



Northumberland County Council

**Construction of a publicly accessible landmark,
commissioned to commemorate Queen Elizabeth II
and the Commonwealth**

**Land at Cold Law, near Kirkwhelpington,
Northumberland**

Landscape and Visual Evidence (J.3)

Prepared by David Stokoe CMLI

Local Planning Authority Reference: 19/00247/FUL

Planning Inspectorate Case Reference: APP/P2935/W/20/3244389

Report for

Gordon Halliday
Planning Services
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1. Introduction

1.1 Purpose of this landscape evidence

- 1.1.1.1 This evidence has been produced for the purpose of addressing the landscape and visual effects of the Proposed Development on behalf of the local planning authority, Northumberland County Council (NCC).
- 1.1.1.2 As directed by the Planning Inspector landscape and visual matters will be considered at an inquiry session.

1.2 The author

- 1.2.1.1 My name is David Stokoe and I am currently employed as a Principal Consultant at Wood Group UK Limited. I am a chartered landscape architect (CMLI) with an MA in Landscape Design and I also have an MA in Urban Design.
- 1.2.1.2 I have over 20 years' experience working as a landscape architect for a range of organisations in the public and private sectors. I have previously worked for NCC as a landscape architect where the role involved the provision of advice to planning officers on the landscape aspects of planning applications, plans and policies. In my current role with Wood PLC I have been commissioned by NCC on a regular basis to provide landscape advice to officers regarding current planning applications in Northumberland. I have also undertaken a considerable number of landscape and urban design commissions and have experience of working with artists in relation to the integration of artworks into landscape schemes and into the wider landscape. Finally, I regularly undertake landscape and visual impact assessment (LVIA) for a range of development types and am familiar with and experienced in using the latest guidance and methodologies relating to LVIA.
- 1.2.1.3 The evidence which I have prepared and provide for this appeal (reference APP/P2935/W/20/3244389) in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

1.3 Scope of landscape evidence

- 1.3.1.1 The landscape proof of evidence has been structured as follows:
- Section 2** Project description and reason for refusal;
 - Section 3** Planning policy relevant to landscape;
 - Section 4** Landscape context;
 - Section 5** Review of the Appellants LVIA;
 - Section 6** Summary;
 - Appendix A** LVIA Comparison; and
 - Appendix B** Figure 1a and b, Open Access land (CROW) and ZTV.

2. Project description

2.1.1.1 The project description provided in the Statement of Common Ground¹ (SOCG) is replicated below for ease of reference:

'The proposed landmark will be a thin slice cut north to south through the uppermost bedrock of Cold Law, tilted and elevated at the north end so that it points to the sun at its zenith on Midsummer's day. The angled form will be around 55m high overall from the hilltop, to equal the summit of Hepple Hough at 336m, 750m away to the south.

Its upper curved surface will match the topographical form of the hill, precisely following its curved profile. The under surface will be flat. Angled lateral fins, between the upper and lower flanges, will change in pitch and frequency as they rise up the wing form, accentuating the sense of perspective and movement. Formed from Corten steel, it will have a rich orange/red finish. It is intended to include a modest reflective element, for example a polished edge detail to parts of the steel, to catch the sun as it sets in the west. Details and materials for this are yet to be finalised and can be subject to a details condition.'

2.1.1.2 A summary of aspects of the Proposed Development² focusing on the physical elements which are most likely to result in landscape and visual effects is also provided below:

- A 55m high corten steel 'landmark sculpture';
- A rock slot, up to depth of approximately 7m, will be cut into the summit of Cold Law to facilitate introduction of the sculpture, and as an integral element of the art installation. The slot will be orientated in a north to south direction. Further excavation will be required below the level of the slot for foundations which would require the excavation of rock to a depth of approximately 10m³.
- A new tarmac access road and junction with the C195 minor road;
- Car and coach parking areas which will be surfaced with tarmac;
- Walls, seating areas litter bins and footpaths leading from the car park areas to the sculpture;
- A viewing area with interpretation panels would be introduced at an elevated situation on Cold Law;
- Lighting would be provided to illuminate the sculpture and an infrared beacon would be required to provide an aviation warning light⁴; and
- There will be associated soft landscape works which will include the reinstatement of grassed areas following construction works and the introduction of sustainable drainage features including swales and an attenuation basin.

