

Elizabeth Landmark (20/00698/FUL)

Prepared by: Jo Rogers
 Approved by: Peter Gillan
 On behalf of: Viscount T. Devonport
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1. Summary

Northumberland County Council commissioned Wood Environment & Infrastructure Solutions UK Limited (hereinafter referred to as “Wood”) to review the Landscape and Visual Impact Assessment (LVIA) produced by Southern Green Landscape Architects (Southern Green Ltd) which was submitted in support of the application for planning permission for:

Construction of a publicly accessible landmark, commissioned to commemorate Queen Elizabeth II and the Commonwealth on Land At Cold Law, Kirkwhelpington, Northumberland | Planning application reference: 20/00698/FUL.

This response note has been collectively prepared by Ethical Partnership (Planning Agent), Southern Green (Landscape Architects), Simon Hitchens (Artist) and Matthew Jarratt (Curator) to address the criticisms of the LVIA raised in the Wood Review document. At the outset, we emphasise that the Wood Review goes far beyond the scope of a review of matters covered by the LVIA and/or landscape and visual impact issues generally. This is regrettable because some of the queries raised by Wood serve only to demonstrate a misunderstanding and/or a failure properly to appreciate the full suite of documentation submitted to support the application for planning permission. For this reason, these criticisms, as presented in the Wood Review, are not robust and should be given no, or very little, weight in considering the merits of the planning application. As to the landscape and visual matters that are raised in the Wood Review, we respond to them in this note. We remain firmly of the view that the submitted LVIA represents a robust assessment based on well-established methodology.

For the sake of clarity, this response follows the same structure as the Wood Review itself, with section headings matching those of the review. The numbering included within the below paragraphs follows that of the LVIA and the Wood Review, as per the table below:

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2. Section 1 and 1.1.1: Overview and Scope

1.1.1 As trailed above, it should be noted that, in spite of the title of the Wood Review being 'LVIA Review', the detail in the scope confuses this mission by stating that its purpose is to 'undertake a review of the landscape and visual issues associated with the proposed development...'. This statement appears to suggest that Wood proposes to carry out its own Landscape and Visual Impact Assessment, rather than – as requested by Northumberland County Council ("the Council") – commenting on the soundness of the LVIA. Unfortunately, this confusion is exacerbated where the Wood Review frequently strays into a critique of the design or location of the sculpture itself, which is plainly a separate issue to the soundness or otherwise of the LVIA. Such criticisms, therefore, should be disregarded insofar as the Wood Review purports to appraise the LVIA.

The Overview suggests that the Wood Review is to be a review of the LVIA "in the light of":

- The Council's Strategic Planning Committee's refusal of the previous application (19/00247/FUL) – i.e. the original application for planning permission for the sculpture, for which the LVIA was originally produced as a supporting document;
- The response from the 'Keep the Wannies Wild Group' ("KTWW"); and
- The original review of the LVIA, as commissioned by the Council, in response to the previous application (19/00247/FUL) by Stephenson Halliday.

This brings four separate aspects into the review:

- 1) The LVIA as a document within its own right
- 2) The decision-making process and outcome of the Strategic Planning Committee
- 3) The representations made by 'Keep the Wannies Wild'
- 4) The original review of the LVIA, undertaken by Stephenson Halliday Ltd.

3. Section 1.1.5 – 1.1.6: Location

1.1.5 The Wood Review suggests that the selected location of the proposal close to a wind farm could negatively detract from the landmark. This is misconceived. Quite apart from the fact that the matter of location of the proposal should have no material bearing upon any proper review of the LVIA, in fact the windfarm setting and local history of turbine engineering by Parsons is part of the inspiration for the piece as described in the artist's information. We would also disagree with the erroneous assertion that the landmark should, therefore, be treated as equivalent to another wind turbine for the purposes of assessment, particularly as wind turbines are notable for the rotation movements of the blades and large cluster groupings.

