

PUBLICATION TITLE: REBUTTAL EVIDENCE IN RESPECT OF
LANDSCAPE AND VISUAL MATTERS

Land at Cold law, Northumberland

JOB NUMBER: 1131 (PJ2908)

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1.1 Introduction

1.1.1 This rebuttal proof of evidence is submitted on behalf of the Appellant in response to the evidence of:

- I. David Stokoe on behalf of Northumberland County Council ("the Council"), and;
- II. Jean Jones on behalf of KTW in respect of landscape and visual matters.

1.1.2 I continue to rely upon my main proof of evidence (and appendices) and I do not seek to deal with every point of disagreement with Mr Stokoe and/or Ms Jones. I only address the following points where it may assist the Inspector to receive a written response before the inquiry commences.

1.1.3 In this rebuttal, I use the same defined terms as my main proof of evidence.

1.2 Response to the evidence of Mr David Stokoe

1.2.1 In paragraphs 3.1.4 to 3.1.5.6 Mr Stokoe refers to the following policies even though they do not form part of the reason for refusal:

- Saved policies GD2 of the Tynedale District Local Plan (2000), parts (a) and (f) highlighted
- Northumberland Local Plan Pre-Submission Draft (Regulation 19) (January 2019) and Schedule of Proposed Minor Modifications (May 2019):
- QOP1 Design Principles (Strategic Policy)
- ENV3 Landscape (1a, 1e, 1f highlighted)
- ENV4 Tranquillity, dark skies and a sense of rurality

1.2.2 The introduction of new policies is a matter dealt with by Mr Creedy both in his main proof and his rebuttal evidence and I do not consider any of those other policies to be breached from my perspective.

1.2.3 Mr Stokoe refers to the consideration of the proposal by Council officers. The officer's recommendation for approval was based in part on an independent peer review that the Council commissioned from Stephenson Halliday, specialists in LVIA based in Cumbria with substantial LVIA, EIA and Inquiry experience, including major wind infrastructure. At paragraph 5.1.1.1 of his evidence, Mr Stokoe refers to this review and states that it was based on 'a relatively brief analysis of the landscape and visual issues'. In doing so, he seeks to ascribe less weight to the conclusions reached by Stephenson Halliday and their overall endorsement of the LVIA. I disagree with this approach.

1.2.4 Stephenson Halliday is reputable company with considerable experience in in Landscape and Visual Impact Assessment across all industry sectors and they would not have endorsed the LVIA unless satisfied with it.

1.2.5 In response to paragraph 5.2.2.3 of his evidence where Mr Stokoe states that viewpoint Figures 7 – 14 should be used for context only, the submitted photographic panoramas and

photomontages were laid out in accordance with the LI guidance at the time of their preparation in 2018. Since that time, and as set out in my main proof of evidence, new guidance from the LI 'TGN 06/19 Visual Representation of Development Proposals' was published on 17 September 2019 and as a result, the panoramas and photomontages have now been re-formatted and laid out to meet the new guidance. They are laid out with a 90 degree field of view to be printed at A1 size, along with single frame views for the viewpoints and photomontages. They are appended to my main proof of evidence (CD1.5.1).