¹ Statement of Common Ground (**L.1**, P.8, Section 2.4)

² Design and Access Statement (**D.2**, P.2).

³ Structure Workshop engineering drawings (**A.11**, Drawing Ref. 18028.902 Rev P1)

⁴ Design and Access Statement (**D.2**, P.2).

- 2.1.1.3 It is anticipated that the construction phase of the project would last approximately 8-12 months and would require the use of heavy lifting equipment, presumed to be a tower crane, during installation of the sculpture. It is also anticipated that a project of this nature would require a range of construction machinery, plant and other vehicles to be present on site during the course of the construction programme.

2.2 Reasons for refusal given by Northumberland County Council

- 2.2.1.1 The Decision Notice, dated 10 July 2019, gave the following reason for refusal of the planning application:

'The proposal results in development in the open countryside which fails to recognise the intrinsic character and nature of the countryside in this location and is therefore contrary to paragraph 170 of the NPPF and Policy NE1 of the Tynedale Local Development Framework Core Strategy⁵.'

⁵ Decision Notice (10 July 2019) (C.6)

3. Planning Policy Context

3.1.1.1 In this section I have highlighted (in **bold**) the Planning Policies which I consider to be most relevant to the landscape and visual aspects of the application. These policies include; paragraph 170 of the NPPF and Policy NE1 of the Tynedale Local Development Framework Core Strategy which are both cited in the reason for refusal. Other relevant policies from the Northumberland Local Plan Pre-Submission Draft (Regulation 19) (January 2019) and Schedule of Proposed Minor Modifications (May 2019).

3.1.2 Paragraph 170 of the National Planning Policy Framework

3.1.2.1 Paragraph 170b states that '*Planning policies and decisions should contribute to and enhance the natural and local environment by **recognising the intrinsic character and beauty of the countryside***'.

3.1.3 Policy NE1 of the Tynedale Local Development Framework Core Strategy

3.1.3.1 The objective of Policy NE1 '*is to protect and wherever possible enhance the character and quality of the natural environment*'. In relation to this objective the following principles are considered to be of particular relevance:

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

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

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

3.1.4 Tynedale District Local Plan (2000)

GD2 Design criteria for all development

3.1.4.2 Policy GD2 Development will be required to respect the positive characteristics of the District's natural and built environment and to conform to the following design criteria:

(a) **The design should be appropriate to the character of the site and its surroundings**, existing buildings and their setting, in terms of the scale, proportions, massing, positioning and appearance of buildings, use of materials, structures and landscaped and hard surfaced areas. Detailed plans will be expected to include a survey of the existing site and its immediate surroundings, and the retention of features of value (e.g. archaeological remains, areas of open space within settlements, trees, hedgerows and water features;

(b) where appropriate the development will be expected to incorporate open space and landscaped areas designed to provide interest within the site;

(c) where appropriate a visual buffer between the site and adjacent land will be required in order to soften its impact on the character of the area;

(d) where appropriate the development shall be designed to deter crime and increase personal safety;

e) the design will not create conflict between adjacent land uses; and

(f) there will be no adverse effect on adjacent land or buildings, in terms of loss of light, noise or other disturbance, **overbearing appearance** or loss of privacy.

3.1.5 **Northumberland Local Plan Pre-Submission Draft (Regulation 19) (January 2019) and Schedule of Proposed Minor Modifications (May 2019)**

Quality of Place - QOP1 Design Principles (Strategic Policy)

3.1.5.2 Whilst my landscape evidence does not focus on a critique of the design and artistic merits of the Proposed Development Policy QOP1 is relevant because it also relates to the importance of an appropriate interrelationship between development and its context and setting.

3.1.5.3 The design of proposed development will be judged against the following principles:

- ***'Makes a positive contribution to local character and distinctiveness and contributes to a positive relationship between built and natural features, including landform and topography;***
- ***Creates or contributes to a strong sense of place and integrates the built form of the development with the site overall, and the wider local area;***
- ***Incorporates high quality aesthetics, materials and detailing;***
- ***Respects and enhances the natural and built environment, including heritage, environmental and ecological assets, and any significant views or landscape setting;***
- ***Great weight will be given to proposals which demonstrate outstanding or innovative design, in accordance with the Northumberland Design Guide.'***

