with the assertion at 10.5.23 that measures to minimise nitrogen pollution will control the risk of phosphate and potash pollution betrays a lack of understanding of the process of pollution from poultry manure. Any phosphate or other nutrient which is not readily utilised by crops will leach or wash into the nearest watercourses. These drain to the River Wye and are protected by the Water Framework Directive. Additionally, any disturbance of the soil can release phosphates to ground and surface waters. Poultry manure is higher in phosphates than any other farm animal manure.

At 10.5.22, the ES says that agricultural land is the source of 25% of phosphates entering watercourse. this is incorrect in respect of the River Wye, where the majority of the phosphate load derives from diffuse agricultural pollution. (Source: River Wye SAC Nutrient Management Plan Action Plan Environment Agency & Natural England 2014).

In ecology terms, therefore, the proposals are in conflict with National Planning Policy Framework paragraph 118 and CS Policies LD2, SS6 and SD1

Policy LD2 – Biodiversity and geodiversity

Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire, through the:

1. retention and protection of nature conservation sites and habitats, and important species in accordance with their status as follows :

- a) Development that is likely to harm sites and species of European Importance will not be permitted;*
- b) Development that would be liable to harm Sites of Special Scientific Interest or nationally protected species will only be permitted if the conservation status of their habitat or important physical features can be protected by conditions or other material considerations are sufficient to outweigh nature conservation considerations;*
- c) Development that would be liable to harm the nature conservation value of a site or species of local nature conservation interest will only be permitted if the importance of the development outweighs the local value of the site, habitat or physical feature that supports important species.*
- d) Development that will potentially reduce the coherence and effectiveness of the ecological network of sites will only be permitted where adequate*

compensatory measures are brought forward.

2. restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks;

Policy SD1 – Sustainable design and energy efficiency

Development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should incorporate the following requirements:

- ensure that proposals make efficient use of land - taking into account the local context and site characteristics,*

...

- ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;*

8) Claimed Need for the Development

Section 3 of the Environmental Statement asserts that the development is necessary to meet a demand for British-sourced poultry products. The ES provides no evidence to support this statement and the drivers of demand are complex: demand for chicken is likely to be driven by price and availability rather than need or want. Increasing production will increase availability, reducing prices and potentially increasing demand further at the expense of more sustainably produced foods. Even if the applicant were able to demonstrate a clear and specific demand for intensively reared chicken, this would not justify this development in this location, with its multiple adverse environmental impacts as set out in this objection.

9) Agricultural Land

The application site is on Grade 2 agricultural land, classed as the “best and most versatile” and identified in national planning policy as requiring preservation to protect the UK’s food security.

The Design and Access Statement at 4.2 asserts that “the site will continue to be in agricultural use and will continue to be used for food production,” suggesting a lack of comprehension of the aims of the government guidance on selection of land for development. The growing of crops relies on good quality agricultural land. The construction and operation of intensive livestock units do not.

Planning policy advises that development should be directed to lower quality land and ideally brownfield land.

The land will be excavated to depths of up to 11m, presumably exposing bare rock, while an area in excess of 2 hectares will be covered with concrete. Further unspecified areas will accommodate the attenuation pond and new access and be planted with trees, making all of this land unavailable for crop production.

No restoration plans are proposed and the expected lifespan of the development is 50 to 60 years. It is impossible to claim that the land will not be lost to its agricultural purpose.

The proposal to develop on Grade 2 agricultural land puts the proposals in conflict with the Core Strategy Policy SS7 requirement to “protect the best agricultural land” and NPPF 112:

The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;

The government's Planning Practice Guidance says the following:

"The National Planning Policy Framework expects local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land. ..Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."

The best and most versatile land is defined as Grades 1, 2 and 3a

10) Design

The building construction is industrial in function and form and while the units are designed to be energy efficient, they are not sustainable in construction, utilising only non-renewable materials and employing a non-renewable energy source for heating.

The buildings would not comply with fire regulations requirements and it therefore appears that the application drawings do not accurately show the buildings as they would be constructed or the amount of excavation and hardstanding that would be required.

Buildings used for agriculture are exempted from building regulations approval under The Building Regulations 2010 provided they comply with the following:

- (a) no part of the building is used as a dwelling;*
- (b) no point of the building is less than one and a half times its height from any point of a building which contains sleeping accommodation; and*
- (c) the building is provided with a fire exit which is not more than 30 metres from any point in the building.*

Guidance on fire protection of farm buildings is set out in British Standard 5502 (Code of Practice for Design of Buildings and Structures for Agriculture, Part 23). This requires that every building exceeding 30m should have at least two doors. There should be a fire exit not more than 30m from any point in a building and emergency escape routes for housed livestock.

The submitted drawings show buildings with a single set of double doors at one end. No fire exits are shown.

Fire regulations require clear access for fire fighting vehicles and equipment but no emergency vehicle access is shown on the plans or described in the ES and there is insufficient room on the hardstanding for vehicle access to the rear of the buildings. Nor is there room on the concrete apron in front of the most southerly buildings for HGVs to turn.

The documents do not include any buildings to accommodate the proposed heating boiler or boilers, nor are any fuel tanks shown.

The drawings do not include toilets or ablution facilities for the teams of workers who will be on site to catch birds and clean the units. These will require foul drainage arrangements, which again are not shown on any drawings or described in the ES.

The drawings do not explain how HGVs and other vehicles will negotiate the steps down between buildings on the concrete apron.

The proposals are not, therefore, compliant with CS Policy MT1:

Policy MT1

*Traffic management, highway safety and promoting active travel
Development proposals should incorporate the following principle requirements covering movement and transportation:*

4. ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities and provide safe access for the emergency services;

11) Landscape and Heritage Impacts

The likely landscape and heritage impacts of the proposed development are set out in appendices one and two of this objection.

They demonstrate that the proposals would be in clear conflict with policies SS6, SD1, LD1, RA6 and LD4 of the Core Strategy.

Policy LD4 is clear that developments that fail to protect, conserve or enhance heritage assets should not be permitted.

Policy LD4 – Historic environment and heritage assets

Development proposals affecting heritage assets and the wider historic environment should:

1. Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible;

While RA6 and LD1 preclude developments that would cause the level of landscape harm that would arise in this case:

Policy RA6 - Rural economy

Planning applications which are submitted in order to diversify the rural economy will be permitted where they;

- ensure that the development is of a scale which would be commensurate with its location and setting*

Policy LD1 – Landscape and townscape

(Development proposals should)

- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;*
- conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection of the area's character and by enabling appropriate uses, design and management;*
- incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings;*

PLANNING APPEAL DECISIONS

The assessment that broiler unit developments are industrial in appearance with the potential to cause severe landscape harm has been addressed by several planning appeal decisions, including the following:

In appeal no. APP/L2345/A/10/2136255, against refusal of a broiler unit development at Little Ness in Shropshire, Inspector G.D. Grindey said:

"The appeal scheme would be out of character with the village and the small-scale nature of the countryside hereabouts and would harm the visual amenities that are clearly cherished by many."

In appeal case no. APP/Q3305/A/1192787 in respect of an application for four poultry houses etc at Pollingfold, Frome, Inspector K.G Smith said:

"I have concluded that the buildings would appear as a significantly damaging and intrusive group of structures of industrial character and very large scale proportions in a generally undeveloped landscape, in conflict with the existing landform pattern and causing serious landscape and visual harm."

In appeal no. APP/H1840/A/14/2226243, in respect of an application for four broiler units at Upton Snodsbury, Worcestershire, Inspector Jane Miles, said:

"The site is in the countryside and, as the proposed buildings would not be close to any existing buildings (or roads or other 'built' features) they would be relatively isolated in the landscape. The landscape comprises relatively flat farmland, characterised primarily by large open fields, hedgerows and small groups of trees (including an established group of trees between Naunton Road and the site of the proposed buildings). In addition I find it important to note that there are relatively few existing buildings in this area of the countryside, outside the villages. The low frequency, the pattern and scale of existing buildings also contribute to the landscape's intrinsic character. These characteristics in combination create an attractive rural landscape, albeit one that is not designated as being of especial high value."

"I conclude...that the proposal would cause unacceptable harm to the character of the surrounding landscape and to the intrinsic character of this area of the countryside."

In appeal case APP/W1850/W/15/3129896, inspector Joanna Jones said the following when dismissing an appeal against refusal of an application for two broiler units near Dorstone in Herefordshire last year:

"Set amongst flat, open farmed fields, it would have an immediate negative impact in the landscape, which would only be partially reduced by any existing and proposed landscaping."

**MARCHES PLANNING
AUGUST 2016**

**Proposed Broiler Units at Gillow Farm,
St. Owen's Cross, Herefordshire**

Planning Application Ref: P162021/F

Review of Landscape and Visual Issues



August 2016

Prepared on behalf of Mr. & Mrs. D. Fletcher,
Gillow Manor, Herefordshire

1. Background

- 1.1 In July 2016 I was commissioned by the owners of Gillow Manor to review and comment on landscape-related information submitted with a planning application to Herefordshire Council (HC) for the erection of six new broiler units on farm land adjacent to their property. The planning application was submitted in June 2016; the reference is P162021/F.
- 1.2 This application replaces a previous application for a very similar scheme which was submitted to HC in 2015, and which was subsequently withdrawn (this is explained in more detail below). In August 2015, the owners of Gillow Manor commissioned me to carry out the same exercise i.e. review and comment on the landscape-related information submitted with the new / revised application.
- 1.3 This report sets out the findings.
- 1.4 The various adverse effects which can arise from a development of this type (those which relate to landscape character and visual amenity are described in the sections below), are clearly of great concern to the owners.
- 1.5 Gillow Manor is a Grade II* listed medieval (C14) manor house with associated grounds; the house lies c. 370m south of the site, and c. 490m from the nearest proposed broiler unit. The Manor is home to a flourishing cider-making business, Gillow Cider, which uses traditional apple varieties grown in orchards in the grounds of the Manor.
- 1.6 In June 2015, the first Gillow Cider Festival was held there, attracting some 260 visitors. Due to its success, a second festival was held in June 2016: 290 guests attended, and 20 acts were invited to perform. According to the Manor's owners who arrange the festival, many visitors camped or stayed / ate in local hotels and guest houses. It is hoped that this will become an annual event, which will make a contribution to tourism and the local economy.
- 1.7 One of the key factors in attracting visitors to the Manor is its landscape setting, as it is surrounded by high quality rural open countryside. The landscape is also an integral part of the Manor's historic setting: Historic England considers that the '*... surrounding undesigned landscape contributes to its significance in so much as it illustrates its original rural setting.*'
- 1.8 The aim of the assessment I carried out of the scheme which was submitted in 2015 was to determine whether it was possible for the proposed development to be constructed and operated without giving rise to unacceptable levels of negative effects on landscape character – including the historic landscape character element – and visual amenity.
- 1.9 In order to inform my opinion, I carried out an assessment of landscape and visual effects. I concluded that given the high sensitivity of the landscape of the area, and that of many of the visual receptors, it was likely that many of the landscape-related effects arising from the development would potentially be Significant Adverse.
- 1.10 My assessment also concluded that the various studies which had been carried out by the applicant were deficient in many regards, and therefore could not be relied on to objectively inform judgements about the likely levels of effects of the proposed scheme.
- 1.11 I also considered that the scheme was in conflict with several national and local planning policies and guidance.
- 1.12 Objections to the scheme were received from organisations such as Natural England and CPRE. HC's landscape officer also objected, saying that:

'For the aforementioned reasons I conclude that the proposal would fail to protect and enhance this valued landscape conflicting with Paragraph 109 of the NPPF. Furthermore it is considered that the design of the proposal has failed to take into account the nature and form of the local landscape and as such is likely to adversely affect the local landscape character thus conflicting with LA2 of the UDP. Whilst it is noted that mitigation proposals are recommended it is concluded that these will not redress the permanent change brought about by the remodelling of the landform. And whilst it is accepted that there is some context for the proposed woodland this would in itself alter the character of the landscape and would take a number of years before it could establish sufficiently to provide any real degree of mitigation.'

- 1.13 The application was subsequently withdrawn by the applicant, on 10th September 2015.
- 1.14 HC's principal planning officer responded to the applicant in an email dated 11th September 2015, advising that the proposals were '*... highly unlikely to gain planning permission for the following summarised reasons:*
- 1) The proposed development would harm the setting of the Grade 2* listed 'Gillow Manor' contrary to the Central Government advice contained within paragraphs 132 and 133 of the NPPF and policy HBA4 of the Herefordshire Unitary Development Plan 2007; and*
- 2) The proposed development would harm the character and appearance of the landscape contrary to the Central Government advice contained within paragraphs 109 of the NPPF and policy LA2 of the Herefordshire Unitary Development Plan 2007.'*
- 1.15 The officer said that in his professional view, having taken into account the consultation responses and various representations, '*... the above two grounds of objection identify significant harm that is not capable of being mitigated. Therefore I would advise your clients that even if the ecology / bio-diversity issues are capable of being satisfactorily addressed the proposal is not one that I could professionally support*'.
- 1.16 Despite this advice, a new application was submitted in June 2016.
- 1.17 It is understood that there was no request to HC for pre-application advice regarding the previous (2015) application, and that none was made for the current one. However, the development falls under Schedule 1 of the Environmental Impact Assessment (EIA) Regulations¹, and the Council issued a combined 'screening / scoping opinion' in April 2014.
- 1.18 The landscape-related matters which the Council informed the applicant should be covered in the EIA were as follows:
- 'Landscape:** *A Landscape and Visual Impact Assessment will be required, to take account of the historic landscape and heritage issues noted above [in particular, listed buildings including Grade II* listed Gillow Manor, and an archaeological monument known as 'Gaer Cap']. Near to the site is 'Pengethley Park', which is a locally important park to which it is acknowledged is not nationally registered [sic]... A sequential site selection will be required.'*

2. Method and Process

- 2.1 For the 2015 assessment, I undertook a baseline desktop study and on-the-ground landscape and visual survey and analysis of the site and surrounding area. I visited Gillow Manor and noted the views from the house and grounds. I wanted to draw my own conclusions about the landscape and visual effects likely to arise from the proposed development, and their level of significance, and compare them to the applicant's findings.
- 2.2 My assessment was carried out in accordance with published guidance and current best practice², and I followed the same guidance in reviewing the landscape-related and other relevant information submitted with the application.
- 2.3 One of the key issues to be addressed was whether landscape-related matters had been adequately considered in the EIA and associated studies, and whether they provided sufficient evidence-based and objectively-quantified information which the LPA could confidently rely on in the decision-making process.
- 2.4 Another issue to be addressed was mitigation; in particular, whether the proposed measures were appropriate in the local landscape context, whether they would perform effectively, and

¹ The development falls under Schedule 1 of the Environmental Impact Assessment (EIA) Regulations, and thus EIA is mandatory. The Council also concluded that it falls under Schedule 2 1 (c) (on floor space), and is also within the threshold of DETR Circular 02/99 - Annex A – 4. Schedule 2 development requires EIA if it is likely to have significant effects on the environment by virtue of factors such as its size, nature or location.

² For further information on methods, techniques and processes, see *An Approach to Landscape Character Assessment* (October 2014) Natural England; *Landscape Character Assessment Guidance for England and Scotland - Topic Paper 6: Techniques and criteria for judging sensitivity and capacity* The Countryside Agency and Scottish Natural Heritage (2002); and *Guidelines for Landscape and Visual Impact Assessment 3rd Edition* (2013) Landscape Institute / Institute of Environmental Assessment (usually referred to as 'GLVIA3').

whether they would reduce the predicted significance of effects to acceptable levels.

- 2.5 In 2016, I reviewed the documents which had been submitted with the new, current application. My aim, as before, was to compare the findings of the applicant's studies with my own, and to determine whether the previous consultation and other comments had been taken into account.
- 2.6 My assessment was cross-referenced with those of the Manor's owners' planning and heritage consultants, and took into account the ecological studies which have been carried out by various parties.
- 2.7 I revisited the site and surrounding area, and factored in any changes in the baseline situation which had occurred since the 2015 assessment, as well as changes to planning policy, guidance, legislation and so on.
- 2.8 It should be noted that in October 2015, HC adopted its Local Plan Core Strategy, which replaced the Unitary Development Plan (UDP); the new policies are taken into account in this report (although planning matters are covered in the Manor's owners' planning consultant's report).
- 2.9 This report is structured along the same lines as the Landscape and Visual Impact Assessment (LVIA) which is included as Chapter 8 of the Environmental Statement (ES) for ease of reference.

3. The Site and Surrounding Area

- 3.1 The proposed development site ('the site') comprises the southern part of a sloping arable field lying in undesignated but good quality rural open countryside north of St. Owen's Cross in southern Herefordshire, approximately 7km north west of Ross-on-Wye.
- 3.2 The site is adjacent to the Wye Valley Area of Outstanding Natural Beauty (AONB), the boundary of which lies c. 150m to the north, along the A49.
- 3.3 Grade II* listed Gillow Manor lies c. 370m south of the site, and c. 490m from the nearest proposed broiler unit.
- 3.4 The site and surrounding area are adequately described in the LVIA, but see Section 5 below for specific issues arising.

4. Proposed Development

- 4.1 The applicant's ES should be referred to for more detailed information about the proposals, which are summarised below (or are noted in this report where relevant to the assessment of effects).
- 4.2 However, it is important to note that the reviews of the ES carried out by myself and others concluded that there are many errors and inconsistencies throughout the ES and on the associated drawings, which means that what is set out below may not accurately represent what is proposed. Also, the LVIA appears to have assessed a scheme which is different from the one submitted (see effects section for more detail about this matter):
- 4.3 The area within the 'red line' application site boundary' is given as c. 1.2ha, but see below.
- 4.4 According to the ES the development would comprise:
 - *six poultry houses (98.186 x 20.417m) including control rooms* [the buildings would be 5.368m high at the ridgeline];
 - *three feed bins for each pair of poultry houses, approximately 8.5m in height;*
 - *area of hardstanding (concrete apron) in front of the poultry houses;*
 - *access track from field entrance;*
 - *Sustainable Drainage System (SuDS); and*

- *landscaping* [see below].

- 4.5 External lighting is proposed.
- 4.6 Access to the site would be via the existing entrance to Gillow Farm which is a narrow lane off the A4137 (which joins the A49). The lane runs through the farm and leads directly to an existing double-gated field entrance (the proposed site entrance).
- 4.7 Widening would need to be carried out to '*facilitate sufficient road space to allow two large vehicles meeting at the junction without blocking the main stream traffic*'.
- 4.8 Incidentally, Para. 8.4.9 of the LVIA describes the lane / track leading to Gillow Farm (which is the proposed access to the site for construction and operation) as being 4 – 4.5m wide; however, the surfaced section is in fact only 3 – 3.5m wide, with grass verges of c. 1m either side in places.

Lane leading to Gillow Farm: proposed access to site



- 4.9 A scheme of landscaping is proposed. This is described in the LVIA (para. 8.6.10) as follows:
- *Elevations including building walls, doors and feed bins to be coloured with HPS200 Ultra range Ardenne (RAL 7022) and roof with HPS200 Ultra range Anthracite (RAL7016) matt finish.*
 - *Extensive native tree and shrub planting around the proposed buildings to completely screen the buildings and give the impression of a small woodland on the hillside, particularly in views from Gillow Manor. Species to include Oak, Field Maple, Bird Cherry, Goat Willow, Hawthorn, Blackthorn and Dogwood.*
 - *A new native hedgerow is proposed along the north boundary of the site to consolidate the existing field pattern in the vicinity. Hedgerow species to include mainly Hawthorn with Blackthorn, Dogwood, Goat Willow and Holly.*
 - *Allowing the hedgerow along the western boundary to grow to 4m in height to provide additional screening.*
 - *Grass mixture for wetland (EG8 or similar) to be sown in the proposed detention basin.*
 - *The establishment of wild flower meadow (EG4 for clay soils or similar) on the eastern and southern side of the site, providing habitat for insects and reptiles.*

- *Planting of a short section of hedgerow to replace the hedgerow removed by the junction between the access track and the A4137. Hedgerow species to include mainly Hawthorn with Blackthorn, Dogwood, Goat Willow and Holly.*

4.10 In terms of construction, the ES explains that:

'Due to the topography of the land, in order to create the level platforms on which the poultry houses are to be positioned, the construction will require cut into the slope. The volume to be cut is estimated to be approximately 157,706m³... The soil excavated from the site is proposed to be spread across the adjacent fields but care will be taken to ensure that the proposed contours look natural and fit into the existing landscape character.'

