

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

Land at Cold law, Northumberland

JOB NUMBER: 1131 (PJ2908)

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1.0 QUALIFICATIONS AND EXPERIENCE

- 1.1.1 My name is Ros Southern. I am a Chartered Landscape Architect and a member of the Landscape Institute.
- 1.1.2 I have practised as a Chartered Landscape Architect since 1992. I have over 31 years of experience in working in landscape consultancy. Southern Green Ltd undertakes all aspects of landscape architecture, including environmental impact assessment, landscape and visual assessment, and landscape design.
- 1.1.3 I am one of the Directors of Southern Green Limited. Prior to forming Southern Green in 1998, I was employed as landscape architect for North Tyneside Council, then Woolerton Truscott and SGS Environment.
- 1.1.4 This proof provides a factual account of my findings with regard to the predicted landscape and visual effects of the proposed development. Prior to being appointed to prepare an LVIA and landscape design advice for Elizabeth Landmark I had never met or worked for this client or artist and have no links through friends or family.
- 1.1.5 I have presented evidence at public inquiries and appeals on previous occasions, dealing with the presentation of evidence including landscape design and landscape and visual assessment. I have worked on a wide range of development projects within the United Kingdom, including historic landscapes, forestry schemes, urban public realm, healthcare, residential developments, mixed use schemes, wind energy proposals, employment sites and business parks, leisure and recreation schemes, education projects and sports facilities. I have worked on many landscape design projects which have either had large scale artwork involved or were connected to artworks, including Trinity Gardens (Peter Randall-Page), Royal Quays (Marc di Suvero/ various artists) Littlehaven Beach (Juan Munoz) and recently a study for Gateshead Council in relation to the setting of the Angel of the North (Antony Gormley).
- 1.1.6 I believe that in addressing the landscape and visual matters relating to this inquiry I have fulfilled my professional responsibilities. I understand my duty to the inquiry and have complied with and will continue to comply with that duty. I believe that the facts stated within this proof of evidence are true and that the opinions are correct. 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 Landscape Institute Code of Conduct. I confirm that the opinions expressed are my true and professional opinions.

2.0 BACKGROUND TO THE APPEAL

- 2.1.1 This appeal by Lord Devonport (the "Appellant") is against the refusal of planning permission by Northumberland County Council (the "LPA") for an application in detail for the construction of a publicly accessible landmark, commissioned to commemorate Queen Elizabeth II and the Commonwealth, with associated access, landscaping and works ("the appeal scheme") on land at Cold Law, Northumberland ("the site").
- 2.1.2 I have been involved with the appeal scheme since November 2018 when the Appellant appointed Southern Green Ltd to prepare a landscape and visual assessment and landscape design input for the car park and landscape works associated with the above planning application.
- 2.1.3 The planning application was validated by the LPA on 24th January 2019 and given the reference 19/00247/FUL. The application included a number of technical reports and plans including the proposals for the landmark, known as 'Ascendant' by artist Simon Hitchens along with associated documents including a Landscape and Visual Impact Assessment and Landscape Strategy by Southern Green Ltd ("the LVIA").
- 2.1.4 The LPA commissioned the services of Stephenson Halliday who carried out an independent peer review and found the LVIA to be '*a robust assessment which reaches reasonable conclusions*'. This view was repeated by Chief Planning Officer Rob Murfin at the planning committee on the 10th July 2019.
- 2.1.5 My first involvement with the appeal scheme was a joint site visit with members of the Appellant's professional team, namely the retained ecologist, planning consultant, arts advisor and artist where we walked the site and learned about the design and consultation process to date and resulting vision for the landmark. We agreed an outline approach for the landscape design: to commission a topographical survey, appoint drainage and highways engineers, and to carry out a baseline landscape and visual assessment. The next steps would be to commence landscape design proposals for parking and access arrangements informed by the various surveys and assessments, and then to work through the assessment and design stages towards a planning application.
- 2.1.6 The planning application was considered at the LPA's Strategic Planning Committee on 10th July 2019, which followed a site visit by Members. The planning officer's Committee Report (CD C.1) in relation to the appeal scheme recommended that the appeal scheme be approved subject to conditions. Notwithstanding this, Members of the Planning Committee did not follow this recommendation and resolved to refuse permission. The single reason for refusal set out in the Decision Notice, dated 10th July 2019 (CD C.6), is as follows:

"The proposal results in development in the open countryside which fails to recognize 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".

- 2.1.7 On 7th January 2020 Ethical Partnership lodged an appeal against the refusal of permission for the appeal scheme on behalf of the Appellant. This was validated on 21st January 2020 (reference: APP/P2935/W/20/3244389).
- 2.1.8 I am instructed to present evidence on behalf of the Appellant in respect of landscape and visual matters concerning the appeal.
- 2.1.9 Since my appointment to be an expert witness, I have re-visited the site and surrounding area to further inform my understanding of landscape and visual matters relating to the appeal scheme. I have re-visited the photograph locations included within the LVIA. I have also walked the public rights of way in the vicinity of the site and the locations where receptors are likely to experience visual effects included in the LVIA.
- 2.1.10 In my experience, the placing of an artistic landmark within a landscape is a rare form of development. Unlike many forms of development, a scheme of this kind is not motivated by financial gain or utility. Its basic purpose is to provide a positive experience for people viewing or visiting the piece and the landscape within which it sits.
- 2.1.11 It is also important to recognise that whether any particular individual likes or dislikes the artwork from an aesthetic point of view will inevitably be highly subjective as with any artwork, but it is important not to let this consideration affect a proper assessment of the appeal scheme in relation to landscape character. The LVIA and my evidence to this inquiry are based upon a professional and objective assessment of the likely effects of the appeal scheme without influence from my own particular views as to its aesthetic merits. Even allowing for differences of aesthetic judgment about the art in itself, an important consideration is that an artistic landmark within a landscape will potentially draw visitors to that landscape not simply to view the landmark itself, but also the landscape in which it sits (in this case from an elevated site). The ability for any individual to experience their own response to the landmark brings the potential for very positive experiences and new interactions with the landscape which would simply not otherwise exist.
- 2.1.12 The European Landscape Convention ('ELC') places importance upon not only the landscape itself but also on interactions with people and place, defining *'Landscape'* as *'an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors'*.
- 2.1.13 The landscape and visual assessment process under GLVIA3 necessarily applies a conservative methodology which does not incorporate: the particular attributes of a landmark that is designed to be seen; the specific benefits of viewing a landmark; and its ability to draw people to view the landscape within which it sits. This is because it is principally an assessment to consider conventional development on the assumption that views of such development will not be considered positive in their own right. As an assessment it enables one to calculate the degree of visual change likely to occur and the nature and sensitivity of the baseline landscape, but it does not include any of the benefits of providing artistic landmarks and therefore it

represents a conservative and worst-case assessment of the effects of such development. I will return to this topic later in my evidence.

- 2.1.14 The LVIA is explored in more detail within this proof but as will be self-evident, the baseline landscape already includes a number of very visible man-made objects in the form of wind farms that now form part of its character. For the reasons explained in the LVIA the appeal scheme sits well in terms of scale and material within this landscape. The LVIA identified that the landscape and visual effects arising as a result of the proposed landmark would not be harmful. To the contrary, potential benefits were evident as might be expected with a scheme of this nature. This is without incorporation of the point to which I have already alluded as to the intrinsic benefits of providing an artistic landmark in a landscape of this kind and which I explain further below.

3.0 SCOPE OF EVIDENCE

- 3.1.1 My evidence principally addresses the landscape and visual matters raised by the LPA in relation to the appeal scheme in their single reason for refusal (CD C.6). I have also considered the comments of statutory consultees and other third parties including the Rule 6 party, Keep the Wannies Wild ("KTWW"), Corsenside Parish Council and other local residents, where these comments concern relevant landscape and visual issues.
- 3.1.2 My evidence summarises the likely landscape and visual effects of the appeal scheme, including the effects on landscape character and visual amenity, as set out in detail in the LVIA and in accordance with the LVIA methodology. I then go on to touch upon other benefits that I would anticipate would arise from an artistic landmark of this kind albeit I defer to the evidence of the Appellant's other witnesses in this respect.
- 3.1.3 Within my evidence I do not substantially address the aesthetics design of the artwork itself, nor the history of the site selection. These are matters which are considered within the evidence of Mr Simon Hitchens, the artist, and Mr Matthew Jarratt (arts consultant).
- 3.1.4 Although planning policy and matters relating to the planning balance are addressed in detail within the evidence of Mr Allen Creedy, I set out at Section 5.0 of my evidence a brief review of relevant planning policy focused on the reason for refusal and relative to landscape and visual issues.
- 3.1.5 In Section 6 I consider the baseline landscape and then the likely effects on landscape character. I also consider the relative value of this landscape in qualitative terms using available material from the LPA's evidence base, which (as I shall demonstrate) places this landscape as 'lower middle' in the rankings of landscapes outside the Northumberland National Park ("NNP").
- 3.1.6 Having reviewed the findings of the LVIA and quality of local landscape character, against the Committee Report, the reason for refusal and KTWW's Statement of Case, I conclude that when considered as a development proposal in terms of magnitude and materiality (i.e. giving no weighting to aesthetic considerations or the other benefits that an artistic landmark would bring) it would bring about only limited landscape and visual effects, and potential benefits. I go on to conclude that when one takes account of the specific characteristics of this as a landmark development within this landscape which will inevitably attract people to view both it, but also the surrounding landscape, it will deliver benefits to the landscape character and the visual surroundings
- 3.1.7 I come to this conclusion, having regard to the local landscape and relevant policy context and my understanding of the nature of the likely landscape and visual effects.