ENV3 Landscape

3.1.5.4 Policy ENV3 recognises the importance of the Northumberland landscape and recommends a character based approach in assessing development proposals. Selected key aspects of particular relevance include the following:

'1a Proposals affecting the character of the landscape will be expected to conserve and enhance important elements of that character; in such cases, design and access statements should refer, as appropriate, to Northumberland Landscape Character Assessment and other relevant studies, guidance or management plans;

1e In assessing development proposals in relation to landscape character:

- ***The guiding principles and other relevant guidelines set out in the Northumberland Landscape Character Assessment will be applied;***
- ***The possibility of wider impacts on the landscape, townscape or seascape or of other significant impacts on the environmental resource will be assessed through the proportionate use of landscape and visual impact assessment;***
- ***The impact on the setting and surroundings of the County's historic towns and villages will be assessed, ensuring that new development on the edge of settlements does not harm the***

landscape character of the settlement edge and, where possible that it has a net positive impact;

- *The Historic Landscape Characterisation will be applied;*
- *The potential impact that small scale development can have on the landscape in sensitive rural settings will be assessed; and*
- ***Any net negative cumulative impacts of development on landscape character will be assessed;***

1f Where it is considered that landscape character may be adversely affected, or aspects of this character that warrant protection would be degraded as a result of a proposed development, then the development will only be permitted if it can be clearly demonstrated:

- ***How the harmful effects will be satisfactorily mitigated or, as a last resort, satisfactorily compensated; and***
- ***There are significant national or, outside designated landscapes, regional or local planning reasons for allowing the development, and these considerations outweigh the landscape considerations.'***

ENV4 Tranquillity, dark skies and a sense of rurality

3.1.5.5

It is recognised that Northumberland has large tracts of land with high levels of tranquillity, being ranked first out of 87 authorities by the Campaign to Protect Rural England for this quality. Policy ENV4 seeks to limit the 'urbanising effects on open countryside landscapes' and proposals will need to demonstrate that:

- ***'The level of noise, traffic and light generated as a result of the development during construction and thereafter are minimised and dark skies maintained;***
- ***Intrusive external features, such as hard surfaces, car parking and urban-style boundary treatments are minimised;***
- ***Where a sense of openness of the open countryside is a key quality of the local landscape character, that this will not be reduced;***
- ***The quiet enjoyment of the landscape is maintained.'***

During construction and thereafter, development should not result in a net During construction and thereafter, development should not result in a net adverse impact on the level of dark skies...]

3.1.5.6

Gordon Halliday deals with the application of landscape planning policy, the weight to be given to the various policies and the implications for the planning balance. Mr Halliday also deals with design and tourism considerations, including Tynedale District Local Plan Saved Policy TM4.

4. Landscape Context

4.1.1.1 This section provides a description of the prevailing landscape as a means of establishing the extent to which the landscape of the site area and surrounding context correlate with the defined characteristics set out in the Northumberland Landscape Character Assessment Part A⁶ (NLCA).

4.2 Site area, vegetation cover and land use

4.2.1.1 The Proposed Development site is situated within an upland, rural landscape at an elevation ranging from approximately 250m AOD to 281m AOD. Cold law itself is a domed landform which rises above the surrounding gently undulating landscape to a height of 281m AOD.

4.2.1.2 The land is principally used for rough grazing which is reflected in the vegetation cover predominantly comprising heathland and coarse grassland and is devoid of any taller scrub or woodland cover. This factor combined with the relatively elevated situation results in a characteristically open landscape where wide ranging views are available particularly to the north west across the lower lying more settled landscapes towards the Northumberland National Park.

4.2.1.3 The site is defined by the C195 minor road to the west, a dry stone wall to the north, a disused railway line to the east, the southern extent of the Proposed Development is undefined and open to the adjoining upland landscape.

4.2.1.4 The entire site area is included within an extensive area of designated open access land under the Countryside and Rights of Way Act 2000 (CROW) hereafter referenced as '*open access land*'.