4.11 When operational, the ES states that the current plan is as follows:

'The proposed poultry farm would operate a 35 day rearing cycle, with thinning taking place at day 30. There is a ten day period between flocks in which the poultry houses are cleaned and disinfected prior to the arrival of the next batch of broilers. Accounting for the cleaning period, this would equate to eight flock cycles per year....

'Spent litter (poultry manure and bedding) will be removed mechanically and loaded onto sheeted trailers for spreading as fertiliser over land owned and rented by the applicant....

All dirty water will be taken for spreading on the applicant's land with due regard to the NVZ requirements [Gillow Farm and the site lie within a Nitrate Vulnerable Zone].'

4.12 In terms of surface water management, *'All the roofs will have guttering to intercept roof water. Clean roof water from all six poultry houses will be discharged via SuDS to allow infiltration and attenuation.'*

4.13 The surface water drainage strategy includes runoff from the proposed detention basin flowing overland to the unnamed watercourse south west of the site. This watercourse runs along the eastern edge of The Moors (ASNW / SWS / PHI site / NIWT site / TPO). The unnamed watercourse discharges into Gambler Brook which, via Garren Brook, is a tributary of the River Wye (SAC and SSSI).

4.14 It is very important to note that the 'red line' boundary only covers the broiler units and surrounding hardstanding themselves, and not the access, surrounding hardstanding, areas required for the associated engineering / landscaping works especially during construction, detention basin, nor the area/s on which it is proposed to spread the very large amounts of excavated material that will arise.

4.15 This matter is dealt with further in Section 6. On Figure 8.2, a wider 'landscape site boundary' is shown, but it is not clear what this signifies.

5. Landscape and Visual Impact Assessment: Baseline

5.1 My assessment considered the effects likely to arise from the proposed development, both during construction and when operational, on local, wider and historic landscape character and visual amenity.

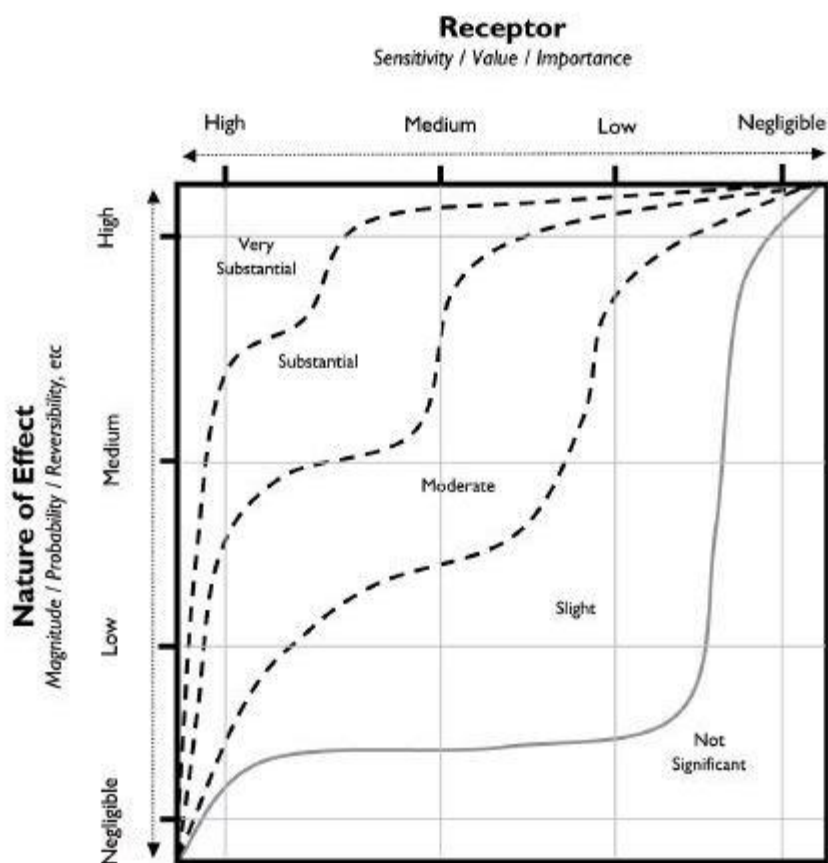
5.2 This section sets out a comparison of the applicant's findings with my own, and those of other experts where appropriate.

5.3 One matter which requires highlighting at the outset is the use of the term 'significance' in the ES, as there appears to be a fundamental misunderstanding of how it should be applied in EIA. The EIA Directive is clear that the emphasis should be on the identification of likely significant environmental effects.

5.4 In the LVIA Appendix 8.1 Guidance and Methodology, for example, para. 1.7.4 sets out how the 'significance' of effects is determined by combining the assessed level of the 'magnitude of change' to which the development will give rise, with the level of 'sensitivity' of the landscape or visual 'receptor'. However, and as explained in GLVIA3, this determines the level of the effect, and not its 'significance'.

- 5.5 LVIA Appendix 8.1 Table 4 sets out the criteria which are used to judge the 'significance' (i.e. the 'level' of effects'). (The criteria are based on the Highways Agency's Interim Advice Note (IAN) 135/10. This deals with effects of highways-related development, and was published six years before GLVIA3.)
- 5.6 The criteria used to determine the significance of the effects do not appear to have been set out in the LVIA or elsewhere in the ES. Because the EIA Regulations do not set out terms for evaluating whether the assessment's findings are significant or not, this should be done at the outset of the project.
- 5.7 Paras. 3.23 – 3.36 of GLVIA3 are a useful reference for the process of judging the overall significance of effects: para. 3.31 states, '*There are no hard and fast rules about what effects should be deemed 'significant', but LVIA's should always distinguish clearly between what are considered to be the significant and non-significant effects* [my emphasis]'.
- 5.8 In my experience, which includes managing EIAs and producing ESs, levels of **Moderate** (occasionally **Moderate to Major**) and above, are usually considered to be 'significant' effects.
- 5.9 The Institute of Environmental Management and Assessment (IEMA) has produced a graph³ (see below) which is often used to determine levels of significance.

Figure 6.3: EIA significance evaluation matrix



- 5.10 The method I prefer is firstly to use matrices to determine what the level of effect should theoretically be, and then test the results for each receptor by comparing them. I then refer to the IEMA graph, and apply professional judgement before finalising the results.
- 5.11 The following sections are structured along the same lines as the LVIA.

³ <http://oldsite.iema.net/iema-special-reports>. Special Report – The State of Environmental Impact Assessment Practice In The UK (June 2011) IEMA

Local Planning Policy Context

- 5.12 The LVIA considers that the Local Plan policies which are relevant to landscape matters are SS6 - Environmental quality and local distinctiveness; LD1 – Landscape and townscape; and LD3 – Green infrastructure.
- 5.13 However, I also consider that policy LD4 – Historic environment and heritage assets is relevant to landscape matters in this case.
- 5.14 Paras. 5.3.23 and 24 of HC's Core Strategy explain that '*The historic environment is defined as all aspects of the environment resulting from the interaction between people and places through time... Policy LD4 is applicable to heritage assets throughout Herefordshire whether formally designated e.g. listed buildings and conservation areas, or not, ranging from individual structures and their settings, archaeological remains, to larger neighbourhoods of historic value, parks, gardens and other green spaces of local interest... The historic environment is of cultural value as it illustrates the historical development of Herefordshire. Heritage assets also bring economic benefits as Herefordshire's well preserved historic environment is a major factor in its tourism industry and the county's quality of life can also serve to attract and retain investment.*'
- 5.15 Policy LD4 refers to the need for development proposals affecting heritage assets to '*Contribute to the character and local distinctiveness of the... wider environment.*'
- 5.16 Historic landscape character is an integral element of landscape character, and of landscape character assessment.
- 5.17 This is emphasised in the NPPF (para. 170: '*Where appropriate, landscape character assessments should also be prepared, integrated with assessment of historic landscape character.*').
- 5.18 Landscape character assessment guidance is also clear about the matter. Natural England's current LCA guidance⁴ (p. 20) notes that the core LCA team is likely to include an archaeologist / landscape historian, with other specialist input as required (NB the LVIA uses the superseded 2002 version). The baseline information which needs to be gathered and considered is set out in the guidance (see Table 1 on p. 29).
- 5.19 GLVIA3 paras. 5.7 to 5.11 deal with this subject. Para. 5.9 says, '*The history of the landscape, its historic character, the interaction between people and places through time, as the surviving features and their settings may be relevant to the LVIA baseline studies, as well as the cultural heritage topic.*'
- 5.20 Understanding historic landscape character is important because otherwise, the value and importance of certain features may be missed, and not factored into judgements about effects. This in turn may lead to the level of effect being reported as lower than it should be.

Landscape Baseline

- 5.21 The baseline landscape character assessment in the LVIA is limited: whilst the descriptions given are generally adequate, several key landscape attributes including designations have not been identified or factored in, and there are errors (see above and below). The extent of the study area is not defined.
- 5.22 The function of the site in the surrounding landscape and the contribution it makes to wider landscape character (including historic landscape character and the setting of the AONB) have not, in my opinion, been fully analysed and considered in the LVIA.
- 5.23 The historic landscape baseline is described in the reports produced by both the applicant and the consultants commissioned by the owners of Gillow Manor. The information is not repeated in full here (see summary below); however, the reports' findings have been cross-referenced with my own, and where necessary, reference is made to individual features in the assessment of effects sections below.
- 5.24 Gillow Manor is a Grade II* listed moated building of C14 origins, located in the ancient parochial centre of Archenfield⁵. In medieval times it would have been surrounded by royal hunting forests

⁴ *An Approach to Landscape Character Assessment* (October 2014) Natural England

⁵ See for example http://everything2.com/index.pl?node_id=1524110

and 'chases', remnants of which still exist in the immediate area, for example 'The Moors', a woodland lying west of, and associated with, the Manor, and south west of the site.

Gillow Manor from site boundary looking south



- 5.25 There is also evidence of greater time-depth than this in the vicinity of the site: due to the abundance of springs and fertile lands, the area has probably been settled since the Bronze Age. There is an Iron Age hillfort at Gaer Top, under 500m from the site. The site itself was excavated by archaeologists in 2006: "... *The field produced many finds, including a Mesolithic flint blade... and a Romano-Celtic brooch of the late 1st to early 2nd centuries AD...*" uncovering evidence of a Romano-British settlement (SMR No. 30264) in the same location as that of the proposed poultry buildings.
- 5.26 The LVIA correctly identifies The Moors as Ancient Semi-Natural Woodland (ASNW); it also describes it as a Local Wildlife Site (actually it is termed a Special Wildlife Site (SWS) by HC).
- 5.27 However, the LVIA fails to note that The Moors is covered by a blanket Tree Preservation Order (TPO), nor that it is mentioned in the National Inventory of Woodland and Trees (NIWT), and that it is a Priority Habitat Inventory (PHI) site (deciduous woodland).
- 5.28 The Moors belongs to Gillow Manor, and this remnant of the 'chase' is an integral and important part of the Manor's historic landscape, context and setting.
- 5.29 The watercourse along the wood's eastern boundary partly comprises a series of medieval fishponds associated with the Manor (SMR No. 26806). The woodland also acts as part of the transition zone between the designed landscapes around the house and the undesigned rural landscapes beyond, which are also part of the Manor's setting.
- 5.30 No arboricultural assessment appears to have been carried out by the applicant. The LVIA does not identify any of the many other TPOs around the site, including the oak along the lane / proposed access route to the site, which could potentially be affected by the works.
- 5.31 The Root Protection Areas (RPAs) of the trees and hedges around the site should have been calculated, and measures for their protection – if feasible – shown. If not feasible, mitigation / compensation measures should have been set out.
- 5.32 Without all of this information being factored in to the baseline studies, it is not possible to quantify Landscape Value and Sensitivity, and thus objectively assess the significance of effects.

Landscape Sensitivity

- 5.33 In the LVIA process, judgements about levels of overall effects are arrived at by combining the predicted levels of Landscape Sensitivity and Magnitude of Effect. Judgements about levels of Landscape Sensitivity are arrived at by combining levels of the receptors' Landscape Value with levels of 'Susceptibility to Change'.
- 5.34 The LVIA judges the value of the landscape in which the site is situated to be **High**, saying: '*The value of the local landscape character is considered to be high due to the presence of designated sites, its good condition and lack of detracting features*' (para. 8.4.15). I agree that this is the correct level to be applied. In my opinion, this is a 'valued landscape' in terms of NPPF para. 109.
- 5.35 The LVIA judges the level of the local landscape's susceptibility to change to be **Medium**, '*... due to the undulating landform and blocks of woodland limiting visibility*'. I disagree with this judgement, for the reasons set out below. However, it is important to note that this statement suggests a lack of understanding of the LVIA process. It is relevant to judgements about visual sensitivity, but not necessarily about landscape character sensitivity: landscape character may cover large geographical areas but within which there may be limited visibility. As this matter is fundamental in the objective reporting of effects, it is dealt with in more detail in Section 6.
- 5.36 In my opinion, the level of the local landscape's susceptibility to change, taking into account all the baseline factors, is also **High**.
- 5.37 Landscape features / receptors such as the ancient Moors woodland, the historic watercourse, the traditional field patterns formed by hedgerows, the Manor's ornamental garden and parkland, semi-improved pastures and traditional orchards, are indeed all of high value, and they are also highly susceptible to change.

Local landscape character (view from A4137 looking west with site in mid-ground)



- 5.38 The cider orchards belonging to the Manor are particularly susceptible to change. They are both PHI sites and Habitats of Principal Importance (HPIs) (as are the hedgerows and many other landscape features in the study area).
- 5.39 Traditional orchards are features of great value in terms of what they contribute to landscape character and landscape history. They are key characteristics of both the national, regional and local landscape character, especially its historic character, and are a vital component of the

landscape, being an integral part of Herefordshire's natural, cultural and socio-economic heritage.

- 5.40 They are of significant value for their wildlife potential. They support a variety of important species including noble chafer, lesser spotted woodpecker, various saproxylic beetles and many species of fungus. These are also features which are highly susceptible to certain types of change (for example air- and / or waterborne pollution). The protection and active management of these habitats is crucial for their long term survival. In this case, their survival is also crucial to the family's business.
- 5.41 They are also an important green infrastructure asset.
- 5.42 In my opinion, taking into account the above factors, the presence of these and the other key features result in the local landscape being of **High** sensitivity (this level is in accordance with the LVIA's criteria for judging levels of landscape sensitivity in Table 1, Appendix 8.1). The LVIA, however, concludes that landscape sensitivity is **Medium to High**.

Extent of Visibility

- 5.43 The LVIA concludes that the site's visual envelope is limited to the area indicated by the range of viewpoints shown on Figure 8.4.
- 5.44 The visual receptors identified are all within c. 1.5km of the site. Certain key viewpoints within this range were not identified in the LVIA – see effects section below.
- 5.45 Whilst I agree that from most directions within the wider landscape the site is relatively well-screened, the LVIA has not taken into account the fact that there are fine, long-distance views from the site to the south west and west across the good quality, unsettled rural landscape beyond the mid-ground, rising to Garway and Orcop Hills. The site is therefore potentially visible from these areas, and this should have been factored in to the study. For example, the site is just visible from the church at St. Weonard's, c. 4.5km to the south west.

Key Visual Receptors and Representative Viewpoints

- 5.46 These are set out in the LVIA, and include people living in and visiting Gillow Manor and its grounds / associated orchards.
- 5.47 Although the LVIA did not check views from within the Manor or its grounds, it did include representative viewpoints just north of the Manor's garden boundary, looking outwards and back from the house (viewpoints 1a and 1b), which are dealt with below.

6. Landscape and Visual Impact Assessment: Effects

Nature of Effects

- 6.1 The EIA / LVIA process requires the 'nature', or 'type' of effects which are likely to arise from the proposed development to be identified. All of these should be considered in the light of the baseline situation, and should be tested for all of the various receptors identified, with the overall levels of effects established on this basis. Effects may be negative, positive, direct, indirect, temporary, permanent, and cumulative, and this needs to be stated in the studies.
- 6.2 My assessment identified several potential types of effects relating to landscape character and visual amenity which would require further consideration (a number of these do not appear to have been considered in the EIA / LVIA – this is dealt with in the following sections):
 - a) Insertion of large-scale built form into high value and quality open countryside;
 - b) Introduction of geometric buildings, significant engineered earthworks, artificial materials and colours into highly sensitive 'natural' and organic landscape;
 - c) Change in landscape / historic landscape character from rural / agricultural and tranquil to intensive industrial / agricultural;
 - d) Loss of landscape function, especially in terms of the historic landscapes associated with Grade II* Gillow Manor, and which form an integral part of its context and setting;

- e) Loss / erosion of landscape elements, features, landcover and associated habitats, many of which are designated / rare / irreplaceable (see baseline section above for specific examples which include The Moors woodland, traditional orchards, medieval fishponds, trees covered by TPOs etc.);
- f) Changes in landscape pattern and scale;
- g) Changes in aesthetic / perceptual qualities of the landscape: it must be noted that published guidance is clear about what constitutes 'Landscape', and a landscape assessment should consider all the factors illustrated in LCA guidance at Figure 1: What is Landscape?⁶ This includes aesthetic and perceptual qualities, so noise, odour, lighting and movement are issues which must be factored in when assessing effects on landscape character, especially in a tranquil area such as this; there is little or no mention of them in the LVIA.
- h) Pollution / nuisance from residues and emissions (odour, ammonia, nitrogen and dust): the toxic effects of ammonia gas can result in the damage and death of plants, and it can also decrease soil PH. Northern Ireland has recently issued guidance which states that "*Planning Officers must check to see if there are designated sites within 7.5km of the proposal.... These sites have the potential to be impacted upon by the proposal. All priority habitats that could be impacted within 2km must also be considered.*"¹ Clearly, loss of vegetation is likely to result in adverse effects on landscape character and visual amenity;
- i) Pollution from waste during construction and operation (especially spreading 'cut' material / arisings and poultry manure on sloping ground, and dirty water runoff / spillage): both direct and indirect effects on landscape features can arise as a result various types of pollution and contamination, and changes to drainage regimes⁷. Pollution of a watercourse, for example, can damage or kill associated vegetation and thus affect landscape character and visual amenity. Silt washed away from the spread material could enter and clog up watercourses – according to the SMR, the fishponds along the watercourse east of The Moors, into which the land on which the development is proposed drains, are already silting up.

The FRA chapter of the ES states that the fishponds mark the head of the watercourse, but it is understood that it may rise further north, running through a culverted section west of the site.

Another issue is that the site lies within a Nitrate Vulnerable Zone (Groundwater)⁸, any effects on which are obviously a cause for concern;
- j) Noise pollution (particularly during construction, and especially if blasting is necessary for the proposed excavation – see effects section below; when operational, noise would arise from mechanical ventilation, vehicular movements and human activity);
- k) Increased activity both during construction and when operational (vehicular, mechanical and human);
- l) Clutter and paraphernalia associated with activities on site;
- m) Light pollution;
- n) Glare from reflective surfaces;
- o) Changes to / loss of views arising from the above;

⁶ See page 9 of *An Approach to Landscape Character Assessment* (Natural England) October 2014

⁷ See GLVIA3 para. 3.22

⁸ NVZs were set up under Council Directive 91/676/EEC and have been established in areas where nitrate from agricultural land is causing, or could cause, pollution of the water environment. In these zones Action Programmes of compulsory measures apply. These measures include a requirement for farmers to limit their applications of livestock manures and, in some circumstances, to observe closed periods for the application of organic manure to agricultural land. Action Programme measures apply to all land within designated NVZs from: i) 1996 for 66 NVZs to protect drinking water sources. These amounted to 8% of England's land area; ii) 19th December 2002 (2001/2002 review) for around 55% of England; and iii) [] (2005/2006 review) for a further land area of 15% (total around 70%) in England. [Source = http://www.magic.gov.uk/Metadata_for_MAGIC/magnvz.html#ID0EACA]

- p) Cumulative effects arising from development in combination with other, similar developments in the area;
- q) New tree, hedgerow and other planting / landscaping: it is important to ensure that proposed mitigation / enhancement / compensation measures such as landscaping are both effective and appropriate. Reference should be made to guidance such as HC's LCA for what elements and features are characteristic in the landscape of the area.