- 1.2.6 The photography has not been re-taken and the viewpoint locations have not altered.
- 1.2.7 At paragraph 5.2.2. in a section of his evidence titled 'Assessment Criteria' Mr Stokoe purports to identify bespoke criteria that should have been used for the appeal scheme including reference to a cumulative assessment. It is important to note that this is merely his personal view of how he would have tackled the appeal scheme and not one that is prescribed nor one which is necessary in this case. Any landscape architect would have a great deal of flexibility in how they would wish to approach the exercise of producing a LVIA. As I have noted in my main proof of evidence, GLVIA3 (CD H4) is aimed primarily at EIA processes and any 'non EIA' assessment is classified in GLVIA3 as an '*appraisal*' and the format choice is flexible and to the preference of the author to a large extent. Cumulative assessment of the type he appears to be suggesting is certainly not required in non-EIA appraisal, as here and it is unnecessary and does not add to the assessment process. Mr Stokoe's comments do not bear upon the validity and robustness of the conclusions reached in the LVIA for the reasons set out in my main proof of evidence.
- 1.2.8 In paragraph 5.4.2.1 Mr Stokoe appears to be challenging the 'high' sensitivity assessment of LCAs over the study area in the LVIA. As discussed in my proof, the 'high' sensitivity is precautionary but appropriate given both the susceptibility to change in an open landscape and its intervisibility with the NNP, particularly in the north west quadrant of the study area. This also coincides with the most substantial area of intervisibility between the landmark and the local LCAs, as evidenced on the ZTV figure in the appendices to my proof. In this quadrant all four of the main LCAs lie closely together in a small area and share some common characteristics. As the Northumberland Land Use study shows, these 4 LCAs are subtly different and have localised variations in value, but all 4 lie in the same 'lower middle' band of quality with scores ranging from 22 to 27 and all under the guiding principle of 'manage' not 'protect' (in addition, as I demonstrate, the introduction of the appeal scheme would have the potential to increase this score).
- 1.2.9 By adopting a precautionary and robust approach, the LVIA has clearly not sought to understate the sensitivity in spite of the many areas of localised lower sensitivity contained within the study area, which in turn would have lowered the overall findings on effects if those character areas had been assessed as 'low' or 'medium' sensitivity. The criticism therefore makes little sense.
- 1.2.10 In section 5.4 Mr Stokoe asserts that the landscape effects are underplayed in the LVIA arguing, for example, there would be '*high to medium*' magnitude of change and therefore '*substantial*

moderate effects on the host LCA (8g). I disagree for the reasons I have given already. I remain of the view that the LVIA is robust for the reasons set out in my main proof of evidence.

- 1.2.11 In addition, it is of assistance to consider (amongst other things) the proportion of any character area that could potentially be subject to the theoretical visual influence of a development in order to help gauge the overall effect on that character area.
- 1.2.12 As to the appeal scheme, the host LCA 8g lies entirely within the study area, but the ZTV shows that only around 23% of this LCA has potential intervisibility with the landmark, and this digital measure includes parts of the LCA from which only the tip of the landmark would be theoretically visible. Further, the ZTV is only a guide and does not take account of localised landforms and small tree groups. My own field observations have shown that the true area of intervisibility with the character area is, in practice, much lower than suggested on the ZTV. Even in the localised areas of 8g where the landmark will be evident, including the areas around Ray Fell Wind farm and Wanney Crag, the slender form allows the landscape form and character to be easily 'read' and the rural scene to stay intact. The character does not change, to become for example 'industrial' or 'residential' or 'suburban', as it might with the introduction of almost any other kind of development, and the idea of placing a landmark on a highpoint accords with the historic landscape context, as discussed in 'Desk Based Assessment and Archaeological Visual Impact Assessment by The Bamburgh Research Project January 2019' (CD A22). I therefore remain very firmly of the opinion that the magnitude of change on the host character area is indeed 'low', which results in 'moderate to minor' effects even when applying the worst case 'high' sensitivity. This would be lessened further if the sensitivity was considered to be lower as Mr Stokoe appears to be suggesting. Landmarks are among the positive landscape criteria in the NLCA and Northumberland Key Land Use Impact Study (CD G9) that reinforces my conclusion that the change would be beneficial.
- 1.2.13 LCA 11b is a much larger LCA, but only around 24% of its area falls within the study area. Of that portion, only around 19% has potential intervisibility with the landmark, mainly in a narrow sliver to the north west. The effect on this character area is therefore localised and minor.
- 1.2.14 For LCA 8f only 32% of this LCA lies within the study area and of that only 34% has potential visibility with the landmark with generally more distant coverage than the other LCAs and in a tract to the north and north east around the Ray Fell Wind farm and extending to Ottercops at the 5km edge of the study area, resulting in minor effects on this LCA.
- 1.2.15 For LCA 20b only 44% of this LCA lies within the study area in a linear tract to the north west along the course of the Lisle Burn. While the Lisle Burn valley itself is outside the ZTV, the higher land to each side would be in the influence of the landmark and the area with intervisibility widens as it reaches the edge of the study area near the boundary of the NNP at around 4- 5km distant. Of the portion within the study area, only around 56% has potential intervisibility with the landmark which is around a quarter of the LCA's total area, and much of this is very distant from the landmark. The effects on the LCA would be minor/moderate overall.

