

# Rebuttal Landscape Proof of Evidence

**In respect of: Land east of Oxhey Lane, Carpenders Park,  
Watford**

**On behalf of Burlington Developments London Ltd.**

Date: 16<sup>th</sup> June 2026 | Pegasus Ref: P24-2420

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## Document Management.

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## **1. BACKGROUND**

- 1.1. My name is Jonathan Evans. My qualifications and experience are set out in my main Proof of Evidence submitted on the 2<sup>nd</sup> June, 2026.
- 1.2. The evidence which I have prepared and provide for this inquiry is based on my own professional judgement and is presented in accordance with the guidance of my professional institution, the content of which is true to the best of my knowledge and belief and is presented irrespective of by whom I am instructed.

## **2. INTRODUCTION**

- 2.1. This short Rebuttal Proof of Evidence has been prepared in response to a number of points raised in the Landscape and Visual Proof of Evidence (PoE) submitted by Mr Peter Dawson – on behalf of Three Rivers District Council – together with points raised in the Landscape and Visual evidence submitted by Ms Mary Fisher – on behalf of Residents Protecting Oxhey Lane Fields (the Rule 6 Party).
- 2.2. This Rebuttal Proof is deliberately limited in scope and does not seek to cover every landscape and visual related point made in Mr Dawson’s Proof or in the evidence submitted by Ms Fisher. However, it should not be inferred that I agree with Mr Dawson’s, evidence, or that submitted by Ms Fisher, in respect of those points that are not raised here.

## **3. GREEN / GREY BELT**

- 3.1. As set out in the Planning Statement of Common Ground, a number of matters are agreed between the Applicant and the Council, namely the proposals would accord with paragraph 155b and 156(a-c), there are no footnote 7 factors relevant (other than Green Belt) and that proposals would not strongly contribute to purpose (b) or have any impact on purpose (d) of including land within the Green Belt.
- 3.2. On this basis, the area of disagreement relates to the Site’s contribution to Green Belt purpose (a) and whether the Proposed Development complies with paragraph 155(a) & (c). The District Council claims the Site makes a strong contribution to purpose (a) and would not be in a sustainable location. As such the Council is of the view that the Site cannot be considered Grey Belt. I and Mr Allin take a different view and consider that the Site makes no more than a moderate contribution to purpose (a) and all aspects of paragraph 155 and thus can be considered Grey Belt.
- 3.3. It also important to note that two independent legal opinions – instructed by both the District Council and Applicant – are consistent in the view that the Site should be considered Grey Belt. Furthermore, the second legal opinion from the Applicant clearly sets out that the site is in a sustainable location. The Council’s case officer also concluded that the Site should be considered Grey Belt. There is therefore a strong corroboration of informed opinion in favour of this conclusion.

3.4. Paragraphs 8.7 – 8.9 of Mr Dawson’s evidence are concerned with harm to Green Belt Openness. It is acknowledged that, with built development, there will be a loss of openness within the Site, however the physical loss of openness would be limited to the Site itself. As set out in my evidence overall there would be a low level of change to the perceived sense of openness within the wider locality and this particular part of the Green Belt as a result of the proposed housing.

3.5. Whilst Mr Dawson – at §8.11 – sets out the criterion for a site to make a strong contribution to purpose (a) he does not ultimately reach a conclusion regarding the level of contribution that the Site makes to purpose (a).

3.6. Mr Dawson goes on to discuss Green Belt purposes (a) and (c) and notes at §8.13 that:

***“The site is adjacent to the eastern side of Oxhey Lane and alongside the other parcels of land to the east of Carpenders Park, contributes to the Green Belt by checking the unrestricted sprawl of a large built-up area. The site is free of any existing development and not fully contained by physical boundaries and will result in an incongruous form of development.”***

3.7. It would therefore appear that Mr Dawson is of the view that the Site is not fully contained by physical features which together with his opinion that the development will be incongruous leads to the Site performing “strongly”. I consider this to be a misinterpretation of the PPG as at no point does the PPG state that a Site has to be “fully” contained in order for it to contribute “moderately”. The PPG also indicates that an edge-of-settlement site is likely to make a “moderate” rather than “Strong” contribution to the Green Belt where it includes “one or more features that weaken the land's contribution to this purpose”

3.8. As set out in my evidence at §7.9 it is self-evident that the Site exhibits characteristics which weaken its contribution to purpose (a). In terms of physical features which could restrict and contain development these include:

- Oxhey Lane – a permanent physical feature which forms part of the Site's western boundary;
- the mature hedgerow and trees along the Site's northern boundary – which are considered to form a robust, defensible boundary between the Site and land further north. Furthermore, two fields immediately to the north of the Site form Proposed Education Allocation CFS11;
- the extensive mature vegetation within the Merry Hill Woodland Trust land to the east; and
- The flood zone to the south of the site – together with the Hartsbourne Stream Flood Storage Area. The Flood Storage Area is functional floodplain 3b as designated by the Council so clearly forms a defensible boundary against future sprawl to the south.