Biosecurity is also likely to be an issue. *"Biosecurity can be defined as the actions taken to both reduce the risk of infection [e.g. Campylobacter] entering the farm and to remove infection from the farm⁹."* The Food Standards Agency states: *"All vegetation should be cut back and maintained in a well-trimmed condition; while trees and shrubs shield poultry farms they also encourage wild birds that can be carrying pathogens¹⁰."* If such vegetation / habitats are relied on for mitigation as is the case here, this management requirement must be factored in to the assessment of effects in order to be able to judge how effective the proposed mitigation is likely to be;

- r) Restoration and management of characteristic landscape features such as hedgerows;
- s) Habitat creation / restoration / management.

6.3 Finally, there may be indirect effects on local businesses, especially those which rely on tourists who come to enjoy an area for its natural beauty in particular, whether designated or not. Inappropriate change in the form of intensive agriculture, for example, may deter visitors and result in a loss of trade. Gillow Manor's cider-making business and successful festivals could well suffer as a result of the negative effects described above.

6.4 Having identified the nature of the effects likely to arise from the scheme, I carried out a more in-depth review of the LVIA and other landscape-related studies in order to establish whether these effects had been identified and assessed. Where they had, I compared the applicant's findings about the levels of effects with my own. The results are summarised below.

Construction Effects: Landscape Character

- 6.5 In para. 8.5.1, the LVIA states that ... *'construction effects are not considered in detail as these would be completed in a short time span and, as a result, any effects would be temporary and transient'*. Given the likely nature and extent of the proposed works, I consider this approach to be unacceptable.
- 6.6 The duration of the construction works is not stated in the ES either, so although it is correct to say they will be temporary, the length of time the effects of construction processes and activities (with associated noise, odours, lighting, dust and so on) would be experienced by the various receptors must be factored in to judgements about the significance of effects.
- 6.7 Furthermore, very little information or detail is given about the nature and extent of the proposed construction works, so it is difficult to form objective opinions about the type and levels of effects, whether mitigation is required, and / or likely to be feasible / effective / appropriate, and whether the residual effects are significant or not.
- 6.8 As set out above, it is very important to note that the 'red line' boundary only covers the broiler units themselves, and not the access, surrounding hardstanding, areas required for the associated construction / engineering / landscaping works, detention basin, nor the area/s on which it is proposed to spread the very large amounts of excavated material that will arise.
- 6.9 The latter do not appear to have been assessed in the ES / LVIA at all: there is little or no information about their location, baseline landscape character / visual amenity / ecology / heritage / hydrology / access, nor are the construction processes required for these works explained – in fact, it appears that they have not been considered in any detail at all. Without this information it is not possible to judge levels of construction effects on these 'off-site' receptors.

⁹ <http://www.food.gov.uk/sites/default/files/multimedia/pdfs/publication/biosecurityforbroilers1007.pdf>

¹⁰ Ibid

6.10 No consideration appears to have been given to the following:

- a) The nature of the material to be excavated (likely to be predominantly rock. In places, the excavations would have to go down to c. 11m below the existing ground level, which could result in encountering bedrock and groundwater). According to the ES, *'The underlying geology of the site is recorded as micaceous sandstone of the Brownstones Formation (Ref. 7.1). There are no superficial deposits recorded in this area. The nearest borehole data to the site (SO52NW3- Harewood End, Herefordshire) recorded a layer 0.6m thick which is likely to correspond to the depth of the topsoil and subsoil. This layer overlay a horizon 1.83m thick which is described as 'marl and rock'. This layer is sealed by sandstone. It could be expected that a similar stratigraphic sequence is likely to be present across the development area.'*
- b) How it will be excavated: given the fact that excavations will go down to 11m below existing ground level and much of the material is likely to be rock, then potentially, blasting may be necessary;
- c) Whether the arisings are suitable for spreading: if there are large quantities of rock, would it have to be taken off-site, or would it be crushed on-site;
- d) Whether the areas proposed to receive the cut material are suitable for receiving it (none of these areas appear to have formed part of the baseline assessments, so the value and sensitivity of them is not known, and overall levels of effects cannot be judged);
- e) In the light of the above, what the effects of excavating / spreading / removing from site the excavated material would be on landscape character and visual amenity (effects on heritage assets, biodiversity, hydrology / drainage / water quality and noise receptors *inter alia* would also need to be assessed and factored in).

6.11 The LVIA concludes that the Magnitude of Change on landscape features and character during construction would be **Medium (Adverse)**, and the overall level of effect would be **Moderate Negative**.

6.12 The LVIA concluded that the level of landscape sensitivity is **Medium to High**. This, combined with a **Medium Adverse** level of Magnitude of Change should, in accordance with the LVIA's criteria in Table 3, theoretically result in an overall level of effect during construction (pre-mitigation) of between **Moderate and Major Negative**, although professional judgement should also be applied, and the reasoning process for the final judgement clearly described.

6.13 In my opinion, for the reasons set out above, the level of landscape sensitivity is **High**. I consider that the Magnitude of Change would be **between Medium and High** (in accordance with the LVIA criteria). The overall level of effect on local landscape character during construction (pre-mitigation) would therefore be **between Moderate and Major Negative**.

6.14 Although the LVIA states that the mitigating measures proposed (set out in para. 8.6.1) would be likely to 'slightly reduce' adverse effects of the construction phase on the landscape features and landscape character, it concludes that the overall level of 'residual' effect would remain **Moderate Negative**.

6.15 I agree that the levels of residual effects would be likely to be the same as those without mitigation, so in my opinion, the level would remain **between Moderate and Major Negative**.

Operational Effects: Landscape Character

6.16 Para. 8.5.6 of the LVIA sets out conclusions about effects on landscape character when the scheme is operational; however, as mentioned in the baseline section above, landscape and visual effects have been conflated. This means that judgements about levels of effects on landscape character will inevitably be flawed.

6.17 Effects on landscape character may arise regardless of how visible or not a site is, and who can see it, and landscape character often covers large geographical areas within which there may be limited visibility. For this reason, as GLVIA3 makes clear (and as noted in the LVIA Methodology – see para. 1.6 of Appendix 8.1), landscape and visual effects must be treated separately in LVIA.

- 6.18 At para. 2.22 GLVIA3 states: *'The distinction between these two aspects is very important but often misunderstood, even by professionals. LVIA must deal with both and should be clear about the differences between them. If a professional assessment does not properly define them or distinguish between them, then other professionals and members of the public are likely to be confused'*. If judgements about levels of effects are based on incorrect baseline information and analysis, then they will potentially be flawed.
- 6.19 Based on its analysis, the LVIA concludes that before mitigation, the proposed development would result in a **Low (Adverse)** Magnitude of Change in the character of the 'wider local [sic] landscape', with a **Minor Negative** overall level of effect.
- 6.20 In Table 2 (Appendix 8.1), the criteria for a Low Magnitude of Change include the *'introduction of elements that may not be uncharacteristic with the surrounding landscape or may not lead to a characterising or co-characterising effect'*. In my opinion, the LVIA criteria are inadequate: as set out above, they are based on the Highways Agency's Interim Advice Note (IAN) 135/10 which deals with effects of highways-related development, and was published six years before GLVIA3. Nonetheless, in my opinion, in accordance with the LVIA criteria, the level of Magnitude of Change pre-mitigation would be **between Medium and High Adverse**, although the level would be slightly lower than during construction.
- 6.21 With mitigation in place, the LVIA concludes (with my emphases) that *'... the residual magnitude of change on landscape features would be **medium** [presumably **adverse**], and overall the significance of effect [on landscape features] is considered to be **moderate beneficial** due to the extensive proposed tree and shrub planting'*.
- 6.22 I disagree: in my opinion, what is proposed would not give rise to anything more than localised, small-scale benefits, and these benefits would be outweighed by the harm to landscape character that would arise (see below).
- 6.23 However, I was not able to form a full and objective opinion about what the probable level of residual effects on 'landscape features' would be, as there was not enough information available for me to do so.
- 6.24 In terms of residual effects on landscape character *per se*, the LVIA concludes that *'...the residual magnitude of change in the character of the wider local landscape would be **low** with a **minor adverse** significance of effect'*.
- 6.25 I also disagree with this opinion, for the reasons set out in the following part of this section.
- 6.26 As mentioned above, because the 'red line' boundary only covers the broiler units and surrounding hardstanding, the area/s on which it is proposed to spread the excavated material that will arise are not identified, and do not appear to have been assessed in the ES / LVIA at all. There is little or no information about their location, baseline landscape character / visual amenity / ecology / heritage / hydrology / access. Without this information it is not possible to judge effects on these 'off-site' receptors, nor to determine whether adverse effects could be adequately mitigated.
- 6.27 In terms of the excavation that would be required on-site, as far as I could ascertain (there are several discrepancies among the various reports, plans and sections), some of the slopes' gradients would be less than the 1:2 / 1:2.5 stated.
- 6.28 The LVIA says that *'The proposed development will result in a substantial change in landform with a large cut into the existing slope. The profiling will, however, be smooth to make the landform appear as natural as possible'*. However, as set out above, an analysis of the sections submitted with the application show that 'smooth' profiling would be impossible to achieve. In fact, it may not be able to build the development without far more engineering works than have been assumed in the LVIA (and the rest of the ES topics).
- 6.29 Firstly, it appears that the LVIA has assessed a different scheme from the one which is proposed. Para. 8.5.14 of the LVIA states that *'... the roofs of the poultry houses would be well below the ridgeline because **they are positioned on a level platform cut into the slope**'* (my emphasis). In fact, the platform will be stepped up by almost 2.5 metres. These and other errors lead me to conclude that that the LVIA's findings cannot be relied upon.

- 6.30 The estimated quantity of 'cut and fill' material is given in the ES as c.157,706m³. My own analysis of existing and proposed contours and levels suggests that the quantities could be greater. In fact, I now have doubts that it is even feasible for the development to fit onto the site at all.
- 6.31 Some of the slopes' gradients would almost certainly be less than the 1:2 / 1:2.5 stated.
- 6.32 Along the east side of the site, where the levels would have to drop from c. 100m AOD to the building platform at 88.25m AOD, the gradient could be as steep as 1:1.86. This could potentially undermine the lane and affect the hedgerow along the west side of the lane (see below), as what is currently a c. 1:10 south west-facing slope would have to be completely excavated so as to achieve the very steep west-facing slope down to the hardstanding.
- 6.33 Furthermore, concern has been expressed about whether there is enough room for lorries to negotiate the 90 degree turn around the south east corner of the buildings. If not, presumably the embankment would have to be steepened even further in order to accommodate this.
- 6.34 Whether some form of retaining structure to stabilise the slope and protect the lane is required should be investigated, as this would introduce a further engineered element into the landscape, the effects of which have not been assessed.
- 6.35 Even if no retention is found to be necessary, the steepness of this and the other slopes may be a constraint in successfully establishing the proposed woodland planting, and there is likely to be significant surface water run-off at times which could wash away soil, with the risk of land-slip.
- 6.36 Para. 8.5.2 of the LVIA states with confidence that '*The hedgerows and hedgerow trees surrounding the site will not be affected by the proposed development*'. I disagree: in my opinion, based on a detailed analysis of what is proposed, there is the potential for hedgerows and trees to be negatively affected by the development, both directly and indirectly. However, no arboricultural assessment appears to have been carried out, and the LVIA does not provide any reasoning for this prediction.
- 6.37 The aspect and gradient of the proposed cut embankment east of the broiler units and west of the lane could result in loss of and / or damage to the roadside hedgerow. The RPA of the hedge almost certainly extends into the 'cut' area and may be severed: but without a tree survey, it is impossible to know what the extent of effects would be. (The ecology survey noted that '*It is potentially an 'important' hedgerow [in terms of the Hedgerow Regulations (1997)] for 'wildlife and landscape' reasons as it was species-rich (up to 7 species per 30m) and had at least 3 qualifying 'features'*'.)
- 6.38 Another example of how hedges are likely to be negatively affected is at the south-western corner of the concrete hardstanding area, which is shown as c. 1m away from the existing boundary hedge. At this point, the hedge is at c. 88.16m AOD. The level of the hardstanding would be 87.05m AOD, which means that there would have to be a 1:1 slope from the hedge to the concrete. As with the hedge along the lane, the RPA of the hedge almost certainly extends into the 'cut' area and roots would presumably be severed.
- 6.39 The loss of the western hedge could be even more extensive than this. The central section of the site platform is shown at 88.25m AOD, and the southern section at 87.05m AOD. In order to achieve this, it appears that the 89m and 88m contours, which currently run along the south west-facing slope on which the hedge is situated, would have to return eastwards, cutting hard into the natural landform which rises to 101m AOD at the north-eastern corner of the platform. My analysis concludes that as a result, there is highly likely to be loss of and / or damage to the boundary hedge, with direct effects potentially extending for over 100 linear metres.
- 6.40 Once the extent of hedge loss has been calculated and mitigation measures proposed, landscape and visual effects should be reassessed on this basis, and the levels / significance of effects adjusted as required (see also visual effects below).
- 6.41 The LVIA also concludes that '*The proposed mitigation planting would help to assimilate the proposed development into the surrounding landscape context. From around Year 5, when planting is expected to have reached 4m in height the proposed buildings would be mostly screened, and the site would appear as a small woodland block in a shallow valley. The cut into*

the hillside would be less apparent with the tree cover. Although woodland is not listed as a characteristic feature of the Principal Settled Farmlands Landscape Type, there are several small woodlands in the vicinity of the site including The Moors, Seymour's Wood and Tuft Wood. The proposed tree and shrub planting would therefore not be out of keeping in this local landscape.'

- 6.42 I agree that the local landscape context must be taken into account when introducing new landscape features, and that although uncharacteristic of the landscape type, there are existing woodland blocks in the vicinity of the site. However, in my opinion this is not a good reason to introduce new woodland, which is contrary to the SPG. Also, these woodlands are historic features associated with the medieval chase, and they have formed an integral part of local landscape character, as well as the setting of Gillow Manor, for centuries.
- 6.43 Once again, the LVIA confuses landscape effects with visual effects, so screen planting is only part (i.e. in relation to 'perception') of whether / how effects on landscape character can be mitigated.
- 6.44 In terms of the effectiveness of the proposed mitigation, the assertion that within five years 'the proposed buildings would be mostly screened' by the woodland is not backed up by any detailed information. The size of plants to be planted is not stated. If the mix is of whips and feathers with scattered standards, which is normal practice, it is unlikely that 'the proposed buildings would be 'mostly screened'. It would take many years for full, effective screening to be achieved, and the LVIA does not consider effects during the months when there is little or no leaf cover (a high percentage of evergreen in the mix would be entirely inappropriate here).
- 6.45 A new native hedgerow is proposed along the north boundary of the site to consolidate the existing field pattern in the vicinity. This would disrupt the historic field pattern even more, introducing an arbitrary line where none existed before. 19th century maps show that the field was as large then as it is now, although it was crossed by a track passing buildings ('Gillow Barn').
- 6.46 I could not find any drawings showing details of the proposed attenuation pond, but do not consider this to be characteristic in this location, as it will also almost certainly require a heavily-engineered solution to accommodate the required levels.
- 6.47 The LVIA concludes that with mitigation in place and having become 'effective', the residual level of Magnitude of Effect on landscape character would be **Low**, and the residual overall levels of effect would be **Minor Negative**.
- 6.48 I do not agree with these judgements. My opinion is based on objective consideration, assessment, analysis and testing of the likely nature and level of the effects set out above, and other issues which include the following:

- a) The proposed development would be in conflict with the advice and guidance contained in Natural England's National Character Area (NCA) profile (the landscape of the area – NCA 104 South Herefordshire and Over Severn – is described as 'picturesque' and 'rural', with ancient woodlands and traditional orchards being characteristic and contributing to its historic landscape character – the site and surrounding area contain good representations of these features).

The NCA profiles set out 'Statements of Opportunity' (SEOs) for each NCA. These were not factored in to the LVIA. Natural England explains that:

*'Each profile includes a description of the natural and cultural features that shape our landscapes, how the landscape has changed over time, the current key drivers for ongoing change, and a broad analysis of each area's characteristics and ecosystem services. Statements of Environmental Opportunity (SEOs) are suggested, which draw on this integrated information. **The SEOs offer guidance on the critical issues, which could help to achieve sustainable growth and a more secure environmental future**' [my emphasis].*

The SEOs for NCA 104 include SEO 1, which states: '*Protect and manage the woodland, parkland, traditional orchards and hedgerows with hedgerow trees*'; SEO 2: '*Sustainably manage the productive agricultural landscape... Manage in such a way as to preserve and enhance soil condition and water quality and reduce soil erosion, particularly in relation to*

the River Wye Special Area of Conservation'; SEO3: 'Maintain and enhance the many historic features... Preserve the tranquil rural character of the area, protecting and promoting the biodiversity, geodiversity, access, recreation and heritage of the area'.

- b) The scheme is also in conflict with aspects of HC's landscape character SPG, not just in terms of the introduction of new woodland, but also in terms of the development being industrial in nature and scale, which would be very difficult to integrate into the surrounding landscape (the landscape type is described in the LCA as '*... a landscape with a notably domestic character, defined chiefly by the scale of its field pattern, the nature and density of its settlement and its traditional land uses. Hop fields, orchards, grazed pastures and arable fields, together make up the rich patchwork which is typical of Principal Settled Farmlands.*').
- 6.49 My opinion is that, in accordance with the LVIA criteria, the residual level of Magnitude of Change would remain at its pre-mitigation level of **between Medium and High Adverse**, and the residual overall level of effects on landscape character (factoring in the **High** sensitivity of the receptor) would be at least **Moderate to Major**, within the area of influence of the proposed development (i.e. on a local rather than on a county-wide landscape scale).

Effects on Views and Visual Amenity

- 6.50 Clearly, where new development results in changes to landscape character, the changes will be visible to some people, to varying degrees. My assessment of visual effects is based on the likely changes to the landscape character baseline described above, and how they will be experienced from certain viewpoints, both during construction and when operational.
- 6.51 As set out previously, the visual receptors identified in the LVIA are all within c. 1.5km of the site. However, it should be noted that certain key viewpoints within this range, along local roads and public rights of way (PRsoW) and from which the site is visible, were not identified in the LVIA. Also, my own assessment noted that there is the potential for effects on visual receptors beyond 1.5km, although verification of this was beyond the scope of the commission (and should have been considered by the applicant).
- 6.52 It should be borne in mind that the LVIA's conclusions about levels of effects on views and visual amenity are based on flawed information and incorrect assumptions (see effects on landscape character above, as well as below), and thus in my opinion, the results cannot be relied upon.

Construction Effects: Views and Visual Amenity

- 6.53 Notwithstanding the fact that certain key visual receptors / viewpoints were not identified in the LVIA, on the whole, I agree with its conclusions about the overall levels of effects that visual receptors would experience during the construction period. However, the judgements about levels and significance of effects should have taken into account the duration of the works, which is unhelpfully described in the LVIA as 'relatively short'.
- 6.54 The LVIA concludes that during construction, visual receptors at Gillow Manor would experience '*... significant visual effects of the construction of the proposed development before mitigation, from windows facing north towards the site. A **high** magnitude of change would occur and therefore the temporary visual effects of construction before mitigation would be of **major adverse** significance.*' [Please refer to previous note about the use of the term 'significance'.]
- 6.55 Mitigation is unlikely to reduce the overall levels of effects (LVIA para. 8.6.4).
- 6.56 I agree with this conclusion. However, as demonstrated above (and discussed further below), there are also views towards the site from Gillow Manor's grounds and gardens, so visual receptors in these areas would also experience temporary **Major Negative** effects.
- 6.57 Other visual receptors are predicted to experience **Minor Negative** levels of effects during construction; these are mainly people using roads and lanes in the areas surrounding the site, but in making this judgement, the LVIA does not appear to have factored in the **High** level of sensitivity of visual receptors using the PRoW south west of Michaelchurch (LVIA VP8), from which the site is visible.
- 6.58 **Major Negative** effects are predicted to be experienced by visual receptors at the residential property 'Swayns Diggins' which lies north west of the site).