- 1.2.16 In relation to points made in paragraph 5.4.3.8 of his evidence, Mr Stokoe omits to acknowledge that the comments in the Study, upon which he relies, were written prior to the installation of the large wind farms of Ray Fell and Green Rigg.
- 1.2.17 In terms of direct landscape effects (such as soil and vegetation removals) Mr Stokoe asserts in paragraph 5.4.3 of his evidence that there would be a 'high magnitude of change and a substantial, adverse level of effect' both during construction and permanently following completion of the appeal scheme. Again, I disagree.
- 1.2.18 In making this observation, Mr Stokoe refers to the 'site area'. I assume this is a reference to the application site. If so, it is important to provide some context.
- 1.2.19 Only a relatively small part of the application site (around 29%) would actually be affected by direct physical disturbance and the majority of this would only be temporary surface disturbance (e.g. the fabrication area and site compound) and it would then be restored in due course. In addition, there would be no loss of trees, hedges or shrubs the main vegetation being acid grassland. E3 Ecology's Ecological Appraisal, Elizabeth Landmark, Ray Estate Assessment (CD A12) January 2018 states on page 5 that *'the survey results suggest that the site is of local value for the habitats it supports, such habitats being common in the local area'*.
- 1.2.20 In terms of permanent direct landscape effects, the landmark itself including rock slot and viewing area, accounts for only 0.16% of the application site. The proposed footpaths in natural aggregates account for 3.1% of the application site and have been designed to follow the contours of Cold Law to minimise excavation and level changes.
- 1.2.21 The proposed car park accounts for only 2.07% of the application site and would introduce low-key permeable aggregate surfaces, earth banks and dry-stone walls, and part of the vegetation to be removed would be over-seeded with a native mix. The tarmac 'apron' is limited to the access point from the highway as required by the highway authority. All aspects of the development were considered in the LVIA and in my proof of evidence.
- 1.2.22 The landmark will introduce a large-scale structure with a strong vertical emphasis within this landscape context (per paragraph 5.4.3.9 of Mr Stokoe's evidence), but I fundamentally disagree that it would distract from the landscape. To the contrary, its scale is both a necessary and inherently positive feature of the landmark itself and it will be viewed in the context of large nearby windfarms with turbines over double the height of this landmark. The landmark will not prevent appreciation of the landscape context. Having a slender form it would occupy only a narrow part of the view, and one of its key functions will be to encourage more people to explore and appreciate the local landscape context and views.
- 1.2.23 At paragraph 5.4.3.9 Mr Stokoe asserts that the landmark will erode qualities of remoteness as a result of the presence of the man-made structure and associated parking. Again I disagree with that claim for reasons set out in more detail in my main proof of evidence and simply reiterate here that as will be immediately evident on a visit to the site, the context already has many man-made influences and evidence of built form such as the large wind farms and quarry

nearby. I also note that the nearby Wanney Craggs are popular with rock climbers who arrive by car with existence of such man-made structures in the landscape.