- 3.9. The permanent, physical nature of the Hartsbourne Stream Flood Storage Area has been confirmed by the EA who state that the extent of the flood storage area is very much part of the operational asset and not just part of the modelled Flood Zones. The EA also advise that this area, which extends along the entirety of the Sites southern boundary, cannot be developed in any way. This confirmation is set out within the email trail contained at Appendix 2 of Mr Allin's Rebuttal Statement.
- 3.10. Additionally, the Site is subject to urbanising influences including existing built-up areas at Carpenders Park to the west of Oxhey Lane and the adjacent, visually prominent Carpenders Park Care Home and 5G telecommunications tower – east of Oxhey Lane. It is agreed in the Landscape Statement of Common Ground (LSoCG) that the Site is located at the urban fringe and therefore built development and the urbanising effects of associated infrastructure and residential development all play a role in the character of the landscape associated with the Site.
- 3.11. For the reasons set out in my evidence at §7 I do not consider that the form of the proposed development would be incongruous but rather would form a logical eastward extension of Carpenders Park, particularly given its well contained nature and the proposed allocation for a new secondary school in the emerging Local Plan (ref: CFS11) immediately to the north.
- 3.12. At §8.20 Mr Dawson draws attention to the Place Services Landscape Sensitivity Assessment and the susceptibility judgements in connection with “openness to Public View, Openness to Private View and perceptual quality”. Notwithstanding these judgements the Site is assessed to be of Medium Sensitivity to built development overall – with no differentiation between the northern field and other fields within the published assessment. It is acknowledged that views from the PRoW would be of high sensitivity giving rise to major adverse effects Year 1. However, I consider that this would reduce to moderate after 15 years with the successful establishment and maintenance of the proposed landscaping. For other visual receptors the level of effect would be moderate adverse at worst upon completion and would reduce over the passage of time with maturing of the landscape proposals.
- 3.13. Consequently, visual effects arising from the Proposed Development are not considered to be significantly adverse overall, in the longer term and in the wider context of the Site.
- 3.14. In terms of private views, for existing residents, I consider that given the size and location of the proposed properties, the distances involved, the orientation of the existing properties and the nature of the views, any effect on outlook would not cross the public interest test. Please refer to §8 of my PoE and Appendices:
- 13 – Illustrative landscape Sections; and
  - 14 – Photomontages representing worst case scenario
- 3.15. At §8.21 Mr Dawson considers that the proposed scheme will undermine purpose (c) of the Green Belt. With regard to purpose (c) I consider that the Proposed

Development would have a slight Impact on the contribution of the remaining Green Belt beyond the Site to this Purpose. However, it should be acknowledged that the most sustainable locations for development will invariably be adjacent to existing settlements that typically comprise countryside. Therefore, in the interests of promoting sustainability, there is an almost inevitable conflict with this Green Belt purpose. It is relevant to note this Purpose is specifically omitted from the NPPF (2024) glossary definition of Grey Belt.

3.16. Ms Fisher sets out her assessment of the contribution the Site makes to purposes (a), (b) and (c) in §5 of her PoE.

3.17. At §5.2.1 Ms Fisher sets out her review against the PPG criteria for a Moderate Contribution to purpose (a). In so doing Ms Fisher considers that:

***“The care home is a single built development on the site of a former farm – insufficient to give rise to an urbanising influence across the entire Site, which has a predominantly rural character and a sense of separation from the housing at Carpenders Park”***

3.18. In common with Mr Allin I consider that this is a wrong interpretation of the PPG. The key test is whether such urbanising influences exist and not the extent to which those influences impact upon the Site. As noted above, in my evidence and in the OCR it is self-evident that the Site is subject to urbanising influences including existing built-up areas at Carpenders Park to the west of Oxhey Lane and the adjacent, visually prominent Carpenders Park Care Home and 5G telecommunications tower – east of Oxhey Lane. It is agreed in the Landscape Statement of Common Ground (LSoCG) that the Site is located at the urban fringe and therefore built development and the urbanising effects of associated infrastructure and residential development all play a role in the character of the landscape associated with the Site.

3.19. Furthermore, Ms Fisher in her own assessment of visual effects (§4.5.2) is keen to point out that there is a reasonable degree of intervisibility between the residential neighbourhood of Carpenders Park and the Site such that with the development as proposed there would be a magnitude of change to views that would generally be medium.