Principal Landscape and Visual Issues as between the Appellant and the LPA

- 3.1.8 The reason for refusal identifies the only issue that lies between the Appellant and the LPA, namely whether the appeal scheme is in accordance with Policy NE1 of the Tynedale Local Development Framework Core Strategy and paragraph 170 of the NPPF in terms of its effect on landscape character. In this latter respect, the LPA has since clarified (at the case management conference held by the former Inspector) that its case is confined to sub-paragraph (b) of paragraph 170.
- 3.1.9 I shall also address and comment upon other observations contained within the Committee Report, and the LPA's Statement of Case within my evidence as necessary.

Other Statutory Consultees and Third Parties

- 3.1.10 I also address landscape and visual matters raised by KTWW and other consultees in my evidence.
- 3.1.11 KTWW is a formal Rule 6 Party and submitted a statement in February 2020 followed by its Statement of Case in December 2020 (CD K.1 and K.2). In the summary of their case KTWW contend with regard to landscape and visual matters that the local landscape context is 'wild'. I disagree for reasons which will become apparent on any site inspection. The baseline landscape context is not "wild" in the way that is being suggested and has many different elements within it revealing both historical and existing human presence, not least now the large scale windfarms, quarries and significant areas of coniferous plantation forests, giving it a mixed quality. The matters raised by KTWW with regard to landscape character and the setting of Cold Law are discussed in detail subsequently in this evidence.
- 3.1.12 Other matters discussed within the KTWW Statement of Case which are relevant to planning policy, and/or specific to the sculpture, are dealt with in the Proofs of Evidence provided by Mr Creedy and Mr Hitchens respectively.

Corsenside Parish Council

- 3.1.13 Corsenside Parish Council objected to the application. In their responses they identify what appear to be their landscape and visual concerns as being based on a view that the appeal scheme involves '*a very large and overbearing industrial feature which would tower above the local landscape and completely dominate a now rural area*'. This is neither a fair nor accurate description of the appeal scheme and I explain later in my evidence why the Parish Council's views are misplaced.

Northumberland National Park Authority ("NNPA")

- 3.1.14 The NNPA were consulted by the LPA as part of the initial pre-application (ref: 8/00669/PREAPP) with viewpoints related to the NNP suggested by Colin Godfrey of the NNPA in the Pre-Application Advice dated 16th October 2018 (CD H.1). Specifically the NNPA noted that:

'The NNPA is satisfied that given the nature of the proposals and the distances involved, there would be minimal pathway for any direct or in-direct impact on the biodiversity, geodiversity, cultural heritage or tranquility of the Park and these issues are not considered further in this response. However, would recommend that, if the applicant wishes to bring this pre-application through to a full application, a Landscape Visual Impact Assessment is undertaken and within that would expect to see a zone of theoretical visibility provided. The NNPA suggest that two viewpoints within the National Park ought to be sufficient in order to evaluate the likely effect that the structure might have on views out from the National Park and suggest the following receptor sites in order of importance.

-The A68 at the Corsenside Crossroads (GR NY889877)

- The C201 Bellingham to West Woodburn minor county road west of Hole Farm (GR NY864846)

Other viewpoints - say from the minor county road passing to the south-east of the proposed development site - should be used to ascertain the effect on views looking

- 3.1.15 The Corsenside crossroads view is picked up as viewpoint 14 in the LVIA (CD E.1), and a photomontage was also produced from this receptor. The view from C201 Bellingham to West Woodburn minor county road was also included in the LVIA as viewpoint 16. However, it was found that the appeal scheme would not be visible from this receptor due to the intervening topography and land cover. Views illustrating the appeal scheme in the context of views looking back into the NNPA were covered by viewpoints 4, 5, 6, 11, 12 and 15 in the LVIA, with viewpoint 15 providing an elevated view from Great Wanney Crag.
- 3.1.16 Following their subsequent consideration of the appeal scheme and information submitted with application (Ref:19/00247/FUL) the NNPA confirmed to the LPA that they had no objection. In their response dated 14th February 2019, they simply requested the imposition of a condition on any planning permission to ensure that any details for external lighting are submitted to and agreed in writing with the LPA prior to being fixed. The Appellant has no objection to such a condition although I should make it clear that there is no intention to have any permanent visible lighting.
- 3.1.17 It is important and relevant to note that the NNPA have carefully considered what is proposed and it has no objection to the appeal scheme. By definition, the NNPA is therefore satisfied that the appeal scheme would have no harmful impacts on the NNP nor undermine the purposes for which it was originally designated. I will explain in my evidence why the NNPA is correct in that assessment and also deal with its implications in the proper assessment of the appeal scheme for the landscape within which it sits.

Historic England

3.1.18 Again, it is also important and relevant to note that Historic England has no objection to the appeal scheme on heritage grounds. Historic England is, of course, concerned both with heritage assets and their setting which covers both landscape character and visual effects and would inevitably have raised any issues or points of objection if it had any concerns that the appeal scheme would harm any heritage asset or its setting. However, to the contrary Historic England made it clear that they had carefully considered the appeal scheme and is satisfied that no such impacts would arise. It made the following comment in its response:

'Historic England has considered carefully the potential impact of this proposal on the designated heritage assets that lie within our statutory remit. All of these are protected as scheduled monuments

- *Three prehistoric settlements near Ferneyrigg*
- *Ridsdale Ironworks*
- *Risingham Roman Fort and the Roman camp at Furlaws*
- *Prehistoric settlement at Great Wanney Crag*

In each case although the proposal development is likely to be visible from these sites, because of its location and the relationship of the scheduled site to its surrounding landscape, this visibility will not amount to harm to their settings. We have therefore concluded that this proposal will not lead to harm to those heritage assets within our remit'.

3.1.19 Again, it will become evident from my evidence why Historic England are correct to reach the conclusions they have and have reached the view that no harm arises even though the appeal scheme would be visible from the heritage assets that they have identified.

Individual Representations

3.1.20 There were numerous objections received in relation to the application. Reasons for the objections included matters relating to traffic, ecology and the provision of local facilities for visitors (which are not matters that I address in my evidence), but there were also objections that relate to effects on landscape for example concerns about the scale of the appeal scheme and claims about an alleged *'Unacceptable impact on the landscape including Northumberland National Park and Hadrian's Wall World Heritage Site'*.

3.1.21 These objections duplicate those already identified by Corsenside Parish Council or KTWW, and I address these concerns as part of my evidence. To the extent they raise any additional issues of relevance, I address them later in my evidence.

4.0 THE SITE AND THE APPEAL SCHEME

The Appeal Site and Context

- 4.1.1 A detailed description of the appeal site is contained within the LVIA and I do not repeat this in full here. However, I have set out below a brief description of the appeal site and its surroundings.
- 4.1.2 The appeal site lies in Northumberland around 4.2km to the south east of West Woodburn and 6.8km to the north west of Kirkwhelpington, and around 5km to the east of the NNP boundary.
- 4.1.3 The appeal site is comprised mainly of open pastoral acid grassland, heath and wet marsh land and minor water courses and a distinctive hillock known as Cold Law. There is also a circular dry stone wall sheepfold on site. There are no trees and hedgerows on the appeal site itself.
- 4.1.4 The appeal site is bounded to the south west by a wire fence and minor road and there is a field gate for access. The western and northern boundaries are formed by dry stone walls and a disused railway (another indicator of human presence within this landscape) runs to the north east.
- 4.1.5 The wider landscape context of the appeal site is typical of the NCA 02 Northumberland Sandstone Hills curve across central Northumberland in a series of distinctive flat-topped ridges which provide panoramic views of the Cheviots and the coast. The distinctive escarpment ridgetops and upper slopes are covered with heather and grass moorland broken by large geometric blocks of conifer above pasture with some arable cultivation on the lower slopes, broadleaved woodland on scarp slopes and along watercourses and some evident large scale wind farms.
- 4.1.6 The Northumberland Key Land Use Impact Study Part D 2010 (CD G.9) ("the Study") was commissioned by the LPA from LUC, being a reputable landscape consultancy. The Study is intended to assist the LPA in guiding future development to the most appropriate locations based on a review of the character of a number of settlements and sensitivities within the surrounding landscape. The Study identifies that while the Landscape Character Areas ("LCAs") in and around the appeal site have many positive characteristics, the LCAs are of mixed character including large windfarms and are not of such a rare or special character as to merit protection by designation. I agree with these conclusions.