- 1.2.24 At paragraph 5.4.3.10 of his evidence, Mr Stokoe claims that the appeal scheme would be contrary to the prevailing landscape characteristics of the Outcrop Hills and Escarpments LCT. I do not agree with this observation. The car park proposals include drystone walling enclosures to reflect the sheepfold on site and to screen parked cars so as to fit well with the Outcrop Hills and Escarpments LCT in Part B LCT Land Management Guidelines 5.119 '*The rebuilding and restoration of stone walls should be encouraged*'. The LCT Development Guidelines 5.122 and 5.123 are also met in responding to the sensitivity of the local scarp ridges, the placement of the landmark on a smaller subservient hillock, the careful design of associated parking and footpaths in local aggregates low-key and rural detailing to respect the landscape context.
- 1.2.25 At paragraph 5.5.1.1 of his evidence, Mr Stokoe seeks to question the methodology and viewpoints used in the LVIA, and asserts that a receptor based assessment should have been adopted. The objective of ensuring a good range of receptor types and providing views from a range of aspects and from 'worst case scenario' viewpoints was at the heart of the viewpoint selection process that was encapsulated in the LVIA.
- 1.2.26 At paragraph 5.5.1.2 of his evidence, Mr Stokoe states that most of the viewpoints are taken from the highways network. In fact, only 3 of the 16 views were exclusively from a road view (VPs 3, 8 and 16), one of which (16) was included at the request of the NNP and found not to be viable. Of the remaining views that are taken from or near a road they were selected to coincide with junctions with the public rights of way network including footpaths, seats or laybys with viewpoints, cycleways bridleways and also heritage asset points, in order to gain value from the viewpoints by including as many receptor types as possible, not least vehicle users which are important in a tourism area en-route from Newcastle to Kielder and the NNP. It is important to read the 'visual sensitivity' element of the LVIA text for each viewpoint which discusses the receptors for each viewpoint e.g. in relation to VP10 it explains that, whilst it was taken from a road, it was selected because it lies on the NCN 68 National Cycle Route and The Sandstone Way Mountain Bike Trail.
- 1.2.27 Using a very well accepted approach to visual assessment, the 16 viewpoints in the LVIA were selected to represent a range of views from different distances and aspects and to include a range of important receptor groups such as users of bridleways, PROWs, road views as well as responding to the LPA and NNP's viewpoint requests including views from the NNP and heritage assets points. The Council officers were content with this approach and the selected viewpoints.
- 1.2.28 At paragraph 5.5.1.3 of his evidence, Mr Stokoe claims that some recreational receptors who would experience close-range views of the landmark, such as Hepple Heugh, have not been assessed in the LVIA. This is not a well-founded criticism. Hepple Heugh was considered as a specific viewpoint but the need for inclusion of it as an additional viewpoint was discounted in favour of Great Wanney Crag. This was a matter of professional judgment and there were sound reasons for adopting this approach. First, while there is open access to Hepple Heugh, because

of the existence of CROW land, this hill does not have signed or mapped public rights of way or paths. Nor does it attract rock climbers not having a suitable crag face. In these respects, it differs from Great Wanney Crag, which has the benefit of mapped public rights of way and is an important attraction for rock climbers and therefore attracts significantly more receptors than Hepple Heugh. Second, the hillock of Cold Law is not visible from the summit albeit the upper part of the landmark would be visible post construction, but even then, such views are obliquely away from the principal view direction. Third, the heather on Hepple Heugh means that it is very hard to navigate by foot which reduces its ease of access even as CROW land (whilst this is currently alleviated by a maintenance track cut by the tenant of Hepple Heugh this is only a temporary measure). Therefore, in order to assess the most open summit view in the principal view direction towards Cold Law and from the greatest number of receptors, as a matter of judgement Great Wanney Crag was selected and Hepple Heugh not included as a further viewpoint for the reasons set out above. This was a reasonable and a robust approach.

- 1.2.29 A photomontage has been added to illustrate the view from LVIA Viewpoint 15 Great Wanney Crag (CD1.5.1).
- 1.2.30 At 5.5.1.5 Mr Stokoe asserts that the visual effects are understated for Viewpoints 1 and 2 and this claim is repeated by Ms Jones in her proof CD K1.4. I disagree for the reasons set out in the LVIA and my main proof of evidence. In short: (i) the scale of the landmark would be appropriate; and (ii) the landmark would occupy a relatively narrow part of the view and (iii) the scale and form sit well in the landscape with appropriate colour and materiality. Separately, viewpoints 1 and 2 have been supplemented with 2 additional LVIA montages (in addition to the indicative close range artist's montages that were submitted in support of the planning application). They support the conclusions that were reached in the LVIA.
- 1.2.31 At para 5.5.1.4 of his evidence, Mr Stokoe seeks to support his assertion that the visual assessment is insufficient by reference to the lack of assessment from the route of The Lises Burn Circular Route. Again, I disagree with this as a basis for any criticism. This short circular walking route appears to be only available as a written description not a map, but includes local footpaths and bridleways in the study area which were considered for inclusion as viewpoint locations. Much of the Lises Burn itself does not lie within the ZTV being in a valley, and it was found from field work that the PROW running parallel to the burn also has limited visibility, as does the area around Linnheads due to localised vegetation and topography. Instead, nearby viewpoints were selected from more elevated points higher on the Lises Burn valley side to gain a clearer (i.e. worst case scenario) view of the landmark for example VP 10 at Chairford bridge (around 200m north of Lises Burn route) – this had better visibility and lies on the Sandstone Way Mountain Bike Trail and also the NCN 68 route. Other nearby views are VP7 from the track above Harewalls farm, and VP2 from same the PROW bridleway as in the Lises Burn Circular route and equidistant to the landmark. This is a reasonable and robust approach.