1.1.6 The Wood Review suggests that the Landscape Capacity Assessments carried out to inform previous wind development in the area should be reviewed and used to inform whether the proposed landmark should effectively be treated as an additional wind turbine in a landscape where it is speculated by Wood that wind capacity may have already been reached. Again, this observation is misplaced. Such Landscape Capacity Assessments are relevant where vast tracts of landscape are considered strategically to consider capacity to accommodate placings of groups of wind turbines, but they are not appropriate to inform the placing of a single, bespoke artwork.

4. Section 1.1.10 Development Description

1.1.10 Wood's description is largely factual until the reference to '*distracting and competing features (wind farms, masts)*'. This description has wrongly strayed into a negative judgement, rather than purely a description of the development, and fails to recognize that the mixed visual qualities and engineering history of the landscape setting are part of the reason the landmark has been placed there, and also part of the inspiration for the artist's response.

5. Section 1.1.11 – 1.1.12 Planning Background

The planning application includes a comprehensive assessment of the way in which the proposed development recognises the "intrinsic character and nature of the countryside in this location" (see, for example, the Planning Statement and Design and Access Statement). This is neither recognised nor acknowledged within the Wood Review.

6. Section 1.1.13 – Placing landmark sculpture in the landscape

1.1.13 This section should be wholly disregarded. It falls entirely outside the scope of an LVIA review, and would require expertise in the *'placing of landmark sculpture in the landscape'*. The Elizabeth Landmark project was carried out under the guidance of international arts advisor Matthew Jarratt. It would not be in the scope of an LVIA to advise on the design and purpose of a large-scale landmark sculpture. The purpose of the LVIA is to consider the effects of the development upon landscape and visual receptors to assist the planning authority in reaching a decision. In the case of a more common development such as a factory, a Landscape and Visual Impact Assessment might also seek to inform the design to reduce impacts, but in the case of a landmark intended to be seen, this element is less appropriate.

Furthermore, the Wood Review questions the *"need, purpose and objectives for the sculpture"*. This is another example of the Wood Review straying beyond its proper scope. As a matter of planning policy, these matters are not relevant to any proper assessment of the planning credentials of the proposal presented. They should be disregarded.

7. Section 1.1.14 – 1.1.15: Landscape and Visual Impact Assessment Limitations

1.1.14-5 The Guidelines for Landscape and Visual Impact Assessment (GLVIA3) remains the correct guidance for LVIA and encourage concise reporting at a level of detail proportionate to the development in question (historically there has been criticism of some firms using overly complicated reports which may cloud LPA decision making). However, the Wood Review goes on in 1.1.15, and in later paragraphs, to suggest various ways in which the LVIA could be expanded significantly to make a much more complex and multi-layered report. Just one example is the suggestion of a cumulative assessment drawing on previous reports and decisions connected to local wind farms (Cumulative Assessment is required in EIA but is not required in LVIA). This suggested approach is unnecessary, would 'add padding' to the report, delay the process, be excessively complex and would be neither useful nor material to the decision making of the LPA.

8. Section 2: Review of the LVIA

The comments in the Wood Review are presented in tabular format and include a number of minor nuanced points that are 'to note'. In order to try and keep this response concise, the focus is generally upon those points labelled as 'major' since the minor points are unlikely to materially affect the robustness of the LVIA.

1.3.1 This first 'major' comment illustrates the confusing approach to this review taken by Wood. This point does not relate to LVIA matters at all. Instead, it is a design query seeking clarification about the rationale of the height of the sculpture and, again, reveals Wood's failure properly to appreciate the detail of the submission. The answer to this query lies, correctly, in the Design and Access Statement and submission drawings along with all matters relating to the artist's approach to this artwork.

2.1.10-2.1.13 Sequential views are discussed in the narrative without necessarily illustrating sequences of views through a series of photographs. This is because in this open landscape the views often change gradually, therefore single representative viewpoints were selected (unlike a more enclosed landscape where view sequences often change radically over a short distance). Additional viewpoints would not impart new information or be material to a decision in respect of the application.