The Appeal Scheme

- 4.1.7 More detailed information on the appeal scheme is available within the application documents, but I set out here a brief summary of its principal elements insofar as they have a bearing on a consideration of landscape and visual matters.

Detailed Elements

- 4.1.8 The landmark artwork proposal is set out on drawings provided by the artist Mr Hitchens, and the general layout of this is shown on the Proposed Layout Plan (drawing number 1131_011) and Existing and Proposed Sections – Landmark (drawing number 1131_111) and include for modifications to Cold Law hill to create a walled cutting for visitor access and viewing area with associated stone walling and paving incorporating carving interpretation and seating. The height of the landmark with its proposed tip at AOD 336m takes reference from its visual relationship with local features in the landscape, namely the neighbouring rocky outcrop at Hepple Heugh and the Queen Victoria Cairn to the north west at Hartside, both at AOD 336m. Further discussion about the inspiration and conception of the sculpture will be covered by Mr Hitchens.
- 4.1.9 The landscape and parking proposals are set out on the Landscape Strategy – Car Park Area (drawing number 1131_101) and include for parking areas, stone walling, paths, seating and interpretation with associated drainage, soft landscape proposals – precedents for which are shown on drawings 1131_020 – 022.
- 4.1.10 Highways, drainage and ecology information can be found in drawings and reports produced by SAJ, Shadbolts and E3 Ecology respectively, which were submitted with the planning application.

Landscape Strategy

- 4.1.11 The proposals are set out on the ‘Landscape Strategy’ (drawing number 1131_100) showing the general arrangement including the proposed landmark location and associated access, parking and path routes.
- 4.1.12 Vehicular and pedestrian access is proposed from the unnamed road along the southern boundary, leading to parking for cars and coaches.

Landscape and Visual Mitigation Strategy

- 4.1.13 In accordance with GLVIA 3 (CD H.4) and good practice, the LVIA process influenced the design of the infrastructure for the landmark (such as access and parking). Those elements of the design which would benefit from being influenced by the LVIA have been subject to such assessment, and the effects of these elements and the landmark itself have been discussed in the LVIA.
- 4.1.14 The parking and access proposals were significantly influenced through a landscape-led process, drawing upon the findings of the LVIA as I explain below. This fed into the approach taken to the landscape design and the mitigation proposals for the appeal scheme using an iterative design process, such that the baseline assessment of landscape features alongside other input from the LVIA influenced the design and layout of the car park and the landscape mitigation.
- 4.1.15 This has resulted in a landscape and visual mitigation strategy which would minimise the landscape and visual effects of the proposed parking and paths and also deliver recreational and

ecological benefits. This is especially evident in relation to the consideration of views and setting, to which the design has been particularly sensitive in the selection of palette, avoidance of urbanising geometry or materials, and use of landforms and local stone walling to provide screening of vehicles.

- 4.1.16 The layout and detail of the infrastructure were discussed with the ecologist throughout the design process to ensure that the materials and features proposed took into account the existing habitats on site, and provided opportunities for these to be improved in places, through implementation and management, and also for new habitat types to be created. This would be achieved as is demonstrated in the supporting ecology reports, which refer to the ecology benefits to be delivered by the appeal scheme as to which I defer to the evidence of Mr Creedy.
- 4.1.17 The drainage strategy is proposed to be light-touch with features created which have similar aesthetics to the depressions and wetland areas existing within the appeal site at present.
- 4.1.18 The proposed footpath arrangement closely follows the existing contours and gradients of the land to avoid substantial earthworks. The appeal site is located within land identified under the Countryside and Rights of Way Act 2000 ("CROW Act") so open access is also available, albeit the conditions underfoot can be challenging when not using well-trodden routes.

5.0 PLANNING POLICY CONTEXT

- 5.1.1 Matters of planning policy are addressed in the evidence of Mr Creedy, but I have set out below a brief review of the policy context relevant to the appeal scheme where it relates to the reason for refusal and may have a bearing on a consideration of landscape and visual issues.
- 5.1.2 My evidence below also refers to those policies of the Core Strategy, and the National Planning Policy Framework ("NPPF"), which are relevant to a discussion of landscape and visual matters and which are referred to as being of relevance in the Committee Report and the LPA's Statement of Case.

National Planning Policy Framework (NPPF)

- 5.1.3 The current version of the NPPF (CD G.3) was published in 2019.
- 5.1.4 Section 15 of the NPPF is concerned with conserving and enhancing the natural environment.
- 5.1.5 I note that the LPA set out in the reason for refusal that the appeal scheme would be contrary to paragraph 170 of the NPPF. Subsequently, the LPA has clarified that it relies only on part (b), namely:

170. Planning policies and decisions should contribute to and enhance the natural and local environment by....

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;

- 5.1.6 Despite comments in its Statement of Case, it is not contending that the appeal site is a valued landscape for the purposes of paragraph 170a) and I agree it is not.
- 5.1.7 The evidence of Mr Creedy considers paragraph 170 of the NPPF in more detail and I defer to him in relation to policy matters generally. However, specifically with regard to the landscape and visual components of this paragraph of the NPPF, I do not agree that the appeal scheme fails to recognize the intrinsic character and beauty of the countryside in this location as set out below.
- 5.1.8 For these purposes, there is no issue in principle regarding the last part of Section (b) 'including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland'. This is because the appeal site contains neither best and most versatile agricultural land, nor trees and woodland. There are block plantations in the study area but these would not be affected by the appeal scheme. I understand this is common ground with the LPA.

- 5.1.9 I understand there is also issue with the middle part of this sub-paragraph. The Government defines natural capital as *'ecosystems, species, freshwaters, soils, minerals, the air and oceans, as well as natural processes and functions'*.
- 5.1.10 As dealt with elsewhere in the Appellant's evidence, the appeal scheme would in fact deliver ecological and biodiversity benefits so that parts of the natural capital are enhanced. E3 Ecology carried out an Ecological Appraisal issued in January 2019 (CD A.12), and also an Ecological Checking Study in February 2021 (CD I.3.1), which identifies that the appeal site is of only *'local value for the habitats it supports, such habitats being common in the local area'* and that a combination of ecological design and management measures have been proposed by E3 in coordination with the landscape design and drainage proposals with the objective of increasing and extending the wetland and wet heath habitats. Their report states that *'This multi-layered approach to habitat restoration and creation will deliver net gains to biodiversity sufficient to meet current planning practice guidance'*. These commitments by the Appellant are secured in a legally binding planning obligation and, as Mr Creedy points out, they are supported by the LPA's ecology officer.
- 5.1.11 In considering landscape and visual matters, therefore, while natural capital is intrinsically related, my response focusses on the particular contention concerning *'recognising the intrinsic character and beauty of the countryside'*.
- 5.1.12 It seems timely at this point to reiterate that the landmark has been specifically designed to incorporate a viewing platform and integrated framed views to take best advantage of the beauty of the landscape. The landmark is a sculpture which is intended to be seen. One of its key purposes is to attract curious or interested visitors to see the piece at close range, and by default that person will experience the views of the wider landscape from this naturally elevated hillock. It is self-evident that in promoting this purpose the proposed landmark does indeed recognise the beauty of the countryside and celebrates it.
- 5.1.13 Turning to whether the piece *'recognises the intrinsic character....of the countryside'*, I refer first to the evidence of Mr Hitchens who describes how the design of the sculpture itself responds to this specific landscape and its character and how this has inspired every aspect of the design of the artwork which is entirely bespoke to this location. There are many facets to the proposal and the inspiration for the design which are intimately related to that landscape, whether it is the shape and nature of Cold Law itself, or Hepple Heugh and the Queen Victoria Cairn nearby. It is clear that recognition of the intrinsic character of the countryside, and specifically the character of the countryside in this location is at the heart of his proposal.
- 5.1.14 I note (amongst other things) Mr Hitchens' design references to local history are also woven into the shape and materiality of the piece, which is again intended to celebrate the character of the countryside in which it sits including its history and geology. Indeed, its very purpose and design as a landmark responds to the visual opportunity presented by this naturally rounded hillock, respondent to the opportunity of the potential for enjoyment of views from this point, and offering an ideal location for a new landmark that can be seen and enjoyed from a distance

without detracting from the existing/distinctive features of the wider landscape, including Hepple Heugh and Great Wanney Crag. The integration of devices such as the viewing area and rock slot also showcase the local sandstone geology that is so much part of the landscape character in a unique way, and also frames views of the landscape.

5.1.15 With respect to the baseline character of the landscape and effects upon it, I deal with this in Section 6.

Development Plan

5.1.16 Core Strategy Policy NE1 (CD G.1)

(I have provided my own underlining to highlight parts of the policy which I understand to be of particular relevance to the issues on the appeal):

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.

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.*

(b) 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.

(c) 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.

5.1.17 I address the ways in which I consider the appeal scheme complies in full with this policy from a landscape and visual point of view in my evidence below.