1.3 Response to the evidence of Ms Jean Jones

- 1.3.1 In the landscape proof of evidence from Ms Jones, at paragraph 13 she refers to receptors on the road. In each case the sensitivity of the receptors is explained clearly in the LVIA and is related to the susceptibility and value of view, with some receptors assessed to be high and some medium. This approach is consistent with GLVIA3 and involves a matter of professional judgement. Roads are often placed in a low or intermediate category- this also depends on subtleties such as the speed and nature of the road. GLVIA3 says susceptibility to change *'depends on the occupation or activity of people experiencing the view at particular locations and the extent to which their attention or interest may be focussed on the views and the visual amenity they experience at particular locations'* In the LVIA methodology P19 a sensitivity of 'medium' is applied to *'Views experienced by people travelling through the landscape on roads, train lines or via other transport routes, including on-road cycle paths'*. This is in contrast to recreational footpaths which are normally accorded 'High' sensitivity.
- 1.3.2 The full appeal scheme including associated footpaths and car parking was considered in the LVIA. In fact, the detailed position and design of these elements was not commenced until the LVIA and ecology baseline and fieldwork had been started in order to ensure that the LVIA and ecology work could inform the best location, layout and materials to minimise landscape and visual effects. This was an iterative and robust approach. The associated aspects of the appeal scheme such as the car park, paths and rock slot are addressed in the LVIA e.g. VP 1 predicted view *'During construction, some activity will be visible as works are carried out to create the rock slot, viewing area and access path using heavy plant machinery and a crane. The construction compound is not expected to be visible. At completion the proposed new landmark will be clearly visible from this viewpoint, set on the summit of Cold Law, and seen entirely against the sky along with 6 existing wind turbines set further in the distance. The distinctive landmark will bring about a noticeable change in the nature of the view, albeit the landmark will not screen any views of the landscape. The proposed car park is not visible from here due to the existing dry stone wall'*.
- 1.3.3 In paragraph 14 of her evidence, and by reference to Outcrop Hills and escarpments, Ms Jones notes *'I consider 'remote' means the general absence of built development'*. It is important to note that the NLCA descriptions were written before the installation of the large wind farms in the study area. There is clear and ample evidence of built development in the context around the appeal site which forms an important part of the current baseline.
- 1.3.4 At paragraph 23 of her evidence, Ms Jones states that wind turbines *'are not part of the overall context'*. This is incorrect as a matter of fact. This is a matter on which the Inspector will be able to form a view when visiting the appeal site and environs. In my judgement, as set out in my main proof of evidence, this is a landscape context that is affected by a number of different man-made influences including a large number of wind turbines which are highly evident in the landscape.
- 1.3.5 At paragraph 26 of her evidence, Ms Jones refers to the following extract from the LVIA *'...the effect would be theoretically considered adverse in comparison to the undeveloped baseline in terms of this assessment, however is likely to be perceived as a positive addition by many*

receptors.....'and claims 'This massively important leap from adverse to positive was unsubstantiated and invalidates the conclusions of the LVIA'.

- 1.3.6 This misunderstands the approach of the LVIA. As I have made clear in my main proof of evidence, here the LVIA is making the simple and fair observation that, while there may be some subjectivity in response among receptors as with any artwork, and some may dislike the style of the piece, it is most likely that others will travel to view and enjoy the landmark, both on its own merits and also as a feature that invites exploration with associated benefits of walks and views. The landmark would potentially attract new visitors to the landscape, not only to view the landmark but also the landscape in which it is located.