3.20. At §5.2.1 bullet point 3 Ms Fisher acknowledges that:

***“That there are physical features that could provide containment: As I set out in Table 2 above, there are some physical features that could provide containment, but I do not consider that those are sufficient to prevent further sprawl to the south beyond the flood storage and constraint to development formed by the flood zone. ”***

3.21. Consistent with the PPG it is noted that Sites which are likely to make a **moderate** contribution to purpose (a) are likely to be adjacent or near to a large built-up area but include one or more features (my emphasis) that weaken the land’s contribution

to this purpose a, such as (but not limited to) physical feature(s) in reasonable proximity that could restrict and contain development. As noted above in the case of the Site these include:

- Oxhey Lane – a permanent physical feature which forms part of the Site's western boundary;
- the mature hedgerow and trees along the Site's northern boundary – which are considered to form a robust, defensible boundary between the Site and land further north. Furthermore, two fields immediately to the north of the Site form Proposed Education Allocation CFS11;
- the extensive mature vegetation within the Merry Hill Woodland Trust land to the east; and
- The flood zone to the south of the site – together with the Hartsbourne Stream Flood Storage Area. The Flood Storage Area is functional floodplain 3b as designated by the Council so clearly forms a defensible boundary against future sprawl to the south.

3.22. Whilst Ms Fisher takes the view that these features are insufficient to prevent sprawl to the south it is undeniable that the Hartsbourne Stream Flood Storage Area forms a permanent, physical feature which precludes development to the south of the Site – confirmed by the EA who state that the extent of the flood storage area is very much part of the operational asset and not just part of the modelled Flood Zones. Furthermore, extensive and continuous vegetation along the course of Hartsbourne Stream itself forms an additional layer of physical and visual containment in reasonable proximity to the Site.

3.23. With regard to purpose (b) Ms Fisher considers that the Site makes a moderate contribution. I consider that the addition of the Proposed Development on the Site would have a limited impact on the contribution of the remaining Green Belt towards this purpose.

3.24. The Proposed Development would in physical terms be confined within the well-defined Site boundaries. Its impacts would be limited in this context and would not undermine the performance of the wider Green Belt. Extensive areas of Green Belt would still be retained between the inset settlements of Watford, Bushey and Harrow.

3.25. In assessing the contribution that the Site makes to purpose (c) Ms Fisher considers that the Site makes a strong contribution. However, for the reasons set out in my PoE at §9 It is considered that the Proposed Development would have a Slight Impact on the contribution of the remaining Green Belt to this Purpose.

3.26. In considering harm to openness Ms Fisher notes at §5.34 that significant harm would arise from the Proposed Development in both spatial and visual terms. Having regard to NPPF Footnote 55, if the proposal involves Grey Belt land, and is deemed



not inappropriate, as Mr Allin sets out in his PoE, then the policy of impact on openness does not apply.

- 3.27. Nevertheless, I consider that the introduction of the Proposed Development would inevitably introduce built form and reduce the spatial aspect associated with the Site which would be most readily appreciated from the environs of the settlement boundary in the immediate vicinity of the Site, i.e. the adjacent Oxhey Lane and Carpenders Avenue and rights of way, extending through and in close proximity to the Site, causing a limited and moderate degree of harm.
- 3.28. In terms of the visual aspect (perception) of openness, there is already a strong sense of visual enclosure associated with the Site. This is due to the substantial presence of boundary planting, mature tree cover and existing settlement edge development which frames the Site. This aspect of strong enclosure would continue to remain and prevail with the Proposed Development in place, such that from the wider built-up area of Carpenders Park and the countryside within the Green Belt beyond the Site, there would be generally limited visibility of the Proposed Development and as such, there would be a low level of change to the perceived sense of openness within the locality and this particular part of the Green Belt as a result of the proposed housing.

## 4. LANDSCAPE AND VISUAL MATTERS

4.1. At §1.11 Mr Dawson acknowledges that the Place Services consultation responses were satisfied with the approach and methodology taken with the submitted Landscape and Visual Appraisal.

4.2. At §1.12 Mr Dawson states that Place Services were appointed to provide evidence pertaining to the landscape harm of development in the Green Belt and the 'Non-Green Belt' landscape and visual harm, as set out in the Reason for Refusal (RfR). However no specific 'Non-Green Belt' landscape or visual impact reason for refusal is set out in the RfR. Mr Dawson acknowledges this at §1.22 but goes on to note that:

***"Although there is not a Landscape specific Reason for Refusal, Section 4.1.1 (Summary Table) of the Planning Committee minutes lists the Place Services Landscape Architect (9.33) comments as an objection."***

4.3. As far as I am aware the Place Services comments provide advice but do not constitute an objection to the Proposed Development per se.

4.4. At §1.13, Mr Dawson notes that:

***"I have considered the proposed development and the landscape harm directly associated with the proposed development in the Green Belt and the impact this will have on the Site and its countryside setting. I have considered the visual appraisal of the development on various viewpoints within and around the Site area. A site visit was undertaken in early May 2026."***

4.5. It is noted that a Site visit was undertaken in May 2026 however it is not clear whether Mr Dawson has carried out a comprehensive visit of the wider Site context – including all of the relevant viewpoints identified in the submitted LVIA and my own Proof of Evidence (PoE) – to inform his assessment. The limited number of photos at Appendix A suggest not.