6.0 LANDSCAPE CHARACTER AND EFFECTS

- 6.1.1 In this section of my evidence I consider the likely effects of the appeal scheme on the landscape character of the appeal site and its surroundings. In doing so, I consider the sensitivity of the receiving landscape, its quality (and in doing so, I refer in particular to the LPA's own evidence base), and its capacity to accommodate a landmark of the type and scale proposed.
- 6.1.2 I will give consideration to the scale and form of the appeal scheme including the associated parking and landscape proposals. I also consider the relationship of the appeal site with the countryside along with its overall impacts on landscape features, landscape character and the visual amenity of nearby receptors.
- 6.1.3 I begin this section of my evidence by briefly summarising the findings of the LVIA with regard to landscape character. I then consider the landscape character matters raised in the Committee Report, before providing my own additional analysis and conclusions as to why I consider that there is no justification for refusing the appeal scheme on this ground.

Baseline Landscape Character identified in the LVIA

- 6.1.4 The LVIA, dated January 2019, was drafted by myself and my colleague Sharon Lumb and was prepared in accordance with the Landscape Institute's current best practice guidelines known as GLVIA3 (CD H.4). As I have already noted, the LVIA follows the guidelines in a manner which does not have any regard to the potential significant benefits that arise from the principle of a landmark, or its positive aesthetic qualities as a work of art. It is, therefore, a conservative approach.
- 6.1.5 The LVIA process included a combination of desktop study to review the available evidence base on landscape character, followed by fieldwork to review the landscape character of the wider area, the study area and the appeal site itself.
- 6.1.6 The local area displays some distinctive landscape character elements in particular the distinctive escarpment shapes of the sandstone hills which can be seen in some skyline views with a characteristically steep north eastern face and gentle dip slope to the south west - Hepple Heugh and Great Wanney Crag are examples of these. Other elements of note include the open upland hills with sparse moorland vegetation, the noticeable lack of trees on higher land other than in incised denes or in geometric coniferous plantation blocks, and, of course, several cluster sites of large scale wind turbines from around 1.5km from the appeal site in different locations.
- 6.1.7 If the landmark had been placed on one of the more distinctive escarpments such as Great Wanney Crag, it would have had the potential to have created rather different direct and

indirect effects upon a key landscape character component; by contrast, its proposed placement is on Cold Law which is a subservient, more rounded hill in the context of the taller craggy outcrops of Hepple Heugh and Great Wanney. In addition the baseline landscape is already subject to manmade interventions including wind farms and plantations which create areas of weaker character.

- 6.1.8 The existing wind farms are of obvious relevance to the landscape character here. They occupy a large part of the local area with the Ray Fell cluster (16 turbines) to the north east and the Green Rigg cluster (18 turbines) to the south west, and lie within the same Landscape Character Type ('LCT') as the appeal site (Outcrop Hills and Escarpments).
- 6.1.9 It is important to note that the Northumberland Landscape Character Assessment (NLCA) was published in 2010, at a time when the large wind farms at Ray Fell and Green Rigg were approved but not yet implemented. Therefore these very distinctive wind farms are not mentioned in the baseline character descriptions, but are briefly referred to in The Changing Landscape (Part B) in the 'Forces for Change' section which refers briefly to '*communication masts and other vertical structures*'
- 6.1.10 In terms of baseline sensitivity the landscape could reasonably be argued to be medium in LVIA terms due to the noticeable presence of manmade structures and influences, including turbines, telecommunication masts, quarries and coniferous plantations. However, the influence of the NNP and the susceptibility to change due to the treeless open character of the higher land led me to adopt the precautionary 'high' sensitivity rating in the LVIA. It is, of course, the open character which is one of the reasons why a landmark would be such an effective feature here; a more complex, enclosed landscape with mature trees would not lend itself so well to a feature intended to be seen from a distance to draw people into the landscape itself.
- 6.1.11 I have reviewed the findings of the LVIA and I remain of the view that they are robust and the conclusions reached demonstrate that the officers (with the benefit of endorsement from a peer review carried out by Stephenson Halliday) were correct in their approach and recommendation for approval.
- 6.1.12 KTWW's Statement of Case makes reference to a further review by Wood that was commissioned when a second application was submitted to the LPA 'Technical Note Planning Application 20/00698 FUL: Queen Elizabeth Landmark, Cold Law, LVIA Review' dated May 2020 prepared by Wood Environmental and Infrastructure Solutions UK Ltd. While this second (Wood) review did not pertain to this application or appeal, it is nevertheless referenced by KTWW and I understand it is proposed that the LPA will refer to it. Accordingly, I respond to it in this evidence where necessary to do so.

Overview of Direct Effects on Landscape Features identified in the LVIA

- 6.1.13 The LVIA identified that in terms of direct landscape impacts there would be a slight direct erosion of landscape features in the removal of some surface vegetation existing on site in order to facilitate the installation of the landmark; however due to the lack of trees and hedgerows on

site and because the appeal scheme is of a relatively limited scale in terms of its footprint, direct landscape impacts were found to be of low magnitude in the context of the local and wider landscape character areas. An ecological mitigation strategy for direct losses was provided by E3 Ecology and incorporated into the landscape design proposals.

Overview of LVIA: Effects on Landscape Character

- 6.1.14 Heritage assets within the landscape context were also considered at the request of the LPA. The historic context of the landscape was discussed in detail in the submitted report 'Desk Based Assessment and Archaeological Visual Impact Assessment Compiled for the Devonport Estate by The Bamburgh Research Project: Commercial Projects Section, January 2019'. (CD A.22). I refer to visual effects on heritage assets later in this proof.
- 6.1.15 The magnitude of change was found to be negligible upon the National Character Area 2 Sandstone Hills, while the magnitude of change in the Outcrop Hills and Escarpments local landscape character type was low. Given the precautionary approach of a landscape receptor which was taken to be of high sensitivity the LVIA concluded there would be moderate/minor effects on landscape character. It is worth noting that this is a very cautious assessment. The local landscape is of mixed quality containing pockets of lower value landscapes for example around Sweethope Lough due to the dominance by turbines and plantation forestry, and pockets of higher value landscapes related to the local crags and in the landscape's relationship with the NNP. Had the LVIA used a medium landscape sensitivity, which it would have been entitled to do for the reasons set out above, this would have resulted in a lesser (minor) effect.

Landscape Character Matters raised in the LPA Committee Report and the Planning Officers conclusions

- 6.1.16 In the Committee Report it was noted at paragraph 8.3 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'*.
- 6.1.17 At paragraph 8.4 of the said report it stated 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, impact on ecology and heritage assets, highway safety and flood risk have all been taken into account and assessed on an individual and cumulative basis and been found to be acceptable'*.

Landscape Character Matters Raised in the LPA's Statement of Case

6.1.18 Notwithstanding that analysis by the officer, which was endorsed by the LPA's peer review but seemingly rejected by Members, paragraph 7.10 of the LPA's Statement of Case states:

'It is important to note that Policy NE1 seeks not just protection of the character and quality of the landscape, but it also seeks enhancement. Similarly paragraph 170 of the NPPF requires planning decisions to contribute to and enhance the natural environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. The Council considers that the proposed development would not protect the character and quality of the landscape and rather than enhancing the landscape it would represent an alien, intrusive feature that would harm the landscape. It is clear that the landscape in the area of the appeal site is highly valued. The unspoilt nature of the area as well as the strong cultural and historical associations of the 'Wanneys' is a recurring feature in many of the letters of objection from residents in local communities'.

6.1.19 I deal with these points in turn.

Relative Quality of Landscape Character

6.1.20 As noted above, since submitting its Statement of Case, the LPA has clarified that it is not asserting that the appeal site is a valued landscape (within the meaning of paragraph 170(a) of the NPPF).

6.1.21 In response to the question of the effect on the quality of the landscape character, it is my opinion that the proposed landmark will not harm the landscape character and indeed has the potential to bring about landscape character enhancements and I explain this in more detail below.

6.1.22 I have already referred briefly to the Study, as commissioned by the LPA (CD G.8 and CD G.9), which looks at the sensitivity of the landscape character areas in Northumberland in the context of separate key land uses and major changes that may threaten their character. This Study is within the LPA's own environment and landscape evidence base of studies including the Northumberland Landscape Character Assessment and *'...presents a formal and robust assessment of the qualities of the landscape, based on the findings of the Northumberland Landscape Character Assessment (NLCA)'* (paragraph 1.6).

6.1.23 The Study is split into four parts, which each look at separate land-use planning issues affecting Northumberland. Part D of the Study focusses on 'Landscapes Potentially Requiring Additional Protection' and provides a baseline overview of relative landscape value across Northumberland based on an evaluation of the landscape character areas. I note that the Study was carried out in 2011, before the installation of the large scale wind farms at Green Rigg and Ray Fell and as such the scores in those areas would be lower if evaluated now. Nevertheless this usefully provides a simple baseline comparison of landscape character areas over the county based on a common set of defined criteria. It is this baseline analysis that I refer to below.