6.59 Mitigation is unlikely to reduce the overall levels of these visual effects (LVIA paras. 8.6.5 - 8).

Operational Effects: Views and Visual Amenity

6.60 The LVIA concludes that post-construction but pre-mitigation (presumably based on the assumption that the proposed cladding colour and material would 'integrate' into the landscape (see below), and that seeded grass would have covered the embankments and other disturbed areas, but without screen planting having become established), the Magnitude of Change in views from Gillow Manor and other viewpoints south of the site with open views would be **Medium (Adverse)**, and the overall level of effect would be **Moderate Negative**.

6.61 This result may possibly be informed by professional judgement, but a) it is based on incorrect information (for example, the platform is not level as assumed in the LVIA but is stepped up by 2.5m); and b) it does not reflect the LVIA criteria for visual receptor sensitivity in Table 5, which describes 'residents' as **High** sensitivity receptors. Using the matrix in Table 7, a **High** sensitivity receptor, combined with a **Medium Adverse** Magnitude of Change is likely to give rise to levels of effects between **Moderate and Major Negative**.

6.62 In my opinion, the level of effects from these viewpoints would be at least **Moderate to Major Negative**, and at the higher end of the scale.

6.63 Although the LVIA did not assess views from within the Manor or its grounds, it did include representative viewpoints just north of the Manor's garden boundary, looking outwards and back from the house (viewpoints 1a and 1b).

6.64 In para. 8.4.26 it states: *'The garden north of the house is highly enclosed by mature trees, hedgerows and buildings, and there would be no views to the site from this part of the garden. At present the view to the north, where this view is available, is of fields on undulating landform rising towards the A49, separated by trimmed hedgerows with intermittent hedgerow trees as shown on viewpoint 1a. The field in which the proposed development is situated forms the skyline in the view, flanked by woodland'.*

6.65 The garden north of the house is not 'highly enclosed by mature trees' at all. When I visited the Manor, I noted that the vegetation between the house and the site comprised a single line of trees, with some wide gaps. From certain north-facing parts of the house, the site is clearly visible all year round (see photograph overleaf).

View of site looking north from first floor of Gillow Manor (summer)



- 6.66 From many parts of the grounds, and the orchards (which are on higher ground with greater visibility), the site is also clearly visible (see photographs overleaf).

View of site looking north from gardens of Gillow Manor (summer)



View of site looking north from gardens of Gillow Manor (winter)



View of site looking north from gardens of Gillow Manor (winter)



View of site looking north from gardens of Gillow Manor (winter)



- 6.67 Whilst there is an existing cluster of agricultural built form (both traditional and modern) close to the Manor, the photographs above show that the buildings are not visible in these views: the landscape context and setting of Gillow Manor comprise a rural, unsettled, good quality, traditional agricultural landscape: Historic England considers that the '*... surrounding undesigned landscape contributes to its significance in so much as it illustrates its original rural setting*'. The proposed development comprises large-scale, industrial buildings with associated vehicle movements, lighting and various paraphernalia (see above for more detail about the 'nature' of the effects). The insertion of such alien geometric forms into what is a highly sensitive, organic landscape is, in my opinion, entirely inappropriate (and potentially unfeasible).
- 6.68 I also take issue with the photomontages shown on Figures 8.5b and c, which are intended to be representative of views of the development (post-construction and with mitigation in place) from Gillow Manor and grounds.
- 6.69 Para. 8.5.14 of the LVIA states: '*... the roofs of the poultry houses would be well below the ridgeline because **they are positioned on a level platform cut into the slope***' (my emphasis), and the montage appears to show the roofs at the same level. However, the platform is not on one level but is stepped up by nearly 2.5m.
- 6.70 Clearly, if the buildings are to be constructed at a higher level than was assumed in the LVIA, then the assessment should be re-done for this reason alone, as the overall levels of effects which would be experienced by many visual receptors is very likely to be higher, and mitigation more difficult.
- 6.71 In terms of the proposal for the buildings' walls to be clad in one shade of grey and the roofs in another, there is no reasoned justification for this choice. Whilst dark grey is potentially a better colour choice than the usual green or blue, effects can only be assessed by establishing the baseline colour palettes against which the new buildings would be seen, and then selecting colours which would integrate best, especially in terms of tonality.
- 6.72 The effects of lighting on visual amenity were not properly assessed in the LVIA, but it is likely that several visual receptors would experience negative effects as a result of this, and it is currently not known whether such effects could be mitigated.
- 6.73 Once the proposed mitigation has become effective, the LVIA predicts that the overall levels of effects on all the visual receptors identified would decrease, with levels of effects ranging from **Negligible to Minor Negative**.
- 6.74 I disagree. In terms of the residual visual effects on receptors at Gillow Manor and in its gardens and grounds, the LVIA's conclusion is that visual receptors would experience **Minor Negative** effects once the proposed screen planting and other mitigating measures had become effective. However, the judgements are based on flawed information and incorrect assumptions, and should not be relied upon.
- 6.75 My analysis of the existing and proposed levels on and around the site concluded that it may not be possible to fit the broiler units onto the land at all. Even if it does prove to be feasible, in my opinion, the extent of both the areas of land and the works which would be required to accommodate the development and associated excavated / spread material, would be much greater than has been stated in the ES (where known).
- 6.76 The comments about the appropriateness of the proposed woodland screen planting in the landscape effects section above apply to visual effects. In any case, I doubt whether it would be possible to entirely screen views of the site from the Manor and its grounds in the longer term.
- 6.77 If the LVIA's assumptions about levels are incorrect, then the planting would need to grow higher than the 4m stated in the LVIA and shown on Figure 8.5c in order to fully screen the buildings (but see comments on screening below). My analysis concluded that in theory, the trees would need to grow to a minimum of 6m above the new ground level before ground-level views from the Manor and its gardens were screened.
- 6.78 It must also be noted that the LVIA's judgements do not appear to have taken into account the height of the associated feed bins (8.5m tall, i.e. just over 3m higher than the broiler units'

- ridgelines (5.368m)). These would not be screened until the trees reached approximately 9m in height.
- 6.79 In other parts of the Manor's grounds, especially the orchards where the festival is held, the land is higher (as are the viewpoints on the Manor's upper floors) and therefore the trees would have to be even taller before screening became effective for these receptors.
- 6.80 The assertion that within five years *'the proposed buildings would be mostly screened'* by the woodland is not backed up by any detailed information. The size of plants to be planted is not stated. If the mix is of whips and feathers with scattered standards, which is normal practice, it is unlikely that the buildings would be 'mostly screened'. In my estimation, it would take many years for even partial screening to be achieved.
- 6.81 In my experience, for example when assessing the effectiveness of mitigation planting on road schemes for the Highways Agency, we have applied predicted growth rates of 0.3m per annum which, assuming best-practice planting and management techniques, is considered to be an appropriate rate to apply, albeit on the conservative side (allowing for slower-growing climax species such as oak). This is for a standard native woodland planting mix, as would need to be specified here - it would out of keeping in terms of the area's landscape character to include fast-growing tree species such as poplar and willow.
- 6.82 This also assumes that there would be no adverse effects on the trees from pollutants such as ammonia and manure.
- 6.83 Thus, taking an average 1m plant height at planting (for the whips and feathers) and adding an average of 30cm per year growth means that in theory it would take **at least 15 years** to achieve the minimum 6m height that is required to screen the broiler units, and approximately **26 years** to screen the feed bins.
- 6.84 Also, the LVIA does not consider effects during the months when there is little or no leaf cover (a high percentage of evergreen in the mix would be entirely inappropriate here), when views would be filtered rather than screened.
- 6.85 The LVIA has not, of course, taken into account effects on visual receptors at Gillow Manor arising from the likely loss of a long section of the hedge along the site's south-western boundary, although this could potentially be replanted. Nor has it factored in the problems associated with the areas shown on the drawings where, in the same south-west corner, there is not enough room to plant any trees at all.
- 6.86 Elsewhere, the tree belts are narrow – only 8m wide in places – which means that certain views may only be filtered, not screened even in the summer months. Also, my analysis of existing and proposed levels indicates that once constructed, the land to the south of the units would fall away to the south west: thus, only the top of a narrow belt of trees planted immediately adjacent to the southern boundary of the platform would be acting as the 'full' screen, because the trees to the south and south west of this would be planted at lower levels. The screen would therefore take even longer to become effective.
- 6.87 It must also be noted that there is no guarantee that the proposed mitigation planting will be successful in the longer term.
- 6.88 Of concern are the steep gradients of the proposed embankments, on which it is likely to be difficult to successfully establish trees. The planting would need to be properly maintained and managed over a long-term (minimum 25-year) period.
- 6.89 Also, existing and proposed vegetation may be adversely affected by pollutants arising from the development, both during construction and when operational. The effects on vegetation which can arise as a result of the biosecurity issues described above, and the risk of loss of vegetation due to result of the widespread pests and diseases which are on the increase in the UK, require further consideration in judgements about effects and mitigating / enhancement / compensation measures.

7. Other Issues

- 7.1 The EIA Regulations require cumulative effects to be assessed, and from a landscape and visual perspective, this is covered in more detail in GLVIA3. There does not appear to be any consideration of cumulative effects in the ES. However, there are other intensive agricultural developments in the surrounding area including polytunnels and solar farms (from certain viewpoints, the site and solar farm are intervisible).
- 7.2 The assessment of cumulative effects should also take account of proposed developments of a similar type. It is likely that there are recent approvals, current applications and / or pre-applications for other broiler units *et cetera* in the area (see for example P151993/F at Much Birch, where an application for broiler units was recently approved).
- 7.3 An increase in such development could quickly change an unsettled and unspoiled landscape into one where industrial-scale agricultural development becomes a baseline characteristic. This may be appropriate in some areas, but not in this highly sensitive, historic rural landscape at the edge of the AONB.
- 7.4 The red line boundary of the archaeological assessment is not the same as that used elsewhere, and it is likely that the correct area has not been surveyed, further drawing the EIA's findings into question.
- 7.5 Economic effects on the cider-making enterprise and the annual festival arising from landscape, visual and other effects should have been assessed.

8. Summary and Conclusions

- 8.1 Having compared the applicant's findings with those of my own and other experts, my conclusion is that many of the assessments submitted with the application are fundamentally flawed, as they are based on incorrect information and assumptions; in several cases they have not been carried out in accordance with published guidance, and do not reflect best practice.
- 8.2 There are significant errors and omissions. For example, only a small part of the area which would be affected by the proposed development has been assessed. Only if an EIA / LVIA has been carried out in accordance with published guidance and methods, using correct techniques, will it be possible to determine levels of significance with certainty.
- 8.3 HC's scoping / screening opinion stated that '*A Landscape and Visual Impact Assessment will be required, to take account of the historic landscape and heritage issues noted above [in particular, listed buildings including Grade II* listed Gillow Manor, and an archaeological monument known as 'Gaer Cap']. Near to the site is 'Pengethley Park', which is a locally important park to which it is acknowledged is not nationally registered [sic]...*'. The LVIA did not consider these issues, and whilst they were covered in part in the Heritage chapter of the ES, the findings were not cross-referenced nor factored in to the assessment of effects on landscape character and visual amenity as they should have been.
- 8.4 In the 'Nature of Effects' section at the start of Section 6, several potential types of effects relating to landscape character and visual amenity were identified. I assessed and tested these in relation to all the landscape and visual receptors identified, and drew my conclusions.
- 8.5 The list of likely effects which I concluded are likely to arise as a result of the proposed development is repeated here, as my study found that all of them were relevant:
- a) Insertion of large-scale built form into high value and quality open countryside;
 - b) Introduction of geometric buildings, significant engineered earthworks, artificial materials and colours into highly sensitive 'natural' and organic landscape;
 - c) Change in landscape / historic landscape character from rural / agricultural and tranquil to intensive industrial / agricultural;

- d) Loss of landscape function, especially in terms of the historic landscapes associated with Grade II* Gillow Manor, and which form an integral part of its context and setting;
- e) Loss / erosion of landscape elements, features, landcover and associated habitats, many of which are designated / rare / irreplaceable (see baseline section above for specific examples which include The Moors woodland, traditional orchards, medieval fishponds, trees covered by TPOs etc.);
- f) Changes in landscape pattern and scale;
- g) Changes in aesthetic / perceptual qualities of the landscape: it must be noted that published guidance is clear about what constitutes 'Landscape', and a landscape assessment should consider all the factors illustrated in LCA guidance at Figure 1: What is Landscape?¹¹ This includes aesthetic and perceptual qualities, so noise, odour, lighting and movement are issues which must be factored in when assessing effects on landscape character, especially in a tranquil area such as this; there is little mention of them in the LVIA.
- h) Pollution / nuisance from residues and emissions (odour, ammonia, nitrogen and dust): the toxic effects of ammonia gas can result in the damage and death of plants, and it can also decrease soil PH. Northern Ireland has recently issued guidance which states that "*Planning Officers must check to see if there are designated sites within 7.5km of the proposal.... These sites have the potential to be impacted upon by the proposal. All priority habitats that could be impacted within 2km must also be considered.*"¹² Clearly, loss of vegetation is likely to result in adverse effects on landscape character and visual amenity;
- i) Pollution from waste during construction and operation (especially spreading 'cut' material / arisings and poultry manure on sloping ground, and dirty water runoff / spillage): both direct and indirect effects on landscape features can arise as a result various types of pollution and contamination, and changes to drainage regimes¹³. Pollution of a watercourse, for example, can damage or kill associated vegetation and thus affect landscape character and visual amenity. Silt washed away from the spread material could enter and clog up watercourses – according to the SMR, the fishponds along the watercourse east of The Moors, into which the land on which the development is proposed drains, are already silting up.

The FRA chapter of the ES states that the fishponds mark the head of the watercourse, but it is understood that it may rise further north, running through a culverted section west of the site.

Another issue is that the site lies within a Nitrate Vulnerable Zone (Groundwater)¹³, any effects on which are obviously a cause for concern;
- j) Noise pollution (particularly during construction, and especially if blasting is necessary for the proposed excavation – see effects section below; when operational, noise would arise from mechanical ventilation, vehicular movements and human activity);
- k) Increased activity both during construction and when operational (vehicular, mechanical and human);
- l) Clutter and paraphernalia associated with activities on site;
- m) Light pollution;
- n) Glare from reflective surfaces;

¹¹ See page 9 of *An Approach to Landscape Character Assessment* (Natural England) October 2014

¹² See GLVIA3 para. 3.22

¹³ NVZs were set up under Council Directive 91/676/EEC and have been established in areas where nitrate from agricultural land is causing, or could cause, pollution of the water environment. In these zones Action Programmes of compulsory measures apply. These measures include a requirement for farmers to limit their applications of livestock manures and, in some circumstances, to observe closed periods for the application of organic manure to agricultural land. Action Programme measures apply to all land within designated NVZs from: i) 1996 for 66 NVZs to protect drinking water sources. These amounted to 8% of England's land area; ii) 19th December 2002 (2001/2002 review) for around 55% of England; and iii) (2005/2006 review) for a further land area of 15% (total around 70%) in England. [Source = http://www.magic.gov.uk/Metadata_for_MAGIC/magnvz.html#ID0EACA]

- o) Changes to / loss of views arising from the above;
- p) Cumulative effects arising from development in combination with other, similar developments in the area;
- q) New tree, hedgerow and other planting / landscaping: it is important to ensure that proposed mitigation / enhancement / compensation measures such as landscaping are both effective and appropriate.

Reference should be made to guidance such as HC's LCA for what elements and features are characteristic in the landscape of the area.

Biosecurity is also likely to be an issue. "*Biosecurity can be defined as the actions taken to both reduce the risk of infection [e.g. Campylobacter] entering the farm and to remove infection from the farm*¹⁴." The Food Standards Agency states: "*All vegetation should be cut back and maintained in a well-trimmed condition; while trees and shrubs shield poultry farms they also encourage wild birds that can be carrying pathogens*¹⁵". If such vegetation / habitats are relied on for mitigation as is the case here, this management requirement must be factored in to the assessment of effects in order to be able to judge how effective the proposed mitigation is likely to be;

- r) Restoration and management of characteristic landscape features such as hedgerows;
- s) Habitat creation / restoration / management.

- 8.6 With regard to the effectiveness of the proposed mitigation, in terms of views of the development from Grade II* listed Gillow Manor, my assessment concluded that in theory it could take **at least 15 years** for the proposed planting to start to screen the buildings, and **26 years** to screen the feed bins. In some places, there would be little or no room for screen planting at all.
- 8.7 To summarise, based on the information available and an assessment of the likely scenarios for the areas and issues which were not covered in the EIA, my assessment concludes that the insertion of such a large scale industrial, geometric feature into this unsettled, rural and highly sensitive landscape is entirely inappropriate.
- 8.8 Such buildings would appear alien and uncharacteristic in the existing landscape context, and would not sit comfortably in this organic landscape – instead, significant engineering works are required in order to accommodate them (and there is doubt that they can be accommodated at all). This would result in a permanent and unsightly scar, which could not be effectively or appropriately mitigated.
- 8.9 Furthermore, the area which would be affected by the development is far larger than the site and its immediate surrounds, and the level of many of the negative effects which are likely to occur would almost certainly be high.
- 8.10 The levels of effects are increased when the associated activities, noises and odours, lighting, and the potential damage to / loss of vegetation and other habitats as a result of pollution are factored in.
- 8.11 Finally, there may be indirect effects on local businesses, especially those which rely on tourists who come to enjoy an area for its natural beauty, whether designated or not. Inappropriate change in the form of intensive agriculture, for example, may deter visitors and result in a loss of trade. Gillow Manor's cider-making business and successful festivals could well suffer as a result of the negative effects described above.
- 8.12 My conclusion is that if construction proves to be feasible, the proposed development would give rise to at least **Moderate to Major Negative** effects on landscape character and visual amenity. In my opinion, this level of effects should be classified as **Significant Adverse**.
- 8.13 This would result in the development being in conflict with many national and local planning policies and guidance.

¹⁴ <http://www.food.gov.uk/sites/default/files/multimedia/pdfs/publication/biosecurityforbroilers1007.pdf>

¹⁵ Ibid

- 8.14 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, and that there are three dimensions to sustainable development: economic, social and environmental. In para. 7 it makes clear that achieving the economic dimension requires ‘... ***ensuring that sufficient land of the right type is available in the right places***’.
- 8.15 In this case, the very large extent of the heavy engineering works that are required in order to construct this industrial-scale scheme and insert it into such a highly sensitive landscape makes it abundantly clear, in my opinion, that this is not the right type of land, and the site is not in the right place, for this development.

Carly Tinkler CMLI August 2016

Application for Proposed Six New Poultry Units (ref: 162021/F)

Gillow Farm, St Owen's Cross, Herefordshire, HR2 8LE

Heritage Appraisal



The Heritage Practice

August 2016

1 Introduction

- 1.1 The following Heritage Appraisal of the current application for the proposed six no. poultry units at Gillow Farm (Herefordshire County Council planning reference 162021) has been prepared by The Heritage Practice on behalf of Mr and Mrs Fletcher of Gillow Manor, a grade II* listed building located towards the south-west of the proposed application site. This is the second application for poultry units on this site; a similar application was withdrawn in July 2015.

