



Core Document I.3

Ascendant: the Elizabeth Landmark Cold Law, Ray Estate, Northumberland

Appeal against the refusal of planning permission
Public Inquiry
Proof of Evidence
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Planning Policy Matters

Planning Appeal Reference
APP/P2935/W/20/3244389

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1. Qualifications and Experience

1.1 Qualifications

- 1.1.1 My name is Allen Creedy, I hold a Bachelor of Arts with Honours Degree in Town and Country Planning from the University of Newcastle upon Tyne. I have been a chartered member of the Royal Town Planning Institute ("RTPI") since 1982 and a Fellow of the Institute of Environmental Management and Assessment ("IEMA") since 2016.
- 1.1.2 I hold undergraduate level vocational qualifications in Ecology and Landscape Design. Although as such I am also qualified in both ecology and landscape matters, I have not formally practised in either area since 2015.
- 1.1.3 I am a qualified lead auditor in ISO14000 Environmental Management. I have maintained my professional status and mentor junior auditors in environmental management.
- 1.1.4 The evidence which I have prepared and provide in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution, the RTPI. I confirm that the opinions expressed are my true and professional opinions.

1.2 Experience

- 1.2.1 I was Assistant Head of Planning at the Council of the City of Newcastle Upon Tyne until 1999 when I was seconded to the European Commission as the UK's Urban Policy Expert. Since returning to the UK in 2003 I have worked in private practice as an independent Chartered Planner.
- 1.2.2 As a Local Government Planner and a Chartered Town Planner in private practice I have experience of advising on a range of planning application types.
- 1.2.3 Of relevance to the matters under consideration in this Inquiry, I have extensive experience of: the preparation of Structure Plans and development plans; giving evidence at Examinations in Public and public inquiries on matters relating to development involving landscapes and, in particular in the open countryside, development affecting heritage assets and development in either valued and sensitive locations and development affecting the Green Belt; and the preparation and submission of planning applications and Environmental Impact Assessments associated with major projects in rural areas, open countryside and designated areas.
- 1.2.4 As a volunteer I have held the post of policy chairman of the federation of small businesses ("fsb") since 2013. In this role I am the fsb's UK spokesperson and policy lead on energy infrastructure and environment matters. In this role I regularly meet with ministers and senior civil servants and contribute to the formulation of government policy.
- 1.2.5 I also held the role of chairman of the North East of England branch of the fsb, including Northumberland from 2010 to 2017. Both roles have afforded me the opportunity to gain a detailed understanding of the contribution that businesses make to the North East and national economy. My national role has also allowed me to further my experience and knowledge of national and local policy relating to climate change, infrastructure, and environmental matters.

- 1.2.6 I established and am a director of the planning consultancy Ethical Planning (North East) Ltd (“ethical partnership”).
- 1.2.7 I give evidence to this Inquiry on behalf of Lord Devonport ("the Appellant") in support of his appeal against the refusal of planning permission for the Elizabeth Landmark ('Landmark').
- 1.2.8 I have inspected the site and its surroundings, and I am familiar with the proposal, the policies of Northumberland County Council ("the Council"), and the wider policy framework.

2. Introduction

2.1 Preliminary

2.1.1 The planning application was validated by the Council as the Local Planning Authority ("LPA") on 24 January 2019 and given the reference 19/00247/FUL. The application was supported by a number of technical reports and plans including the proposals for the Landmark, known as 'Ascendant' by artist Simon Hitchins.

2.1.2 Officers of the Council recommended to the Council's Strategic Planning Committee that the application be granted planning permission. Later in my evidence, I refer to the principal points arising out of the officer's report to the Committee. The Committee considered the application at its meeting on 4 June 2019 but deferred the determination to allow a Members' site visit to take place. The site visit took place on 2 July 2019 following which the application was again considered by the Committee also on 2 July 2019. (CD C.1, CD C.2, CD C3).

2.1.3 Despite the advice provided by officers, the Committee voted to refuse the application, contrary to the planning officer's recommendation, for a single reason, namely a contention that:

"The proposal results in development in the open countryside which fails to recognise the intrinsic character and nature of the countryside in this location and is therefore contrary to paragraph 170 of the NPPF and Policy NE1 of the Tynedale Local Development Framework Core Strategy."

2.1.4 The decision notice was issued on 10 July 2019 (CD C.5).

2.1.5 On 7 January 2020 Ethical Partnership lodged an appeal against the refusal of permission on behalf of the Appellant. This appeal was validated on 21 January 2020 (reference: APP/P2935/W/20/3244389).

2.2 Scope of Evidence

2.2.1 Since my appointment to be an expert witness, I have re-visited the site and surrounding area to inform my understanding of landscape, visual and other matters relating to the Landmark.

2.2.2 I have visited the photograph locations included within the submitted Landscape and Visual Impact Assessment ("LVIA"), and the locations where receptors are likely to experience visual effects as included in the LVIA. I have also walked the public rights of way in the vicinity of the site.

2.2.3 My evidence addresses planning matters including:

- A brief description of the site and the surrounding area and its planning context
- The planning history of the site and its immediate surroundings
- The planning policies that are relevant to this appeal
- Key planning issues relevant to this appeal

2.2.4 In doing so, I assess the planning merits of the appeal scheme, including its compliance with the development plan and other material planning considerations including the National Planning Policy Framework 2019 ("the NPPF"). I carry out the overall planning balance.

2.2.5 My evidence should be read in conjunction with the Proofs of Evidence prepared by:

- Mr Simon Hitchens whose evidence will cover the overall design of the appeal scheme (CD I.4)
- Ms Ros Southern whose evidence covers landscape and visual impact matters (CD I.5)
- Mr Matthew Jarrett whose evidence covers artistic and cultural context (CD I.6)

2.3 Structure of Evidence

2.3.1 The remainder of my evidence is laid out as follows:

- Section 3 describes the site and the surrounding area and the appeal scheme
- Section 4 describes the planning history of the site
- Section 5 describes the relevant planning policy context including the development plan and the NPPF
- Section 6 describes how the Council considered and determined the appeal scheme
- Section 7 assesses the compliance of the appeal scheme with the development plan and other material considerations
- Section 8 sets out the benefits of the appeal scheme.
- Section 9 is the Appellants response to the reason for refusal and other issues raised in the Council's Statement of Case.
- Section 10 responds to issues raised by KTWW.
- Section 11 sets out my professional judgement of the planning balance
- Section 12 summarises my evidence and sets out my overall conclusions

3. The Site, the Surrounding Area and the Appeal Scheme

3.1 Introduction

3.1.1 In this section I briefly describe the site, the surrounding area, and the appeal scheme. These matters have been agreed with the Council in the Statement of Common Ground dated 3 March 2020. (CD L.1)

3.2 Site and Surrounding Area

3.2.1 The site is located on and around the summit of Cold Law, a topographical form adjacent to the C195 road which runs between the A68 near Ridsdale and the A696 at Knowesgate.

3.2.2 The site is located in open countryside within which there are two wind farms; the Ray Fell cluster (16 turbines) to the north east, and the large Green Rigg cluster (18 turbines) to the south of the site. North east of the site are the remaining railway cuttings, stone bridges, and embankments of the disused railway. South west of the site is Hepple Heugh. North of the site is the Queen Victoria cairn and the operational Woodburn sandstone quarries

3.2.3 The land use of the surrounding area is primarily open rough grassland, which is used for grazing. Immediately adjacent to the north west site boundary is a stone sheep fold typical of the farming and agricultural heritage of the area.

3.2.4 The site area is approximately 9.5 hectares.

3.2.5 The site to which this appeal relates is outlined in red in Figure 3.1 below.

Figure 3.1 Appeal Site



Aerial view with site location



Location Plan

3.2.6 The site is currently used for the grazing of sheep and is part of the Ray Estate, which is managed for agriculture, nature conservation, game shooting and fishing and contains a windfarm of significant size. In the wider landscape there is another windfarm at Green Rigg, and there are localised highpoints often associated with historic forts and settlements such as to the south at Great Wanney Crag. The site lies to the north of Hepple Heugh and directly to the south lies the Wanney Crag.

3.3 The Appeal Scheme

3.3.1 Mr Hitchens will set out in more detail the nature of the design of the Landmark in the context of its location in his proof of evidence from a design perspective (CD I.4). I will describe the appeal scheme and the rationale behind its location from a planning perspective.

3.3.2 The appeal scheme is intended to be a publicly accessible landmark. The sculpture itself is a blade-like form, fabricated from CorTen steel, tilted due south and anchored into the hillside. Owing to the angle of the structure, the tip of the blade form would sit at a height of 55m above the baseline level of the summit of the hill. The blade form itself is approximately 85m in length. The underside is flat; the upper side is curved to match the topographical profile of the hill. The two sides feature a series of angled lateral fins which change in pitch and frequency as they rise up the sculptural form.

3.3.3 The appeal scheme would include the following:

- A new highway access point.
- 17 permanent parking spaces (with 2 No. accessible bays), 13 overspill parking spaces, coach parking.
- A Dry Stone Shelter Wall, integrated seating, litter bins, cycle storage and site interpretation.
- Access route and circular path including crossing points and wayfinding.
- Visitor Viewing Area (10m x 12m).
- The Landmark itself and foundations.

3.4 Proposed Location

3.4.1 The appeal scheme design is highly site specific. Whilst Mr Hitchens explores this in some detail in his proof of evidence, I also summarise my understanding of why the appeal scheme can only be located on the appeal site.

3.4.2 The Landmark would be sited at the summit of Cold Law and is designed as a conscious, nuanced, imaginative and artistic response to the topography of Cold Law and the surrounding landscape in the following ways (amongst others):

- The Landmark has been commissioned by the Appellant to commemorate the reign of Queen Elizabeth II and the Commonwealth, in so doing to be 55m above the top of Cold Law so as to mirror the height of the summit of Hepple Heugh (856m to the south) and the Queen Victoria cairn (2735m to the north).

- Mr Hitchens refers to his design inspiration for the viewer to imagine that a giant has cut a thin slice through Cold Law hill and elevated one end so that it now points to the sun at its zenith on Midsummer's day. The shape of the Landmark therefore emulates the hill from which it has been figuratively cut and elevated.
- The dome-like quality of Cold Law allows for a circumnavigating path to gain ever-changing perspectives of the Landmark as pedestrians walk around it.
- The rock slot allows public access into a typical quarry 'rockface' – to which the public are normally excluded – and thereby experience the rich geology of Northumberland and in recognition of both the quarrying history and current economy of the area.
- The influence of Lord Armstrong's innovations in engineering is also reflected in the use of iron and that his primary ironworks is to the west of the appeal site. To the east of the site is the line of a railway (250m immediately to the north of the summit), now disused, which carried iron ore (providing the inspiration for the Cor'ten) to and from local quarry workings and the ironworks at Ridsdale to the west – where the former the engine house is to be stabilised and interpreted as part of the promotion of the local heritage.
- The influence of Charles Parsons as the former owner of the Ray Estate is reflected in the mimicking of the fins of a turbine – the invention of which elevated him to international fame. As a world-famous engineer buried nearby in Kirkwhelpington, the sculpture also provides an opportunity to celebrate the engineering heritage of Northumberland.
- The design of the Landmark and viewing area also reflects the history of the tri-radial cairns in this area relating the sculpture to this historical astronomical association.

3.4.3 It is clear to me that Mr Hitchens has sensitively respected and responded to the landscape character and vernacular. When completed the only apparent change to the appeal site from further afield would be the elevated slice of hill and the rock slot void beneath. Cold Law is a very recognisable topographical form which is steeper on the northern (back) side and shallower on the southern (front) face, which allows the section/profile of the Landmark to be visually and physically weighted and ultimately 'grounded' into the landscape.