6.1.24 In summary: (i) the landscape character context of the appeal site (8g Sweethope and Blackdown) is categorised as a lower-middle ranked landscape character area; and (ii) two of the criteria uses in the Study, namely the 'views and landmarks' and 'recreational' criteria, treat landmarks and public access as favourable elements for these landscapes. Therefore, the addition of a new landmark to this area with associated recreational enhancement would bring the potential for landscape character enhancements to this landscape given the assessment used by the LPA to assess local landscape quality. I explain this further in the following paragraphs.

6.1.25 The Study is criteria based. It states that:

'As recommended in the SNH guidance, the evaluation was carried out using a series of criteria to determine the relative landscape value of each landscape character area. These criteria were chosen to allow the identification of the most-valued landscapes in Northumberland, and were based on the characteristics set out in Annexe A to the NLCA. The evaluation therefore represents a transparent process, grounded in established baseline information'.

6.1.26 The Study excludes the NNP and AONBs as they would be high scoring and are already protected by designation. The Study gives a qualitative score to each landscape character area in Northumberland based on eight criteria (see pages D5-6) covering Views and Landmarks, Remoteness, Historic Features, Recreation, Condition, Distinctiveness, Rarity and Natural Heritage. The results across the landscape character areas ranged from between 9 (lower value) to 45 (higher value). The appeal site, being area 8g Sweethope and Blackdown, scored 23 which is in the 'lower middle' rankings, and this was even prior to the installation of the Green Rigg and Ray Fell Windfarms which now occupy a significant part of this LCA. It is clear to me, therefore, that the appeal site would score even lower if a similar assessment was carried out today. There are three further LCAs which together with 8g cover the majority of the study area, again all in the 'lower middle' rankings, the others being 8f Harwood Forest (score 22), 20b Bellingham and Woodburn Valley (score 27), and 11b Buteland and Colt Crag (score 25).

6.1.27 It is clear from the Study that in terms of non-designated landscapes across Northumberland, the study area (including the appeal site) is not of a quality such that protection should be a key priority. I agree. In fact, for the reasons I have given, this conclusion is even clearer now given the subsequent wind farm developments.

6.1.28 Indeed, I note that the landscapes surrounding the appeal site fall under the guiding principle of 'Manage' rather than the principle of 'Protect' which is afforded to the higher scoring landscapes outside the National Park or AONB.

'areas which scored 28 or over (..... slightly more than one third).....it is considered that the very best of Northumberland's landscapes, i.e. those which may merit additional protection, would be within this bracket'

6.1.29 In the 'Views and Landmarks' section and also the 'Recreation' Section, LCA 8g currently scores 3/5 and would score higher if a landmark was added that encouraged public access to the scenic

views along with new path networks. 8g scores poorly in terms of Rarity, Natural Heritage, and Historic Features. The other LCAs within the viewshed of the landmark are also relevant, scoring in the lower middle rankings and also providing opportunity for enhancement.

- 6.1.30 The Study (as prepared by LUC) therefore endorses my own view that Area 8g Sweethope and Blackdown (score 23) and other LCAs within the ZTV of the study area discussed above have the clear and obvious potential to be enhanced by a landmark project, especially since their landscape character has been eroded by the installation of large scale wind turbines since the Study was carried out. Using the Study's scoring criteria, the presence of a landmark would increase the numerical score when considering each of the 8 scoring criteria pre and post development. This is due to the positive recognition in this set of scoring criteria for landscapes benefitting from landmarks and enhanced public access.

National and Local Character Area Guidance

- 6.1.31 Natural England's NCA2 Northumberland Sandstone Hills (September 2014) (CD H.2) document recognises that appropriate development within this LCA can be appropriate and beneficial. The appeal scheme accords with the stated aims:

'Enable appropriate access for all abilities, maintaining and expanding the public rights of way network and range of recreation opportunities, incorporating links to key geological and historical sites wherever possible, linking to tourism facilities and developing innovative activities to enhance people's access to and enjoyment of the natural environment in a responsible and sustainable way. Address issues of footpath erosion where necessary'. p.43

'Provide imaginative interpretation of the landscape and its many features (geological, historical, species and habitats), providing opportunities to interpret this legacy for the understanding and enjoyment of all... 'Maintain and extend access and recreational opportunities in forests and other natural environments for walkers, cyclists, horse riders, and other users, providing suitable provision for all abilities....'Ensure that tourism development is sustainable, sensitively utilises the landscape resource and brings socioeconomic benefits to local communities' p58

- 6.1.32 The entire rationale behind the appeal scheme is to promote and provide appropriate public access whether by foot, bicycle, or vehicle, including parking provision and a new network of footpaths providing access to the landmark. The appeal site lies between two local public rights of way the closest being within around 300m of the proposed access point. The landmark also provides a highly imaginative interpretation of the landscape (for the reasons set out by Mr Hitchens) and a new recreational opportunity to draw visitors in to this landscape. It would also deliver significant tourism and economic-related benefits as to which I would refer to the evidence of Mr Creedy.

- 6.1.33 Landscape character type 8: Outcrop Hills and Escarpment provides the following guidelines for recreational development.

'Tourism and recreation: Development associated with recreation provision should be sensitively designed and located to avoid the suburbanisation of the locality and should respect the surrounding landscape context'.

- 6.1.34 These guidelines are fully met by the appeal scheme which is a sculpture based on the landscape context itself, using organic shapes and the local stone and geology, and avoidance of any type of building or urban element (including, for example, urbanisation that might come from conventional development). The appeal scheme is a man-made sculpture, but one which would have a natural, rural character informed by the multiplicity of local design influences set out by Mr Hitchens in his evidence.

FURTHER POINTS IN RESPONSE TO STATEMENTS OF CASE

LVIA

- 6.1.35 There are criticisms related to the LVIA made by KTWW in their own LVIA critique and they also make reference to the Wood Review. I respond further to these matters in Section 7 insofar as they relate to effects on landscape and visual receptors.
- 6.1.36 Both the Wood Review and in comments from (and on behalf of) KTWW, there is an apparent criticism that the LVIA does not discuss alternative designs or sites, or that there was not an iterative approach to the design.
- 6.1.37 There is, of course, no requirement for an LVIA to consider alternative sites (nor is it in fact required in EIA unless alternatives have been considered, but an EIA is a completely different assessment process that is not engaged in connection with the appeal scheme). In this case an artist has been commissioned to make a bespoke response to a particular landscape feature at a specific location (the hillock at Cold Law) for very clear reasons that relate to the site and its surroundings (as to which I refer to the evidence of Mr Hitchens). It would be entirely inappropriate (and unnecessary) to embark on an assessment of alternative sites.
- 6.1.38 Regarding the consideration of alternative designs, the pre-application public consultation process considered three alternative sculptures which were tested with the local community through an engagement process (refer to Statement of Community Engagement; in particular Section 3: Engagement with Local Community, Section 6: Influencing the Scheme, and Appendix A: Engagement Materials, (CD D.4) and the appeal scheme design emerged as the clear favourite as discussed in the evidence of Messrs Creedy and Jarratt.
- 6.1.39 As to the use of an iterative approach, Mr Hitchens explains in more detail his approach to design and the iterative process that he adopted in connection with the appeal scheme. As to the wider relationship with the LVIA process, in the case of a landmark sculpture that is intended to be seen it is clearly inappropriate to be commenting on how the design could be adapted to reduce impacts in the way that might apply to conventional forms of development.

- 6.1.40 The normal iterative approach between LVIA and design was however applied successfully to the design process for the associated access and car parking and landscape design.
- 6.1.41 The Wood review requested photomontages be provided for viewpoints 1 and 2. While very similar views to VP1 and VP2 were already illustrated within the artist's CGIs which were submitted as part of the planning application, further photomontages have been produced along with a re-formatting of page layout for the panorama photos because the relevant LI guidelines have altered since the planning application was prepared. The viewpoints remain unchanged as do the overall conclusions of the LVIA.

Wind Turbines

- 6.1.42 In the KTWW Statement of Case there are numerous references to the wild and unspoiled nature of the landscape, yet conversely an acknowledgement of the presence of substantial wind farms in the immediate local area. I address these points in this section.
- 6.1.43 The presence of large cluster wind farms in the local landscape brings a clear and significant element of manmade influence to this landscape. In fact, I note that the Wood review suggests the landscape context, within which the appeal site is located, is cluttered with so many vertical elements that they could make it unsuitable for a landmark site due to the *'distracting and competing features (wind farms, masts)'*. Whilst the Wood review is right to recognise the presence of the windfarms in the baseline landscape character, it is clearly not correct to suggest that this makes it unsuitable for a landmark of this type for reasons that I set out below.
- 6.1.44 It will indeed be the case that in some views the turbines will be seen in combination with the landmark, as can be seen to an extent in the LVIA viewpoints photography. However it is critical to view the landscape in person because not only is the rotational movement of the turbines very noticeable, but also the limitations of view angles and print or digital production mean that photographs alone do not adequately convey the sheer extent of visual (and physical) influence the turbines have both in height and extent of area.
- 6.1.45 The presence of the turbines demonstrates why it is clearly not right to treat or assess the landscape as if they were not there which is what many of the KTWW comments do. However, in terms of interaction with the windfarms the landmark would behave visually in a very different way to the turbines and very positively. Firstly the scale of the landmark is different. It would be less than half the height of the nearby wind turbines. Therefore, it would be more rooted to its landscape context (The Ray Fell Windfarm turbines are 125m and the landmark is 55m). The turbines are white in colour, geometric, reflective and rotating/animated. This is in contrast to the matte earth tones and organic form of the landmark which is designed to celebrate the land from which it emerges.
- 6.1.46 Given their number and dispersion across the environs of the appeal site, the rotating white turbines are starkly evident as man-made structures when seen against a landscape backdrop, while the darker earth tones of the landmark is far more integrated in colour to the landscape in

which it sites. The darker colour of the landmark would be clearly seen as a static, organic form against a skyline view unless against a dark sky, but in a way which makes it distinguishable from the paler colour of the turbines. This obvious visual difference would enable the landmark to be visually read in a very different way to the turbines and I do not believe they should be considered in the same way.