2.1.14 This is a 'major' point but is just stated as 'to note'. We reject the suggestion that receptors have not been properly considered in the selection of viewpoints. To the contrary, the viewpoints were carefully selected in discussion with the Council and the National Park Authority ("NNPA") in order fully to consider the effects upon users of recreational routes, cycle routes, roads, residential routes and also from heritage locations to where people may be drawn. The spread of receptors also included a good range of short, mid and long-range receptors from all aspects of the study area. In its response to the pre-application request, the Council included a request that the LVIA include references to Scheduled Monuments and listed buildings within 3km, and to consult the NNPA with regard to viewpoint selection. Viewpoints related to the National Park were suggested by Colin Godfrey of NNPA on page 23 of the Pre-Application advice issued by the Council on 16.10.18. Therefore, the selection of viewpoints was informed directly by discussions with both the Council and NNPA.

This point also states, still as a 'major' comment, that *'use of standard LVIA methodology (suitable for assessing utility development) has been used to assess a piece of sculpture'*. It should be noted that the applicant was asked by the Council to provide the LVIA and the scope requirements were set out in the Pre-Application advice issued by the Council on 16.10.18. There was no suggestion from the Council that a non-standard approach or methodology was required, and indeed the point of following nationally accepted standards and guidelines is obvious - to provide a fair assessment tool (a 'level playing field') which is adaptable for all forms of development.

2.1.29 'The LVIA does not discuss alternative designs or sites'. Again, this assertion does not withstand scrutiny. There is no requirement for Landscape and Visual Impact Assessments to do this (as opposed to EIA). However, in this case it is obvious that where a bespoke artwork has been commissioned to respond to it in a particular location, it would be entirely inappropriate to embark on an assessment of alternative sites, or to suggest other 'designs', particularly since the pre-application public consultation process considered three alternative sculptures which were tested with the local community through an engaging process a public consultation process (please refer to the Statement of Community Engagement submitted with the planning application; in particular Section 3: Engagement with Local Community, Section 6: Influencing the Scheme, and Appendix A: Engagement Materials).

In the case of the associated car parking proposed to serve the landmark, the LVIA was usefully used as a tool to inform the design to minimise landscape and visual impacts including layout, landform design and materials, since this does not form part of the landmark itself. For example, from the mitigation recommendations in Section 5 of the LVIA, it was recommended that planting should not be relied on for screening the car park since this would be out of character in this open landscape. Instead, gentle earth bunding and curved drystone walls, inspired by a nearby sheepfold, are used to create screening to minimise visibility of cars in the car park especially in views from the south, which were identified in the LVIA to be more open. This is a robust and responsible approach.

2.1.36-2.1.38 Unfortunately, the reviewer has not understood the approach taken in the LVIA to the assessment of sensitivity of the landscape and visual receptors identified. To clarify:

Where the standard guidance applies to a scenario, then this is used by preference. For example, in the methodology table provided in Section 2 of the LVIA, a road user is typically classified as having 'medium' sensitivity so we would use this in cases where we agree. In the example extracted by Wood, the LVIA considered that in this scenario, a scenic road with higher value views, the receptor sensitivity should actually be classed as higher than the standard guidance. The text description in the LVIA simply explains how the receptor sensitivity of 'high', rather than the standard 'medium', has been determined. Rather than founding a criticism of approach, in fact this example demonstrates the rigour and professional integrity applied to the LVIA.

Cumulative assessment- As stated previously, cumulative assessment is not a requirement for the LVIA and we reject any suggestion that the sculpture should be considered as, in effect, another wind turbine. Cumulative Assessment is most frequently used to assess other planning applications in the area, either approved (but not yet constructed) or those coming forward in the planning process. In this case, Wood are suggesting that the cumulative assessment should consider the turbines that are already installed, which is an uncommon approach sometimes used in wind turbine assessment. In the LVIA the existing turbines have been considered as part of the baseline condition of the landscape character of the area and features within the existing views, and therefore have been taken into account in the LVIA. The suggested additional cumulative assessment is unnecessary and would not provide useful or material additional evidence to help the Council in their decision in respect of the proposal.