3.4.4 It is clear that the design of the Landmark is also firmly anchored in the geology and social history and industrial heritage of the appeal site and adjacent landscape and countryside.

3.4.5 Each aspect of the design - sculpture, visitor viewing area, approach paths and car park – has been informed by the elements of the local landscape and heritage within which it would be located.

4. Planning History

4.1 Background

- 4.1.1 The only applications for planning permission on the appeal site are those relating to the appeal scheme, namely 19/00247/FUL and the subsequently withdrawn application 20/00698/FUL.
- 4.1.2 Following the refusal of planning permission, the Appellant submitted a further planning application to the Council, which was given reference number 20/00698/FUL. The description of the development was the same as the appeal scheme.
- 4.1.3 Application 20/00698/FUL included additional information and supporting surveys and assessments, some of which have been included within the Core Documents; CD section D and F. I will refer to some of these documents in this proof.
- 4.1.4 Planning application 20/00698/FUL was ultimately withdrawn by the Appellant and not determined as it was deemed simpler to pursue this appeal.
- 4.1.5 In the surrounding area, applications for planning permission include those for development such as the erection of a bungalow (T/78/E/685); opencast extraction of coal (T/84/E/319); construction, operation and decommissioning of a wind farm generating station of 60MW capacity (T/20051528); and alterations and amendments to the existing farmhouse and the conversion of existing attached barn building to provide additional living accommodation for the farm house, with the demolition of existing redundant farm buildings (17/04641/FUL).

5. Planning Policy Context

5.1 Introduction

- 5.1.1 In this section of my proof of evidence I will set out the relevant policy in the development plan and the NPPF as well as guidance in the National Planning Policy Guidance ("PPG"). I have had regard to the note of the Case Management Conference (CD L.4) held by the previous Planning Inspector on 7 January 2021. Accordingly, I only refer to the relevant policy numbers and do not recite the whole text of policies save where they are of particular relevance to the single reason for refusal (such as Core Strategy Policy NE1 below).
- 5.1.2 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.1.3 The development plan for the appeal comprises: (i) the Tynedale Local Development Framework Core Strategy ("TLDFC"), as adopted by the Council in October 2007, which sets out the overall spatial planning strategy for Tynedale up to 2021. (CD G.1); and (ii) saved policies of the Tynedale District Local Plan (2000) ("TDLP") (CD G.2).
- 5.1.4 The policies of the TLDFC and the TDLP, which are relevant to this appeal (as set out later in this section of my evidence), are up to date and weight should be given to them.

5.2 Tynedale Local Development Framework Core Strategy (October 2007)

- 5.2.1 The single development plan policy referred to in the reason for refusal is Policy NE1 which provides:

The principles for the natural environment are to:

(a) Protect and enhance the character and quality of the landscape, biodiversity and geological interest of the District and give particular protection to areas and sites recognised for their environmental and scientific interest.

(b) Manage the relationship between development and the natural environment in order to:

- Minimise risk of environmental damage.*
- Avoid the urbanisation of the countryside*
- Maintain good local air quality and the quality of ground and surface water*

(c) Protect and enhance the extent and quality of ancient woodlands and other important natural habitats and networks of habitats; and encourage creation of new habitats and restoration of those that are damaged or fragmented.

(d) Avoid the unnecessary loss of the best and most versatile agricultural land.

(e) Give specific protection to the landscape quality, wildlife and geological value of the North Pennines Area of Outstanding Natural Beauty.

(f) Ensure that development close to the Northumberland National Park does not have an unacceptable adverse effect on its landscape quality, wildlife or geological value.

(g) Enable and encourage people to experience, enjoy and understand the natural environment.

(h) Protect and enhance areas of open space within towns and villages.

5.2.2 In addition to policy NE1 there are a number of other policies within the TLDFC that are relevant to the appeal scheme. As set out in the Statement of Common Ground, the Council agrees that the appeal scheme accords with the following policies:

- BE1 Principles for the built environment.
- GD1 General location of development
- GD4 Principles for transport and accessibility – this policy essentially sets out the principles for transport and Accessibility in relation to new developments.
- GD5 Minimising flood risk
- NE1 Principles for the natural environment
- EDT1 Principles for economic development.

5.3 Tynedale District Local Plan (2000)

5.3.1 There are a number of policies of the TDLP (CD G.2) relevant to this appeal with which again the Council accepts the appeal scheme accords. I set out a list below:

- GD2 Design criteria for all development
- GD4 Range of transport provision for all development
- GD6 Car parking standards outside built-up areas
- NE19 Protection of internationally important nature conservation sites
- NE20 Protection of site of special scientific interest
- NE21 Protection of sites of nature conservation interest
- NE26 Protection of habitats of special importance to wildlife
- NE27 Protection of protected species
- TM4 New tourism development in the open countryside.

5.4 Emerging Northumberland Local Plan ("NLP")

5.4.1 The NLP was submitted to the Secretary of State in May 2019 and has been the subject of Examination in Public. The Pre-submission draft is CD G.4. A number of examination hearings were held in 2019, February 2020 and October/November 2020. The NLP will eventually replace the TLDFC and the TDLP as part of the development plan for the appeal site. The NLP is an 'other material consideration' for the purposes of this appeal.

5.4.2 Following the close of these hearings the Council has some further work to carry out and submit to the examining Inspector. Following the submission and consideration of this work the Inspector will write to the Council setting out her preliminary conclusions on whether the Plan is sound or can be made so with modifications.

5.4.3 Any main modifications required to make the NLP sound will be consulted upon by the Council, together with the results of any further Sustainability Appraisal and Habitats Regulations Assessment which may be necessary.

- 5.4.4 Main Modifications are being proposed by the Council and once published they will be consulted upon for a period of 8 weeks.
- 5.4.5 The NPPF at paragraph 48 indicates criteria to be used to attribute weight to policies in emerging plans. In advance of the publishing of the modifications only limited weight can be given to the NLP. Due to the passage of time, there is a possibility of it being adopted before a decision on the appeal is made, in which case it would obviously have much greater weight. I therefore address the relevant NLP policies below.
- 5.4.6 The NLP is not cited in the reason for refusal, but I consider that the following policies are relevant to this appeal. These are set out below:
- ECN15 Tourism and visitor development
 - QOP1 Design Principles (strategic policy)
 - TRA4 Parking provision in new development
 - ENV2 Biodiversity and geodiversity
 - ENV3 Landscape
 - ENV4 Tranquillity, dark skies, and a sense of rurality
 - ENV7 Historic environment and heritage assets
 - WAT3 Flooding.

5.5 NPPF

- 5.5.1 National policy and guidance are provided by the NPPF (CD G.3) and the PPG. Both are material to the consideration of the planning application for the appeal scheme.
- 5.5.2 At a national level, the NPPF (updated in February 2019) sets out the Government's planning policies for England and how these should be applied. The NPPF is up to date and I attach significant weight to it in determining the appeal scheme.
- 5.5.3 The NPPF is a material consideration in planning decisions. The NPPF states at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- **an economic objective** – to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - **a social objective** – to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current

and future needs and support communities' health, social and cultural well-being;
and

- **an environmental objective** – to contribute to protecting and enhancing our natural, built, and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

5.5.4 Paragraph 11 of the NPPF sets out details of the presumption in favour of sustainable development. It states that, in relation to decision-taking, this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

5.5.5 I refer to Paragraph 83 of the NPPF as this relates to the appeal scheme as a tourism and economic development in rural areas:

- Planning policies and decisions should enable:*
 - a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
 - b) the development and diversification of agricultural and other land-based rural businesses;*
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

5.5.6 Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

5.5.7 The Council has referred to paragraph 170 of the NPPF in its reason for refusal but has since confirmed (at the CMC) that it is relying only on paragraph 170(b) of the Framework as recited above.

5.5.8 In addition to the above there are a number of thematic and other policies from NPPF which are set out below:

- Paragraph 48 (Determining applications)
- Paragraph 83 (Supporting a prosperous rural economy)
- Paragraphs 124, 127 and 131 (Achieving well designed places)
- Paragraph 175 (Encouraging biodiversity gains)
- Paragraph 189 (Proposals affecting heritage assets)
- Paragraph 193 (Considering potential impacts - weight)
- Paragraph 197 (Considering potential impacts - significance)
- Paragraph 200 (Considering potential impacts – positive contribution).

5.5.9 The NPPF does not specifically define or indeed refer to development having to be ‘carbon neutral’ and there is no suggestion by the Council of any objection to the appeal scheme on this ground and never has been. Paragraph 148 of the NPPF states that *the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.*

5.5.10 Annex 2 of the NPPF defines climate change adaptation as being adjustments made to natural or human systems in response to the actual or anticipated impacts of climate change, to mitigate harm or exploit beneficial opportunities and climate change mitigation as being action to reduce the impact of human activity on the climate system, primarily through reducing greenhouse gas emissions. I will return to this matter later when dealing with matters raised by third parties.

5.6 PPG

5.6.1 Additional information is provided by the PPG on the ways in which the NPPF should be interpreted and used in plan making and decisions. Guidance relevant to the appeal scheme is provided on the treatment of climate change in planning decisions, and the ways in which information on the evolution of designs should be submitted to assist in decision making.

5.6.2 The NPG is up to date and I attach weight to it in determining the appeal scheme.

- 5.6.3 The PPG¹ confirms that *Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking* and that *responding to climate change is central to the economic, social and environmental dimensions of sustainable development*. I will return to this matter later when describing how the Landmark is sustainable development.
- 5.6.4 The PPG² confirms sets out how Design and Access Statements (“DAS”) *set the narrative for the design approach and design rational for the scheme. They demonstrate how the local character of an area has been taken into account and how design principles will be applied to achieve high quality design. They set out concisely how the proposal is a suitable response to the site and its setting, taking account of baseline information*. Mr Hitchens and Ms Southern have demonstrated compliance with the PPG in this respect. I agree with them.

¹ <https://www.gov.uk/guidance/climate-change#why-is-it-important-for-planning-to-consider-climate-change>

² <https://www.gov.uk/guidance/design>

6. How the Council considered and determined the appeal scheme

6.1 Introduction

6.1.1 In this section of my proof of evidence I assess the manner in which the Council considered and determined the appeal scheme.

6.2 The Council's determination of the application

6.2.1 At the Planning Committee meeting on 2 July 2019 a model of the Landmark and additional information boards were made available to be viewed by Members. The Committee Members were also advised that the consultation initiatives undertaken by the Council in respect of this application had exceeded those required by the Council's best practice guidelines and those required by the relevant planning regulations and guidance.

6.2.2 At the meeting, it was also noted that an addendum report (CD C.2) had been published with the agenda papers and had included a consultation response to the planning application from the Council's Tourism, Leisure and Culture Service. This response from the officer (CD B.14) identified the economic benefits which the appeal scheme would bring and reinforced the officer's report recommending approval. In so doing the officer stated *Tourism is rapidly elevating in significance within Northumberland and is confirmed as being a critical part of our economic wellbeing and a facilitator of goods and services which can be enjoyed by our residents and our visitors.*

6.2.3 Following publication of the addendum report an 'update report' (CD C.3) was presented to the Committee. This included extracts from the advice from the Council's Building Conservation Officer (CD B.13). The update report also included an additional condition with reference to the implementation of landscape scheme, together with the rewording of condition 8.

6.2.4 The update report maintained the recommendation to grant planning permission but introduced an addition that any permission should be subject to the prior completion of a Section 106 Agreement. This was at the request of the Council's ecology officer in order to secure the biodiversity gains and enhancements which have been identified and offered by the Appellant's ecology consultant.

6.2.5 The officer's report considered the following:

- Principle of Development
- Impact on the landscape
- Impact on the ecology
- Impact on the heritage assets
- Highway safety
- Flooding issues
- Other matters.