6.1.47 In this context, I would also refer to the decision by the Secretary of State to grant planning permission for the nearby wind farm developments, both at Ray Fell (16 turbines) and Green Rigg Fell (18 turbines). These proposals were considered at a joint public inquiry in January 2008. I have reviewed the conclusions in Inspector David Rose's Report (which were accepted by the Secretary of State) related to the Ray Fell Wind Farm which lies fully in the same LCT as the appeal site, insofar as they bear upon landscape and visual impact matters. Whilst the context for this decision was different - i.e. a new large windfarm in the energy sector and assessed against a different baseline, as opposed to a landmark artwork that is specifically designed to be enjoyed and visited - a number of the conclusions reached by the Inspector have a resonance with the context within which the appeal scheme should be considered. I would highlight the following:

- (a) the Inspector concluded that the Ray Fell windfarm site - which, like the appeal site, lies within the Outcrop Hills and Escarpment Landscape Character Type and partly within 8g Sweethope and Blackdown LCA - is less dramatic than areas further north, has significant areas of forestry, and no formal landscape designation. He also noted that the topography where the wind farm would be located is '*not particularly striking*' and is seen in the context of commercial forestry, surrounding roads and the telecommunication masts at Ottercops. These observations apply with the same force, if not greater force given the addition of the turbines, to the appeal site;
- (b) the view of the turbines from the Great Wanney Crag was considered by the Inspector not to be unduly harmful as the turbines would stand well away from it, with close affinity to the coniferous plantations and would occupy a small part of a much wider panoramic view. In this respect, I note the closest Ray Fell turbines lie a similar distance away from Great Wanney Crag as does the proposed landmark (around 1.8km), however the landmark is less than half the height and of course will not be rotating. Accordingly, in my view, the Inspector's conclusions would apply with even greater force to the appeal scheme;
- (c) from Corsenside Common the Inspector noted that the view out from the NNP would be 'across a distinctly different, managed landscape showing human activity with strong changes in topography'. Given the distance of the turbines from the viewpoint, he considered that the turbines would appear as a small part of a much more extensive, and further distant, panoramic view and concluded that the impact of the turbines on the outlook from the NNP would be slight. This accords with the conclusions of the LVIA, albeit the landscape now includes the turbines in issue which makes this a much more managed landscape with greater human activity presence within it than before. The same viewpoint is tested in the LVIA (viewpoint 14) and, whilst seen against the skyline at a distance of

around 4.5km from the edge of the NNP, the turbines are a taller element in the skyline context, there are other manmade elements including quarrying and settlement, and the landmark was shown to have a low magnitude of change;

(d) the Inspector concluded that the Ray Fell windfarm would not impinge on the qualities of the NNP itself. This accords with the position of the NNPA in relation to the appeal scheme. As noted earlier in this evidence, the NNPA was consulted and requested specific viewpoints, which were later tested in the LVIA following which the NNPA has confirmed that it does not object to the appeal scheme;

(e) the Inspector also concluded that although some National Trails would experience immediate and intrusive impacts as a result of the wind farms, for the most-part, these impacts would be on sections as part of a long distance route passing through a wide variety of landscapes including those near to built-up areas. Accordingly, the Inspector also concluded that the views of the turbines would form only a small part of their route. In contrast, the appeal scheme would have very limited visibility from National Trails, the closest being National Cycle Route 68 at Chairford bridge at around 3km north west of the appeal site. This view is tested in Viewpoint 10 and shown to have a low magnitude of change at this distance albeit seen against the skyline. This effect is seen only briefly at a change in direction of the route as can be seen from the ZTV in Fig 6b (CD E.2).

Cultural Associations of 'The Wannies'

6.1.48 In its Rule 6 Statement KTWV refer to the cultural associations of the area stating *'This is an iconic area, not only for its wild and open landscape but for its literary and musical associations and its popularity as a well-used Northumberland figure of speech 'The Wilds of Wanney'.*

6.1.49 Cultural associations are relevant in considering landscape value and the extent to which local history references informed the design of the appeal scheme is explained in detail by Mr Hitchens.

6.1.50 The area known as 'The Wannies' is referred to in local figures of speech and other local cultural references. According to Wikipedia *'The River Wansbeck rises above Sweethope Lough on the edge of Foulwicks Forest in the area known locally as The Wanneys (Great Wanney Crag, Little Wanney Crag; thus the "Wanneys Beck");The River Wansbeck is nicknamed the River Wanney. The term 'The Wilds of Wanney' is used by people of Tyneside to refer to the rural areas of Northumberland where the Wansbeck rises'.*

6.1.51 The course of the River Wansbeck rises to the south of Aid Moss and runs eastwards to the south of Little Wanney Crag and Great Wanney Crag, close to Sweethope Lough in the heart of the Green Rigg Windfarm, an area visually dominated by the 125m turbines and largely enclosed by coniferous plantation. This central part of 'The Wannies' is evidently no longer a *'wild and open landscape'*. But in any event, due to the intervening landform, anyone walking along the course of the Wansbeck River would not gain a visual connection to the appeal scheme along most of its length as evidenced in the ZTV Fig 6b (CD E.2 and E.3).

- 6.1.52 'The Wannies' not only refers to the course of the Wanney Beck or River Wansbeck, but also the crags alongside; the 'Four Laws' of Great Wanney Crag, Little Wanney Crag, Hepple Heugh and Aid Crag. Cold Law itself does not lie within 'The Wannies' but can be seen from part the top of Great Wanney Crag and the lower slopes of Hepple Heugh. Great Wanney Crag is well used for rock climbing and this sport draws people to the crag along with Little Wanney, Aid Crag and Rushy Crag, albeit in LVIA a lower sensitivity is placed on sporting activities as it is assumed the focus is primarily on the sport, and in the case of The Wannies the climbers would either be outside the ZTV or have their back to the appeal scheme while climbing in any event.
- 6.1.53 Great Wanney Crag is most likely to attract receptors as it has a public right of way and a good selection of climbing routes on the crag face. Views to the appeal scheme would be gained from limited areas around the top of Great Wanney Crag as evidenced in the ZTV and LVIA Viewpoint 15, at a distance of around 1.8km, and seen in the context of large scale wind turbines which can be seen in large segments of the 360 degree view from Great Wanney along with conifer plantations. LVIA requires assessment of the 'worst case scenario' therefore the most scenic segment of the view towards the north west is captured in VP15. However in reality the viewer's experience from Great Wanney is a landscape dominated by man-made objects and this can only be fully understood by experiencing the landscape in person. The visible upper part of the hillock at Cold law is hard to discern in the baseline but would be more clearly highlighted by the addition of the appeal scheme, albeit resulting in a low magnitude of change since it occupies a small part of a wider view and seen at a distance. I discuss this view further in Section 7 Visual Effects.
- 6.1.54 The ZTV also indicates there would be a view from Little Wanney Crag which does not have PROW access but lies in CROW access land. This view is a similar distance from Great Wanney Crag. Hepple Heugh is the closest rocky outcrop to the appeal scheme but does not attract climbers due to lack of a sheer face, and it does not have public rights of way albeit it lies in CROW access land. The primary scenic views are north west towards the NNP. It is not possible to see the hillock of Cold Law from the summit of Hepple Heugh due to a localized lip of landform. However, the upper part of the landmark itself would be visible in secondary views if looking obliquely away from the NNP, to the north east.
- 6.1.55 The KTWW Statement contends that the appeal scheme would be a negative or adverse feature and that it would harm the health and wellbeing of the users of the landscape. I do not agree with these assertions for the reasons I have already provided. Leaving aside the positive aesthetic qualities of the artwork, the objective of any landmark is to provide a positive experience for visitors. The appeal scheme would achieve this objective. Its very slender form, will not prevent the landscape backdrop from being viewed and understood. In addition, as a landmark it will draw visitors towards it, providing a destination with the opportunity to walk up and appreciate an elevated view towards the NNP without harming the protected landscape of the NNP itself and offering obvious benefits in terms of health and wellbeing. A benefit of the appeal site is the opportunity to place a landmark on a naturally rounded landform which offers scenic views and a pleasing outline.