4.3 Settlement pattern, Landform and visual context

4.3.1.1 The site area occupies an elevated area of land which is separated from Northumberland National Park to the North West by the lower lying Rede Valley. Although, in general, the area is sparsely populated most of the settlement pattern is located within this valley landscape. There are a number of hills, high points and ridges within the wider landscape context which often have distinctive craggy escarpments. These hills include those situated to the west and south west; Hepple Heugh at 336m AOD, Great Wanney Crag and Little Wanney Crag at 318 and 319m AOD respectively and Sappers Pike at 342m AOD; to the east and north east, including; Ray Fell at 303m AOD, the high point at Hartside of 336m AOD and Scald Law at 319m AOD. These hills combine to provide the distinctive ridgeline which forms the backdrop in views from the lower lying landscapes to the north. The elevated landform which forms the southern edge of the Northumberland National Park to the north west including Padon Hill at 379m AOD are visible in views to the north west.

4.3.1.2 The A68 which is routed north to south through the study area is the principal transport corridor and is approximately 2km to the east of the Proposed Development at the closest point.

4.3.1.3 The landscape context for the Proposed Development is influenced by the presence of two existing wind farms:

- Ray Wind Farm⁷: 16 turbines at 125m tall, approximately 2km to the northeast; and

⁶ Northumberland Landscape Character Assessment – Part A: Landscape Classification (G.6)

⁷ <https://group.vattenfall.com/uk/what-we-do/our-projects/ray-wind-farm>

- Green Rigg Wind Farm⁸: 18 turbines at 100m tall, approximately 2.5km to the south.

4.3.1.4 These wind farms are situated on areas of elevated land; ridge lines and hill tops and as a consequence their presence is often discernible in the visual experience as people travel through the landscape. Within the local context there is generally a greater level of intervisibility between the site area and Ray Wind Farm (see viewpoints 2, 3 and 7, illustrated in Figures 7, 8 and 12 of the SGLVIA⁹). Intervisibility between the site area and Green Rigg Wind Farm is more restricted by the presence of intervening landform which includes the Wanney Craggs, although views are still available from the elevated land to the south of the area (see viewpoint 6, illustrated in Figure 9¹⁰).

4.3.1.5 The Wanney Craggs are a distinctive, series of craggy outcrops which are well known as an iconic rock climbing venue. The Craggs are orientated towards the north and are widely visible in views from the north east, north and north west.

4.4 Perceptual Qualities

4.4.1.1 Despite the frequent presence of wind farms in the visual baseline the landscape is strongly influenced by the upland landform, comprising strong ridge lines and domed hills, which combine with a simple palette of naturalistic landscape elements and an otherwise general lack of built development to induce strong perceptions of rurality, remoteness and tranquillity.

4.5 Northumberland Landscape Character Assessment

4.5.1.1 Northumberland's landscapes have been classified and grouped using shared characteristics into landscape character types (LCT's) which in turn have been further sub divided into landscape character areas (LCA's) in the published *Northumberland Landscape Character Assessment (NLCA) Part A*¹¹.

4.6 Landscape Character Type 8: Outcrop Hills and Escarpments

4.6.1.1 The Proposed Development is situated within the *Outcrop Hills and Escarpments LCT* (8¹²) and the site area and local context has been found to have a strong correlation with the key characteristics for this LCT. These characteristics are listed below with those showing a strong correlation to the landscape context of the Proposed Development highlighted in **bold**:

- **Flat-topped elongated ridges and rounded sandstone hills;**
- **Distinctive steep scarp faces forming stepped, often dark, skyline silhouette;**
- **Open plateau and gentle dip slopes clothed in heather moorland, acidic grassland mosaic, coniferous forestry and peat bog/mires;**
- **Steeper slopes and craggy outcrops with bracken, heather and broadleaved woodland;**
- *Wet pastures and semi-improved pastures on lower slope;*

⁸ <https://www.edf-re.uk/our-sites/green-rigg>

⁹ LVIA Figures (Part 1 and Part 2), prepared by Southern Green Landscape Architects [January 2019] (E.2, Figures 7, E3, Figures 8 and 12)

¹⁰ LVIA Figures (Part 2), prepared by Southern Green Landscape Architects [January 2019] (E.3, Figure 9)

¹¹ Northumberland Landscape Character Assessment – Part A: Landscape Classification (G.6)

¹² Northumberland Landscape Character Assessment – Part A: Landscape Classification (G.6, P.59)

- **Rich muted colours and textures;**
- **Little or no habitation** but significant archaeological remains; and
- Water bodies including natural loughs and reservoirs.

4.6.1.2 The description in the NLCA includes references to the importance of these elevated landscapes as a backdrop to the lower lying valley landscapes as well as being an '*important recreational resource, with extensive areas of open moorland designated as access land*'.