- 6.2.6 I note in section 3 of the report that the officer summarises the consultee responses to the appeal scheme, which are set out below:
- County Ecologist: No objection (CD B.8)
 - County Archaeologist: No objection (CD B.1)
 - Public Protection: No comments (CD B.2)
 - Lead Flood Authority (LLFA): No objection (CD B.3)
 - Civil Aviation Authority: No response received
 - Newcastle International Airport: No objection (CD B.1)
 - Northumberland National Park (Planning): No objection (CD B.5)
 - Ministry of Defence: No objection (CD B.7)
 - NATS: No objection (CD B.4)
 - Highways: No objection subject to conditions (CD B.11)
 - Countryside/Rights of Way: No comments (CD B.6)
 - Tourism, Leisure and Culture: Supportive of the proposal (CD B.14)
 - Natural England: No response received
 - Historic England: No objection (CD B.11).
- 6.2.7 The report refers to Corsenside Parish Council's objection to the appeal scheme (CD B.9) on grounds that: the *'existing road infrastructure was insufficient to cope with the extra traffic'*; there is a *'lack of local amenities to support any increase in visitor numbers'*; and the scheme is *'out of keeping with the local area and the local vernacular'*.
- 6.2.8 The officer's report also refers to the fact that some local residents and members of the public from beyond the local area objected to the application. Their objections included allegations of *'inappropriate development'*; *'spoiling the landscape'*; *'not needed'*; *'not something that should be constructed in Northumberland'*.
- 6.2.9 Taking all of the above matters into account the officer concluded in section 8 of the report *'that the proposal is an unusual proposal which does not lend itself easily to a conventional site-based evaluation of impact. The wider public benefits of a major new Landmark public art feature need to be seen in light of the strategic importance attached to place-based tourism in Northumberland'*.
- 6.2.10 The officer further stated that with the exception of *'Corsenside Parish Council, consultee responses triangulate to suggest that the proposals will not cause harm which would outweigh the wider public benefit identified above. It is important to note that the Northumberland National Park has not stated that the scheme would undermine any of the special statutory purposes of the park designation, including promotion of opportunities for the understanding and enjoyment of the special qualities of the Park'*.
- 6.2.11 In conclusion the officer recommended that *'notwithstanding the observations and conclusions set out in paras 8.1 to 8.3, it is considered that the principle of the construction*

of a Landmark sculpture in this location is acceptable, and subject to relevant conditions, would be appropriate in the specific landscape context and location'.

- 6.2.12 I agree with the principle of the methodical and measured approach to the assessment of the planning balance made in the report to the Planning Committee and the officer's positive recommendation, although I consider the benefits are even greater than were set out in the report.
- 6.2.13 Both the officer recommendation (including the positive comments made by the Council's tourism and visitor economy manager) and the absence of objections from any of the statutory consultees, including the National Park and internal officers, is significant.
- 6.2.14 I note in this regard the points already made regarding the County ecologist who identified that the measures set out in the Section 106 Agreement would not only protect the countryside, landscape, and biodiversity resources but would improve environmental resources. Such improvements can only be interpreted to mean 'enhancement' for the purpose of policy NE1.
- 6.2.15 I firmly agree with the officer's recommendation of approval as reflecting the correct planning balance, although I consider the benefits to be even greater than reported.

7. The Appeal Scheme compliance with the Development Plan and other material considerations

7.1 Introduction

7.1.1 In this section of my proof of evidence I will assess the compliance of the appeal scheme with the development plan and other material considerations.

7.1.2 Before doing so, I refer again to the Statement of Common Ground dated 3 March 2020 (CD L.1). It can be seen from paragraph 2.7.2 therein that from the Council's perspective the main issue in dispute is limited to the balance of benefit arising from the appeal scheme as against any perceived harm of the appeal scheme upon the surrounding landscape having regard to the following policies:

- Paragraph 170(b) of the NPPF
- Policy NE1 of the TLDFC.

7.1.3 Despite this, the Council's Statement of Case refers to a number of policies both in the TLDFC and the NLP, although no conflict with either of these documents has been alleged (beyond policy NE1 of the TLDFC). My understanding from the CMC is that the Council corrected its position and confirmed that: (i) its case is confined to the single reason for refusal; and (ii) as to paragraph 170 of the NPPF, it relies only on sub-paragraph (b). My evidence is predicated accordingly. Notwithstanding this and given the need for me to carry out the overall planning balance, I have set out what I consider to be the relevant policies in section 5.0 of my proof.

7.1.4 I will, in this section, assess the compliance of the appeal scheme against relevant policies by reference to the following headings:

- Principle of development
- Economic growth and tourism
- Transport and accessibility
- Landscape
- Design principles
- Heritage assets

7.2 Principle of Development

7.2.1 TLDFCS Policy GD1 sets out the principles for the location of development, and states that within open countryside development is limited to the re-use of existing buildings unless such development is covered by other development plan policies. TLDFCS Policy BE1 encourages and promotes the development of public art within the Tynedale area. Policy NE1 seeks to protect the character and quality of the landscape. Policy EDT1 recognises the importance of tourism to the former Tynedale District and allows new tourist development

where appropriate in order to increase the range, quality, and type of facilities available to tourists.

- 7.2.2 The NPPF at paragraph 83 promotes sustainable rural tourism and leisure developments which respect the character of the countryside.
- 7.2.3 I have assessed the appeal scheme against these policies and consider it to be compliant with these policies as set out below.
- 7.2.4 TLDFCS Policy BE1 sets out the principles to protect and enhance the built environment and to ensure the built environment is managed and developed in a sustainable way to allow for future enjoyment of the district and its resources. The policy defines the principles for the built environment and criterion c requires that development should *Ensure that development is of a high-quality design that will maintain and enhance the distinctive local character of the District's towns, villages, and countryside*. The policy also places an obligation on the Council through criterion 'g' to *Promote the development of public art, particularly as part of significant new developments*. The appeal scheme accords with this policy. It is of the highest design quality, for the reasons presented by Mr Hitchens.
- 7.2.5 As Mr Hitchens also sets out, the appeal scheme has evolved and taken full cognisance of its surroundings and would provide an opportunity for the public to understand and appreciate high-quality public art in the countryside. As part of the appeal scheme a suite of supporting information has been submitted, which demonstrates how the appeal scheme has taken into account the local archaeological, heritage and landscape context to allow the evolution of the appeal scheme having regard to all these incumbent factors. With this in mind I consider that the appeal scheme is compliant with policy GD1 and BE1. I attach considerable weight to this policy compliance.

7.3 Landscape

- 7.3.1 TLDFCS Policy NE1 sets out the criteria which will be used to test development proposals so that they 'protect and enhance the character and quality of the natural environment generally, with particular protection to designated sites and areas'.
- 7.3.2 I refer to the evidence of Ms Southern in respect of the effect of the proposal in terms of impact on landscape and compliance with NE1. I agree with her conclusions.
- 7.3.3 The appeal scheme accords with policy NE1. It is important to recognise that the appeal scheme is intended be noticed and seen from long distances. As Ms Southern points out, landmarks are indeed specifically identified as one way of enhancing landscapes and this applies with particular force here, in a landscape which currently contains (amongst other things) wind turbines and other significant signs of the presence of man, but without landmark features.
- 7.3.4 The design of this landmark sculpture has painstakingly and imaginatively referenced the exact topography of Cold Law, as well as other visible and invisible influences from the local landscape. This had led to a design that is intimately and directly associated with this particular location and does not just protect that landscape but enhances it in a multiplicity of ways that are identified by both Mr Hitchens and Ms Southern.

- 7.3.5 The finishes to the structure will be a combination of earth tones and matt finish of the Corten material. Whilst the Landmark is there to be seen and enjoyed, the materials used will not appear incongruous when set within the landscape. The slender form of the Landmark, with its use of curves and its tilting nature to follow the topography of the hill would help the piece to sit at ease within the landscape and stimulate interest and excitement.
- 7.3.6 The design has captured the intrinsic character and nature of the countryside at the same time as celebrating the location with a Landmark. I agree that from its conception through to its design it has sought to harness the landscape character, the topography, the industrial heritage, and the land uses in a positive way and it will enhance this landscape for the reasons given by Ms Southern.
- 7.3.7 Ms Southern considers the Landmark is appropriately sited within a landscaped setting designed sensitively using a rural palette and associated stone walling and bunding which minimise the landscape and visual effects of vehicles and incorporates ecological mitigation within the landscape strategy and future management arrangements. I agree.
- 7.3.8 Ms Southern demonstrates how the appeal scheme recognises the intrinsic character and nature of the countryside in this location in accordance with NPPF para 170 (b). I agree.
- 7.3.9 The appeal scheme would enhance the landscape character and visual amenity in accordance with the requirements of the NPPF, TLDFCS Policies BE1 and NE1 and TDLP Policy GD2.
- 7.3.10 With regard to policy ENV3 of the NLP, it expects *'Proposals affecting the character of the landscape will be expected to conserve and enhance important elements of that character'*. I take 'conserve' to be broadly similar in meaning to 'protect'. I have set out above under my assessment of compliance to NE1 how the Landmark will enhance the landscape. The evidence of Ms Southern provides more details on the matter. The appeal scheme fully complies with Policy ENV3 of the NLP.
- 7.3.11 In addition, the evidence of Ms Southern together with my evidence above demonstrates that the Landmark has been designed to respond to the intrinsic character of the landscape and, as such, it would accord with policy ENV4 of the NLP. The Appellant has agreed with the Council that the detailed landscaping for the Landmark is the subject of a condition. The Council's concerns about the *'urbanising effect on an open countryside landscape, involving the creation of intrusive features such as hard surfaces, car parking and urban style boundary treatments'* are unfounded. The adoption of sensitive, sustainable materials and construction methods for such features will ensure that they are not intrusive. There are many examples of small car parks of this kind which are not visually intrusive.
- 7.3.12 Related to this, policy ENV4 also states that the objective (of the policy) is *'in order to limit the urbanising effects on open countryside etc'*. The creation of a sculpture in the landscape in its rural context will clearly not have such urbanising effect. It will be a landmark within the rural landscape and evident as such, not an urbanising feature. The appeal scheme accords with policy ENV4.
- 7.3.13 I therefore strongly disagree with the suggestion in paragraph 7.20 of the Council's Statement of Case. The Landmark is a new human inspired intervention into the landscape

which follows many others in the local landscape. It is designed to respond to and reflect the existing intrinsic character and features of the landscape. There would be no *'harmful effects'* from the Landmark and as such no mitigation or compensation is required under the provisions of ENV3.

- 7.3.14 Para 7.19 of the Council's Statement of Case states that the emerging *policies reinforce the sensitivity of open upland landscapes in Northumberland and unlike existing Development Plan policy they recognise the significance of the Northumberland Dark Sky Park (which had not been so designated when the Development Plan policies were formulated) and its sensitivity to landscape change.*
- 7.3.15 The conditions agreed with the Council would ensure that there are no visible lights from the Landmark and so no effect on dark skies generally, let alone that of the Northumberland National Park. Only infrared warning mechanisms are proposed to be installed as requested by the Ministry of Defence. These will be invisible to the human eye. The concerns of the Council are unfounded. The Landmark can be constructed and be enjoyed whilst safeguarding the significance of the Northumberland Dark Sky Park.
- 7.3.16 The Council allege that the Landmark has an urbanising effect, but that is clearly not the case for the reasons I have already addressed. This appears to be a blanket term to refer to the construction of a man-made object, in which case the construction of a farm building, a fence, a wall, a road, or any structure in the countryside could be therefore deemed to be an urbanising effect. This is not an apposite way to interpret the concept of urbanisation and it is an inapposite suggestion of this piece of art which is to be installed – and designed to be seen - in this specific location.
- 7.3.17 I attach considerable weight to this policy compliance.