Baseline Conditions

3.1.8 CROW land 'not considered'- this is wrong. The CROW land is discussed in the LVIA with references provided in paragraphs 3.1.7, 3.4.5, and 4.3.5.

3.3.1 This simply repeats the point made for paragraph 2.1.29 (alternative sites and designs), to which please see above.

In this section also, the Wood Review has incorrectly interpreted this part of the LVIA; the quoted LVIA text does not state that Cold Law is already a landmark site, but that Ascendant would become a landmark site.

3.4.9 Photomontages – The photomontage locations within the LVIA were chosen to provide an informative selection of views to illustrate the landscape context; and are often representative of those available to the more sensitive receptors. Very similar views to VP1 and VP2 were already illustrated within the artist's CGIs which are submitted with the planning application. Therefore, alternative views were selected in the LVIA to offer a fuller range of overall views from receptor locations at a variety of distances and aspects. Again, this demonstrates the robustness of approach in the LVIA.

Landscape Effects

4.2.2 The Wood Review criticises the overall assessment of 'high' sensitivity of the landscape character areas in the study area. According to the KTWW critique, the Stephenson Halliday review found that, if anything, this assessment was overstated and could have been argued to be lower in some areas. We have not had sight of the Stephenson Halliday review, and would note that while it is true that the local landscape is of mixed quality, this overall assessment of 'high' also reflects the visibility of the landmark over a wide area and proximity of the National

Park. The assessment of 'high' sensitivity in fact points to the reasonable and straightforward approach that has been taken to the assessment, and to the robustness of the LVIA.

4.2.3 The assessment of 'low' in the LVIA to which this comment relates is clearly stated to apply to local and wider character areas. The statement that the removal of vegetation is of limited scale is true, bearing in mind that there are no trees and hedges evident within the site.

4.2.8-10 Landscape assessment – The Sweethope and Blackdown LCA is discussed in the LVIA as a subset of the Outcrop Hills and Escarpments LCT, and effects are clearly discussed. The landscape assessment is written in a concise way that can be easily understood by members and the public and arrives at fair and robust conclusions.

4.2.9 The reference to hill forts emerged from cross reference with the Cultural Heritage Assessment. It is good practice for disciplines to cross-consult on their findings, and in this case, reference to heritage assets was particularly encouraged in the Council's pre-app guidance which suggested consideration of heritage assets within a 3km radius.

The fact that LCT8 'Outcrop hills and escarpments' contains flat-topped elongated ridges does not mean that vertical development cannot be successfully integrated, for example church spires are widely accepted to sit well in rolling countryside. While the landmark can be seen from part of the LCT8 area as shown on the ZTV, it is not visible from the majority of the character area, and where visible, while there would be a degree of change, the slender form of the landmark would allow the shape of the hills and landscape characteristics to remain legible, not causing harm to the key characteristics of the character area.

Visual Effects

General- (sensitivity assessment) see response above in 2.1.36

Construction Phase – The Wood Review states that '*construction phase effects are not considered*'. The construction phase is described fully in section 1.3.3 of the LVIA including anticipated plant and timescales, and thereafter, the predicted visibility of construction activities is discussed in the 'Effects During Construction and at Completion: Predicted View' section of the LVIA. Separate assessment of the significance of construction stage effects is not a requirement for the LVIA and a further exhaustive analysis would be of no benefit given the relatively short construction period anticipated.

'Clarify which moderate effects are considered significant and which are not'. This comment shows a lack of understanding from Wood about the difference between EIA and Landscape and Visual Impact Assessments. Please refer to GLVIA3 Page 28 Table 3.1 which sets out these differences and confirms that the 'significance' threshold is not used outside EIA.