Purpose and report structure

- 1.2 The purpose of this report is to assess the effects of the proposed poultry units on the significance of Gillow Manor and that of its setting. The report also necessarily considers the application documentation submitted in support of the application – insofar as it relates to the historic environment – and takes into account information submitted and responses made in relation to the 2015 withdrawn scheme.
- 1.3 Gillow Manor is a grade II* listed building, and therefore a designated heritage asset, and was added to the statutory list in 1953. The list description for the building reads as follows:

House. Late C14, partly rebuilt in C16 and C17 with mid- and late C20 restorations. Coursed sandstone rubble, sandstone ashlar and dressings, timber-frame, Welsh slate roof and large external sandstone stacks. Roughly square plan with small courtyard and projecting gatehouse to south-west front. Cellar, two storeys and attic. South-west elevation has four parts: to the left gable front with C20 oak mullioned windows of four lights to lower and two lights to upper floor and a central doorway with a 4-centred head to the cellar; between the gable front and gatehouse two square headed first floor openings, beneath the right of which is a C14 unrestored traceried window with a 2-centred head, label and two cinquefoil-headed lights; the embattled C14 gatehouse to right of centre has a 4-light mullioned window to right of which is a small square headed opening under a pent roof, archway is chamfered with a 4-centred head; to the right of the gatehouse is a two-window front with C20 oak cross-casements under a roof hipped to the right. North-east elevation is much restored, to the left is exposed framing of gable front with timbers of thin scantling and two openings undergoing repair at the time of re-survey (November 1985) beneath tie-beam supporting queen-struts, collar and V-struts. Interior has 4-centred barrel vault beneath gatehouse. Heavy ceiling beams with chamfer-stops in hall to north-east range exposed since removal of partitions noted in RCHM. Collar queen-strut trusses with V-struts to most of the roofs. Late C16 open well staircase of four flights with moulded finials to newel posts and splat balusters. Interior of room behind cinquefoiled window of south-west range has a C15 statue of almost life-size man. Moat survives around north-west range. (RCHM, Vol I, p 86-7).

- 1.4 Clearly Gillow Manor is a building of considerable importance and special interest. In relation to the 2015 withdrawn scheme, Historic England noted that:

'Gillow Manor is a Grade II* listed building...This puts it in the top 8% of all listed buildings in the country for its significance, and is deemed by the Department of Culture, Media and Sport to be a 'particularly important building of more than special interest'. As the NPPF paragraph 132 highlights, Grade II* listed buildings are considered to be of the highest significance, and that great weight should be given to the conservation of the building and its setting: 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through ... development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. ... Substantial harm to or loss of designated heritage assets of the highest significance, notably ... grade I and II* listed buildings ... should be wholly Exceptional'.¹ The significance of Gillow Manor is discussed in more detail below.

- 1.5 Given the obvious importance of Gillow Manor and its setting, it is essential that the effects of any application that falls within that setting are afforded due consideration. As noted above, this report will assess the proposed scheme against the significance of Gillow Manor and its setting. Desk-based and archival research has been carried out in order to better understand the building and its significance. This research, carried out using online sources and at the Herefordshire Archives and Research Centre has been combined with a visual assessment and appraisal of the existing building and its setting.
- 1.6 The report is divided into four main sections. The first (section 2) provides an outline of the application and an assessment of the supporting evidence and justification (again, insofar as this relates to the historic environment). Section 3 describes the historic development and significance of Gillow Manor and its setting. This is followed by a section outlining the principal statutory and policy considerations, including relevant guidance. The final section provides an assessment of the proposals against the significance of Gillow Manor and its setting and the relevant historic environment policy.

Author

- 1.7 This appraisal has been prepared by Kate Graham of The Heritage Practice, a historic environment consultancy established in 2011 and based in the Forest of Dean. Kate Graham (MA (Hons) MA PG Dip Cons AA) has extensive experience in dealing with proposals that affect the historic environment having in recent years been Conservation & Design Manager at the London Borough of Islington and Senior

¹ Email from Historic England to Herefordshire County Council clarifying its original response to the withdrawn scheme, 11 August 2015.

Historic Buildings at Areas Adviser at Historic England. Kate has also been a Building Conservation Consultant for Herefordshire County Council from July to September 2014 and from July 2015- April 2016. She also has an extensive background in research, in policy analysis and in understanding historic buildings and places. She has trained as a historian and has a specialist qualification in building conservation. Kate is also a member of the London Borough of Islington Design Review Panel and a guest lecturer at the Architectural Association (Building Conservation).

Designations

- 1.8 In terms of designated heritage assets, the grade II* listed Gillow Manor is the only listed building in comparatively close proximity to the proposed development site (with the exception of a grade II listed milestone on the A4317 to the east of the site. There are groups of listed buildings around the junction at St Owen's Cross to the south-east, at Michaelchurch to the west and around Pengethley Manor to the north-east.
- 1.9 The spread and grouping of listed buildings relates to the general pattern of settlement in the local area with many individual farmsteads/buildings and hamlets or villages having listed buildings. This highlights the general historic significance, character and importance of much of the area surrounding the site and the well-established pattern of land occupation and use.
- 1.10 There are no conservation areas or registered parks and gardens in close proximity to the site. There are however a number of non-designated heritage assets (i.e. heritage assets that don't benefit from statutory protection or formal designation) in and around the proposed development site (as indicated in figure 7.1 of the Environmental Statement submitted as part of the application). The presence of finds and remains of buildings and structures within 1km of the application site (which date from the prehistoric period) again contributes to an understanding of the historic interest and character of the site and its surroundings.

The Site

- 1.11 The proposed development site is situated to the south-east of the A49 on part of a sloped arable field set in open countryside, very much part of a rural landscape. As noted in chapter 7 (Cultural Heritage) of the application's Environmental Statement, 'The site is bordered by agricultural fields to the north, west and south and by a farm lane to the east. The topography of the landscape around the site is one of undulating fields interspersed with pockets of woodland.' Such features and land use are very much defining characteristics of the local area. Within this landscape are set various heritage assets including the designated heritage asset of the grade II* Gillow Manor. The following section considers the proposed site and the development in more detail and takes into account information provided in support of the scheme.

2 The current application and supporting material

- 2.1 The following section provides a brief outline of the proposed scheme (as set out in the applicant's Design and Access Statement (DAS) and Environmental Statement (ES)). It also takes into account how the scheme has evolved from the withdrawn scheme of 2015 and the information that accompanied both applications (and that relates to the historic environment).

The current application (HCC ref:162021)

- 2.2 As set out in the DAS, the proposal involves the construction of six poultry units on a site (currently in use as arable farmland) to the north of Gillow Farm and approximately to the north-west of the grade II* listed Gillow Manor. As noted in the DAS, the proposed development allows for six poultry houses (98.186 x 20.417m), three feed bins (approximately 8.5m in height), an area of hardstanding in front of the poultry houses, an access track, a sustainable drainage system and associated landscaping. The proposed buildings will have a combined area of 12,030m² (
- 2.3 The new poultry buildings would be constructed on a steel portal frame with polyester coated profile sheet cladding walls and roof. Each poultry unit would have a ventilation system and external floodlighting on the front of each poultry house.
- 2.4 Landscaping mitigation proposals have been put forward so as to reduce the effect of the scheme on its context. These include extensive planting around the buildings and around the site.
- 2.5 The EIA sets out at paragraph 2.4.1 that 'Due to the topography of the land, in order to create the level platforms on which the poultry houses are to be positioned, the construction will require cut into the slope. The volume to be cut is estimated to be approximately 157,706m³.' The associated excavated soil will be spread across adjacent fields. The depth of excavation varies across the slope of the field but at points it is likely to extend to 11m given the need to cut into the slope and provide foundations and groundworks for the proposed development. This is discussed in further detail in the *Review of Landscape and Visual Issues* prepared by Carly Tinkler, also on behalf of Mr and Mrs Fletcher.

The 2015 Withdrawn Application (reference: 151961)

- 2.6 The scheme that was withdrawn in 2015 was essentially the same set of proposals as the current scheme with the exception that additional landscaping mitigation measures are now proposed. A summary of updates to the revised application of 2016 is set out within the application's Design and Access Statement.

2.7 At the time of the applications withdrawal in 2015, the Principal Planning Officer wrote to that applicant setting out that the *'proposals were highly unlikely to gain planning permission for the following summarised reasons:-*

1) The proposed development would harm the setting of the Grade 2 listed 'Gillow Manor' contrary to the Central Government advice contained within paragraphs 132 and 133 of the NPPF and policy HBA4 of the Herefordshire Unitary Development Plan 2007; and*

2) The proposed development would harm the character and appearance of the landscape contrary to the Central Government advice contained within paragraphs 109 of the NPPF and policy LA2 of the Herefordshire Unitary Development Plan 2007.'

2.8 The 2015 application received a number of objections including one from Herefordshire County Council's Senior Building Conservation Officer (17 August 2015). The Council's Senior Building Conservation Officer raised detailed concerns about the scheme then proposed stating that the former pre-1948 farm buildings to Gillow Manor (now in separate ownership but at the time of listing forming part of a single ownership with Gillow Manor) were regarded as curtilage listed.

2.9 That historic buildings of the existing farm complex are curtilage listed is acknowledged in the Cultural Heritage chapter of the current ES where it is set out that *'There are a number of other historic buildings within the complex, some of which are in the same ownership as Gillow Manor and others in separate ownership. Gillow Manor was listed in 1953, and at that time the surrounding buildings were part of the farmstead associated with the house. It is understood that the pre-1947 buildings around the Manor House are all curtilage listed.'* That is, the extent of the grade II* listing for Gillow Manor extends to other buildings in closer proximity to the application site.

2.10 The Senior Building Conservation Officer noted that *'The proposed development would not have a physical impact on Gillow Manor; however it is considered that there will be an impact on its setting and on the setting of the curtilage buildings.'* The objection went on to note that *'This analysis [in terms of the applicant's 2015 Environmental Statement] is insufficient and has failed to identify the extent of Gillow Manor's setting; the attributes of the setting [or] the contribution the setting makes to the significance of the Manor.'* The comments also criticised the lack of any proper assessment of the Manor's associated curtilage buildings.

2.11 The Senior Building Conservation Officer clearly considered the setting of the listed Manor in some detail noting that:

Although there are some modern farm buildings within the setting of the Manor, they are part of the cluster of buildings forming the farmstead group. The surrounding setting is one of an undulating, rural landscape of fields and woodland. Some of features within this landscape are historic such the orchard to the southeast and the

fishponds to the northwest. It is within this landscape that Gillow Manor is viewed and also seen in views from the Manor. It should be noted that when considering setting, it is not only about how the heritage asset is experienced from public vantage points. The proposed development site is particularly prominent in views from the orchard on the rising land to the southeast; from the paddocks to the southwest and also closer to the house in the formal garden. Although more distant, the house is also seen in the context of the site from the track running along the northeast side of the woodland associated with Gillow Manor and looking across the site from the direction of the A49. The proposed poultry units are substantial buildings with an industrial character and their visual impact is increased because of the slope and artificial terraces on which they would sit. Observations from viewing the site in the context of Gillow Manor as referred to above it is considered that due to the prominence and scale of the proposed development, there will be a harmful impact to the setting of Gillow Manor.

- 2.12 It was recommended that the application be refused because of the adverse impact on the setting of the listed building and because insufficient information had been submitted on which to assess the setting and the contribution of that setting to the significance of Gillow Manor. It is considered that the comments made by the Senior Building Conservation Officer remain relevant to the current scheme and this will be discussed in more detail below.
- 2.13 Historic England also commented on the withdrawn scheme stating that it recommended that the application be 'deferred or refused to allow further information on the impact of the historic environment, in particular the setting of Gillow Manor, to be submitted.'

Current Application Documentation

- 2.14 Given the comments raised in relation to the previous Heritage Impact Assessment for the 2015 scheme, a more detailed appraisal of impact and effects has been prepared as part of the 2016 ES in order to provide additional information sought by consultees in this regard. The 2015 Heritage Impact Assessment has also been included within the application material.
- 2.15 The Cultural Heritage chapter has taken on board a number of comments made by Historic England and the Council's Senior Building Conservation Officer. For example, the Historic England document *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning: 3 (GPA3)* was used as part of the assessment of setting (paragraph 7.3.1). It is also noted at 7.3.15 that a number of assessment viewpoints were selected in consultation with Historic England. These were views that had been identified by the council's Senior Historic Building Conservation Officer. However, it should be noted that none of the views identified and illustrated in the Cultural Heritage chapter (appendix 7.3) include views taken from within the property boundary of Gillow Manor.

- 2.16 The Senior Building Conservation Officer identified that the site is particularly prominent in views from the Orchard (rather than the Orchard boundary), from the paddocks to the southwest of the Manor and also closer to the house from within the more formal garden. None of these views could be used within the assessment of the effect on setting. It is also apparent that there are clear views from the house towards the proposed site. While appreciative of the access issues, it is clear that the assessment of views in and around the site can only offer a partial consideration of the effect of the development on the setting of the listed building.
- 2.17 With this visual assessment in mind, and also Historic England's setting guidance, it is of course worth pointing out that views only form one part of assessing impact on setting. This is noted in Cultural Heritage chapter which sets out that *'It is considered that the extent and importance of setting is often expressed by reference to visual considerations. Views of or from a heritage asset play an important part in the way in which it is experienced. However, it is recognised that the setting of a heritage asset is also influenced by other environmental factors such as noise, dust and vibration; by spatial associations; and, by our understanding of the historic relationship between places.'*
- 2.18 The historic development and significance of Gillow Manor are discussed with chapter 7 over two pages from paragraphs 7.4.3 to 7.4.11. This text does of course supplement the original Heritage Impact Assessment which makes no real conclusions on the significance of Gillow Manor or that of its setting.
- 2.19 This appraisal offers an account of the building's historic development and significance in more detail in the following section. However, it is worth noting in this part of the appraisal some points in relation to the Cultural Heritage chapter and its conclusions. This section also acknowledges that there are curtilage listed buildings that form part of the existing farm property.
- 2.20 In terms of setting, paragraph 7.4.5 sets out that 'The physical and visual setting of Gillow Manor is considered to extend beyond its formal garden to include the paddocks, orchards and fields surrounding it, as well as the woods to the northwest and also including possible fishponds associated with the manor.' As noted in section 3 below, the setting of the listed building is much wider and it should at least be acknowledged that the setting also includes the farm buildings and the agricultural landscape beyond – certainly the farm is very much part of the visual experience of Gillow Manor and these buildings and their predecessors have been part of the understanding and setting of Gillow Manor for centuries.
- 2.21 The description of the building is derived from the building's list description prepared in 1953 and no further up to date visual description is provided (for example, the 'unrestored window' referred to in the document has been restored since 1953). The historic development of the site is based principally on mapping evidence – obviously a valuable resource and an important element of

understanding historic sites and places – but no other documentary evidence has been included in the appraisal or factored into an understanding of the building's wider setting.

- 2.22 Paragraph 7.4.8 details access arrangements and orientation of Gillow Manor. Existing arrangements and mapping evidence show that there were two points of entry to the Manor complex – one from the south and one from the north. In regard to the access from the north it is set out that 'this lane is likely to have been used for access between the two ranges of farm buildings to the north-east of the Manor House, the fields to the north and the probable outfarm of 'Gillow Barns' (21) within the development area.' As shown in the following section, this route also provided access from the Manor to the woods in the north and to the Church of St Dubricius which is located to the north-east of Gillow. The reach of the historic manor went far beyond the immediate property boundary of Gillow Manor.
- 2.23 Paragraph 7.4.9 notes that *'During the 20th century the immediate landscape setting of Gillow Manor changed considerably, a process which may have been at least partially influenced by the partitioning of the estate. By 1904 Gillow Cottage had been constructed in an area of former plantation to the north of the main farmyard (Ref. 7.14). By 1928 additional agricultural buildings had been added to the farmyard to the north of Gillow Manor House.'*
- 2.24 While new buildings were constructed within the immediate farmstead complex, it would perhaps be difficult to conclude that this setting had changed considerably. The separation of Manor and farm buildings began in 1980 when the property as a whole came on the market. This allowed for the site to be in the same ownership for much of the 20th century. As set in the following section, despite incremental changes within the farm complex, the essential character of the underlying immediate and wider landscape has remained unchanged. Field boundaries are still in place from the time of the Tithe map and features such as woods, paths and tracks are still evident within this context.
- 2.25 The chapter attributes the large steel framed agricultural buildings as being of post 1947 date. There is no evidence presented in the chapter as to why this assertion is made. It is interesting that in the 1946 sales particulars for Gillow Manor and Farm of 1946 it is noted that:
- 'The magnificent set of farm buildings are mainly of steel construction with corrugated iron roofs erected in 1938. They comprise: Barn, 165ft x 52ft., with 5 sets of sliding doors; Mixing House, 60ft. x 25ft.; and Chaff House with granary over. A steel-framed building, 150ft. x 60ft. divided into 4 covered fold yards with concrete mangers and water laid on; range of stone-built Harness Rooms; Cart Horse Stable for 9; Tie-up House for 8 with central feeding bay; Loose Boxes; Stone Barn; Lean-to shed; Lean-to Implement shed; corrugated iron shed and garage.'*

- 2.26 The description of the steel barns corresponds to what is currently seen on site and the plan that accompanied the sales particulars show the same site layout. It is evident therefore that the large steel buildings pre-date 1948 having been constructed in the 1930s. The vast majority of farm buildings would also therefore be considered to be curtilage listed.
- 2.27 While the Cultural Heritage chapter discusses change within the setting of Gillow Manor, no real assessments are made on the significance of the site or its setting. No assessment is made of the value of the curtilage listed building within the farm complex or of their setting and the effects of the proposal on that setting. As curtilage listed structures, these should form part of the overall assessment of designated heritage assets. This was noted in the Senior Building Conservation Officer's comments of 2015.
- 2.28 The Cultural Heritage chapter goes on to discuss the effects of the proposal during construction and once the proposed development is operational. In relation to the construction period, it is concluded that the development would have a 'minor adverse magnitude of impact on the setting of the grade II* listed Gillow Manor.' That is to say that in effect during construction the setting of the listed building would be harmed as a result of the proposed development.
- 2.29 In terms of the proposed development's operational period (7.5.16-7.5.21), the following conclusions are reached with a response given to each point:
- *The setting assessment indicates that the proposed development will result in a visual change to the wider landscape setting of the Grade II* Listed Manor House;*
Response: Agreed – the development will result in a visual and physical change within the setting of the listed building in terms of its character, appearance, use, layout and design.
 - *Without any additional landscaping mitigation measures, the buildings within this development would be visible from a number of the upper windows on the northern (rear) elevation of the Manor House;*
Response: The site is clearly visible from within the Manor House and from numerous points within its immediate setting.
 - *However, these views are not considered to be key views which contribute to how the Manor House is experienced and understood in its landscape setting;*
Response: These are views out from the principal listed building on the site towards fields that were previously in the same ownership and have a deep, long-standing relationship with the listed building, its original role and historic development. The views out from the house in all directions are central to understanding the building's relationship with its context.

- *It is understood that the windows on the upper floor of the Manor House which have potential views of the proposed development do not give views from any public space within the Manor House and do not form part of any designed landscape views identified by Historic England.*

Response: Setting cannot be judged on public views alone, it is a far broader concept than this as established by GPA3, and of course public views would not be possible from within a private property. The relevance of 'designed landscape views identified by Historic England' is simply not understood in this case.

- *It should also be noted that there are views from the upper windows of the Manor House which look directly upon existing modern agricultural farm buildings in views to the north and north-east.*

Response: the farm buildings mentioned form part of a well-established cluster of farm buildings that have formed part of the manorial complex for some time – the proposed development would extend development northwards away from this established cluster.

- *In views from ground level from the Manor House and its curtilage views to the north are well screened by mature tree vegetation and by modern unlisted ancillary buildings which have been constructed since 2009, even during the winter months when there are no leaves on the trees (Plates 7.4 & 7.5 in Appendix 7.3).*

Response: Plates 7.4 and 7.5 of Appendix 7.3 are not taken from within the Manor House, nor do they look from the Manor House to the site.

- *The proposed development, without mitigation, would be visible in certain views from along the trackway running along the north-east side of 'the Moors' woodland to the north-west of Gillow Manor. In these views the development would not be visible alongside the Manor House in any significant views looking southwards from this track.*

Response: As set out in section 5 below, views of the development site are possible alongside the Manor House from the paddocks to the north-west of Gillow Manor. Such views demonstrate how the development would detract from how the Manor is understood in its wider agricultural landscape setting.