7.4 Economic Growth and Tourism

- 7.4.1 TLDFCS Policy EDT1 emphasises the need to support tourism as an important aspect of the local economy and to allow *'new tourist development where appropriate in order to increase the range, quality and type of facilities available to tourists'*.
- 7.4.2 Additionally, the TLDFCS aims to support a buoyant and diverse local economy and identifies that although there is no need for significant numbers of additional jobs to be created, it is important to make sure that adequate opportunities exist to improve the quality and range of employment available.
- 7.4.3 The TLDFCS also acknowledges that the rural economy continues to change and there is a need to support the diversification of the local economy and for sustainable tourism to be supported.
- 7.4.4 Understandably, policy EDT1 does not prescribe exactly the type of facilities that it encourages but caters for all new types of tourism development that would have the desired effects. This plainly encapsulates the appeal scheme.
- 7.4.5 I set out later in my evidence the significant economic benefits which would be generated for the Northumberland and wider economy by the appeal scheme: in doing so, I have had regard to the Economic Impact Assessment (CD I.3.1)

- 7.4.6 The Northumberland Economic Strategy 2019-2024 has as one of its three key deliverables to *Ensure Northumberland is an internationally significant tourism and culture destination.* (CD G.10). The strategy commits the Council to *raise the areas profile regionally, nationally and internationally as a place acknowledged for its creativity and world class visitor offer.* The Council has committed to *develop the visitor economy with a focus on creating great visitor experiences in.....experiential tourism development and visitor information.*
- 7.4.7 The appeal scheme would reinforce the international attractiveness of Northumberland to visitors. Taken together with the experiential and creative elements of the appeal scheme as evidenced by Mr Hitchens' the Landmark will contribute to one of the key deliverables of the strategy.
- 7.4.8 One of the main objectives of the NPPF is that the planning system is to deliver decisions through which economic development and stability can occur. Paragraph 83 of the NPPF requires planning decisions to enable *'sustainable rural tourism and leisure developments which respect the character of the countryside'*. The evidence submitted on behalf of the Appellant demonstrates the ways in which the appeal scheme is sustainable and respects the *'character of the countryside'*.
- 7.4.9 The appeal scheme is a unique tourism facility for this area in this respect. It is a bespoke landmark sculpture designed to stimulate visitor interest. It readily satisfies the principle of new tourism development given its purpose. The sculpture would be an engaging artwork with its own distinctive design that would attract visitors and be complementary to existing tourism attractions within Northumberland. The Economic Impact Assessment (CD I.3.1) clearly demonstrates the ways in which it would attract local and other tourists which I set out in more detail later in my evidence.
- 7.4.10 The economic and tourism benefits of the scheme are acknowledged by the Council's Tourism and Visitor Economy Manager. The appeal scheme accords with TLDFCS Policy EDT1 and paragraph 83 and would secure a deliverable for the Northumberland Economic Strategy. The appeal scheme would also clearly sustain the economic well-being of the area and generate significant positive economic impact as I have already set out in my evidence. It will also enhance the local environment for the reasons I have given. The appeal scheme should be welcomed by the Council as an exemplar of the type of development that is encouraged by policy ECN15 of the NLP. I understand this to be common ground with the Council.
- 7.4.11 I attach I considerable weight to this policy compliance.

7.5 Transport and Accessibility

- 7.5.1 Policy GD4 of the TLDFCS sets out the principles for transport and accessibility. Policy GD4 of the TDLP sets out the criteria relating to transport provision for all types of development. Policy GD6 of the TDLP relates to the car parking standards outside the built-up areas of the former Tyndale District.
- 7.5.2 Paragraph 110 of the NPPF has similar characteristics to Policy GD4 of the TDLP and relates to sustainable transport measures, safe and sustainable access and limiting significant impacts of development.

7.5.3 Policy GD4 of the TDLP requires development proposals to conform to a number of criteria and the appeal scheme complies in fully with each of them. Again, this is accepted by the Council. I would highlight the following points:

- (a) the appeal scheme would provide safe access to the site and would not create levels of traffic which would exceed the capacity of the local road network or create a road safety hazard;
- (c) adequate car parking would be provided within the appeal scheme in compliance with this policy and Policy GD6 of the TDLP.

7.5.4 The Council do not allege any conflict with TLDFCS Policies GD4 or GD6, nor with the NPPF. It is clear that the appeal scheme is compliant with each of these policies.

7.5.5 I attach weight to this policy compliance in favour of the appeal scheme.

7.6 Design Principles

7.6.1 The Council do not allege any conflict between the appeal scheme and relevant development plan, or NPPF policies in respect of design. Policy GD2 of the TDLP states that development will be required to respect the positive characteristics of the District's natural, built, and historic environment, and provides criteria against which this can be assessed.

7.6.2 Paragraph 127 of the NPPF provides policies relating to design such that developments should '*add to the overall quality of the area*', '*are visually appropriate as a result oflayout and appropriate landscaping*', '*are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change are sympathetic*.'

7.6.3 The design of the appeal scheme has evolved through a significant amount of research and from a detailed understanding of the local area, landscape, topography, geology, and history.

7.6.4 The extent to which this research and understanding has informed the design is addressed in more detail by Mr Hitchens. I have set out the key drivers to the design of the appeal scheme in Section 3.4.

7.6.5 Paragraph 131 of the NPPF stresses that *in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

7.6.6 Like any outstanding and innovative public art and design it will both stimulate and inspire a reaction. For most people, this will be a positive and affirming experience or at the very least thought-provoking. Notwithstanding the quality of the design and its palpable relationship with the intrinsic character of the landscape for some the experience may be negative.

7.6.7 Initial negativity to sculpture of this kind often gives way to acceptance and then affection, as with the now universally acclaimed Angel of the North, as to which I would refer to the evidence of Mr Jarratt. Outright opposition to the now iconic installation has been translated into huge affection, support, and pride, to the extent now that proposals to alter

the roads in the vicinity are now the subject of potential objection on the basis that it might adversely affect the ability to see the Angel of the North.

- 7.6.8 Regardless of the subjective reactions it may inspire, the design of the sculpture has been informed by the characteristics of the precise location in which it is sited. The design of the Landmark has given full consideration to the contribution it would make to the site and has been designed with care to ensure that it responds to, and fully respects, its local context. Likewise, it would accord with the role that tranquillity and dark skies contribute to this part of Northumberland.
- 7.6.9 The evidence submitted on behalf of the Appellant demonstrates that the appeal scheme has been designed as an innovative, intelligent, and artistic response to the landscape, heritage, and the overall identity of Cold Law and its surrounds. For all these reasons, the Landmark is fully compliant with Policy GD2 of the TDLP and the NPPF.
- 7.6.10 The NLP policy QOP1 gives great weight to proposals which demonstrate outstanding or innovative design. The policy sets out criteria a-n which should be satisfied in order for the Council to support such proposals.
- 7.6.11 Criteria a-n are satisfied by my evidence and that of Ms Southern. The evidence of Mr Hitchens demonstrates the outstanding and innovative nature of the appeal scheme, which is compliant with policy QOP1. I understand this is accepted by the Council.
- 7.6.12 I attach I considerable weight to this policy compliance.

7.7 Heritage Assets

- 7.7.1 The Council accepts that the appeal scheme accords with heritage policies in the development plan and the NPPF.
- 7.7.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires LPAs, when considering proposals for development which may affect a listed building or its setting, to 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.
- 7.7.3 Section 16 of the NPPF states 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.
- 7.7.4 Paragraph 200 of the NPPF states that *proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*
- 7.7.5 The appeal scheme is sited in a landscape with wider archaeological interest dating from the prehistoric periods. Detailed site-based assessments have demonstrated that the appeal scheme is unlikely to have a direct (physical) impact on below ground archaeological remains or any indirect (visual) impact on the setting of the scheduled monuments in the wider area.
- 7.7.6 It is important to note that that the County Archaeologist recommended that in relation to the appeal scheme that "no further archaeological work is required in connection with this scheme". (CD B.13)

- 7.7.7 It is equally important to note that no objections to the appeal scheme were made by Historic England.
- 7.7.8 The appeal scheme includes the provision of fixed on-site information about local heritage assets and will assist in further revealing the significance of these assets.
- 7.7.9 The appeal scheme has no adverse impacts on any heritage assets. It also provides an innovative interpretation of the built, natural, economic, and social history of the area itself. It has evolved with reference to specific aspects of the geology, history of ancient peoples and the history of the monarchy over the past two centuries. It will not harm any designated or non-designated heritage assets and is therefore compliant with TDLP Policy BE28 and the NPPF.
- 7.7.10 In addition, NLP policy ENV7 requires proposals to be designed based on an understanding of the potential impacts on heritage assets. The appeal scheme has been informed by a full desk based and site based evaluation of the heritage assets both on and adjacent to the site. The County Archaeologist has raised no objections to the appeal scheme. The appeal scheme is compliant with ENV7.
- 7.7.11 This is common ground with the Council.
- 7.7.12 I attach I considerable weight to this policy compliance.

7.8 Other matters

- 7.8.1 The proposed parking at the appeal scheme is compliant with Policy TRA4. Parking standards are expressed neither as a maximum or a minimum, instead, they provide an indication of the appropriate level of parking for different uses. I understand this is accepted by the Council.
- 7.8.2 The NLP policy ENV2 requires development to minimise impact on biodiversity and geodiversity and to secure net gains for biodiversity. The embedded elements of the design together with the ecosystem approach given in the undertakings in the Section 106 Agreement have been acknowledged and approved by the Council's ecology officer: they would enhance biodiversity. Mr Hitchens' evidence demonstrates how the geodiversity will not be affected and how the appeal scheme will foster understanding of the Northumberland geology. I understand this is accepted by the Council.
- 7.8.3 The NLP policy WAT3 requires proposals to be designed based on an understanding of the potential impacts on the risk of flooding. The appeal scheme has been informed by a desk based flood risk assessment. The Lead Local Flood Authority has raised no objections to the appeal scheme. The appeal Scheme is compliant with WAT3. I understand this is accepted by the Council.
- 7.8.4 I attach I considerable weight to this policy compliance.

8. Benefits of the Appeal Scheme

8.1 Introduction

8.1.1 In this section of my proof of evidence I will describe how the appeal scheme will generate and provide for both direct and indirect benefits. I describe the weight which I ascribe to these benefits below.

8.1.2 These benefits fall within the following categories;

- Landscape
- Economic and Tourism
- Climate change
- Biodiversity

8.2 Landscape

8.2.1 I refer to the evidence of Ms Southern which describes the landscape-related benefits which will arise from the appeal scheme. I agree with her evidence and the benefits which will accrue. I attach considerable weight to these benefits.

8.3 Economic benefits

8.3.1 The Council's Statement of Case (CD J.1) claims at para 8.4 that *'there has been no evidence provided to estimate visitor numbers, jobs to be created or increased revenue to be generated by the monument'*. Whilst, as I understand it, this no longer forms part of this Council's case, I would refer to the report that the Appellant commissioned from Frontline Consulting (CD I.3.1). This report updates and refines a previous report that was produced by ERS in respect of the second (withdrawn) application (CD D.5).

8.3.2 The Frontline report has been commissioned in response to criticisms made by the Council (but no longer relied upon) and KTWW regarding the economic and tourism-related benefits of the appeal scheme. It provides an up-to-date understanding of the benefits that the Landmark would generate for the local economy and in particular the tourism sector.

8.3.3 In order to review the economic benefits arising from the appeal scheme an updated assessment has been undertaken by ethical partnership of the anticipated profiles, origins etc of visitors. This is contained within the updated Visitor Strategy (CD I.3.1). The anticipated profiles for visitors to the Landmark have been both corroborated and used by Frontline in their assessment of the potential impact of the appeal scheme on the local economy.