Reference to the phrase in the LVIA '*likely to be perceived as a positive addition by many receptors*'- the reason for including this statement was to reflect the fact that a landmark sculpture is likely to draw an audience of receptors who will travel simply to view the artwork. Whether they individually like the detail of the design or not is almost a separate point- the fact that they are drawn to the location simply to view the artwork is a positive aspect, resulting in human behaviours that are unlike those evident for other more common types of development, such as a factory or housing estate. It is important to recognise the specific dynamics of this case given that the general premise of a Landscape and Visual Impact Assessment is to provide information to aid an iterative process through advising on measures to avoid, minimise or reduce impacts: whereas, here, a landmark is proposed that illustrates the dichotomy of this intention whilst still respecting the fundamental process of landscape and visual impact assessment. The Wood Review fails properly to understand this dynamic.

4.3.7-4.3.13 Repeated point on photomontages for VPs 1 & 2- see response above in 3.4.9.

4.3.24-26 VPs 5 & 6- This comment, which finds View 5 excessive being close to View 6, contradicts earlier comments expressing a wish for sequential views. It is explained in the LVIA text why an additional view was added in this location to pick up the Scheduled Monument location in addition to the PROW bridleway, as a matter of diligence. The two views are considered together in the narrative and there would be no benefit to the LPA in extracting View5 and removing it from the LVIA. It is not correct to suggest that a Scheduled Monument location is 'inappropriate' for assessment of landscape and visual impact effects as they can attract receptors to the location, and also in the case of a receiver landscape with a history of skirmishes and battles, scheduled monuments are sometimes related to defensive positions with long distance views.

4.3.28 Minor point to consider re-assessment to 'medium-high'. It is not generally considered good practice to provide a hybrid between two ratings, one or the other is typically determined through use of professional judgement, nor would 'significance' as a threshold be used outside

of EIA. The determination of the 'medium' sensitivity of the receptor from this road-based view is clearly explained and evidenced in the narrative in the LVIA, and the outcome of a 'moderate' visual effect is appropriate.

It is notable that this comment in 4.3.28 is the only occurrence of disagreement from Wood with any of the results in the LVIA, and even here the reviewer notes that the effect is 'probably' slightly higher, and just a minor point for consideration.

9. Section 3: Existing LVIA Reviews

3.1.1 We have not had sight of the Stephenson Halliday report and it is not clear why the Wood Review refers to this document as it does not relate to this planning application. We generally reserve our position to make any additional representations in regard to any of the matters raised in the Wood Review in response to the Stephenson Halliday report.

Conclusions to this section - three bullet points are provided by Wood which repeat points made elsewhere in the review:

3.5 Site selection - not in the scope of an LVIA review as discussed above in 2.1.29

Cumulative effects with wind turbines - not required in LVIA as discussed above in 2.1.36

Landscape character assessment expansion and close-range visual effects - see responses in 4.2.8-10 and 3.4.9 above.

3.3 KTWW LVIA Critique

The Wood Review questions the competence of the anonymous landscape professional who contributed to the KTWW report; and dismisses some points. Other points are responded to below:

3. Consultation- an extensive consultation process was well documented in the submitted Statement of Community Engagement; Section 3: Engagement with Local Community, Section 6: Influencing the Scheme, and Appendix A: Engagement Materials. For the reasons set out above, it would not have been appropriate for the LVIA to embark on consideration of alternative designs and locations. Information in relation to the design process is included within the submitted Design and Access Statement.

The following responses relate to the document 'Appendices to the Appeal Statement of the Keep the Wannies Wild Group' Appendix 12

11. This paragraph of the KTWW report acknowledges that the LVIA has correctly assessed the landscape sensitivity as 'high' and agrees with that assessment, but states that this conclusion should have been arrived at based on consultation with local groups. It is true that in EIA, local consultation can theoretically be required as part of the scoping process although this is unusual. In this (non EIA) process, no such request was suggested by the Council nor would this be a typical approach, indeed in the numerous Landscape and Visual Impact Assessments carried out by Southern Green, this has not been requested by any local authority.