4.6. At Appendix A Mr Dawson provides a series of Site photographs (refer to pages 11 – 13). These are not LI TGN compliant – see Visual Representation of Development Proposals LI TGN O6/19 (CD4.37). Furthermore, no photography of the wider Site context is included to support his assessment.

4.7. At §3.2 The Landscape Sensitivity Assessments (Place Services) consider sensitivity to the 'principle' of built development on the sites proposed by Three Rivers District Council, without knowing the specific size or type of potential development. It is agreed that the Site has medium landscape sensitivity to built development as set out in the Three Rivers District Council Landscape Sensitivity Assessment – Addendum III (January 2026) (CD??). It should be noted that this Study does not differentiate between the northern field parcel and the remainder of the Site in terms of sensitivity.

4.8. At §5.11 Mr Dawson notes that:

***"The proposal ignores the sites topography and sensitive characteristics by locating the primary access road at the location with greatest impact. The location of development parcels on the highest point within the site also fail to respond to what is one of the most sensitive features harming the landscape character."***

4.9. On the contrary the consultant team have been very mindful of the Site topography and have sought to avoid placing development on the steeper slopes in the northern field. I defer to Mr Hamshaw on highways matters but note that the access road has been located in the only place where it could sensibly be located from a highways perspective.

4.10. At §5.12 Mr Dawson makes reference to the Place Services Landscape Consultation (November 2025) which states (inter alia) that:

***"The development is fragmenting three of the existing green corridors with the new access road. This is contrary to Policy CP9, which states: "Development will not compromise the integrity of the Green Infrastructure network, by causing fragmentation, damage to, or isolation of Green Infrastructure assets including natural habitats and species."***

4.11. By its very nature – in order to connect the central and southern development parcels – the access road has to pass from the northern field to the other two fields within the Site. It is not agreed that the development undermines the continuity and ecological function of the Site's green infrastructure. The Proposed Development largely retains the internal blackthorn belts and other important ecological features within a comprehensive green infrastructure framework comprising approximately 49% of the Site area, well in excess of the minimum requirements. The Officers Committee Report (OCR) identifies no conflict with Policy CP9 of the CS and notes at §7.8.30 that:

***"In summary, in view of the specialist advice received, it is considered that subject to further surveys / conditions, the proposed development can meet the requirements of Policy CP9 of the Core Strategy, Policy DM6 of the Development Management Policies LDD and accords with the guidance in the NPPF (2024)."***

4.12. This is reflected in the fact that impact on ecological habitats and species is not cited in the reasons for refusal.

4.13. At §5.15 Mr Dawson again makes reference to Place Services Consultation in noting that the submitted LVIA fails to adequately consider the Site's relationship with the wider undeveloped character of Merry Hill and the surrounding landscape to the north and south.



- 4.14. It is self-evident that the Site is physically and visually separated from the wider undeveloped area of Merry Hill and the surrounding landscape to the north and south by the perimeter vegetation including mature hedgerows and trees. Furthermore, it is undeniable that the Site is subject to urbanising influences including existing built-up areas at Carpenders Park to the west of Oxhey Lane and the adjacent, visually prominent Carpenders Park Care Home and 5G telecommunications tower – east of Oxhey Lane.
- 4.15. Whilst Mr Dawson highlights – at §5.18 – that the Landscape Sensitivity Assessment, scores the “*susceptibility Medium High*” under the categories of “*openness to Public View, Openness to Private View and perceptual quality*” it is nevertheless the case that overall sensitivity is assessed as medium and the Study does not differentiate between the northern field parcel and the remainder of the Site in terms of sensitivity.
- 4.16. With regard to Mr Dawson’s commentary at §5.19 it is the case that the Site is visually well contained by physical features and not open to the wider Green Belt between Carpenders Park, Oxhey, Bushey and Harrow. Indeed, it is common ground between the parties that in the local area, existing built form, woodland, tree growth, mature hedgerows and gently undulating topography have some role in mitigating the landscape and visual effects arising from the Proposed Development.
- 4.17. Therefore, any material harm is limited to the Site itself which is an inevitable consequence of developing any green field site. Beyond the Site boundaries the integrity and openness of the Green Belt would be retained.
- 4.18. At §5.24 Mr Dawson suggests that the submitted Illustrative Landscape Masterplan (CD1.12) fails to respond to the highlighted constraints which should have been used to inform and guide potential development. However, I consider that the landscape led proposal responds to the topographical constraints by avoiding the steeply sloping ground in the northern field parcel, albeit it is noted that some development will be located on more level ground above the 100m AOD contour. Existing residential properties within Carpenders Park occupy locations ranging from below 70m up to 110m AOD, on Muirfield Road on the southwestern edge. Further properties in nearby built-up areas – namely Northwood and Bushey – occupy locations up to around 153m AOD.
- 4.19. With regard to sitewide landscape features Mr Dawson focusses on the Site topography as the main ‘material’ constraint whereas a proper assessment balances this against the other Site constraints including established mature trees and suitable offsets from the Merry Hill Woodland. It is noted that Place Services own Landscape Sensitivity Assessment (see page 49) gives the enclosing vegetation a medium high susceptibility rating, whilst the rating for landform and landscape features is medium. Furthermore, in terms of value the assessment notes (inter alia) that:

***“The woodland located adjacent to the site and the hedgerows within increase the natural heritage value.”***

- 4.20. Ms Fisher makes various criticisms of the LVIA in her evidence. It should be noted however that the putative reasons for refusal, OCR and Council Statement of Case did not make any such criticisms.
- 4.21. It is a matter of agreement in the LSoCG that the LVIA methodology submitted with the planning application is generally in accordance with the principles of Guidelines for Landscape and Visual Impact Assessment 3rd Edition, 2013 (GLVIA3).
- 4.22. At §2.4.7 of her evidence Ms Fisher notes that the LVIA does not make reference to the poor condition of the Site. I can confirm that in my view the Site is indeed in poor condition as confirmed in §3.10 of my evidence. The existing landscape features including trees, land cover and boundary vegetation making up the character of the Site are generally suffering from a lack of positive management, noting there are gaps in some of the boundary hedgerows and that extensive areas of blackthorn scrub and ruderal vegetation are encroaching into the currently unmanaged field parcels.
- 4.23. At §2.4.14 Ms Fisher refers to the TRDC SoC and notes (inter alia) that:  
***“TRDC indicate that they also consider that landscape impacts also weigh negatively against the proposed Development. I also agree with this point, which is consistent with the analysis in the Committee Report...”***
- 4.24. Notwithstanding this it is common ground with the Council that the minuted resolution of the Planning Committee on 19 March 2026 contained no landscape reason for refusal nor mandate from Members of the Planning Committee for such grounds for an individual reason for refusal to be pursued by the Council. This is reflected in the fact that there is no landscape or visual reason for refusal.

### **Design and Mitigation**

- 4.25. At §3.2.2 Ms Fisher notes that:  
***“The LVIA [CD 1.36] does not identify any aspect of the design as mitigation. Paragraph 1.13 of the LVIA refers to the illustrative design plans (rather than the Parameter Plan) and states that effects are “assessed on the assumption that the proposals are delivered in line with these drawings”. This has the effect on making the Year 15 outcomes illustrative, rather than reliable.”***
- 4.26. Whilst it is acknowledged that the Landscape Proposals (CD1.12) are illustrative at this outline stage it is clear from the submitted Parameter Plan (CD1.10) that the Proposed Development includes a significant quantum of Green Infrastructure (GI) – representing approximately 49% of the Site area, well in excess of the minimum requirements. The Illustrative Landscape Proposals demonstrate one way in which the Green Infrastructure can be delivered, however ultimately a firm commitment to deliver appropriate mitigation in the form of detailed landscape proposals can be secured by way of suitably worded conditions.

4.27. At §3.2.6 Ms Fisher notes (inter alia) that:

***“...the illustrative masterplans shown in the visualisations [CD 1.7] and on page 42 of the Design and Access Statement [CD 1.27] do not include the woodland planting shown around the northern edge of the development in the Illustrative masterplan [CD 1.11]. Omission of this planting would mean little or no mitigation of the greatest effects – as these arise primarily from views towards the Proposed Development on the skyline from Carpenders Park and the public footpath through the Site. Given this lack of certainty over the delivery of mitigation, the Year 15 assessments provided in the LVIA, effects should be considered as being permanently the same as those identified for Year 1.”***

4.28. The Illustrative Landscape Proposals have been updated following amendments to the scheme during the determination process and consequently the visualisations (CD 1.7) do not reflect the latest iteration of the proposals. The Type Visualisations included at Appendix 14 of my PoE have been prepared to represent the latest version of the Illustrative Proposals at years 1 and 15 in winter representing a worst-case scenario view from Carpenders Avenue. For completeness I also include a version representing the view in summer – at Appendix 1 of this rebuttal – to demonstrate the level of screening achievable with foliage on the vegetation. As above it is the case that matters of detail incorporating the proposed mitigation planting can be secured at the detailed design stage with appropriately worded conditions.

4.29. In summary Ms Fisher notes at §3.2.10 that:

***“...as a result of the lack of identification of specific measures as mitigation; and reliance on illustrative designs, the Year 15 assessments provided within the LVIA [CD 1.36] and LVIA Addendum [CD 1.66] are better categorised as hopeful rather than robust.”***

4.30. Again, whilst illustrative at this stage a firm commitment to deliver appropriate mitigation in the form of detailed landscape proposals can be secured by way of suitably worded conditions.