8.3.4 The Visitor Strategy for the Landmark remains focused on ensuring that promotion of the Landmark is commensurate with the capacity of the parking and the passive nature of the enjoyment that visitors will gain. Based on the assessment undertaken by Frontline, it is evident that the Landmark would be a lasting legacy which would bring tangible economic benefits to the local area, as well as longer term less tangible economic, social and community benefits. The Frontline report references evidence from reviews of other comparable sculptures across the UK and overseas to substantiate its conclusions.

- 8.3.5 It is clear that comparable public art projects can evidence considerable economic impacts. Although these are measured in different ways, and although the outcomes presented vary it does confirm that there are demonstrable economic benefits of open-air art installations.
- 8.3.6 There is convincing evidence that the Landmark will bring these economic benefits, through the patronage of visitors into the local area, some of whom will be attracted to the area for an overnight visit and others who will make a day trip. These visitors will support the local economy by spending and staying locally, this expenditure will support local businesses, encourage new business formation, and create and safeguard employment.
- 8.3.7 It is clear that from the Frontline report that Northumberland is a well-recognised and attractive destination, and one which witnessed robust growth over the last decade across all tourism Key Performance Indicators. The local tourism economy expanded by almost 60% over the decade, with a noticeable increase in trips, expenditure, economic output, and employment over the period from 2016 to 2019. This was directly associated with the growing importance of the 'staycation' market and was in part driven by the UK's exit from the EU. The sector was estimated to support 16,000 in 2019, making it a key employer locally.
- 8.3.8 As witnessed across the world in 2020, the Covid-19 pandemic significantly reduced travel, hospitality, and the tourism economy at large in 2020, and this is continuing into 2021.
- 8.3.9 Covid-19 is estimated to have a major effect on the tourism economy globally and locally. The estimates and projections of the figures in 2020, and into 2021 are significant. Locally, 'Visit Northumberland' have predicted the following:
- total annual visits to Northumberland have fallen by almost 60% in 2020
 - the value of the tourism sector to local economy to fall by almost £400m
 - almost 10,000 lost tourism jobs
- 8.3.10 Although there is hope for a strong recovery now that a vaccination programme is underway, the new tourism market is expected to take time to recover and is likely to be a lot less reliant on international travel and largely driven by a staycation boom.
- 8.3.11 Global and local tourism agencies are beginning to develop action plans and strategies, as well as funding support for this new normal. The Landmark would play a significant and leading role anyway but being launched in the midst of a crisis and being constructed and launched at a significant time for the tourism economy it is particularly opportune. It has the potential not only to attract new visitors to the area, but to be a major feel-good factor for Northumberland and the UK as the county and country emerges from a very devastating economic shock.
- 8.3.12 The business and residential communities in close proximity to the appeal scheme have not been immune to the Covid-19 pandemic and the local economy will clearly need investment to replace lost employment and income. Campaigns and promotion will be needed to encourage businesses to reopen, for them to rebrand as well as establish new businesses. The Landmark clearly has the opportunity to contribute to the recovery of the local economy and to retain and increase local spend particularly as the tourism sector

pivots and focuses on a significant increase in the 'staycation' market in a post Covid-19 scenario.

8.3.13 The Frontline assessment of the impact of the Landmark is 'scenario based' and aligned to the patronage and profiling estimates presented in the updated Visitor Strategy. Based on the Landmark achieving a midpoint in the visitor footfall estimates (27,500 visitors per annum), this would result in the following:

- visitor expenditure between £1.63m and £4.35m
- between 35 and 93 new tourism jobs
- GVA benefits between £1.01m and £2.70m

8.3.14 Allied to these significant benefits there is a range of wider longer-term benefits associated with the Landmark which have been described in detail by Mr Jarrett, including:

- further showcasing and promoting the area;
- reinforcing the tourism offer and economic recover measures being taken by Visit Northumberland body;
- supporting local business growth, and establishing new businesses, as part of the economic recovery;
- linking with other sculpture and trails and furthering the cultural arts agenda in Northumberland;
- perception-related benefits which will encourage more people to visit, stay and potentially invest in the local area; and
- helping to lever in more policy and funding support to other tourism, arts and cultural assets, attractions, and events

8.3.15 I attach considerable weight to the benefits which will arise as a consequence of the appeal scheme to the local economy and in particular to the tourism sector of the Northumberland economy.

8.4 Biodiversity benefits

8.4.1 The appeal scheme would enhance the local biodiversity resources in the area in accordance with the development plan generally and specifically with regard to policy NE1.

8.4.2 As the appeal scheme will improve the biodiversity resources, it is fully compliant with paragraph 170 (b) '*recognising.....the wider benefits from natural capital and ecosystem services*'.

8.4.3 'Natural capital' includes 'the store of biodiversity resources', and 'ecosystem services' the ways in which the ecosystem serves and supports human life. In so far as the appeal scheme will improve biodiversity resources it would enhance the local natural capital.

8.4.4 The Appellant's obligations in the Section 106 Agreement to implement a Conservation Management Plan ("CMP") - including prescriptions for the re-wetting of a significant area (extending to around 60ha) within the wider Ray Estate - would restore the carbon sequestration ecosystem services provided by the site.

- 8.4.5 These measures are approved by the Council's ecology officer and would secure ecological enhancements. The Council's ecology officer commented as follows:
- “There is good potential for the enhancement of habitats through reduced grazing pressure, creation of low nutrient substrates, some native tree and shrub planting, and re-wetting of drained land.”*
- 8.4.6 The Council's ecology officer goes on to welcome the measures in the Section 106 Agreement and recognises that they would *“result in improvements to biodiversity in line with the aim of the NPPF”*.
- 8.4.7 The Council in its Statement of Case at paragraph 7.12 allege that *‘there would be substantial harm to the local environment during the construction period’*. I do not know whether the Council is sustaining this argument (it forms no part of the reason for refusal and no evidence is produced by the Council) but, in any event, I do not agree with this criticism. There is no evidence to substantiate this criticism. Any harm arising from construction (which the Council do not identify) would necessarily be for a short time only anyway. This view is shared by the Council's ecology officer (CD B.8) who is content that the impacts of construction can be effectively controlled through a condition requiring the preparation of a Construction Environmental Management Plan ("CEMP"). This is an entirely standard approach. Moreover, any short-term effects would be clearly outweighed by the permanent ecological benefits of the appeal scheme. I have no reason to disagree with the Appellant's professional ecologist and the professional opinion of the Council's ecology officer.
- 8.4.8 The Council's ecology officer (CD B.8) also supports the view of the Appellant's professional ecologist that the implementation of the undertakings in the Section 106 Agreement, and adherence to the conditions would enhance the habitat for birds in the local habitats when he comments *‘due to the habitat creation and enhancement that shall be delivered with the scheme bird habitats are likely to be improved in diversity and quality in the long term’*. I agree.
- 8.4.9 The Council's ecology officer (CD B.8) goes on to confirm that the appeal scheme is in accordance with paragraph 175 of the NPPF. Again, I agree.
- 8.4.10 An ecological appraisal was produced by E3 (CD A.12) and submitted in support of the planning application. In response to a query raised by the previous Inspector at the CMC (regarding the date of the supporting survey work), this appraisal has been re-checked by E3 (CD I.3.1) in January 2021. Their attached report confirms that since the original appraisal was produced in January 2019 no changes have taken place within or adjacent to the site which would affect the conclusions drawn by the 2019 appraisal. They are satisfied, therefore, that its conclusions are up to date and can be relied upon.
- 8.4.11 The report also confirms the scale, extent and nature of the biodiversity works and measures that will be undertaken to mitigate any adverse impact arising from the Landmark on biodiversity assets and those measures which will be taken to protect and improve the biodiversity resources. The report demonstrates that considerable biodiversity benefits in terms of both species and habitats would accrue to the local environment from implementation of the CMP.

8.4.12 I attach great weight to the biodiversity benefits which will be delivered and secured through a legal agreement and will be provided in perpetuity.

8.5 Climate change benefits

8.5.1 The Appellant has always intended to take measures to seek 'carbon neutrality'. 'Carbon neutral' means that an activity releases net zero carbon emissions into the atmosphere.

8.5.2 The Appellant would seek to introduce measures to offset emissions resulting from the Landmark with an objective to make it 'carbon neutral'.

8.5.3 I draw attention to the comments of the Council's ecology officer (CD B.8) who, in supporting the proposed enhancements for the 60 Ha wider site, makes reference to the likelihood of significant depths of peat on the land and the (eco-systems and natural capital) benefits of rewetting these areas of 'modified bog'. The rewetting of upland peat bog has been identified by the Committee on Climate Change³ as one of the measures which should be taken by the UK to achieve the target of net zero emissions.

8.6 Sustainable Development

Economic role

8.6.1 I have already addressed the significant economic benefits of the appeal scheme. The Frontline Consultants report clearly demonstrates how existing local and Northumberland based businesses will benefit from the appeal scheme. My evidence and that contained in the Frontline Consultants also demonstrates how the Landmark will augment the portfolio of Northumberland attractions for both local people and tourists and will generate; new employment, additional income and GVA. This view is supported by the Council's Tourism Manager.

8.6.2 I attach weight to the fact that the Landmark is a not-for-profit proposal and not to be financed from public sector funds.

8.6.3 I attach great weight to the significant economic benefits that will accrue to the residents and businesses of Northumberland and will be additional to the existing local Gross Domestic Product.

8.6.4 The Landmark represents a sustainable development in that it will generate additional investment, new employment and returns for the local economy all of which would be at no cost to the public sector.

Social Role

8.6.5 The Appellant has made great efforts to take account of the views of residents and businesses of the local area, Northumberland, and the wider North East. (CD A.24, A.25, A.26, D.4)

8.6.6 The evidence of Mr Hitchens fully explores and gives evidence to the strong cultural and local heritage associations and links of the Landmark.

³ (Committee on Climate Changes: Sixth Carbon Budget table 7.1)

- 8.6.7 The introduction of a Landmark directly related to the reign of HM the Queen and to celebrate the Commonwealth is in accordance with the NPPF scope of the social dimension of sustainable development. Celebration of our own social and cultural history is part of this thread of sustainability. As the evidence of Mr Hitchens demonstrates, there is already a local landmark dedicated to the reign of Queen Victoria with which this proposal will complement and bear a direct relationship. Paragraph 8 of the NPPF indicates that there is a social objective to the planning system such that the planning system should deliver a range of developments that *reflect current and future needs and support communities' health, social and cultural well-being'*.
- 8.6.8 The Landmark would deliver many of the social objectives of sustainable development, such that it would *'promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other' (NPPF para91 a))*
- 8.6.9 The evidence of Ms Southern explains how the Landmark as a piece of sculpture and art is expected to stimulate interest, debate, and discussion. In doing so it is inevitable that the idea of a new piece of public art of this kind will attract initial objection (as illustrated above), but that does not undermine its valuable role in delivering the sustainability identified in the NPPF.
- 8.6.10 Chapter 6 of the Appellant's Statement of Case describes the extensive public engagement which commenced in 2018. This references the public exhibitions and the commitment to engage with 'New Writing North', to involve local history societies, Schools, Care homes, Local Library and Open access groups in creative writing.
- 8.6.11 Allied to the withdrawn planning application I draw attention to the efforts during the winter of 2019-20 to seek the views of the public on the Landmark. Details of the methodology for the engagement and the results can be found in the core document D.4. The engagement was structured and invited responses to a series of questions, answers were provided by 251 people with 59% from Northumberland and 40% from Tyne and Wear /the wider North East of England. Those respondents who were 'very positive /positive' about the proposal were on average 65-70% of those who responded, with only less than 10% negative or very negative.
- 8.6.12 The Landmark has also received strong support from a number of individuals from both Northumberland, the North East of England and the UK. Details are within CD D.4 and CD I3.1. These letters are addressed to the Planning Inspectorate but were sent to the Appellant. We endeavoured to forward them to the Inspectorate, but we were advised that they would not be accepted because the deadline for receipt of third-party representations had passed. However, I believe it is important for the Inspector to read them, so I am appending a copy of them to this evidence.
- 8.6.13 I attach weight to the views expressed in these letters, particularly given that the authors include; a former Chair of Royal Institute of British Architects (North), a Trustee of the Northern Architecture Centre, the current Chair of the Northumberland and Newcastle Society, local entrepreneurs, Northumbrian farmers, land agents and other local professionals, a descendant of the former owner of the appeal site Charles Parsons, and Lord Curry of Kirkharle.