4.6.1.3 Within the local landscape context of this part of the *Outcrop Hills and Escarpments LCT* there are two LCA's including the (8f) *Harwood Forest*¹³ and the 'host' (8g) *Sweethope and Blackdown LCA*'s where the Proposed Development is located. The description of the *Sweethope and Blackdown LCA*¹⁴ also references the '*notable*' Wanney Crags and their usage for rock climbing.

4.6.1.4 The landscape characteristics of the site area and local context as identified in this section and defined in the NCLA will now be reviewed alongside the Proposed Development, demonstrating how, in my opinion, it is incompatible and will be detrimental to the prevailing landscape characteristic of the host LCA and others within the immediate vicinity.

¹³ Northumberland Landscape Character Assessment – Part A: Landscape Classification (**G.6**, P.62 section 4.90)

¹⁴ Northumberland Landscape Character Assessment – Part A: Landscape Classification (**G.6**, P.62 section 4.91)

5. Review of Appellants LVIA

- 5.1.1.1 An initial review of the appellants LVIA by Stephenson Halliday (May 2019)¹⁵ was undertaken in May 2019. The conclusions of this review were based on a relatively brief analysis of the landscape and visual issues and the NCC planning officers remained unconvinced by its conclusions. In May 2020, Wood PLC were commissioned to undertake a review of the appellants LVIA undertaken by Southern Green (1131_Elizabeth Landmark (PJ2366)¹⁶, hereafter referenced as 'SGLVIA', together with the Stephenson Halliday review and a further review by the Keep the Wannies Wild Group on behalf of NCC. I undertook this commission and my findings are detailed in the Technical note, *Queen Elizabeth Landmark, Cold Law, LVIA Review*¹⁷. My findings disagreed with the Stephenson Halliday conclusion that, *'it would be difficult to sustain an objection on landscape grounds at appeal, if the scheme were refused'* on the basis of fundamental concerns regarding the relationship between the site and purpose of the proposed development, cumulative effects, particularly in relation to nearby wind development an over simplistic approach to landscape character assessment and under representation of close-range visual effects.
- 5.1.1.2 This following section draws on the key findings from the review of the appellants LVIA and highlights the main areas of difference.
- 5.1.1.3 **Appendix A, Tables 1.1 and 1.2**¹⁸ provides a summary of the respective Southern Green and Wood landscape and visual findings.

5.2 Methodology

- 5.2.1.1 The review found that the methodology used in the SGLVIA was generally compliant with industry standard guidance, principally, the Guidelines for Landscape and Visual Assessment (Third Edition)¹⁹, hereafter referenced as 'GLVIA3'. However, it was found that the methodology used follows a standard format rather than adapting the approach to suit the requirements of this specific development, a landmark sculpture, which is designed to be visible within the landscape.
- 5.2.2 **Assessment criteria**
- 5.2.2.1 It is considered that rather than simply utilising a mechanical assessment to determine the level of effect through the extent to which visual change is perceived, criteria should be defined which are specific to this project as the basis for the assessment. These criteria should include:
- The baseline identification and assessment of the key landscape characteristics, landscape qualities, scenic views and valued sense of place of particular locations such as the Wanney Crags that are locally important to the intended setting and study area of the Proposed Development;
 - Identification of the characteristics of the landscape setting required for such a landmark sculpture in comparison to the proposed location, to determine if the proposed location is

¹⁵ Ascendant: Elizabeth Landmark, Cold Law, Ray Estate, Northumberland, LVIA Review (May 2019) (E15)

¹⁶ Landscape and Visual Impact Assessment, prepared by Southern Green Landscape Architects [January 2019] (E.1)

¹⁷ Technical note: Queen Elizabeth Landmark, Cold Law: LVIA Review, prepared by Wood PLC [27 May 2020] (F.1)

¹⁸ Appendix A to Proof of Evidence David Stokoe (J.3.1, Table A1.1 and A1.2)

¹⁹ The Landscape Institute's Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3) (H.4)

suitable and whether it would disadvantage the appreciation of the Proposed Development in terms of its artistic and landscape quality;

- Key views and the sequential experience – to determine how the landmark sculpture is intended to be experienced and viewed by residents and other people as they travel through the landscape; and
- Cumulative assessment – how the presence of wind turbines and other vertical structures in many simultaneous views of the Proposed Development will influence the visual experience.