4.31. At 3.2.24 Ms Fisher concludes that:

***“The design in terms of the extent and height of built development is poorly secured via the application documents, and the proposed woodland planting is not included in the design parameters and may not be fully effective due to the steeper slopes at the northwest edge of the Site and the apparent design intent of delivering trees within understorey rather than denser woodland. Given this, landscape and visual effects may exceed those described in the LVIA [CD 1.36] (at all stages including Year 1), and the Year 15 assessments should not be relied upon.”***

4.32. The Building Heights Parameter Plan clearly sets out maximum height parameters for the development parcels across different areas of the Site. The Type 3 visualisations prepared to inform my PoE and included at Appendix 14 – together with the summer views attached at Appendix 1 of this rebuttal – depict the scheme upon full completion of all the earthworks, buildings, and road infrastructure and landscape proposals which are considered to form embedded mitigation. Two photomontages are included for each viewpoint, namely;

- Year 1 upon full completion; and
- 15 years post full completion.

4.33. The 15 years post full completion photomontage is used to convey the residual effect of the landscape and planting proposals after 15 years of growth and appropriate management.

4.34. The assessments of landscape and visual impact set out in the summary tables at Appendices 16 and 17 of my PoE represent the Illustrative Landscape Masterplan proposals which form an integral component of the Proposed Development. It is anticipated that the subsequent detailed design and management works for the landscape and GI areas will be advanced in close collaboration with the relevant authorities and other technical and environmental professionals. Effective management of the landscape will help ensure that the Green Infrastructure and habitats created are maintained and able to establish themselves properly and will create places which help deliver social as well as environmental benefits. As noted above I consider that the detailed landscape proposals can be secured by way of suitably worded conditions.

#### **LVIA Methodology and Application**

4.35. At §4.1, Ms Fisher correctly notes that the methodology for appraising landscape and visual effects described in Appendix 2 of the submitted LVIA generally follows best practice guidance as stated in the appendix.

4.36. However, Ms Fisher then goes on to state that in her opinion there has been an inconsistent application of the methodology. Having reviewed the submitted LVIA I would refute this view and consider that the methodology has been applied in an appropriate manner for the proposals in question. It should be noted that the methodology provides guidance for the assessor but ultimately when considering the level of effect an informed professional judgement should be made – as advocated by GLVIA3, for example when considering the susceptibility of visual receptors including residents of Carpenders Park, South Oxhey, Bushey and Oxhey.

4.37. In the case of the Proposed Development, existing residents already have foreground views dominated by residential properties and/ or highway infrastructure – see CD1.36 Figure 8 – Viewpoints 3, 13, 15, 16, and 17. The existence of these elements reduces the susceptibility of the views to the type of development proposed, that is introducing residential development and access roads into a view which is already

dominated by existing residential properties or highway infrastructure. Furthermore, principal views for the majority of the dwellings identified are oblique to or orientated away from the Site.

- 4.38. Ms Fisher's view that the susceptibility is "high", the very top of the scale, fails to take into account the existing context of the views and orientation of existing residential properties with principal views fronting onto roads, often with other residential properties directly opposite at close range. Combining a medium value with medium susceptibility results in an overall medium sensitivity, as set out in the LVIA.
- 4.39. Ms Fisher goes on to discuss the SZTV (CD1.36 Figure 6) at §4.1.10 – 4.1.12. Whilst Ms Fisher is partially critical of the ZTV study she does not produce her own ZTV study to inform her assessment and concludes that:

***"...site work indicates that the ZTV study provides a reasonably accurate guide".***

#### **Landscape and Visual Effects**

- 4.40. Notwithstanding Ms Fisher's comments at §3.2.24 of her evidence Ms Fisher by her own admission she goes on to carry out her assessment considering the potential for mitigation of landscape and visual effects by the proposed planting.
- 4.41. In carrying out her assessment of visual impacts and impacts upon openness of the Green Belt Ms Fisher has prepared a series of views modelling the Proposed Development to illustrate the potential scale and location of new buildings, she does not provide a methodology for the production of those views. Furthermore, the visuals prepared by Ms Fisher do not appear to be fully compliant with the guidance set out in Technical Guidance Note 06/19. It is therefore considered that these should be treated with caution.
- 4.42. I proceed to explain why Ms Fisher's visualisations do not follow best practice and therefore cannot be relied upon as accurate visual representations of the proposal.
- 4.43. GLVIA3, Chapter 8, provides guidance with regard to presenting information on landscape and visual effects and specifically addresses the matter of the preparation of photomontages as visualisations from para. 8.18 onwards. I note that at para. 8.19, it states that to meet the rigorous requirements of planning applications and public inquiries, photomontages must be technically accurate. It notes at para. 8.20 there is specific guidance on preparing and representing visual representations which is widely used elsewhere. In preparing photomontages, it notes key requirements.
- 4.44. The summary on pg. 153 of GLVIA3 notes that photomontages need to reflect this guidance and other relevant guidance.
- 4.45. I note that subsequent to GLVIA3, the Landscape Institute has issued a technical guidance note (TGN06/19), dated September 2019 entitled Visual Representation of

Proposed Development. This is a comprehensive document addressing visualisations, Types 1-4. I draw attention to some of the key points where Ms Fisher has not followed best practice in the preparation of visualisations.