- 8.6.14 I attach considerable weight to the support given by Councillor Watson who is the Council portfolio holder for Arts, Heritage and Culture. He remarks that *This fantastic piece of art is a fitting tribute to our Queen and will mark her dedication and service to her country in an original and remarkable manner. In a magnificent setting, worthy of such a ground-breaking design its position in the wild Northumberland landscape will enable visitors to observe it from all vistas and allow accessibility in a peaceful setting. The sculpture connects with HM The Queen's aim to consistently promote peace.*
- 8.6.15 I attach weight to the support from those who have written who operate businesses within Northumberland and who understand the importance of investing in the facilities and attractions in the county for economic and cultural health and well-being. I agree with Norman Hudson OBE comment that *Good new structures with high quality design and thoughtful planning are desirable objects in their own right. When coupled with clarity of purpose and sensitivity to the quality of pace, an excellent new building or structure will both complement and enhance, and quickly become the heritage of the future.*
- 8.6.16 As a long-standing resident of the North East of England and a frequent visitor to Northumberland I am aware that many residents of Northumberland and the North East have over the past year been searching for places which can be easily visited. Those interesting and stimulating places which are in the open air and relatively accessible to the populations of the North East will continue to be popular, and increasingly so for cultural and recreational visits. The Landmark would offer such an opportunity. And I echo the views expressed by Peter Cottrell in his letter that *the design is literally anchored in its setting, much as early ironworks and industry at nearby Ridsdale were. The solar orientation links to the early bronze age settlements reminding us that we live under one sky and one heaven.*
- 8.6.17 The Landmark represents sustainable development under this head too. It would reflect and promote local cultural heritage, generate additional engagement amongst local and wider communities and become a destination of which the local population could become proud.
- 8.6.18 It has been conceived intentionally to reinforce existing cultural and heritage associations between the monarchy and the Commonwealth and Northumberland. It would stimulate social exchange and generate critical interest.

Environmental Role

- 8.6.19 The evidence of Mr Hitchens demonstrates how the Landmark has been designed to respond to the topography of the site, its surrounding landscape and local cultural, environmental and heritage associations. His evidence demonstrates the careful attention to detail which has been given to the selection of materials, the stringent environmental standards which will be employed, the form of the car park and the integration of the design into the local landscape. His evidence identifies why it is a design which could only be installed in the location which is the appeal site and will achieve the highest environmental standards.
- 8.6.20 The evidence of Ms Southern demonstrates how the Landmark has been designed to respond to the local landscape and countryside character. Her evidence explains how the insertion of the piece of sculpture into the landscape is being undertaken in a way which

reflects the characteristics of the local environment; which is dynamic, ever changing and a reflection of ongoing human intervention.

- 8.6.21 The installation of the Landmark includes the restoration of grassland and appropriate grazing. It also includes the re-wetting of peat bogs and the management of 60Ha of adjacent land. The Landmark has the potential to also be carbon neutral in the way I have described, and visitors will have the opportunity to make their visit carbon negative to the benefit of Northumberland's natural capital and ecosystem services and more generally.
- 8.6.22 The Landmark would also be a sustainable form of development under this head and would be constructed to the highest environmental standards.
- 8.6.23 I attach considerable weight to my overall conclusion that for the above reasons, the appeal scheme would represent sustainable development within the meaning of the NPPF.

9. Response to the Council's reason for refusal

9.1 Introduction

9.1.1 In this section of my proof of evidence I set out my response to the Council's single reason for refusal.

9.2 Reason for Refusal

9.2.1 The Council's single reason for refusal is set out in paragraph 2.1.1 of my proof and, as clarified by the Council at the CMC, relies upon two policies namely: NE1 of the TLDFCS and paragraph 170(b) of the NPPF.

9.2.2 Policy NE1 can be found within CD G.1

9.2.3 Paragraph 170 of the NPPF can be found within CD G.3

9.3 Response to the Reason for Refusal

9.3.1 The Appellant's Statement of Case at paragraph 9.4.2 correctly identifies that *'The reason for refusal in citing policy NE1 does not specify a criterion or criteria against which the proposal has been tested and been found to fail.* It is reasonable to assume that the only part of this policy which is relied upon by the Council is in fact the first part of criterion (a) i.e. the reference to "Protect and enhance the landscape...." No other particulars of any other part of the policy are invoked in the reason for refusal. Nevertheless, for completeness, I consider each of the criteria set out in this policy to the extent that they are relevant to the appeal scheme.

9.3.2 As to the first part of criterion (a) (regarding landscape), I would refer to the evidence of Ms Southern (CD I.5). I agree with her assessment.

9.3.3 As to the other aspects of criterion (a), I have set out above the ways in which the appeal scheme will deliver benefits to local biodiversity resources. It is evident that the appeal scheme will protect and enhance the biodiversity interest referred to in this part of policy NE1.

9.3.4 In addition, the evidence of Mr Hitchens explains how the Landmark has been designed to enable members of the public to understand, appreciate and view the 'surface and solid geology' of the site. His evidence also demonstrates how the geology has informed the design of the Landmark. There is nothing involved in the construction of the Landmark which can be considered to threaten the 'geological interest' as referred to in this part of policy NE1. The Landmark with the on-site interpretation (which forms part of the appeal scheme) will actually inform and enhance public interest in the local geology. The appeal scheme will protect and enhance the geological interest referred to in this part of policy NE1.

9.3.5 The site is not 'recognised' in either the TLDFCS or the TDLP for (its) *environmental and scientific interest* as is also referred to in criterion (a). 'Recognised' means that a site is identified by name or is outlined on the development plan, or has a designation related to

its environmental or scientific interest or is otherwise identified. It is clear that the text of this part of policy NE1 *'give particular protection to areas and sites recognised for their environmental and scientific interest'* does not apply to the site or to the appeal scheme. For the above reasons the appeal scheme is compliant with NE1 (a).

- 9.3.6 As to criterion (b), the appeal scheme has evolved from a comprehensive understanding of the natural environment within the appeal site and in the surrounding countryside, as evidenced in the officer's report to the Council's Planning Committee. This is common ground with the Council. This understanding has been used by Mr Hitchens and the Appellant to inform the design, construction methods, off site habitat creation and long-term management of the natural environment, within the appeal site and the 60ha which are the subject of the Section 106 Agreement. This process of undertaking baseline surveys and impact assessments and then using these to embed mitigation within the appeal scheme demonstrates the process to manage the relationship between development and the natural environment. The Appellant and the Council have then agreed conditions which will allow the Council to exercise control over the detailed design and construction of the appeal scheme such that the risk of environmental damage is minimised, and the quality of the local air and ground/surface water is maintained.
- 9.3.7 I take urbanisation to be the process by which an existing urban area expands into the adjacent countryside. The site is in a rural location with no adjacent urban areas. The appeal scheme does not include any residential or commercial development, both of which are commonly understood as characterising urban areas. The Landmark includes a small car park which has been designed to integrate into the landscape, on which matter there are no objections. The appeal scheme includes few if any areas of land which will be transformed from permeable into impermeable areas. There is no basis to argue that the appeal scheme would lead to the urbanisation of the countryside. To the contrary, it is a scheme that is heavily invested in the rural characteristics of the site. The appeal scheme is compliant with criterion (b). I understand this is accepted by the Council.
- 9.3.8 As to criterion (c), the commitment of the Appellant to biodiversity is very clear for the reasons I set out earlier in my evidence including the obligations in the Section 106 Agreement. There is clear compliance with criterion (c). I understand this is accepted by the Council.
- 9.3.9 Neither the site nor the land subject to the Section 106 Agreement is best or most versatile agricultural land. Criterion (d) is not, therefore, relevant. I understand this is accepted by the Council.
- 9.3.10 Neither the site nor the land subject to the Section 106 Agreement is within the AONB. Therefore, criterion (e) is not relevant. I understand this is accepted by the Council.
- 9.3.11 Criterion (f) relies upon the definition of 'close to' for an understanding as to whether the appeal scheme should be tested against this criterion. For a robust approach, I shall assume that the site is considered to be close to the National Park. The evidence of Ms Southern demonstrates through the photomontages from viewpoints that the appeal scheme will not affect the character or appearance of the National Park. It is important to note that this view is supported by the National Park Authority, which were consulted on the planning application and have confirmed they have no objection to the appeal scheme.

They acknowledge that the appeal scheme would not affect the special qualities underlying the basis of the National Park designation. This is confirmation that the appeal scheme does not have an unacceptable adverse effect on the landscape quality, wildlife, or geological value of the National Park. The appeal scheme is compliant with criterion (f). I understand this is accepted by the Council.

9.3.12 The appeal scheme is specifically designed to encourage people to experience, enjoy and understand the natural environment within which it would be located. It clearly complies with criterion (g). I understand this is accepted by the Council.

9.3.13 Neither the appeal site nor the land subject to the Section 106 Agreement are areas of open space within towns and villages. Accordingly, criterion (h) is not relevant. I understand this is accepted by the Council.

9.3.14 For all these reasons, the appeal scheme is compliant with Policy NE1.

9.4 Reason for Refusal: NPPF para 170 (b)

9.4.1 The Council have confirmed that the only part of para 170 which they intend to rely upon is paragraph (b), despite the contrary impression given in its Statement of Case. It is not alleging that this is a “valued landscape” for the purposes of paragraph 170(a) of the NPPF.

9.4.2 The Landmark has been designed as a specific response to the intrinsic nature of the countryside. The intrinsic character of the countryside surrounding the site includes widespread human intervention. This character is a product of the ongoing interplay between the activities and interventions of man and the landscape itself.

9.4.3 The evidence of Ms Southern considers paragraph 170 of the NPPF in terms of the landscape and visual components of the ‘intrinsic character and beauty of the countryside’. Ms Southern demonstrates that the appeal scheme would fully respect the intrinsic character and beauty of the countryside in this location. I agree.

9.4.4 The latter part of sub-paragraph (b) *‘including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland’* is not engaged by the appeal scheme. This is because the site contains neither best and most versatile agricultural land nor trees and woodland. I understand this is accepted by the Council.

9.4.5 Ms Southern examines the relative quality of the landscape character of the site and surrounding countryside (study area) and demonstrates that it is not of exceptional quality such that protection should be a key priority. I agree with her professional judgment.

9.4.6 The LVIA assesses the magnitude of the change caused by the appeal scheme and demonstrates that it would be negligible to low, and from this there would be moderate/minor effects on landscape character. Ms Southern adds that this is likely to be a worse case assessment such that, in practice, the effect is likely to be ‘minor’. I agree.