13. The KTWW critique points out that the description of construction operations and length of construction is not described in para 4.2.3. In fact, the construction process is described in detail over 3 pages in section 1.3 of the LVIA 'The Development Proposal and Construction'.

14. It is important in landscape assessment not to confuse impacts upon the key characteristics of landscape character areas (which can cover many square miles of land) with direct physical impacts on the ground. In the case of the landscape assessment in 4.2.3 of the LVIA, the text states that the effects on landscape character will be of 'low magnitude in the context of the local and wider landscape character areas.' The author of the KTWW critique has taken this to mean a low direct physical impact on the summit location where the landmark is to be sited, which is not the subject of this magnitude rating.

20. (3.4.5) Please refer to response in 4.1.11.21 and 12. The National Park viewpoint was taken at the location requested by the NNPA, who also raised no objection to the proposal.

23 Please refer to response in 4.2.9.

10. Section 4: Summary of Findings

(These points repeat those made previously and summarise the position of the project team).

4.1.1 Viewpoint based assessment using an appropriate range of receptors in compliance with GLVIA3 is an entirely acceptable and normal approach to visual assessment.

Site Location and Context

4.1.2 This section is entirely dedicated to the 'design rationale' and as such is outwith the scope of any proper review of the LVIA. The queries raised about the site selection and height of the sculpture are dealt with in the submitted Design and Access Statement, and as discussed in 3.4.9 above, similar views to VP1 and VP2 are illustrated within the artist's CGIs which were submitted as part of the planning application supporting documents.

These issues are dealt with in the Design and Access Statement and Planning Statement; this suite of information should be read as a whole. The design rationale is clearly articulated in these documents, as is the sculpture's relationship to the seen and unseen landscape, the area's history and the social, economic and environmental context of the setting but, in any event, is beyond the scope of a review of the LVIA.

Cumulative assessment

4.1.4 Please see response above.

Landscape Assessment

4.1.7 Landscape Effects- Please refer to response in 4.2.8-10

4.1.8 Construction Effects- Please refer to response in 4.2.9 above.

Visual Assessment

4.1.9 The viewpoints-based assessment is robust and accords with GLVIA3

4.1.10. Please refer to 4.3.7-13 and 4.3.28 above.

4.1.11 It is rarely possible to assess views from every location within a study area and, therefore, it is entirely standard practice in Landscape and Visual Impact Assessments to select representative viewpoints that provide a reasonable coverage of views likely to be experienced by a range of receptor types in the study area. As to the LVIA, the selection of representative viewpoints was carefully carried out in order to capture a wide range of typical receptors, including users of mapped PROWs such as footpaths, byways and bridleways, other local recreational routes such as on and off road cycleways and mapped routes such as Sandstone Way mountain biking route, local roads and major roads, views requested by NNPA, views from residential locations such as Ridsdale village, off-road hilltop locations such as Great Wanney Crag visited by climbers and walkers, and views from heritage asset locations as requested by the Council Views were taken from within 500m of the proposed site, and as distant as 5km, and distributed around the full study area as far as the ZTV indicated.

11. Section 4.2 Conclusion

4.2.1 It is notable that the main focus of the conclusion paragraph is a discussion around site selection and design rationale, neither of which are in the scope of a review of the LVIA. There is then mention of the desire for more detail in the landscape assessment (see response in 4.2.8-10 above) and a repeat of the misplaced criticism of a viewpoint-based assessment methodology. Viewpoint based assessment is entirely accepted as a standard approach as seen in GLVIA3. This is a proposal for a development and should be decided on those terms, i.e. on the merits of what has been presented in the specified location. It is not an Environmental Impact Assessment for which the process requires consideration of other sites and reasons for their exclusion. Overall, the purported criticisms of the LVIA in the Wood Review are misconceived and we remain firmly of the view that the LVIA represents a robust assessment of the likely visual and landscape effects of the proposal.