5.2.2.2 This information would provide a sound basis for the assessment so that judgements could be made about how well the Proposed Development meet defined criteria relating to the purpose and setting of the artwork. In relation to visual assessment it would allow systematic, objective judgements to be made regarding effects of the development for specific viewpoints and receptors rather than use of the subjective and unclear phrase *'The nature of effect would be theoretically adverse in comparison to the relatively undeveloped character of the baseline, however is likely to be perceived as a positive addition by many receptors'* which is repeated after each viewpoint assessment.

5.2.2.3 It is important to note that the viewpoint Figures 7 to 14 should be used for context only. The parameters for these images are not specified on the figures but the text in the SGLVIA methodology suggests that they are panoramas with a 90° field of view (FOV). Whereas Figures 15 to 17 have been prepared broadly in accordance with SNH guidance²⁰ for the production of photomontages and the 53.5° FOV images illustrated in figures 15b, 16b and 17b are those intended to most closely resemble what would be experienced by the human eye (when a printed version is viewed flat at a comfortable arms length or a screen version is enlarged to full screen height, although it is accepted that no image can replicate the real visual experience).

5.3 Design Objectives

5.3.1.1 The Design and Access Statement describes the objectives²¹, strategy and purpose of the Proposed Development in artistic terms and it is understood that the sculpture is intended to be commemorative but its wider purpose and relationship within the landscape is not fully articulated or understood. In comparison to a well know landmark sculpture such as the Angel of the North which sits on a highpoint at the southern extent of the Tyneside conurbation providing a welcoming feature and gateway the relationship of Ascendant' to its landscape context is primarily based on more tenuous associations such as the frequent presence of hill forts²² in the Northumberland landscape, the landform of Cold Law itself and industrial heritage.

5.3.1.2 The scale of the sculpture is of concern in terms of landscape impact and visual domination of local landform. At a height of 55m it is almost three times the height of the Angel of the North or any comparable structure in Northumberland. The logic and rationale behind the stated objective²³ that a structure of this height is required to match the height of the nearby Hepple Heugh is unclear and would result in visual competition between the landform and sculpture rather than providing a meaningful relationship within this landscape context. It is also considered that the scale of the structure would dominate the form of Cold Law and that the height of the sculpture is a requirement of its situation on a relatively subservient landform which is considerably lower than

²⁰ Visual Representation of Wind Farms, Version 2.2, Scottish Natural Heritage (February 2017)

²¹ Design and Access Statement (D.2, P.2)

²² Design and Access Statement (D.2, P.6)

²³ Design and Access Statement (D.2, P.10)

neighbouring crags and hills and therefore needs to be of such a scale to perform its role as a landmark.

- 5.3.1.3 It is stated in the Design and Access Statement that the *'sculptural form is intentionally designed to interact with the landscape and surrounding environment. The form is echoed in the visible wind turbines in the wider landscape with its slender verticality'*²⁴. However, the presence of the structure in many views will add further adverse cumulative effects in association with existing views of wind turbines in skyline views as a result of the added visual complexity and discordant overlapping appearance of built forms. It is not considered that the static form of the sculpture rooted into the land has a meaningful visual association with turbine blades which are at high level and will routinely be perceived whilst in motion.

5.4 Landscape assessment

- 5.4.1.1 Landscape effects are normally considered in terms of direct and indirect effects. Direct landscape effects include those which would result in physical change to the site area itself as a consequence of introducing the Proposed Development. Indirect effects are associated with changes to surrounding landscape character via a visual or other perceptual effects pathway. I consider that the LVIA's consideration of landscape character effects to have been incomplete and deficient.

5.4.2 Landscape sensitivity

- 5.4.2.1 To determine the level of effect on landscape receptors it is good practice to determine the sensitivity²⁵ of the receptors identified in the baseline which are taken forward for assessment. In the SGLVIA sensitivity for individual landscape receptors has not been undertaken, a single rating of 'high' is used to define landscape sensitivity across the study area. This is an oversimplification of landscape sensitivity assessment and does not provide a sound basis for more detailed assessment of individual landscape receptors.