6.1.56 It is important to note that landmarks are widely seen as positive, desirable elements in the landscape and this is evidenced in the Study(CD G.8) which includes *'Views and Landmarks'* among its 8 criteria of landscape quality, defined as *'Presence of the landscape in views from popular viewpoints, or views to landmark cultural and natural features...'*.

7.0 VISUAL EFFECTS

7.1.1 I note that effects on visual amenity were not included within the Reason for Refusal and therefore do not form part of the LPA's case against the appeal scheme. However, concerns in this regard are seemingly expressed within the responses of individual representations, so in this section of my evidence I consider the likely effects of the appeal scheme on the visual amenity of local residents, users of local public rights of way, the local road network and other publicly accessible areas in the area.

7.1.2 I begin this section of my evidence by briefly summarising the findings of the LVIA with regard to effects on visual amenity. I then consider the matters raised relating to views in the Committee Report, before providing my own conclusions as to why the visual effects would not warrant refusal of the appeal scheme

Overview of LVIA: The effects on Visual Amenity

7.1.3 In addition to preparing the LVIA, for the preparation of this evidence, I have revisited each of the photograph locations provided in the application submission and viewed the appeal site from the nearby visual receptors including footpaths, the local road network and from the closest publicly accessible locations to residential properties. Viewpoints were chosen in accordance with the pre-application requests from the NNPA and Cultural Heritage Officer.

7.1.4 The LVIA photos are rightly focussed on the most sensitive parts of the landscape but in revisiting the area I was reminded of the considerable man-made influences evident in the baseline. Most obvious of all are the large scale wind farms at Ray Fell and Green Rigg, but also aspects of the area's rich industrial history remain evident such as the disused Wansbeck Railway that curves around the foot of Cold Law towards a substantial stone underpass below the bridleway, connected to the derelict ironworks at Ridsdale. In addition, the geology of the sandstone hills has led to a history of quarrying and quarries remain active and evident in the area among the large scale blocks of coniferous plantation. For this reason it is imperative to view the area in person and not to rely on selected view segments.

7.1.5 For assessment purposes: (i) a noticeable magnitude of change would typically give rise to adverse substantial visual effects in large scale rural development, especially where a manmade element is introduced to a greenfield landscape; and (ii) for most other development any manmade change in such a context would normally result in 'adverse' effects, the extent of which would be a matter of judgement. However, this case is unusual because it involves an assessment of a landmark sculpture that is intended to be seen and to add a positive element into the landscape i.e. the height and magnitude of change are a necessary feature and positive benefits are a likely outcome.

7.1.6 In the LVIA text this dichotomy is alluded to in the visual assessment '*The nature of effect would be 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*'. The critiques from

KTWW and the Wood review contend that this statement indicates a biased assumption. However, this is to misunderstand the context. The LVIA simply confirms that different receptors would react individually hence the wording included both 'adverse' and 'positive'. However, the experience for approaching visitors is clearly intended to be an enjoyable experience of unfolding discovery and drama, with greater proximity allowing appreciation of the texture of the piece in closer detail and also glimpses of the rock slot and viewing platform, among the appreciation of the local landscape.

7.1.7 While the Stephenson Halliday review found the LVIA to be '*a robust assessment*', the subsequent Wood review criticises the use of representative viewpoints (even though it is a standard approach (GVLIA para 6.19)), and a lack of inclusion of sequential views. This is an unfair criticism. In this open landscape the views often change gradually unlike a more enclosed landscape where view sequences often change radically over a short distance. The viewpoints in the LVIA were selected with great care and I do not think that sequences of additional viewpoints would impart new information or be material to a decision. In other words, they would not add anything to the assessment, nor is there any evidence in the Wood review to suggest they would make a material difference.

7.1.8 GVLIA 3 (CD H.4) encourages concise reporting, and says in para 3.16 '*The level of detail provided should be that which is reasonably required to assess the likely significant effects. It should be appropriate and proportional to the scale and type of development*'. It goes on to say in para 6.21 '*The viewpoints used need to cover as wide a range of situations as possible, as reasonable and necessary to cover the likely significant effects*'. For reasons set out in my evidence, the LVIA accords with this guidance.

Visual Effects on Residential Properties

7.1.9 Based on the analysis of an initial Zone of Theoretical Visibility plan, which provided an indication of those areas of the surrounding landscape from which the appeal scheme may be visible, a small number of residential receptors were identified. Viewpoints in the LVIA were then captured from Harewalls Farm (VP7), Ridsale village (VP 9) and Cornhills Farm (VP12). In addition, there are properties close to VP13 and VP2 represents the angle of view from Stiddlehill Farm albeit it is more distant.

7.1.10 The highest (i.e. moderate) visual effects were identified from Viewpoint 7 from the north side of the Lises Burn Valley with south facing views towards the appeal scheme gained around the area of Blakelaw and Harewalls Farms, the latter being a listed building. From here, the appeal site is seen against the sky and this view was also tested using photomontage. The other residential views assessed in the LVIA were found to be distant or with lower or negligible effects.

Visual Effects on Public Rights of Way and CROW land

7.1.11 Views from local rights of way including bridleways, cycle trails and other routes were a key priority in the strategy for viewpoint selection with 10 viewpoints assessing views from the

public rights of way network at a range of aspects and distances. The appeal site and land to the south around the crags lie within open access 'CROW' land, which theoretically allows the right to roam. However, in practice the hummocky moorland and acid grassland with boggy areas is easier to access using the more well-trodden paths of the PROW network. An example of this is Hepple Heugh crag which is relatively close to the appeal site but does not have trodden routes that are easy for walkers to access.

- 7.1.12 KTWW refer to the visual effects upon visitors to 'The Wannies' and also groups such as rock climbers with an objection from the British Mountaineering Council. I discuss the area known as 'The Wannies' earlier in section 6. The course of the River Wansbeck runs to the south of the crags and has very limited intervisibility with the appeal site. Therefore, I consider that the adjacent crags to the river are more relevant as they offer elevated views towards the appeal site. Of these adjacent crags, the one with best access from the PROW network and offering the best rock climbing opportunities is Great Wanney Crag which is assessed in LVIA viewpoint 15 Great Wanney Crag and which I discuss in more detail here.
- 7.1.13 The view from Great Wanney Crag was selected as a viewpoint in the LVIA due to its public rights of way access, the presence of a Scheduled Monument at its summit (a univallate Fort), and the fact that the crag face is popular with rock climbers albeit they would have their back to the appeal scheme while climbing.
- 7.1.14 The quality of the existing visual context is mixed on Great Wanney Crag due to the very evident visual presence of the Green Rigg wind farm within 1km to the south east, Ray Fell Wind Farm to the north east and the blocks of coniferous plantation that are evident in the view. This is very evident to any viewer standing at its summit. Notwithstanding these factors, to adopt a robust approach and to assess the 'worst case scenario' as required in LVIA, the visual sensitivity was treated as 'high' in the LVIA having regard to the recreational nature of receptors with elevated views from a PROW and the value and scenic quality of the view segment looking north west towards the NNP. The magnitude of change was shown to be low and as can be seen from the photomontage the appeal scheme would appear as a slender part of a much more extensive, and further distant, panoramic view.
- 7.1.15 The highest PROW effects found in the LVIA were moderate/ substantial from Viewpoint 2 and this was only due to its close proximity to the appeal scheme. Moderate effects were assessed from Viewpoint 15 Great Wanney Crag and Viewpoint 7 from Harewalls due to the valley facing view against the horizon from a track. Moderate/ minor effects were assessed from Viewpoint 4, 9, and 10 and other effects were lower. Albeit, for reasons that I set out earlier in my evidence, this represents a conservative assessment.

Visual Effects on Roads

- 7.1.16 The Wood review criticized the approach of including views from roads. However, I consider they are very relevant for the reasons set out below. I also note this was the position of the Inspector in the Ray Fell Wind Farm Appeal who considered views from the A696.