- 4.46. Table 2 explains Types 1-4 and explains the requirements needed for Type 3 and Type 4 visuals. Ms Fisher states – at paragraph 2 of her Appendix B – that the 40-degree views she has prepared:

***“...are equivalent to single frame Type 3 Visualisations as advised by Landscape Institute Guidance (LI TGN 06/19 Visual Representation of Development Proposals), with the main difference being that the photography has been taken using an iPad camera rather than a DSLR with a fixed 50mm lens.”***

- 4.47. Section 4.4 of TGN06/19 notes at Table 4 the suitable photographic information and refers to a full frame sensor camera (FFS) as appropriate, which is required with a fixed focal length lens of 50mm. Ms Fisher acknowledges that her site photography has been undertaken with an iPad camera rather than a DSLR with a fixed 50mm lens. At no point is this listed as suitable equipment within the TGN.
- 4.48. At para. 4.4.9, the document notes panoramic images are required to capture the site and specifies the image size. A summary is provided on pg. 20 and notes that a full-framed sensor camera with a 50mm lens should be used to prepare Type 3 visualisations.
- 4.49. Appendix 10 sets out the technical methodology required and notes that the 3D model source of topographical height data and its resolution needs to be specified, together with an explanation of how the 3D model of the proposal and the camera locations have been placed in the software based on survey coordinates. Appendix 10 also lists the information that should be supplied within an overall Technical Methodology. Ms Fisher has not followed this practice.
- 4.50. Best Practice Guidance is also Provided in the Scottish Natural Heritage Document dated February 2017, Visual Representation of Wind Farms. This is also used to Assist in Best Practice.
- 4.51. Para. 91 specifies information to be recorded with regard to viewpoints. Para. 93 notes all viewpoints should include a short description to make it easy to find the exact viewpoint location.
- 4.52. I note that Ms Fisher does not set out a rigorous methodology for the preparation of her visualisations as required by best practice. Furthermore, Ms Fisher does not supply the necessary data alongside her visualisations required by TGN 06/19. As such, the visualisations, as presented, cannot be relied upon to be technically accurate.

4.53. At §4.1.7 Ms Fisher notes that:

***“As shown by Figure 6, visibility from most areas of townscape in the LVIA study area would be relatively limited, occurring around settlement edges at distances of 1km or more. In this context, effects on the character of those settlements would be expected to be Negligible. However, more extensive visibility is shown from nearby Carpenders Park and to a lesser degree South Oxhey. These areas have a different character to that of the Site and specific consideration of effects on the townscape character should have been provided in the LVIA. No rationale is provided for this omission in the LVIA, or in the LVIA Addendum”.***

4.54. It is noted that no such townscape assessment was requested by TRDC or was referenced in Place Services comments. It is therefore considered that TRDC were content that the information submitted was sufficient to validate the application and reach an informed decision. As noted by Ms Fisher above *“visibility from most areas of townscape in the LVIA study area would be relatively limited”*.

4.55. At 4.2.5 Ms Fisher acknowledges that effects upon visual receptors at South Oxhey, Bushey Heath, Oxhey, Carpenders Park Lawn Cemetery, Hartsbourne Golf Course, and London Loop footpath are agreed to be negligible.

4.56. At 4.3.4 Ms Fisher notes that:

***“The LVIA reports beneficial effects on trees and hedgerows based on the illustrative design and as such these should be regarded as potential outcomes rather than likely or definite.”***

4.57. As noted above, these potential benefits can be secured with a detailed design in response to an appropriately worded condition.

## 5. CONCLUSION

5.1. In conclusion, none of the points raised above, by either the Council’s landscape witness – Mr Dawson – or the Rule 6 witness Ms Fisher, has led me to differ from the conclusions I presented in my Proof of Evidence.



## Appendix 1: Type 3 Visualisations







## METHODOLOGY

### Overview

Pegasus Planning Group use methodologies compliant with relevant sections of the current guidelines for photography, photomontage and TYPE 3 production included within:

- The Landscape Institute Technical Guidance Note 06/19
- Scottish Natural Heritage (SNH) Visual Representation of Wind Farms (February 2017, Version 2.2).

The Type 3s within this document have been produced using a consistent methodology using Camera Matching techniques. Camera matching is the process of replicating real-world camera parameters (position, orientation, projection and focal length) in a 3d virtual environment, enabling the production of mass models and photo-realistic renders of development proposals to be overlaid on baseline photography to the correct scale and orientation.