- 5.4.2.2 Further, the SGLVIA does not assess the range of receptors identified in the baseline of the report or explain why they have not been carried forward for assessment. As a minimum the following landscape receptors should have been assessed in terms of sensitivity and level of effect:

- The site area;
- The Host LCA:
 - ▶ 8g Sweethope and Blackdown.
- Other LCA's within the 5km study area where the ZTV illustrates extensive theoretical visibility including:
 - ▶ 11b, Buteland and Colt Crag;
 - ▶ 8f, Harwood Forest; and
 - ▶ 20b Bellingham and Woodburn Valley.

²⁴ Design and Access Statement (**D.2**, P.5)

²⁵ The Landscape Institute's Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3) (**H.4**, P.88, section 5.39)

5.4.2.3 These receptors are identified in the SGLVIA and illustrated in Figure 5²⁶ of the report but an assessment has only been carried out for the site area and host LCT. **Appendix A**²⁷ provides a summary of my findings in comparison to the SGLVIA.

5.4.2.4 Further details regarding direct and indirect effects on these landscape receptors are provided in the following section.

5.4.3 Direct effects

Site area

5.4.3.2 In relation to direct effects on the site area the SGLVIA states that there would be;

*'a slight direct erosion of landscape features in the removal of some surface vegetation existing on site, however the development is of a very limited scale therefore the change will be of **low** (my emphasis) magnitude in the context of the local and wider landscape character areas*²⁸.

5.4.3.3 This assessment is not an accurate reflection of the direct landscape effects which would be experienced as a consequence of the Proposed Development. The Proposed Development is not considered to be of a *very limited scale* and would introduce fundamental change to the site area both on a temporary basis during construction and permanently on completion.

5.4.3.4 During construction, vehicular movements and activity, soil stripping and excavation of rock will combine to introduce a **high** magnitude of change and a **substantial**, adverse level of effect on the site area for the duration of the construction phase.

5.4.3.5 On completion the introduction of a large-scale monument and areas of tarmac surfacing including a new site access and car parking areas with associated infrastructure combined with the loss of surface vegetation, new footpaths and landform change to Cold Law will introduce a comprehensive transformation of the site area which would result in a **high** magnitude of change and a **substantial**, adverse level of effect.

Host LCA, 8g Sweethope and Blackdown

5.4.3.6 Viewpoints 1,2,3,5,6, 9,11 and 15²⁹ of the SGLVIA are situated within this LCA and provide a reasonable indication of the prevailing landscape character.

5.4.3.7 The SGLVIA has assessed that the level of effect for the wider *Outcrop Hills and Escarpments LCT* would be **moderate/minor**. However, the SGLVIA does not specifically assess effects on the (8g) *Sweethope and Blackdown* LCA. The Proposed Development would be a strong characterising influence as perceived from open areas of this LCA up to a distance of approximately 2km from the site. The large scale and vertical form of the sculpture would be prominent and in some closer views the presence of ancillary development would also be visible. There would be a **high to medium** magnitude of change and **substantial to moderate** levels of effect up to a distance of approximately 2km. Beyond this distance the landscape becomes less open or visibility is precluded by the presence of intervening landform. (Great Wanney Crag) and the level of effect would be reduced.

²⁶ LVIA Figures (Part 1), prepared by Southern Green Landscape Architects [January 2019] (**E.2** Figure 5)

²⁷ Appendix A to Proof of Evidence David Stokoe (**J.3.1**, Table A1.1)

²⁸ Landscape and Visual Impact Assessment, prepared by Southern Green Landscape Architects [January 2019] (**E.1** P.36, section 4.2.3)

²⁹ Illustrated in LVIA Figures (Part 1-3) (**E2, 3** and **4**)

- 5.4.3.8 Part B of the NLCA, *The Changing Landscape*³⁰ provides guidance for future development in relation to the key qualities of the landscape character types identified in Part A. With regard to the *Outcrop Hills and Escarpments LCT*, which includes the *8g Sweethope and Blackdown LCA* the guidance identifies communication masts and other vertical features as a 'Force for Change' and also identifies key qualities which include; '*distinctive scarp hills with rocky outcrops, open, relatively remote character and areas of uninterrupted, sweeping moorland*'. The development guidelines for the LCT also state that, '*The north and west facing scarp ridge is particularly sensitive to any skyline structures because of its importance in views, especially those from Northumberland National Park*³¹.
- 5.4.3.9 Introduction of the landmark sculpture, a large-scale structure with a strong vertical emphasis within this landscape context will provide a new visual focus detracting from the appreciation of the distinctive upland landforms, particularly the scarp hills with rocky outcrops as viewed across the open upland landscape (see viewpoints; 1, 4 and 7 illustrated in Figures 7, 8, 10, 15a,b and 16a,b of the SGLVIA³²). The Proposed Development would also erode qualities of remoteness as a result of the presence of the man-made structure together with the ancillary development and associated vehicular and pedestrian movement and activity.
- 5.4.3.10 For these reasons the Proposed Development would be contrary to the prevailing landscape characteristics and the development guidelines for *Outcrop Hills and Escarpments LCT* in Part B of the NLCA