- *The setting assessment indicates that there will be no views of the proposed development from within the majority of the orchard in the rising land to the south-east of the Manor House due to the presence of modern farm buildings immediately to the north and due to the presence of existing hedgerow vegetation surrounding the orchard (Plate 7.6 in Appendix 7.3).*

Response: There are clear views of the development site from within the Orchard as set out in section 5 below.

- *The setting assessment indicated that the development, without mitigation, would not be visible in views during the winter months from the lane to the south of the Manor House looking north. The assessment also indicated that the development would not be a noticeable visual presence in views from the paddocks and medieval fishponds to the south-west of the house looking northwards due to the distance of the development from this location and the presence of intervening vegetation along the modern field boundaries in this area.*

Response: There are clear views within the immediate property boundary of Gillow Manor looking north towards the site as set out in section 5 below.

- *Overall it is considered that the proposed development, without mitigation, would result in a less than significant level of harm to the setting of the Grade II* Listed Building. The level of harm (magnitude of impact) to the setting of the Grade II* Listed Building resulting from the visual changes of the proposed development, without mitigation, is judged to be between negligible and minor adverse. The significance of effect on this high value designated heritage asset is judged to be minor adverse.*

Response: The assessment acknowledges that 'without mitigation' harm would be caused to the setting of the grade II* listed building. The issue of harm is discussed in more detail in section 5 below. It is without question that where harm is caused to the setting of a listed building, great weight should be given to this fact during the decision making process.

2.30 The Cultural Heritage chapter goes on to describe the proposed mitigation measures designed to prevent views of the development from points within the surrounding landscape. At paragraph 7.6.5, it is stated that the effect on the significance of Gillow Manor and its setting would be reduced to neutral given the proposed mitigation measures. It is said in the preceding paragraph that the proposed mitigation planting itself would not harm the landscape setting of Gillow Manor.

2.31 In summary, the chapter concludes that a level of harm would be caused to the setting of the grade II* listed building without mitigation. The summary states at 7.7.2 that planting will screen the views of the development from the listed building and its landscape setting although given the lack of visual assessment from within the Gillow Manor property it is not clear that this can be an accurate conclusion.

Conclusions

2.32 The point of the preceding paragraphs is to underline the fact that the Cultural Heritage chapter simply does not go far enough to demonstrate an understanding of the designated heritage asset or its setting or that of associated curtilage listed

structures (the latter in particular in spite of the Senior Building Conservation Officer's comments of August 2015). Although Historic England's guidance on setting is quoted, the character of the site and its contribution to the significance of the Gillow Manor and its setting is not discussed and an understanding of its interest is not adequately expressed as per the recommendations of Historic England's guidance (see section 5 below).

- 2.33 The ultimate conclusion and argument of the submission insofar as it relates to designated heritage assets is that harm is caused to Gillow Manor but the introduction of landscaping proposals would reduce that harm to a negligible level in five years and any impacts would otherwise be outweighed by the suggested public benefits of the proposed scheme. It is considered here as part of this appraisal that this conclusion is not correct and further details on this are provided in section 5.
- 2.34 The language of the Chapter is very much in line with ES methodology and restricts its assessment and conclusions to the impact on certain views. This undermines the more rounded and well established approach to understanding the significance and value of places² and their setting and reduces the importance of historic associations, the development of places over time and linkages with other features and places in forming a balanced and informed judgement on significance and setting.
- 2.35 None of the chapter's conclusions are assessed against national or local policy such as the council's Core Strategy or the National Planning Policy Framework (or indeed the Planning (Listed Buildings and Conservation Areas Act) 1990. While such policies are noted in Table 7.1, it is only in the Design and Access Statement that the policy considerations are noted. The Design and Access Statement highlights the fact that great weight should be given where harm is caused to the setting of listed buildings and reiterates the Council's statutory duty to pay special regard to setting issues.
- 2.36 The Design and Access Statement notes the perceived benefits of the proposed scheme stating that: *'The proposed development will make a valuable contribution to local and regional economic growth targets. The proposed landscape mitigation will also result in significant biodiversity benefits. The development is strongly supported by planning policies encouraging rural enterprise and development of agricultural business, and the consequent weight given in policies to achievement of these aims, the public benefits clearly outweigh the small number of impacts on heritage assets.'*
- 2.37 The following sections of this appraisal, and particularly at section 5, highlight that the impacts on heritage assets are not 'small' in number. The analysis as set out in the Design and Access Statement notes that great weight should be given to setting

² As set out in Historic England's *Conservation Principles and Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2*.

of heritage assets but this is not borne out in its conclusions on the subject where it is said that biodiversity and economic benefits will outweigh any harmful impacts. While there may be policies encouraging rural enterprise and agricultural development there remains a statutory duty for the decision maker to place significant weight on harmful effects of development on designated heritage assets and this is a priority over other planning considerations (see section 4 below).

3 Gillow Manor – Development and Significance

- 3.1 The following section provides an outline of the historic development of the grade II* listed Gillow Manor and provides an assessment of the significance of the building and its setting. This necessarily involves a consideration of the historic development of the listed building's context and the historic relationship between the proposed development site and the listed building itself.

The building and its context

- 3.2 Gillow Manor is situated in a predominantly rural, agricultural landscape to the north-west of St. Owen's Cross. Gillow Farm, which until the 1980s formed part of Gillow Manor's wider property, is situated to the north-east of the manor house. Between Gillow Manor and the main farm house, there are a number of buildings and structures that together form something of a nucleus of development within what is predominantly a rural, agricultural landscape.
- 3.3 This concentration of development obviously includes Gillow Manor at its south-west corner. Gillow Manor dates to the 14th century and traces of this remain although the building has evolved and been altered over the following centuries. The house itself is built over two principal stories with rooms at attic level. It is constructed roughly on a square plan - partly in stone and partly in timber frame with both stone rubble walls and dressed stone evident in certain parts. On the building's south-west elevation the main feature is the two-storey embattled gatehouse tower (figure 1). The fact that a chapel was incorporated into the building is expressed on the south-west elevation with a now restored tracery window at first floor level.
- 3.4 There remain the vestiges of the paved passageway that led to the gatehouse from the south-west. Historically, water extended to both sides of this passageway but the body of water forming part of the moat to the fortified manor house has been truncated (see below). The area either side of this route towards the building is now largely given over to garden areas. The moat itself is now most legible on the north-west side of the building. This forms a relatively substantial body of water that extends along the north-west elevation (figure 2). Interestingly, figure 2 also shows wide views over the surrounding landscape including the proposed development site towards the north-east across the moat.
- 3.5 The building is located in such a position within the local landscape as to allow it good intervisibility with the areas to the south and north. To the east are former farm buildings, either within the setting of the manor or the farm, and ancient orchard. To the west are further, more recent orchards, paddocks and open areas that lead down towards the Moors - a wooded area close to the medieval fish ponds.
- 3.6 The choice of location for and nature of the original building (i.e. a fortified manor house) inevitably allowed for views over the surrounding landscape. While planting and other historic buildings now form part of these views, the intervisibility between

the house and its setting is clearly an important consideration and key to understanding the history of the house, its purpose and the intrinsic relationship with its setting.



Figure 1: Gillow Manor: Gatehouse projection to south-west elevation.



Figure 2: View of the south-west corner of Gillow Manor highlighting the two principal stories of the listed building and the attic level. The moat is shown at the centre of the image with the former fields of the manor (including the site) to the north.

- 3.7 The north-east elevation is again constructed in stone although the easternmost bay is constructed in timber frame (figure 3). Timber frame construction is also seen within the small courtyard at the centre of the building's plan. There is a small stone-built porch at ground floor level and stone steps providing access to the first floor of the building. The timber framed section of the building was reputedly a granary (see 3.21 below). A blocked doorway at the northern end of the elevation at first floor level is also evident both internally and externally. There are views across the farmland to the north from ground level and particularly from first floor level (figure 4).



Figure 3: Gillow Manor: North-east elevation.

- 3.8 Gillow Manor is clearly a building of architectural and historic special interest and is of exceptional quality both internally and externally. The building, with its origins in the 14th century, has a very strong and robust character defined through its plan and elevational treatment and composition – every elevation is different but each relates to each other, providing a narrative of its historic development and growth. The following paragraphs provide an outline of the building's history.
- 3.9 In considering the appearance of the building and its closer and wider setting – the formal gardens, orchards, paddocks, woodland, and wider agricultural landscape – the legibility of a manor house set within a landscape that allowed Gillow Manor to

be self-sufficient and have considerable status in its context is still readily visible and ascertained.

Early history

- 3.10 As noted above, Gillow Manor has its origins in the medieval period. There are a number of sources that discuss the history of the manor and its occupants in some detail but its early history is very succinctly described in the Woolhope Naturalist's Field Club's (WNFC – an organisation that knows the site, its context and its history) response to consultation on the current application dated 26 July 2016.
- 3.11 Here David Whitehead writes that: *'Gillow Manor is a [grade] II* listed building of the late 14th century. Its status as a medieval building is indicated by its crenellated gatehouse, its moat and the presence of a lost chapel. In the Middle Ages the place was regarded as the administrative hub of the royal lordship of Archenfield – a hybrid district between England and Wales annexed by the late Saxon kings. In the 14th and 15th centuries the property was held by the Abrahalls. John Abrahall (d. 1443) was the chief steward of Archenfield, royal escheator for the county of Herefordshire and M.P. for Hereford. At the time he was probably the most important royal official in Herefordshire and Gillow was his base. It was the most significant house in SW Herefordshire and its decline spawned the two new estates at Harewood and Pengethly in the 17th century.'*
- 3.12 The response from the WNFC goes on to add that *'It seems very likely that in the Middle Ages Gillow was set in a suitable lordly landscape. A park might be anticipated but this was unnecessary because the owners, the Abrahalls, had access to the vestiges of the royal forest of Harewood. This was created by William I and was passed by King John in 1215 to the Knights of the Temple (and subsequently in the 14th century to the Hospitallers). In the 15th and early 16th century the residual forest was rented to the Abrahalls. Thus, the owners of Gillow Manor merely had to ride a few hundred metres up their drive to enter their own forest, which stretched down from Harewood to Pengethly. Nearer the Manor in The Moors they had fishponds and it seems from recent archaeology that they perhaps enjoyed a pleasaunce – a timber lodge on the edge of the forest as a place of feasting. Similar structures are known at Raglan, Clun and Kenilworth Castles – always in close proximity to the main dwelling. Gillow is in elevated company.'*
- 3.13 Key points from this assessment are that the house was considered to be 'the most significant house' in south-west Herefordshire owned by one of county's most important royal officials. Gillow also clearly had links to the woodland to the north of the A49. Another medieval connection with the surrounding area was the relationship between Gillow Manor and the Church of St Dubricius towards the north east and the parish church for Hentland. As noted on a plaque in St Dubricius churchyard there was originally a medieval settlement around the church. From the church and the site of the former village, a path leads to Gillow 'along an ancient

way.' This path connects with the track that now provides access to the farm (figure 4).

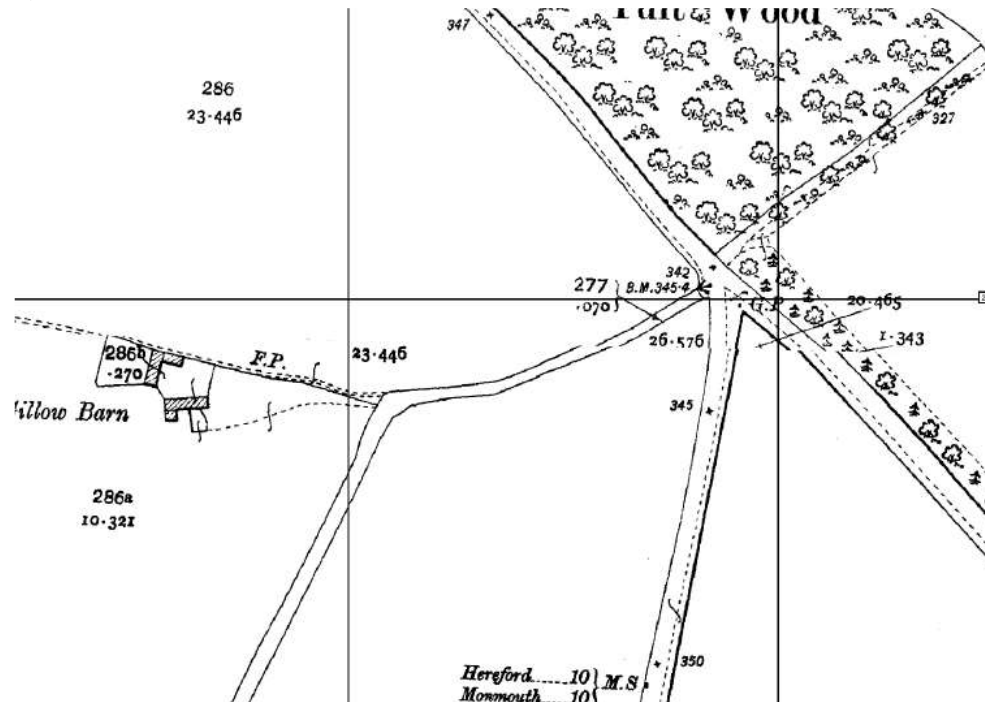


Figure 4: Extract from 1904 Ordnance Survey (OS) map showing the top of the existing farm track where it meets the A49 with the footpath crossing alongside the wood to the north of the A49.

Post 18th century history

- 3.14 By the early 19th century, Gillow Manor was owned by the Symons family of the Mynde Park Estate based in Much Dewchurch. The Symons family purchased Mynde in around 1740. It is unclear whether Gillow formed part of the ownership of the Mynde estate at this time but certainly by the time the Tithe Map was produced in 1842, the Manor was owned by George Thomas Symons. The house and farm were leased to a Thomas Mears.
- 3.15 The Tithe Map provides a great deal of information about the use of Gillow Manor and its associated farmland during the early 19th century (figure 5). The site of the proposed development is situated in a field that was known as 'The Ten Acres' and was given over to arable farming as it is today. As shown in the schedule at Table 1, which is based on the apportionment books for the Tithe Map, most of the land surrounding Gillow was given over for arable use of pasture.
- 3.16 The Tithe Map and associated information clearly highlights the extent and nature of Gillow Manor and its farming operations. The relationship between Gillow Manor and its landscape is deep and long-established – and this includes the relationship between the proposed site and the listed building. The land on which the proposed development would be built actually very much contributes to an understanding of Gillow Manor and the extent and nature of its operations.

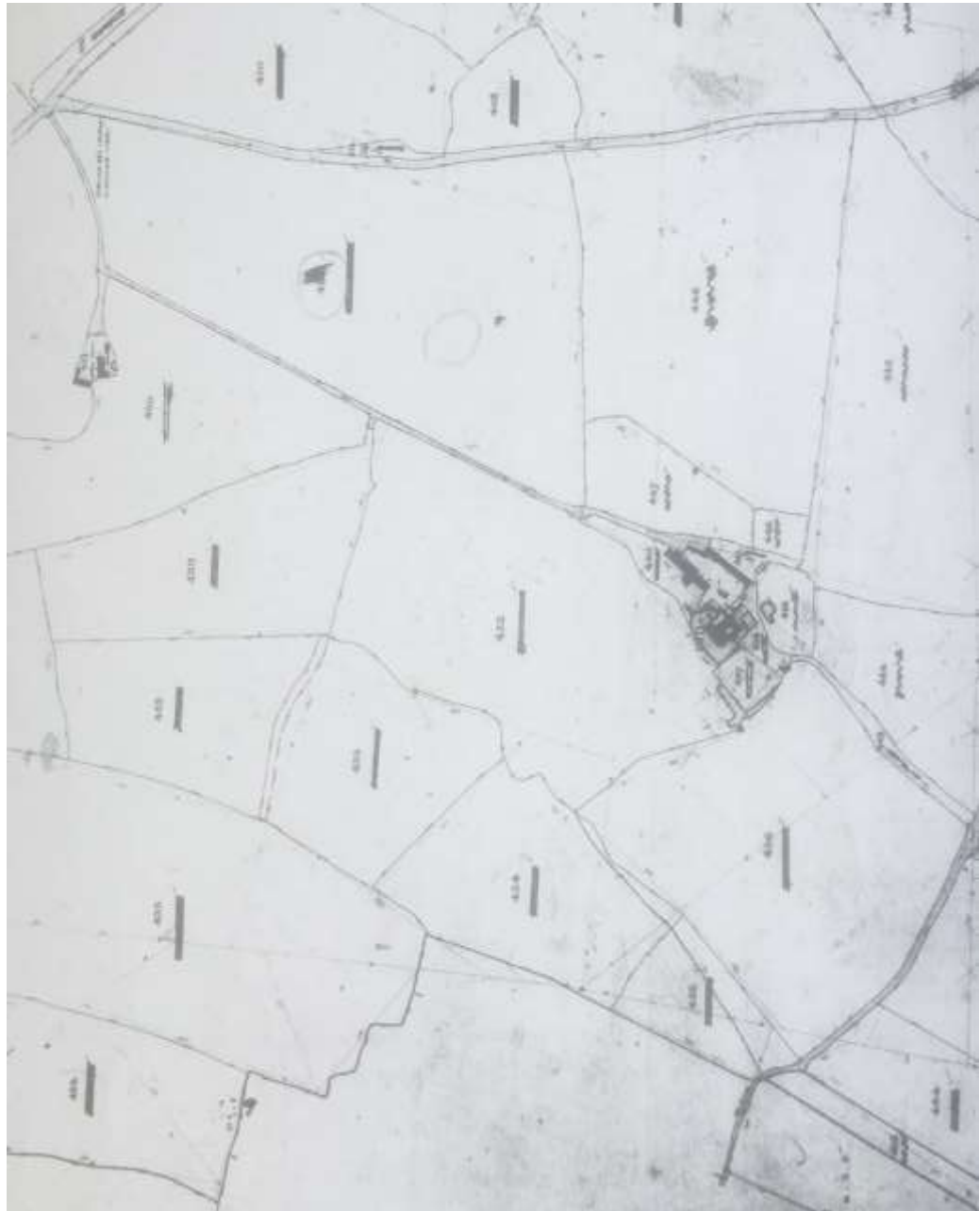


Figure 5: Extract from the Hentland Tithe Map of 1842 (see also Table 1)

- 3.17 The Tithe Map shows the early 19th century configuration of the house and farm complex (figure 6). The Moat is shown with having a greater extent than is now seen (this is also shown on figure 7). The Moat wrapped around the western corner of the building and a body of water is also evident to the south of the building. There was a further body of water to the west of the house that extended around the edge of a paddock on two sides.
- 3.18 At the time of the Tithe Map, there were two ranges of buildings to the east of the main house (figure 6). These appear to be the same ranges that are indicated on the 1888 OS map extract (appendix A), highlighting the fact that as a working place,

Gillow changed very little during the 19th century. As also shown in a comparison of the Tithe Map and the later OS map of the 19th century, the various field patterns and boundaries were also largely unchanged. The 1888 map shows the extent of Orchard planting at the time – which occupies two fields to the east of Gillow Manor – and the amount of woodland planting to The Moors towards the west. In the 1888 map a new small building is depicted towards the north of the farm buildings. This is still shown on the existing site location plan.