### Definition and Classification of TYPE 3s

Landscape Institute Technical Guidance Note: Visual Representation of Development Proposals (17 September 2019) defines an Type 3 as:

*Type 3 visualisations are photomontages or photowires (photographs with wireline overlays) where site photography forms the basis of the imagery, which is then overlaid by a 3D wireframe, massing or rendered model. Type 3 are suitable for representing proposals where precise perception of scale of the printed image, and the highest levels of locational accuracy, are not necessary. If the key criteria for Type 4 cannot be guaranteed, then the visualisation will be classified as a Type 3. 'Type 3' should be clearly stated on all visualisations.*

### Site Visit and Viewpoint Locations

Each viewpoint is carefully chosen based on a combination of information, these include; zone of theoretical visibility (ZTV) analysis, strategic importance, open dialogue with local authority, and site walkover. Once the project team had agreed the exact locations, a photograph was taken which formed the basis of the study. The surveyor established the precise location of the camera.

Site photography was taken in **June 2026** by Pegasus Planning Group. The viewpoint locations were recorded using photography and the exact GPS data of the position of the camera was recorded.

### Photography

For each agreed viewpoint location, a high resolution photograph was taken with a 35mm (full frame) digital SLR camera, The camera was set up at a height of 1.5m to replicate an eye level view from the specified position. The location at which the photograph was taken and GPS positions recorded and photographed. The camera was levelled horizontally and vertically by means of a tripod mounted levelling base and two camera mounted spirit levels.

### Lens Selection

In order to capture the full extent of the proposed development and an appropriate amount of contextual built form a 24mm lens (73.7° horizontal field of view), or a 50mm lens (39.6° horizontal field of view), were used.

### Photography Equipment

- Canon EOS 5D MkIV digital SLR camera (35mm)
- Canon EF 24mm f/1.4 USM Lens
- Canon EF 50mm f/1.4 USM Lens
- Tripod indexed pan head
- Levelling base with spirit level

### Photography stitch

The frames are stitched in PTGui software to the field of view required and specified in guidance documents. The detail is documented in the footer of each presentation page.

### Photography Post Production

Where necessary standard image post production techniques were used, including curves, sharpening and levels. Should post production be required to a baseline viewpoint image the details of such are included in the Viewpoint Information table. Any exceptions to the applied policies or deviations from the methodology are clearly described.

### The Development Proposal

Pegasus Planning Group created the models using 2D elevations/ site plan drawings provided by the project architect. The building models were located to the height of existing LiDAR site survey topo, outlines of building footprints were used to guide indicative house modelling to 8.5m heights from floor to roof ridge. Landscape model is based on P24-2420\_EN\_O8E Illustrative Landscape Proposals drawing.

### Documentation

The images are annotated with the following information:

- Unique identification code (Viewpoint Reference Number)
- Textual description of viewpoint location and direction of view
- Method
- Co-ordinates of camera position, height and tripod height
- Camera model and lens
- Focal length
- Image orientation
- Image horizontal field of view (HFOV)
- Time of day and date for any source photography
- Map and site photography showing location of camera position

### **Photographic Alignment within the 3D Environment**

The 3D model is combined with Environment Agency Lidar data where available into one file, this is then imported to 3ds Max, a 3D visualisation software package.

A virtual camera is created within 3ds Max using the real-world camera location and field of view (FOV) based on the camera and lens combination selected for the shot .

The annotated photograph is inserted as a background to the view, to assist the Visualiser in aligning the surveyed data to each corresponding background point, based on the Camera Matching Technique.

Using this virtual camera, a render is created of the aligned model at a resolution to match the baseline photograph. This is overlaid onto the baseline photograph to assess the accuracy of the alignment.

### **Final Rendering and Post-Production**

The final render is exported to the same resolution as the baseline photography. Multi pass renders are exported to give the visualiser more control in enhancements of the final image. These multi passes may included but not limited to Selection Mattes, Reflections, Refractions, Shadows, Lighting, Ambient Occlusion and Global Illumination.

The multi pass renders are layered within Adobe Photoshop and blended together to produce the correct level of detail and photo-realism. Finally masking is applied to the image. Endless aesthetic effects can be applied to the rendered image to enhance the realism of the final image and/or make adjustments as a result of proposed material changes. However, the visualiser always attempts to be faithful to the proposed design within it's chosen site.

The final images are then saved in an appropriate format for inclusion within the visual document.

### **Photowire Output**

When shown in Photowire output, the process is the same as fully rendered with exception presentation in the photo. The 'wire' is produced using the alpha channel of the render, this uses the most outerlying edge of the model form. This edge is marked with a solid line where it appears visible in the view, and a dashed line where the view is mitigated by foreground elements present in the view including vegetation, terrain, existing and proposed structures.

### **Software Used**

- AutoCAD
- 3ds Max 2026
- V-Ray 7 for 3ds Max
- PTGui 12.2
- Adobe Photoshop
- Adobe InDesign

Town & Country Planning Act 1990 (as amended)  
Planning and Compulsory Purchase Act 2004

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