9.4.7 Ms Southern draws attention to the presence of 2 large cluster wind farms in the local landscape, which bring a clear and significant element of manmade influence to this landscape. KTWW argues that these structures are only temporary in the sense that they have the benefit of consent for twenty-five years. I think it is important to note that, not only do these wind farms reflect the intrinsic nature of the countryside, they are also a tangible reflection of government’s policy for the UK to reduce its dependency on fossil

fuels. Subsequent to the installation of the turbines the government has committed the UK to rapidly transition to net zero emissions. Measures to deliver this transition will include a significant increase in the deployment of wind turbines. With the national priority for the ongoing use of renewable energy, it is reasonable to assume that where wind turbines have been previously granted temporary planning permission (i.e. twenty five years), such permissions would be extended. In any event, even if this were not the case, I share the view of Ms Southern that the turbines are clearly an intrinsic part of the character of the landscape as it now exists.

- 9.4.8 Ms Southern draws attention to other human interventions in the local countryside. The block plantations in the surrounding countryside are ‘artificial’, designed by foresters and landowners and ‘inserted’ into the landscape. In due course as ‘crops’, the trees will be clear felled and will no longer form part of the character of the countryside. New plantations will be designed and inserted by planting into the landscape which will again change the character. The moorland remains in its current state only as a consequence of the active grazing by sheep. The two sandstone quarries to the north of the site, the farm buildings, bridges and other structures have been entirely constructed and created by local people in response to an economic opportunity or to meet a social need.
- 9.4.9 Mr Hitchens describes the range of human interventions made into the landscape over time which has inspired the appeal scheme. I agree with him that the appeal scheme recognises and reflects these interventions in the landscape.
- 9.4.10 The intrinsic character already includes significant human interventions. As a consequence of ongoing human interventions the appearance of the countryside will continue to change and these human interventions will continue to be the material influence on the appearance and intrinsic character of the countryside.
- 9.4.11 The Council’s Statement of Case uses the term ‘alien’ to describe the Landmark and express the view that it would be an ‘intrusive feature that would harm the landscape’. I disagree. The Council’s observations misunderstand the basic premise of the appeal scheme. The Landmark is designed to be seen. It would be a novel and welcome new point of significant interest. The word “alien” does not reflect the obvious positive benefits that a landmark can bring. Many new additions to the English landscape could otherwise be described as alien in that sense, but with the passing of time are now considered to be intrinsic to the character of many areas. This includes both man-made structures, but also introduction of natural features such as trees and shrubs (Sycamore, Horse chestnut, Rhododendron).
- 9.4.12 The Council refers to the landscape in the area of the site being ‘highly valued’ but has confirmed that this is not meant to ascribe it the status of “valued landscape” for the purposes of paragraph 170(a). Like most landscapes, there might be a subjective value ascribed to the land by individuals who live there and, of course, it is the nature of this location and the landscape which has led the Appellant to commission the appeal scheme. But it is important not to misconstrue or over-emphasise this value. It is not a landscape that is valued in the sense referenced in paragraph 170(a) of the NPPF. Even if it were, the proposal protects and enhances it in the way described by Ms Southern and Mr Hitchens.

- 9.4.13 The Council suggests that many of the letters of objection cite the landscape as having an unspoilt nature. I disagree that this landscape can, on any objective basis, be categorised as unspoilt if that is intended to refer to the absence of intervention. Leaving aside many aspects of subjectivity in such statements, the reality is that this landscape is subject to significant intervention of various types which are addressed in more detail by Ms Southern and are evident *on the ground* to any visitor to the site and the surrounding area.
- 9.4.14 I share Ms Southern's conclusions that the appeal scheme is appropriately sited within a landscaped setting which is designed sensitively. I share the planning officers view in the report to the planning committee that *'it is considered that the principle of the construction of a landmark sculpture in this location is acceptable, and subject to relevant conditions, would be appropriate in the specific landscape context and location. Specifically it is confirmed that landscape impact... have (all) been taken into account and assessed on an individual and cumulative basis and been found to be acceptable'*.
- 9.4.15 Paragraph 170 (b) makes reference to a need for development to recognise *'the wider benefits from natural capital and ecosystem services'*. The appeal scheme will clearly deliver enhancements for biodiversity and the sequestration of carbon as I have set out above.
- 9.4.16 The appeal scheme gives due recognition to both the intrinsic character and the natural capital and ecosystems as required by the NPPF and demonstrably complies with the 170(b).

10. Response to KTWW's Statement of Case

10.1 Introduction

- 10.1.1 In this section of my proof of evidence I respond to the KTWW's Statement of Case (CD K.1).
- 10.1.2 In KTWW's Statement of Case they seek to make various points in relation to the following: nature of the application, sustainability, the character of the Wannies area, industrial local history, a restorative environment, planning policy, harm to the landscape, purported Benefits to tourism, purported benefits to ecology, response to letters of support and conclusions.
- 10.1.3 I intend to take each of these aspects in turn and set out my comments below. Where necessary, I also rely upon the earlier sections of my evidence.

10.2 Nature of the Application

- 10.2.1 At paragraph 14 KTWW refer to the height of the monument, noting the Appellant's identification of it being the difference in height between the summits of Cold Law and Hepple Heugh, some 750m to the south and at the height (336m AOD) of the Queen Victoria Cairn at Hartside on the north side of the Lises Burn valley. KTWW contend that it has not been explained why it is desirable for the monument to be of equal height to these landforms and they suggest that terms such as 'symbiosis' are used without explanation or justification.
- 10.2.2 In the same paragraph (14) KTWW assert that there will be a competition for dominance which is more likely to diminish the drama of the landscape than benefit it.
- 10.2.3 I have set out that one of the key design drivers for the scheme is that the height of the sculpture is designed to be 336m at AOD, exactly the same height of the summit of Hepple Heugh (856m to the south) and the Queen Victoria cairn (2735m to the north). The cairn was made to celebrate the jubilee of Queen Victoria, from whom Queen Elizabeth II is a direct descendant.
- 10.2.4 I do not agree the sculpture would diminish the 'drama' of the landscape as KTWW would argue. To the contrary it will add an interesting and stimulating visual attraction to the landscape without adversely affecting its known importance. The evidence of Mr Hitchens provides further evidence of the rationale for the bespoke design and relative heights and locations.
- 10.2.5 At paragraph 15, KTWW question the purpose of the proposal and claim that it would be hard to know what this monument is supposed to be about at all. This ignores the inherent qualities of this unique piece which will inspire immediate interest, but also the wider process of seeking to understand a piece of the kind. The whole point of the Landmark is to draw people in on a voyage of rewarding discovery. Visiting the Landmark itself will reveal the wealth of complexity that underpins the simplicity of the piece itself, and the rich cultural features reflected in the elegant shape and materials, along with the drama of visiting the sculpture in the rock slot that Mr Hitchens described, with all of the information and cultural experience of then going to the visitor area.

10.3 Sustainability

- 10.3.1 At paragraph 17, KTWW claims that the appeal scheme is unsustainable in economic, social and environmental terms.
- 10.3.2 I disagree for the reasons set out above. I would emphasise the following points.
- 10.3.3 My evidence shows how the re-wetting of the moorland within the wide area under the Section106 Agreement will also assist in improving the sequestration of carbon within the upland bog habitats. The Landmark will not work against the aims of the Climate Action Plan but indeed could in these ways be an exemplar of carbon neutral development.
- 10.3.4 The engagement on behalf of the Appellant and by Mr Hitchens with the local and wider communities in Northumberland demonstrates that whilst some in the community may not support the appeal scheme, there are many that are supportive. I do not agree that the appeal scheme will be divisive, I take the contrary view that by celebrating the reign of the monarch and the Commonwealth the appeal scheme will foster interaction and cohesion amongst diverse communities.
- 10.3.5 The benefits to the local economy and to the tourism sector are significant and specifically include additional employment and an increase in GVA.
- 10.3.6 I have set out in my evidence that the Landmark is a sustainable development by virtue of its economic, environmental, and social contribution to the objectives as set out in the NPPF.

10.4 The Character of the Wannies area

- 10.4.1 At paragraph 25, reference is made to an objection from the British Mountaineering Council and the concern that the full height of 'Ascendant' would be visible from the Crag above forestry. It is also claimed that wildlife is part of the wildness and that visitors walk on roads and their views should be considered. KTWW state a number of characteristics of the wider area and the appeal site which they consider should be used as part of the assessment of the appeal scheme.
- 10.4.2 Taking these points in turn, the appeal scheme does not materially affect the Great Wanney Crag, nor does it reduce or materially affect in any way the enjoyment which climbers gain (albeit, it is difficult to see how any climber ascending the Crag would have any view of the Landmark given that he would have his back to it). Whilst views gained by climbers at the top and others may change as a consequence of the Landmark, these have been assessed. These views are dynamic particularly as the plantation forests are thinned, harvested, and replanted and the presence of the turbines in these views is obvious. There is no evidence that climbers and mountaineers would stop visiting the crag once the Landmark is constructed. The Landmark will enhance the wildlife value and natural capital of the appeal site and wider countryside.
- 10.4.3 Mr Hitchens' evidence demonstrates how the design has been informed by a comprehensive understanding of the social and historic characteristics of the site and landscape. Ms Southern's evidence and the LVIA provide a full and balanced understanding of the effects of the landmark on the landscape character and demonstrate compliance with the relevant policies of the development plan.

- 10.4.4 Ms Southern has provided photomontages of the landmark viewed from a wider variety of locations, including those roads from which it is visible.
- 10.4.5 The assessment of the effects of the Landmark has been comprehensively undertaken having regard to not only the relevant guidelines but to local social, economic and environmental characteristics.
- 10.4.6 The physical extent of the appeal scheme itself associated with the Landmark does not materially affect the Great Wanney Crag, nor does it reduce or materially affect in any way the land to which the public has access under the Countryside and Rights of Way Act 2000.

10.5 Industrial Local History

- 10.5.1 At paragraph 34, KTWW acknowledge that the industrial archaeology and local history are important to some in this area and beyond. They suggest interest in these features can be pursued by visiting particular locations and features, they also take the view that these features no longer impinge significantly on the landscape, the buildings have been demolished and the railway line and iron workings are overgrown (See photos in Appendix 10 of the KTWW statement).
- 10.5.2 I agree that the industrial archaeology and local history are important to local people and to the wider community of Northumberland and the North East of England. Letters written in support confirm this (CD I 3.1). Indeed, the evidence of Mr Hitchens demonstrates how the history of local industrial development and contribution of local industrialists has informed both the design and selection of materials for the Landmark. Many industrial structures in and around the appeal site including sandstone quarries, bridges and embankments (disused railway line) are highly visible and form significant elements in the character of the landscape. The industrial heritage of rural Northumberland presents a latent opportunity to grow the tourism sector.

10.6 The Environment

- 10.6.1 At paragraph 35 KTWW acknowledge benefits to physical and mental health from contact with the natural world as being well recognized and they suggest the Wannies area has a great sense of spaciousness, tranquillity and remoteness from everyday life that are particularly valued by those who visit it for outdoor recreation.
- 10.6.2 They allege that the Landmark is not compliant the TLDFCS and the NLP. I disagree.
- 10.6.3 Dealing with each of these in turn, The Landmark is a tourism-based development in open countryside and in compliance with TLDFCS Policy GD1 and this is common ground with the Council.
- 10.6.4 The Landmark will enhance the character and qualities of the landscape and will not cause; unacceptable harm, either through environmental damage, or urbanization nor will it adversely affect the landscape quality of the countryside close to the National Park. It accords with policy NE1.
- 10.6.5 The evidence of Ms Southern and Mr Hitchens is clear how the Landmark respects the positive characteristics of the natural and built environment and is appropriate to the character of the site and surroundings. This is common ground with the Council. Their

evidence also demonstrates how the Landmark, the car park and the footways will be absorbed into the landscape. This is also common ground with the Council.