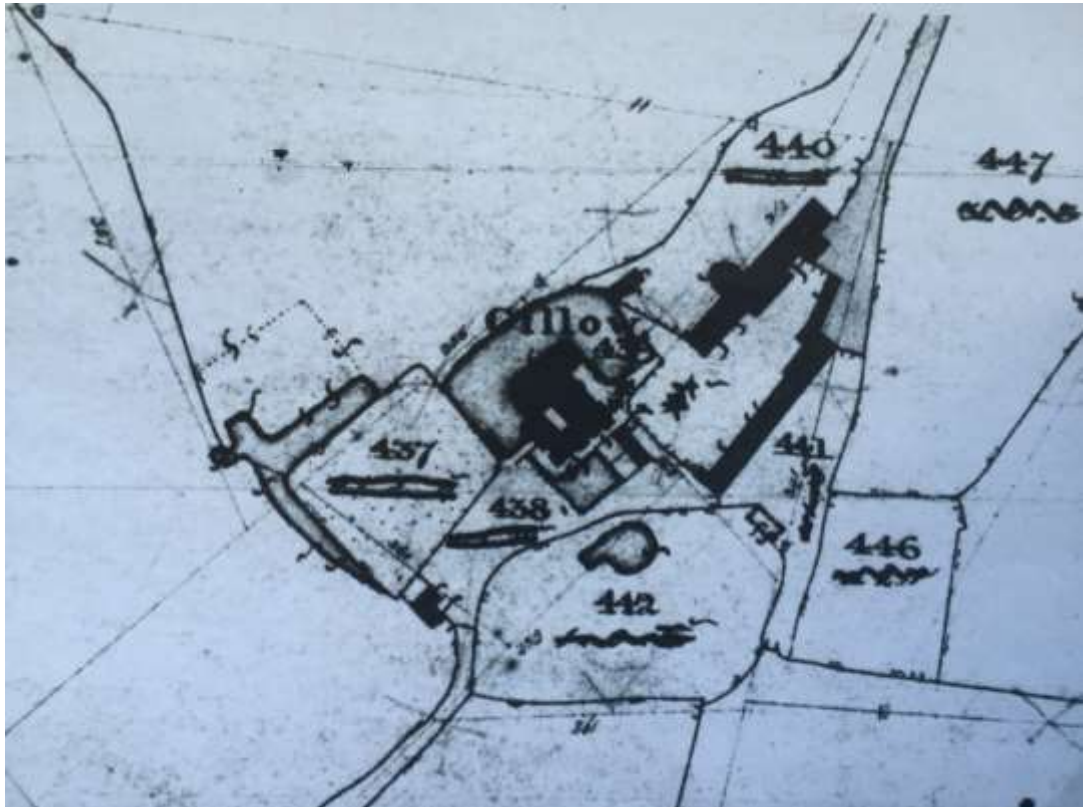


Figure 6: Detail of the 1842 Tithe Map showing Gillow Manor with associated water bodies and farm buildings.

- 3.19 Taking the sequence of OS maps at appendix A further, by 1904, the two small cottages to the north of the farm buildings had been constructed. These would have been built for workers on the farm based around Gillow Manor. The 1928 OS map shows additional farm buildings based around the established nucleus of development. By this time, orchard planting continues to be shown along the eastern boundary of the farm buildings. On the whole, very few changes had been made to the farm and manor complex in the century since 1842.
- 3.20 Gillow Manor was sold with its associated farm and land in 1916 by Captain Raymond Symons of Mynde Park as part of a larger sale of outlying farms and properties to the Mynde Park Estate. An article in The Hereford Times noted that 'Gillow Manor Farm of 420.5 acres, one of the best farms in the county, at Hentland and Tretire (the manor is reputed originally to have been the seat of Pembroke

family in Edward I. time, and contains many grand old oak beams), with four cottages, let at £335 mainly to Mr Burton Parry' to 'Mr R Lee, Llanishen, Cardiff, for a client.'

- 3.21 The 1916 sales description notes that 'The Manor House is ideally placed in the centre of the farm, and is well supplied by gravitation from enclosed spring which has never been known to fail. It is reputed originally to have been the seat of the Pembroke family in the time of Edward I, at which period there was attached to it a Chapel dedicated to St David, and many interesting remains of the original house and chapel are still in existence.' The particulars go on to describe the house and state that the 'Approached from outside is a Three-division granary.'
- 3.22 The sales particulars also describe the farm buildings which state that they were 'principally built of stone and timber with tile or iron roofs, and comprise: 6-bay barn, loose box, large implement house, gig house, 8-bay cart shed, two 7-bay fold sheds extra deep and a 5-bay ditto, 2-bay barn, nag stable for two, loose box, bull house, double cow or beast house for eight with feeding gangway, cart stable for five with chaff house, another cart stable for six with loft over, 2-bay waggon shed, 4-bay lambing shed with fold yard, pig cots, cider mill house, 8-bay French barn, sheep dip.' Some of the farm buildings are shown in the image at figure 7 which comes from the 1916 sales particulars.

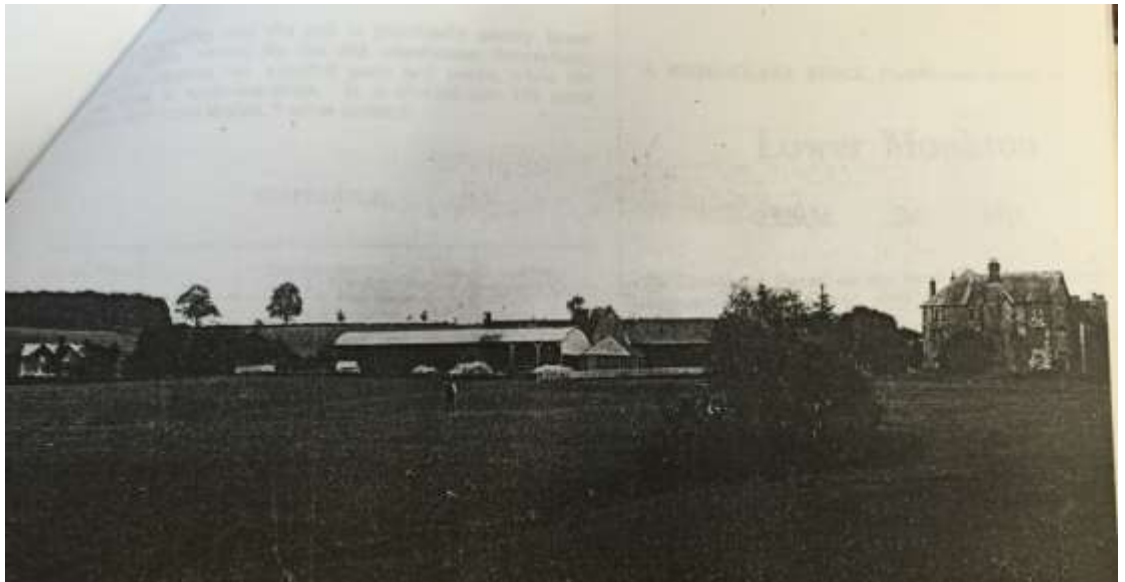


Figure 7: Image shown in the 1916 sales particulars showing Gillow Manor with its associated farm buildings. The late 19th/early 20th century cottages are shown on the left hand side of the image with the principal farm buildings at the centre.

- 3.23 This is very much a description of 19th-early century farm buildings with a variety of structures to house animals of various types that were essential to the running of the farm. The presence of a cider mill is interesting – obviously the orchard planting shown on historic mapping leads to the conclusion that the presence of a mill was

likely. This has interesting parallels for the wider site today and clearly shows that Gillow as a whole operated as a single functioning entity.

- 3.24 The client referred to in the newspaper article may have been a member of the Burdett-Coutts family – certainly by the 1940s an S Burdett Coutts was writing letters to The Times from Gillow Manor. The Burdett-Coutts family were an incredibly well known family of the 19th and early 20th centuries and were significant Victorian philanthropists.
- 3.25 Gillow was put up for sale again in 1946. The sales particulars describe the farm buildings at the time (2.25 above), noting that the larger existing steel barns had been erected in 1938. The plan that accompanies the sale shows the extent of Gillow as a farm with the farm and farm buildings at its centre (figure 8). The manor and farm buildings are shown with a very similar plan to the existing. The only real change in subsequent years was the addition to the site of the post-war farmhouse.



Figure 8: 1946 plan showing extent of Gillow Manor's farmland and a similar plan to existing.

- 3.26 In the post-war period, the estate was owned by Mrs Simmonds who managed the manor and associated farm until her death in the late 1960s. Gillow Manor and Farm continued in joint ownership until the early 1980s when a consortium of local farmers purchased Gillow and separated much of the farming land away from the former estate as a whole. Gillow Manor, with some adjoining land, was then put up for sale.

Significance

- 3.27 Gillow Manor is clearly a building of exceptional architectural and historic interest as acknowledged in its grade II* listing. As an individual building, and the principal listed building, Gillow Manor is a fascinating building that provides a narrative of the growth of a building and of a place from the 14th century. It is also a building with a number of curtilage listed structures which include buildings within the existing property boundary and buildings now forming part of Gillow Farm.
- 3.28 The property boundary for Gillow Manor is now much smaller than it was until the 1980s. However, the proximity of the farm buildings and their historic character and appearance allows for a continued legibility of the property as it once was – when Gillow Farm formed part of its estate. Together, the manor and the farm are a nucleus of development within what is a predominantly rural/agricultural landscape.
- 3.29 The farm buildings and other structures and features within Gillow Manor's property boundary contribute to the significance of Gillow Manor. Gillow Manor was for centuries at the centre of a self-sustaining estate that had its origins in the medieval period. The farm buildings illustrate this past and the enduring and consistent nature of Gillow Manor Farm. Gillow was an incredibly important settlement during the medieval period and has since been described as one of the best farms in the country. The history of Gillow Manor and its farm are therefore inextricably linked and the two are reliant on each other in terms of their significance.
- 3.30 As the farm buildings contribute to an understanding of Gillow Manor and its significance, so too does the surrounding rural, agricultural landscape. The springs, fish ponds, woodland and orchards of Gillow Manor obviously point to the suitability of the site at Gillow for an individual settlement and then for its subsequent development and growth. Beyond this of course, and as established above, is the rural farming landscape that surrounds the building. This too is intrinsic to an understanding of how Gillow grew, functioned and sustained itself and its quality, form and character is linked and contributes to the significance of the listed building. The proposed development site as an arable field – as it has been for decades if not centuries – therefore contributes to the significance of Gillow Manor and its setting.
- 3.31 The influence of Gillow also reached beyond its established extent – there were links to St Dubricius Church to the north-east and to the woodlands to the north of the A49. Gillow was and is an incredibly important place of the utmost architectural and historic interest and significance.

4 Relevant policy context

- 4.1 The following section sets out the relevant statutory and policy provisions that can be applied to the proposed application. This section also deals with other relevant guidance and policy documents.

The Planning (Listed Buildings and Conservation Areas) Act 1990

- 4.2 The Act provides the statutory basis for historic environment policy at local and national levels. It necessarily underpins planning decisions where listed buildings or their settings are affected.
- 4.3 With regard to the general duty as respects listed buildings in the exercise of planning functions, section 66(1) of the Act sets out that:
- ‘In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’
- 4.4 Recent case law has emphasised the statutory requirement to take section 66(1) of the Act into account. The Court of Appeal's judgement on the case of Barnwell Manor Wind Energy Ltd was issued on 18 February 2014. The High Court had previously found that the Planning Inspector, who first considered the decision to refuse the application for four wind turbines on land in Sudborough, Northamptonshire, did not give did not at any stage in the balancing exercise accord ‘special weight’, or considerable importance to ‘the desirability of preserving the setting’ of heritage assets as set out by section 66(1) of the Act. The Inspector treated harm to the setting of heritage assets and the suggested wider benefits of the proposed scheme as if those two factors were of equal importance.
- 4.5 These conclusions were challenged on the basis that Section 66(1) simply required the decision-maker to ask the right question – would there be some harm to the setting of the listed building? If the answer to that question was ‘yes’, planning permission should be refused unless that harm is outweighed by the advantages of the proposed development.
- 4.6 The Court of Appeal found that Parliament's intention in enacting section 66 of the Act was that decision-makers should give ‘considerable importance and weight’ to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise. Even where the harm caused to heritage assets is less than substantial, the balancing exercise required by national policy (the National Planning Policy Framework) cannot ignore the overarching statutory duty imposed by section 66(1). The Court also found that the ability of the public to appreciate a heritage

asset is one, but by no means the only, factor to be considered when assessing the contribution that setting makes to the significance of a heritage asset.

- 4.7 The Court also found that the National Planning Policy Guidance (which accompanies the NPPF) nowhere suggests that the question of whether harm to setting is substantial can be answered simply by applying the 'reasonable observer' test adopted by the inspector in his decision at appeal. Such a test for deciding whether harm to the setting of a designated heritage asset was substantial would preclude virtually all cases, except where a proposal would be in the immediate vicinity of the heritage asset, from amounting to substantial harm (Turley Associates, online article, 20 February 2014).
- 4.8 The case law established by the Court of Appeal's decision has resulted from the interpretation of the National Planning Policy Framework (NPPF) and its subsequent application. The NPPF, as described below, sets out that harm to heritage assets and their setting can be balanced against and potentially outweighed by, the public benefits of any proposal. The Court of Appeal decision effectively sets out that while there is a balance to be struck the presumption should be in favour of protecting the setting of heritage assets where any degree of harm is caused. This has the potential to override any genuine benefits given that the statutory requirement on decision-makers carries significantly greater weight than the policy set out in the NPPF. Decision makers must take into account and acknowledge any harm caused to setting and significance and attached 'considerable weight to this.' The result is a presumption in favour of refusal if harm is present.
- 4.9 The onus is now clearly on the applicant to sufficiently and appropriately demonstrate persuasive and well-grounded and evidenced material to justify any harm. This includes how alternative options have been explored and ruled out that would otherwise avoid the resulting harm to heritage assets. Compelling reasons will need to be demonstrated to outweigh any presumption in favour of refusal.

The National Planning Policy Framework

- 4.10 The National Planning Policy Framework (NPPF) was published in March 2012 and sets out the government's approach to the historic built environment. Section 12 of the NPPF deals specifically with this area of policy. Policies relevant in this particular case are as follows.
- 4.11 Paragraph 128 states that applicants should describe the significance of any heritage assets affected, including any contribution made by their setting. 'The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.' A consideration of the applicant's submission in this regard is set out in section 2. The conclusion of this appraisal on the relevant parts of their submission is that they do not sufficiently address the requirements of this policy.

- 4.12 At paragraph 129, local authorities are asked to identify the particular significance of a site and use this assessment when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 4.13 Paragraph 131 states that in determining planning applications, local authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and,
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- 4.14 Paragraph 132 sets out that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.' Paragraph 133 goes on to say substantial harm or total loss of significance may be acceptable only in exceptional circumstances.
- 4.15 As set out above in respect of the Act, harm caused to heritage assets and their setting should be given considerable weight in balancing harm against any suggested public benefits.
- 4.16 Paragraph 134 deals with cases where a proposal causes less than substantial harm to the significance of a designated heritage asset such as a listed building or Conservation Area. It states that any such harm should be weighed against the public benefits of the proposals.
- 4.17 The NPPF also defines 'setting' of heritage assets in its glossary. It sets out:
- Setting of a heritage asset:** The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

- 4.18 Setting is explored further below in the consideration of Historic England's guidance on setting, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning: 3* (July 2015).

Herefordshire County Council Core Strategy

- 4.19 In this case the most relevant policy of the council's Core Strategy (adopted in October 2015) is Policy LD4: Historic environment and heritage assets. The policy sets out the council's approach to dealing with applications affecting the historic environment. It sets out that development proposals should meet a number of criteria. Part 1 of the policy states that proposals should 'Protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance.'
- 4.20 The policy goes on to say that 'The scope of works required to protect, conserve and enhance heritage assets and their settings should be proportionate to their significance. Development schemes should emphasise the original form and function of any asset and where appropriate, improve the understanding of and public access to them.'

Historic England: The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning: 3

- 4.21 Historic England's guidance on setting was issued in July 2015 and replaced an earlier similar document of 2011. The guidance is a useful tool in assessing the effects of proposals on heritage assets and their setting. Part 4 of the document explains the extent of setting noting that 'The setting of a heritage asset may reflect the character of the wider townscape or landscape in which it is situated, or be quite distinct from it, whether fortuitously or by design.'
- 4.22 As noted in the applicant's submission, the guidance sets out that the contribution of setting to the significance of a heritage asset is often expressed by reference to views. The guidance states at section 5 that 'The contribution of setting to the significance of a heritage asset is often expressed by reference to views, a purely visual impression of an asset or place which can be static or dynamic, including a variety of views of, across, or including that asset, and views of the surroundings from or through the asset, and may intersect with, and incorporate the settings of numerous heritage assets.'
- 4.23 A key element of the guidance is its explanation of setting and significance of heritage assets. It establishes that the importance of setting 'lies in what it contributes to the significance of the heritage asset.' The application submission acknowledges that the site forms part of the wider setting but does not sufficiently demonstrate an understanding of what the site contributes to the significance of the heritage asset. An understanding of contribution 'depends on a wide range of physical elements within, as well as perceptual and associational attributes

pertaining to, the heritage asset's surroundings.' Other considerations in relation to setting and significance include the effects of cumulative change on setting, change over time and the ability to view and appreciate setting. On appreciating setting it is made clear that setting does not depend on public views or ability to access it (in contrast to points made in the applicant's submission at 7.5.16 of the ES).

- 4.24 The guidance then recommends a five stage process for proportionate decision-making in cases where setting may be affected. This approach has been used in section 5 of this report to demonstrate the contribution made by the Gillow Manor's wider setting to its significance.

5 Effects of the proposals on Gillow Manor and conclusions

- 5.1 The preceding sections highlight some of the key concerns with the proposed scheme and the applicant's documentation submitted with the application insofar as it relates to the historic environment. Section 2 highlights where a lack of a full assessment of the proposed site, its significance and its contribution to the significance of Gillow Manor results in inadequate and incorrect assumptions on the effect of the proposed scheme on the listed building and its setting.
- 5.2 Section 3 sets out the historic development and architectural and historic interest of Gillow Manor, providing details on its growth and value of a place and providing a summary of its significance. It is evident from the discussion in this chapter that there is so much to Gillow's history and status as a historic building and a historic site – it is impossible to divorce Gillow Manor from its setting and surrounding landscape. Each contributes to the significance and interest of the other.
- 5.3 Section 4 sets out the relevant historic environment policy context and statutory provision in this case, providing one example of recent case law that emphasises the statutory duty of the decision maker to give great weight to the desirability of preserving listed buildings and their setting.
- 5.4 The following paragraphs now consider the effects of the proposed scheme based on an understanding of the proposed development site and its significance, the special interest of the grade II* listed Gillow Manor and the relevant policy and statutory considerations.

General effects

- 5.5 The proposed development site is situated within the wider historic boundary of Gillow Manor although the land is now in separate ownership. The field is one of a number surrounding Gillow Manor that retain their agricultural character and field boundaries and add to the understanding of how the listed building at the heart of it all grew, operated and functioned from its origins until the 20th century. The proposed site forms part of the wider setting of Gillow Manor not only visually but through ownership and close historical associations.
- 5.6 The scale and nature of the proposed development would represent a considerable and unprecedented intervention into the agricultural landscape surrounding Gillow Manor. It would be located on a site which is undeniably part of the setting of Gillow Manor and that contributes to the latter's significance.
- 5.7 The proposals would involve a significant change in local landscape character – they involve substantial excavation that will represent a fundamental change in the long-established local topography and character of outlying areas to Gillow Manor. Gillow Manor and Farm together represent a nucleated development which is relatively intimate and well established and is of historic and architectural interest. The farm

buildings consist of a number of curtilage listed structures that will also be affected by the proposed development. The impact of the proposals on the complex as a whole has not been assessed or considered in the submission material.

- 5.8 The setting of Gillow Manor is given over to agricultural use. While the proposed broiler units would be related to agricultural use, the character and appearance of the development would be industrial in scale and would be an alien feature in the surrounding landscape. There would clearly be a significant fundamental effect on the setting of the highly graded and important listed building and its significance and that effect can only be considered to be harmful. The proposed development would also significantly extend the obvious built form of the farmstead complex, forever changing the established nucleated development and centre of farming activity.
- 5.9 The assessment accompany the application uses visual effects as the main tool for considering impact on Gillow Manor without taking into account the effect on historic associations and the general status and interest of the manor and its context. There is a restricted use of static viewpoints to assess impact – views can help to assess setting and its significance but an assessment should not be limited to simply static views. Views in the case have been used to highlight a lack of the proposed development's impact and effect on Gillow Manor rather than being used in assessing the extent or importance of setting. The established farmstead as a whole is historic in nature and character – none of this has been considered as part of the application.