- 7.1.17 In this landscape context, which is seen from routes often travelled between Newcastle with drivers following brown highways leisure signs to attractions such as the NNP and Kielder Forest, views from roads are of greater importance than would be the case in an urban setting due to the presence of touring vehicles using driving as a recreational activity. It is also a key part of the design intention that the landmark is able to be seen from a distance including from roads and this should help to draw people towards the landmark to explore the piece and surrounding landscape. Views of landmarks from roads have the potential to bring benefits in marking a point in a journey, for example the Angel of the North has become a much loved and truly iconic roadside landmark.
- 7.1.18 Receptor sensitivity from roads was shown in the LVIA to be high or medium depending on the location and proximity to public rights of way.
- 7.1.19 To increase their usefulness, to maintain a robust approach in the LVIA and to cover a wide range of receptors, any road views were captured where possible at junctions with the public rights of way network, or combined with other receptors such as heritage assets, National Cycle Network 68 and the Sandstone Way which are picked up in Viewpoint 10.
- 7.1.20 The closest proximity roadside views will be experienced on the local un-named road to the south of the appeal site from which access will be gained to the visitor car park. These views are assessed in LVIA Viewpoints 1 and 2 and bring about the greatest degree of visual change due to proximity. Viewpoint 3 is relatively close but limited by intervening landform and trees.
- 7.1.21 Visual effects are recorded as moderate and substantial / moderate visual effects for the most proximate views (1 and 2).
- 7.1.22 Medium distance views were tested in Viewpoints 4, 7, 8, 9, and 10.
- 7.1.23 Longer distance views were tested in Viewpoints 10, 12, 13, 14 and 16. Viewpoints 13 and 14 from the A68 were included at the request of the NNPA to test views from the NNP which is clipped by the study area at around 4.8km from the appeal site. Viewpoint 16 also was recorded at the request of the NNPA from a position around 6km from the appeal site. However, no view could be gained because of intervening landform. The viewpoints accorded with those requested by the NNP and it has confirmed it has no objection to the appeal scheme.

Visual Effects on Heritage Assets

- 7.1.24 The Wood review and KTW's Statement of Case question the reference in the LVIA to hill forts in the landscape in relation to the appropriateness of placing a landmark on a high point in Northumberland. They are wrong to do so. This reference emerged from collaborative working with Graeme Young, Archaeologist and director of the Bamburgh Research Project ('BRP'), a consultancy engaged to prepare the Archeological Impact Assessment for the appeal site (CD A.22). GVL1 3 (CD H.4 para 6.5) emphasises the interrelationship with cultural heritage and for disciplines to cross-consult on their findings, and in this case, reference to heritage assets was particularly encouraged in the LPA's pre-app guidance which required consideration of heritage

assets linked to visual assessment within a 3km radius, and was taken into account in the LVIA viewpoint selection.

- 7.1.25 BRP's Desk Based Assessment and Archaeological Visual Impact Assessment Archaeological Assessment dated January 2019 states in its methodology '*3.9.1 The assessment of the visual impact of the proposed landmark and its design will have regarding impact in the heritage landscape. Reference will be made in particular to the potential impact on and the views from monuments in the study area. The cumulative effect of the addition of the new landmark with regard to preexisting heritage landscape, whether beneficial or harmful*'.
- 7.1.26 The BRP report references the industrial history of the area including the railway at the foot of Cold Law '*Ridsdale Iron works lies some 2.2 km to the south-west of Cold Law and comprises a series of features and structures. The furnace and engine house, erected in the early 19th century, is Grade II listed. The iron works also comprises coke ovens, tramway and furnace yard and is collectively a scheduled monument. A limekiln is present on Stiddlehill (HER 9381). The remains of coal workings are known from Stiddlehill (HER 9399), Ray Tongue (HER 9396) and Stiddlehill Commons (HER 9400). A colliery is also present at Stiddlehill (HER 9399) and is further indication of coal working in the area. The Wansbeck Valley Railway was constructed between 1862 and 1865 running from Morpeth to Redesmouth (HER 24493). The line can be traced on the ground as an earthwork with some features still present and passes close by the Cold Law site, only 440 m at its closest point. The 18th century mansion at Ray Tongue (HER 9402) lies some 1 km from Cold Law.*
- 7.1.27 BRP's assessment clearly explains how the landmark offers a positive experience in heritage interpretation for visitors: - '*View Point 8 lies at the site of the uni-vallate hillfort on Wanney's Crag (Scheduled Monument 9500) and demonstrates clear sight lines back to Cold Law.... Hill forts are clearly within a category of monuments that have a distinct relationship with their wider landscape, being built in no small part to be seen from afar and to have an impressive effect on those observing them. As such their location within the landscape and the sight lines to and from them are relevant. In the case of the proposed new landmark the attraction of visitors to this new site within the sight lines of the hillfort can be argued as a positive contribution to its understanding and as an opportunity to add to the audience that may enjoy this feature for its heritage. The new development will represent just one more incremental stage in how the landscape in the area has changed over time and does not represent a particularly intrusive or obscuring feature*' (BRP's study uses some of the same viewpoints assessed in the LVIA albeit they are numbered differently).
- 7.1.28 BRP's study concludes there will be positive and beneficial effects from the appeal scheme '*10.0.2 A study of the visual impact of the new landmark on the wider heritage landscape, including a series of viewpoints associated with the scheduled monuments and the listed buildings within its 3 km study area suggests only a very modest potential for impact. The individual nature of most of the features and their siting within the landscape aids in diminishing the potential for impact. The one clear exception being the hillfort at Wanney's Crag which is clearly located with inter visible sight-lines. In this case the proposed role of the new landmark*

and it being a modern continuation of a long tradition of publicly visible monuments, that includes the hillfort itself, can be seen as adding to rather than detracting from the wider heritage landscape. The cumulative effect of the addition of the new landmark with regard to the preexisting heritage landscape will therefore be of modest impact and could be seen as to a degree beneficial rather than harmful.

Summary of Visual Effects

- 7.1.29 The viewpoint photographs do not do justice to a visual baseline of great contrasts; the clearly visible large scale wind turbines, quarrying and coniferous plantations evidence a visual context that is heavily influenced by manmade elements. Nevertheless, receptors can also enjoy local landscape features such as crags and moorland for walking and climbing, and longer distance scenic views to the NNP.
- 7.1.30 The standard assessment processes in GVLIA 3 are not ideally geared to assess a landmark sculpture that is intended to be seen and to provide positive enhancements. Notwithstanding this, the effects based on magnitude of change in a rural landscape were limited with only one of the viewpoints (VP2) assessed as resulting in a moderate effect.
- 7.1.31 The appeal scheme sits well in terms of scale and materiality in the landscape, its slender form occupying a narrow part of the view from many aspects, and not harming scenic views and key landscape characteristics.

8.0 SUMMARY AND CONCLUSIONS

- 8.1.1 The landscape and visual baseline is not a 'wild' landscape; it has not only a rich industrial history, but also a large number of modern manmade influences including Green Rigg and Ray Fell Wind Farms, communication masts, active quarrying and coniferous plantations. There are also natural landscape features such as distinctive crag escarpments and long distance scenic views to the NNP.
- 8.1.2 In the light of the findings of the LVIA, further analysis in the light of comments received, and having considered this information with regard to the reason for refusal, I have assessed that there would be some landscape and visual effects, but the appeal scheme would be of an appropriate form and scale, which could be accommodated within the local and wider landscape context and setting of Cold Law and will result in benefits.
- 8.1.3 The effect on landscape character from the associated parking and access including vehicles would be limited due to the landscape led design approach that has been taken, which has ensured that the appeal scheme would be well contained and appropriately integrated into the landscape. The landscape infrastructure is designed sensitively using an appropriate palette of local natural aggregates, stone walling and bunding, which minimise the landscape and visual effects of vehicles and incorporate ecological mitigation within the proposals and future management arrangements.
- 8.1.4 The landmark's location on Cold Law is not harmful to this lower-middle ranked landscape character area and brings the potential for landscape character enhancements particularly to the 'views and landmarks' and 'recreational' criteria used by the LPA to assess local landscape quality (ignoring for these purposes any of the significant positive benefits that would arise from it as an artwork in itself).
- 8.1.5 The landmark will be visible but certainly not overbearing. The ZTV illustrates its visibility in the context of the study area and for the most part it will be glimpsed during drives, or walks, amongst the other landscape features associated with their routes, limiting the duration of its impact on these views and it has a slender appearance.
- 8.1.6 In terms of baseline sensitivity the landscape could reasonably be argued to be medium in LVIA terms. However, due to the influence of the NNP and the susceptibility to change due to the treeless open character of the higher land I adopted a precautionary 'high' sensitivity rating in the LVIA. The open character is also the reason why a landmark would be an effective feature here; a more complex landscape with mature trees would not lend itself so well to a feature intended to be seen from a distance.
- 8.1.7 The relative height of the piece is important in relation to the wider landscape setting. To function as a landmark a certain scale is required to succeed. The slender shape and dark matte materiality in earth tones enable the landmark can be successfully integrated into the rural scene and to enable it to be distinguished from the local wind turbines and without harm to the baseline.

- 8.1.8 The appeal scheme will add a beneficial feature to the landscape that will not harm the landscape and visual baseline but will attract visitors to enjoy the views and participate in activities related to health and wellbeing.
- 8.1.9 As a result of the above, I do consider that the appeal scheme fully recognises the intrinsic character and beauty of the countryside in this location and celebrates them both and is fully in accordance with paragraph 170(b) of the NPPF and those parts of Core Strategy policy NE1 that deal with landscape and visual matters (contrary to what is set out in the reason for refusal).
- 8.1.10 For the reasons stated above, my view as an independent expert witness to this Inquiry is that on landscape and visual grounds, there is no reason to refuse planning permission for the Elizabeth Landmark at Cold Law, Northumberland. To the contrary there are very strong reasons to approve it to deliver the benefits to the landscape and to the health and well-being of receptors attracted this location that it would bring.