- 10.6.6 In encouraging heritage and cultural visits the Landmark will enhance the environment in accordance with policy ECN15. This is common ground with the Council. By drawing people into visit this area and the Landmark, more people will enjoy the area and benefit from outdoor recreation, not fewer.
- 10.6.7 The character of the landscape is one of constant change with regular and significant human interventions; therefore the landscape character is not harmed by the Landmark.
- 10.6.8 I have set out my professional opinions on the ways in which the Landmark is compliant with Policies ENV3 and ENV4. My evidence and that of Frontline Consulting demonstrates the ways in which the Landmark will contribute significantly to delivering the objectives of the Northumberland Economic Strategy 2019-2024.
- 10.6.9 My evidence and that of Ms Southern and Mr Hitchens demonstrates how the Landmark respects the countryside and is compliant with; paragraphs 83, 127, and 48 of the NPPF, the various policies within the TLDFCS and in particular is compliant with NE1.

10.7 Harm to Landscape

- 10.7.1 KTWW criticise at paragraphs 45- 61 the methodologies used in the assessment of the impact of the appeal scheme on the landscape. They allege the appeal scheme will be harmful and contend wind turbines should not be used as a precedent for other high structures in the area. I disagree.
- 10.7.2 The evidence of Ms Southern demonstrates how the impact of the Landmark is not harmful to this lower-middle ranked landscape character area, and I agree. Ms Southern evidence describes how the LVIA methodology has been used to embed mitigation within the design and that arising from this LVIA led process are benefits to the landscape. Ms Southern states that there are very strong reasons to approve the appeal scheme such that it delivers benefits to the landscape. I agree. The appeal scheme been assessed in accordance with accepted methodologies and has been shown to be compliant with policy NE1.
- 10.7.3 My evidence and that of Ms Southern and Mr Hitchens demonstrates that the turbines are an element of the intrinsic character of the countryside and that no harm will arise as a consequence of the appeal scheme. To the contrary his evidence has demonstrated that the Landmark has been designed (and would) respect and enhance the landscape character. It accords with policy NE1.
- 10.7.4 I attach considerable weight to the enhancement of the landscape which will arise from the appeal scheme.

10.8 Benefits to Tourism

- 10.8.1 KTWW allege at paragraphs 62-67 that there is no evidence of the tourism benefits of the appeal scheme. The County Tourism manager has stated that the Landmark will augment and add to the attractions in Northumberland and from this tourist and economic benefits will accrue.

10.8.2 I have set out in this evidence the significant benefits which will accrue from the Landmark to the local economy and in particular to the tourism sector. Considerable weight should be given to the benefits to the local tourist economy in determining the appeal.

10.9 Benefits to Ecology

10.9.1 KTWW at paragraph 68 allege that the ecological harm caused by the appeal scheme need to be weighed against the benefits cited by the Appellant. I do not accept that any ecological harm would arise.

10.9.2 To the contrary, I have set out in this proof the evidence the benefits which will accrue from the Landmark to the natural capital, eco-services and biodiversity interests of the local area. Considerable weight should be given to these benefits.

11. Planning Balance

11.1 Introduction

11.1.1 In this section of my proof of evidence I set out the overall planning balance having particular regard to the development plan and other material considerations.

11.1.2 I will set out why I consider that the appeal scheme is not only compliant with the TLDFCS and the TDLP but also the aims and objectives of the NPPF (and the NLP).

11.2 The development plan

11.2.1 The starting point in carrying out the planning balance is the development plan when read as a whole. This is not an exercise that has been carried out by the Council. The only development plan policy upon which the Council relies in the reason for refusal is policy NE1 of the TLDFCS . The appeal scheme accords with this policy for the reasons set out in the Appellant's evidence.

11.2.2 The Appellant's evidence demonstrates that the appeal scheme accords with the development plan when read as a whole. I attach considerable weight to this policy compliance.

11.2.3 It follows that: (i) the presumption in section 38(6) applies; and (ii) planning permission should be granted for the appeal scheme without delay per paragraph 11 (c) of the NPPF.

11.3 NPPF

11.3.1 The Council also relies upon paragraph 170(b) of the NPPF. Again, for the reasons set out in the Appellant's evidence, the appeal scheme accords with this paragraph. I have also set out in my evidence other aspects of the NPPF with which the appeal scheme accords including: paragraphs 7 and 8 (sustainable development); paragraph 83 (sustainable rural tourism); paragraphs 124, 127 and 131 (good design); paragraph 175 (conservation of biodiversity); and paragraphs 189, 193, 197, and 200 (conserving and enhancing heritage assets).

11.3.2 The support for the appeal scheme from the development plan is, therefore, reinforced by the compliance of the appeal scheme with the NPPF. This compliance with the NPPF is a material consideration to which considerable weight should be attached.

11.4 The NLP

11.4.1 The NLP is at an advanced stage and is likely to be adopted during 2021.

11.4.2 The Appellant's evidence demonstrates that the appeal scheme accords with the NLP when read as a whole. I also attach considerable weight to this policy compliance.

11.5 Benefits of the appeal scheme

11.5.1 Evidence presented by the Appellant clearly shows that the local environment, countryside and the landscape in particular will not only be protected, but in numerous ways will be enhanced as a result of the appeal scheme.

11.5.2 The Appellant's evidence also demonstrates that there are significant economic benefits which will accrue, and these will be for the Northumberland economy generally and specifically for the tourism sector. These benefits are (amongst other things) deliverables for the Northumberland Economic Strategy.

11.5.3 I attach considerable weight to these benefits.

11.6 The Balance

11.6.1 It is my professional judgement that the appeal scheme conforms with the policies of the development plan when read as a whole and with the NPPF.

11.6.2 I am of the view that substantial weight should be given to this policy compliance and the benefits which will accrue from the Landmark. Limb c of paragraph 11 of the NPPF indicates that planning permission should be granted without delay in these circumstances.

11.6.3 Even if (contrary to the Appellant's evidence) it considered that the appeal scheme does give rise to harm of the type alleged by the Council and/or KTW, and/or relevant policies of the TLDFCS are considered to be out-of-date, I consider any harm arising would be clearly and demonstrably outweighed by the benefits I have identified. This would also militate firmly in favour of granting planning permission in accordance with limb d of paragraph 11 of the NPPF.

11.6.4 Respectfully planning permission should be granted for the appeal scheme.

12. Summary and Conclusions

- 12.1.1 Officers of the Council recommended to the Council's Strategic Planning Committee that planning permission should be granted for the appeal scheme. I agree with this overall recommendation although the evidence produced by the Appellant demonstrates that the benefits arising from the appeal scheme are even greater than articulated by officers. Despite the professional advice provided by officers, the Committee voted to refuse the application for a single reason.
- 12.1.2 I have assessed the planning merits of the appeal scheme, including its compliance with the development plan as a whole and other material planning considerations including the NPPF and the NLP. I have carried out the overall planning balance and, in doing so, I have drawn upon the evidence presented by other witnesses on behalf of the Appellant as well as the technical and expert reports that have been submitted in support of the appeal scheme.
- 12.1.3 The development plan for the appeal scheme comprises: (i) the TLDFCS, as adopted by the Council in October 2007, which sets out the overall spatial planning strategy for Tynedale up to 2021. (CD G.1); and (ii) saved policies of the TDLP as adopted by the Council in 2000 (CD G.2).
- 12.1.4 The policies of the TLDFC and the TDLP, which are relevant to this appeal, are up to date and weight should be given to them.
- 12.1.5 The single development plan policy referred to in the reason for refusal is Policy NE1 of the TLDFCS. There are a number of other policies within the TLDFCS that are relevant to the appeal scheme, although it is common ground with the Council that the appeal scheme accords with them. My evidence demonstrates this policy compliance.
- 12.1.6 The appeal scheme is also compliant with Policy NE1. As Mr Hitchens demonstrates, the industrial and economic heritage of the local area is one of the drivers for the design and one of the assets which the Landmark seeks to promote. It would add to the region's significant pedigree for delivering high-quality public art to the benefit of the area, as to which I would refer to the evidence of Mr Jarratt. No harm will arise to the landscape character as a consequence of the appeal scheme, nor will it cause environmental damage, or urbanization nor will it adversely affect the landscape quality of the character or appearance of the National Park or the Dark Sky Park. To the contrary, as Ms Southern demonstrates, the appeal scheme would give rise to enhancement in landscape and visual terms.
- 12.1.7 The Landmark has been informed by a comprehensive understanding of the intrinsic character of the countryside, the local heritage, and the character of the local landscape. The assessment of the impact on the landscape character has been professionally undertaken and from agreed viewpoints. The Landmark has been designed specifically for the site and so as to (and would) enhance the character and qualities of the landscape in a diversity of ways, including delivering biodiversity gains beyond the site boundary. These enhancements are embedded within the design of the appeal scheme and, to the extent

- necessary, are secured through proposed planning conditions and the Section 106 Agreement.
- 12.1.8 The Landmark would encourage more people to experience, enjoy and understand the natural environment. Para 170 (b) of the NPPF is relied upon by the Council. It is common ground with the Council that the appeal scheme is otherwise in accordance with the NPPF, to which significant weight should be attached.
- 12.1.9 It is my professional judgement that the outcomes and deliverables of the appeal scheme are sustainable development as defined by the NPPF for the multiplicity of reasons set out in the Appellant's evidence.
- 12.1.10 I refer to the evidence of Ms Southern, which demonstrates that (in landscape and visual terms) the appeal scheme is compliant with paragraph 170(b) of the NPPF. The Appellant's evidence demonstrates the ways in which the existing landscape has been and continues to be shaped by significant human influence, indeed that most of the intrinsic features of the local countryside are reflections of past and ongoing human intervention. In this context and having regard to the specific design rationale for the Landmark, Ms Southern demonstrates that the appeal scheme would not only recognise the intrinsic character and beauty of the countryside, but would deliver enhancement.
- 12.1.11 The numerous benefits that would be delivered by the appeal scheme reinforce my judgement that it is sustainable development within the meaning of the NPPF. To the local economy and to the tourism sector the benefits equate to an increase in visitor expenditure of between £1.63m and £4.35m, the addition of between 35 and 93 new tourism jobs and growth in GVA of between £1.01m and £2.70m. The Landmark will contribute significantly to delivering the objectives of the Northumberland Economic Strategy.
- 12.1.12 Benefits also accrue to Northumberland's natural capital, biodiversity and eco system services from the appeal scheme and these will also enhance the landscape.
- 12.1.13 The sculpture would be an engaging artwork with its own distinctive design that would attract visitors and be complementary to existing tourism attractions within Northumberland. There is support from Councillor Watson (the Council's portfolio holder for Arts, Heritage and Culture), the Council's Tourism Manger as well as individual people and businesses for the design and a recognition of the economic, social, and cultural benefits of the Landmark as commemorative public art in the Northumberland landscape.
- 12.1.14 The NLP is yet to be adopted but is at an advanced stage. It is a material consideration and weight should be given to it. The appeal scheme also accords with the NLP when read as a whole.
- 12.1.15 It is my professional judgement that the appeal scheme conforms with the policies of the development plan when read as a whole and with the NPPF, the NPG and the NLP.
- 12.1.16 I am of the view that substantial weight should be given to this policy compliance and the sustainable benefits which will accrue from the Landmark.
- 12.1.17 Limb c of paragraph 11 of the NPPF indicates that planning permission should be granted without delay in these circumstances.

12.1.18 Even if (contrary to the Appellant's evidence) it considered that the appeal scheme does give rise to harm of the type alleged by the Council and/or KTWW, and/or relevant policies of the TLDFCS are considered to be out-of-date, I consider any harm arising would be clearly and demonstrably outweighed by the benefits I have identified. This would also militate firmly in favour of granting planning permission in accordance with limb d of paragraph 11 of the NPPF.