Policy considerations

- 5.10 The general thrust of national and local historic environment policy is to prevent unjustifiable harm to designated heritage assets and their setting. This policy is of course based on the statutory provision set out at s. 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which establishes that great weight should be placed on the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is supported by case law which sets out that this statutory duty is sufficiently important that it can outweigh other policy considerations.
- 5.11 As a result of this appraisal, and taking into account guidance such as GPA3, the proposed development would cause harm to the significance of the Gillow Manor. The ability of the proposed site to contribute to the significance of Gillow Manor's setting (and its own intrinsic value) would be destroyed as a result of the proposals. The alien feature – in terms of the excavated land, the expansive broiler units and the proposed mitigation features – would be in stark contrast to the surrounding landscape and would detract significantly from the historical and architectural importance of Gillow Manor.
- 5.12 HE guidance on setting sets out clear criteria in relation to the experience of a designated heritage asset. These include surrounding landscape character, views to

and from and around an asset, noise and other nuisances and a sense of tranquillity or remoteness. As noted in section 2 above, views obviously have been considered as part of the applicant's material but none of these other considerations have been given any particular weight.

- 5.13 The photomontage at figure 9 demonstrates how the proposed development will be seen in views from Gillow Manor's property boundary and that the development will be seen alongside the listed building in such views. Figure 10 highlights how the proposed site can be seen from within the listed building itself. All of this highlights the visual effect that the proposal would have on Gillow Manor but there are so many more areas in which that effect would be felt including in terms of noise (during and after construction), light pollution, the effect on historic setting and associations and the general tranquillity and rural nature of the building's setting.



Figure 9: Gillow Manor shown with the proposed development to the left of the listed building.

- 5.14 With all of this in mind, it is considered that the proposed development would cause harm to the significance of Gillow Manor and its setting as noted above. The relevant statutory provision and related case law makes it very clear that in decision making, great weight should be given where harm is caused to the setting of listed buildings – this is undoubtedly the case in this instance given the relative importance and significance of the grade II* listed building.

- 5.15 The National Planning Policy Framework (NPPF) sets out that significance of heritage assets can 'be harmed or lost through alteration or destruction of the heritage asset of development within its setting'. The proposals do not obviously directly affect the setting of the listed building but it is clear that the significance of Gillow Manor would be harmed by development within its setting. The NPPF goes on to say that 'any harm or loss should require clear and convincing justification. That is, while the NPPF goes on to make a distinction between 'substantial' and 'less than substantial' harm, **harm of any kind** requires justification in policy terms.



Figure 10: View from the first floor of Gillow Manor showing the development site beyond.

- 5.16 The justification for the proposals is largely inadequate – while it is set out that there will be perceived economic and biodiversity benefits – there is no justification in relation to the historic environment other than the suggestion that the development would not be visible within five years. As established above, visual considerations are only one element of setting and effect and in any event, the proposed mitigation changes would still represent harm in terms of the listed building's long established rural, arable setting. The assessment of the applicant's submission even indicates that harm would be caused by the proposed scheme.
- 5.17 The NPPF goes on to describe the levels of harm in more detail. Of course, any level of harm should be given great weight in the context of the grade II* listed building

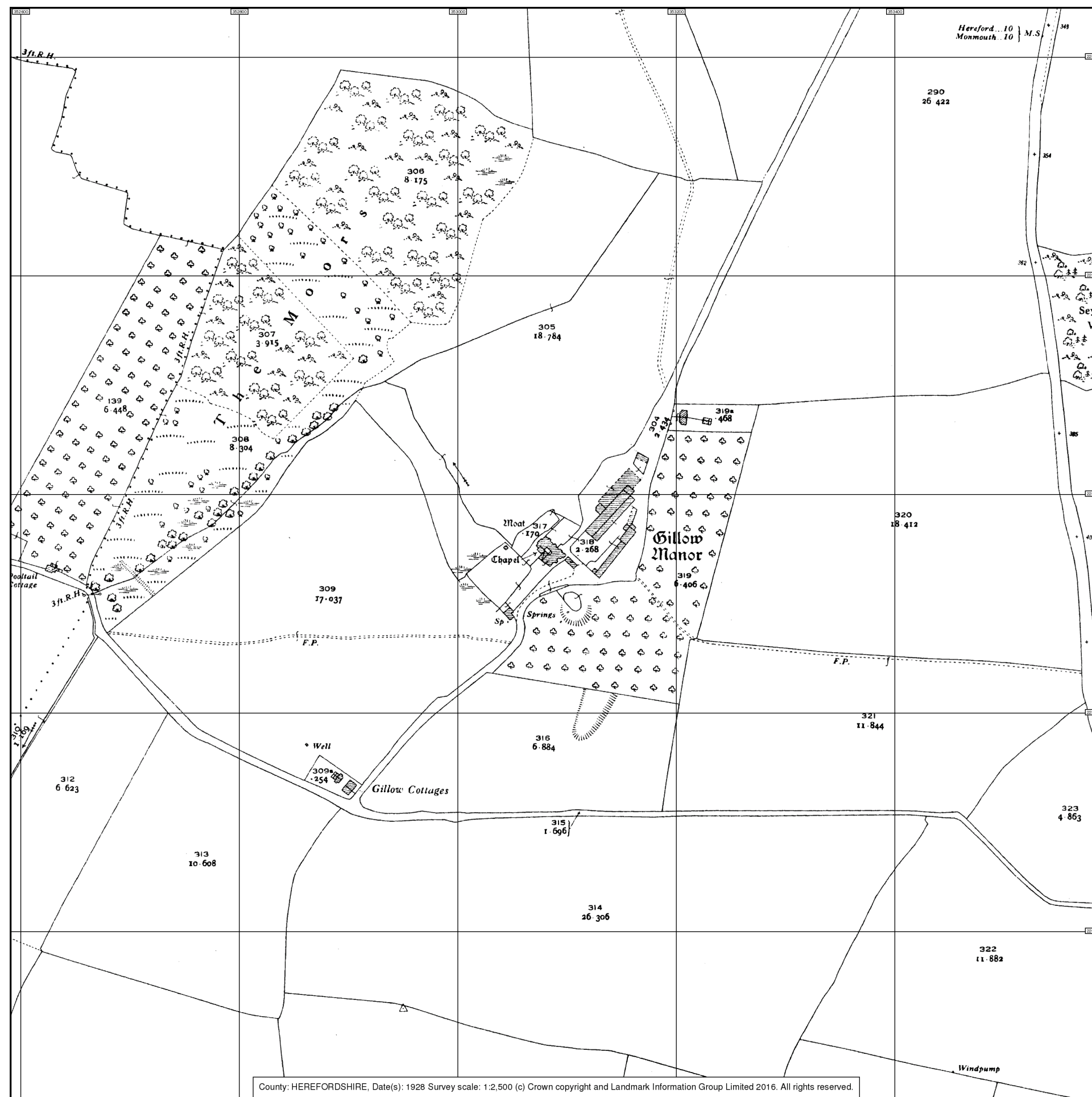
and any harm must be justified. Where harm is caused there is a presumption in favour of refusal unless there are exceptional circumstances that would outweigh that harm. In terms of the NPPF harm can either be 'substantial' or 'less than substantial'. Substantial harm should be wholly exceptional and less than substantial harm has the potential to be outweighed by public benefits (the statutory duty remains the most important consideration).

- 5.18 In its consultation response to the current application, Historic England concludes that the proposed development 'would introduce a new 'industrial' element into the setting that would result in harm being caused to the significance of Gillow Manor because of the scale, massing and appearance of the sheds which would diminish from the experience of this historic landscape of agricultural fields, with small woodland blocks. Additionally, the topography of the site emphasises the scale of the proposed buildings.' Historic England makes no distinction between substantial or less than substantial harm resulting from the proposals – simply that harm would be caused by the granting of planning permission.
- 5.19 The response from the council's Senior Building Conservation Officer also finds that harm would be caused as a result of the proposals setting out that harm would be caused to a highly valued designated asset and that the proposed mitigation would not be successful in addressing that level of harm. The Senior Building Conservation Officer also notes that 'It is considered that the impact of the proposed six poultry sheds and their accompanying feed silos would be an alien feature in this landscape and would start to break down the nucleic character of the important heritage asset due to the distance in between the two sites. This industrial character would be visible from a number of locations within the Gillow Manor complex, including internally on the ground and first floors of the Manor itself, within the gardens and fields to the west of the Manor and in the area surrounding the Cider Barn. In addition Gillow Manor would be visible in the same view as the proposal site from the orchard to the east of the complex.'
- 5.20 As demonstrated in the case law cited in section 4 above, identifying substantial harm in relation to setting is not always straightforward and often, 'the reasonable observer test' would preclude all cases of substantial harm being caused to the setting of designated heritage assets. It is considered within this appraisal that the proposals would cause substantial harm to the proposed site which currently contributes to the significance of the listed building – substantial harm would therefore be caused to an element of Gillow Manor's setting. This in itself would not result in the total loss or substantial loss of significance of Gillow Manor or its setting but it would obviously result in a perceptible and obvious degree of harm to the listed building and its significance. It is therefore considered that in terms of the NPPF, the harm caused to the setting and significance of Gillow Manor would be less than substantial but the harm caused in terms of the statutory provision would remain high. The 'less than substantial' definition obviously encompasses a broad range of harm to virtually none to almost substantial.

- 5.21 Local policy sets out at LD4 of the Core Strategy that development proposals should 'protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance.' Given the level of harm caused to the significance of Gillow Manor and its setting, it is considered that the proposed scheme would not protect, conserve or enhance the highly graded listed building and its setting. The harm is not adequately justified and given the degree of harm caused to the setting of the listed building, harm would not be outweighed by other policy considerations.
- 5.22 The proposed development would be significant and unprecedented and would represent a substantial change to the local landscape, environment and setting of a highly graded listed building. Where such harm is caused, even where there are mitigation proposals or suggested public benefits, the presumption is in favour or refusal given the requirements of the relevant statutory provision.
- 5.23 The applicant's submission pays limited attention to such matters and indeed provides a very limited and restricted assessment of the proposed scheme based only on limited visual considerations. The assessment of Gillow Manor and its significance is very limited and there is virtually no discussion of the curtilage listed buildings or the historic nature of the farmstead as a whole. This is an established and impressive complex of buildings and this group will be affected dramatically by the proposed scheme. Yet none of this is taken into account.
- 5.24 For this reason, and for those set out above, it is considered that the proposed development would cause significant harm to the setting of the listed building and would therefore fail to accord with the provisions of the 1990 Act and national and local historic environment policy. Gillow Manor is a place of such high value and interest that a development of this scale can only be considered as causing harm to its significance and that of its setting.

Appendix A

Historic OS Mapping



Landmark Historical Map
County: HEREFORDSHIRE
Published Date(s): 1928
Originally plotted at: 1:2,500



Mapping: Epoch 5, Date(s): 1974 Survey scale: 1:2,500 (c) Crown copyright and Landmark Information Group Limited 2016. All rights reserved.



Landmark Historical Map
Mapping: Epoch 5
Published Date(s): 1974
Originally plotted at: 1:2,500

Proposed Development of Six Broiler Units at Gillow Farm



Application Site

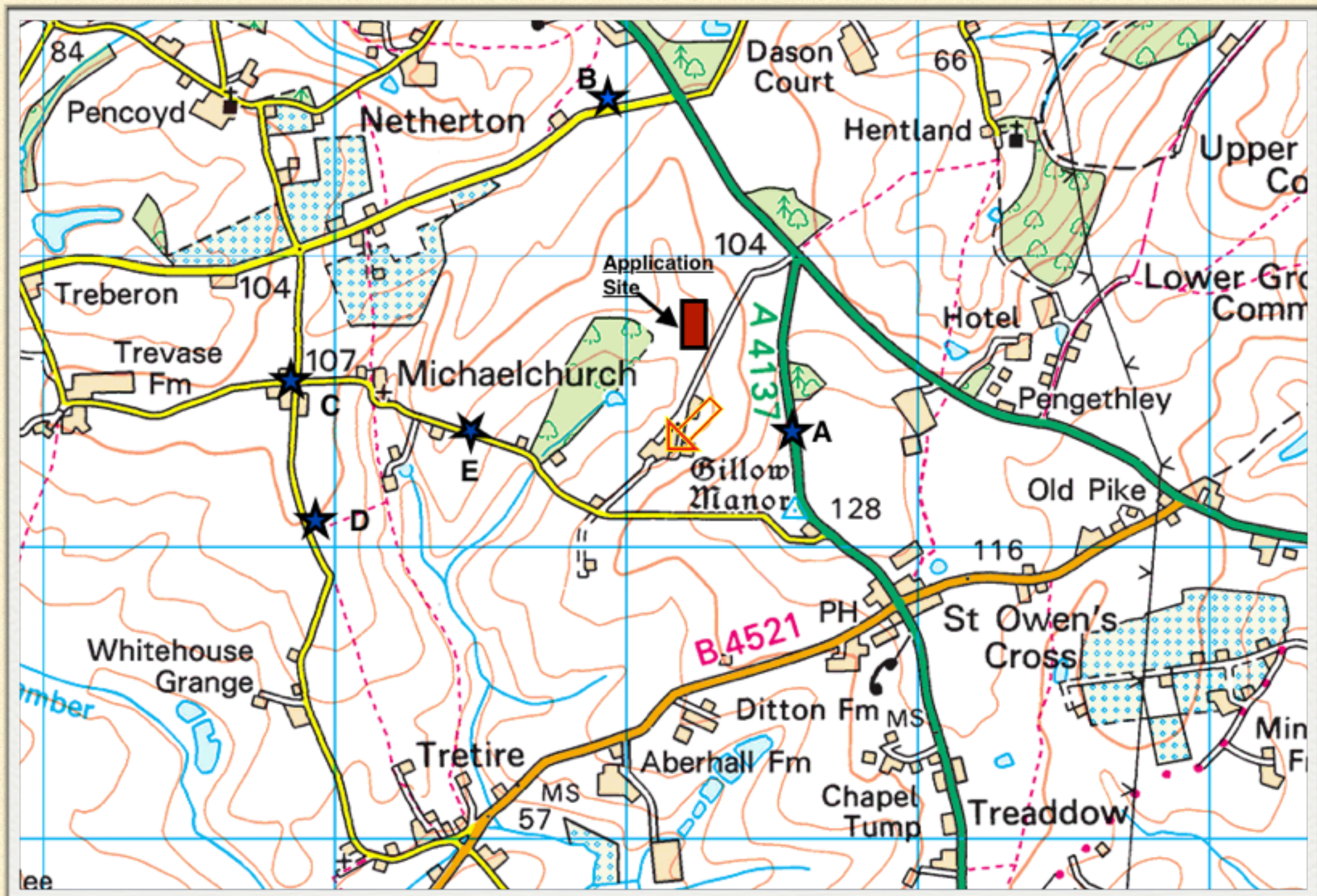
Photographic Survey of Local Viewpoints of Site



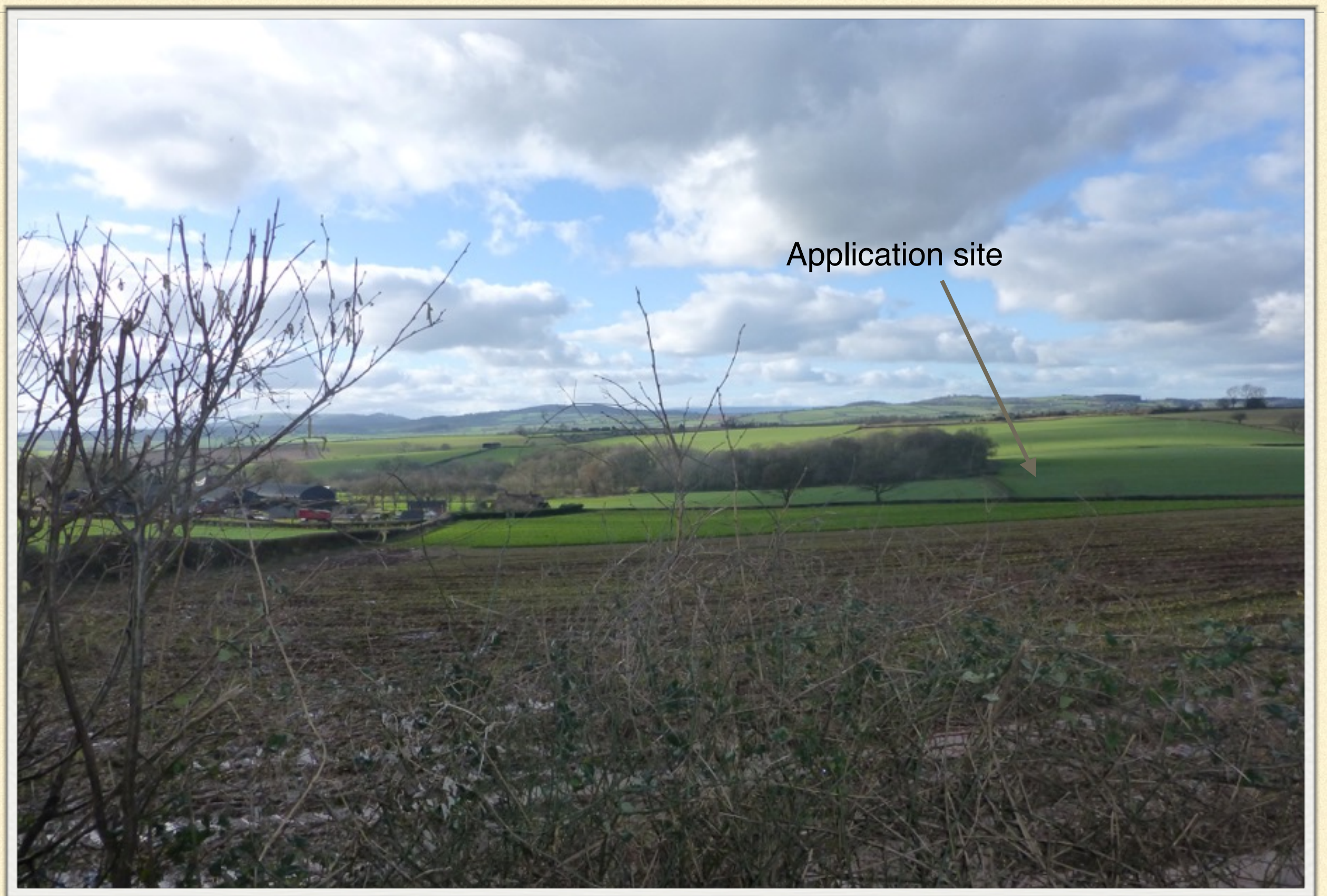
PHOTO-MONTAGE ILLUSTRATING DEVELOPMENT DRAWN TO SCALE ON APPLICATION SITE
DEMONSTRATING POTENTIAL IMPACT ON GILLOW MANOR.



PHOTOMONTAGE OF SITE DRAWN TO SCALE IN VIEW FROM GARDEN OF GILLOW MANOR



PLAN OF PHOTOGRAPH LOCATIONS



WINTER VIEW FROM LOCATION A



Application Site

SPRING VIEW FROM LOCATION A



WINTER VIEW FROM LOCATION B

Application Site



SPRING VIEW FROM LOCATION B



Application Site

AUTUMN VIEW FROM LOCATION C



APPLICATION SITE FROM LOCATION C



Application Site

WINTER VIEW FROM LOCATION D



Application Site

SPRING VIEW FROM LOCATION D



Application Site

SPRING VIEW FROM LOCATION E

Dear Roland

Please find attached the full size photomontages. These are drawn to scale to illustrate the impact of the proposed development on the setting of Gillow Manor and the wider landscape. The final levels of the proposed development may not be accurately represented due to the limitations of super-imposing the drawings onto a photograph and the drawings do not show the proposed landscape mitigation, the likely effectiveness of which is discussed in Appendix One to this objection. The proposed cut and fill would not screen the development from this aspect because the land slopes towards Gillow Manor and its grounds.

The first photograph is taken from within the garden of Gillow Manor. The pond shown can be seen to the centre left of the second image.

best regards

Helen Hamilton

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