5.4.4 Indirect landscape effects

- 5.4.4.1 This section considers indirect effects on landscape character beyond the site boundary and host LCA within the 5km study area with a particular focus on the character areas where the ZTV illustrates comprehensive theoretical visibility.

11b, Buteland and Colt Crag LCA

- 5.4.4.2 Viewpoints 8 and 12 of the SGLVIA are situated within the (11b), *Buteland and Colt Crag LCA* and provide a reasonable indication of the prevailing landscape character and relationship with the more elevated (*8g Sweethope and Blackdown LCA*). This visual relationship between the respective character areas is noted in the NLCA description of the *Outcrop Hills and Escarpments LCT* which states that, '*It has an important visual relationship with the low ridges of the Outcrop Hills and Escarpments (LCT 8)*³³' and that, '*The open character of this landscape means that any new large-scale development may be highly visible*³⁴.
- 5.4.4.3 The (11b), *Buteland and Colt Crag LCA* is situated approximately 100m to the north west of the Proposed Development site boundary at the closest point. The landmark sculpture would be visible in skyline views across large tracts of the north western extent of the LCA, although it is recognised that visibility would be more sporadic across the remainder of the area. In parts of the LCA where the structure would be visible in skyline views its presence would introduce an additional visual focus detracting from the appreciation of the northern ridge line within the (*8g Sweethope and Blackdown LCA*). Effects would range from **substantial / moderate** reducing to Moderate / Minor beyond a distance of over 2km from the Proposed Development within this LCA.

³⁰ Northumberland Landscape Character Assessment – Part B: The Changing Landscape (G.7)

³¹ Northumberland Landscape Character Assessment – Part B: The Changing Landscape (G.7, p.44-45, section 5.1.22)

³² LVIA Figures (Part 1-3), prepared by Southern Green Landscape Architects [January 2019] (E.2, E3 and E4)

³³ Northumberland Landscape Character Assessment – Part A: Landscape Classification (G.6, P.69, section 4.1.13)

³⁴ Northumberland Landscape Character Assessment – Part B: The Changing Landscape (G.7, P.51, section 5.156)

20b, Bellingham and Woodburn Valley LCA

- 5.4.4.4 Viewpoints 7 and 10 of the SGLVIA are situated within this LCA and provide a reasonable indication of the prevailing landscape character and relationship with the adjacent, more elevated (8g) *Sweethope and Blackdown* LCA.
- 5.4.4.5 This is a lower lying, settled landscape which contrasts with the neighbouring more remote upland landscapes and which are widely visible in skyline views.
- 5.4.4.6 The (20b) *Bellingham and Woodburn Valley* LCA is situated approximately 200m to the north east of the Proposed Development site boundary at the closest point. The Proposed Development would be extensively visible across large tracts of this predominantly lower lying LCA. In southerly views from the LCA the visual experience is characterised by views of the northern ridgeline, frequently including the presence of Ray Wind Farm, within the adjacent (8g) *Sweethope and Blackdown* LCA. Introduction of the Proposed Development would add a further built element, add to visual complexity and detract from the characteristic escarpment and plateau landforms of the northern ridge line. Overall, effects would range from **substantial / moderate** reducing to Moderate / Minor beyond a distance of over 2km from the Proposed Development.

11f, Harwood Forest LCA

- 5.4.4.7 The *11f, Harwood Forest* LCA is situated approximately 1.8km to the north east at the closest point. The elevated open situation of this LCA, up to a distance of approximately 3km from the Proposed Development would allow a high level of visibility although the presence of detracting elements including the Ray Wind Farm and stone quarries together with the extensive Harwood plantation would reduce susceptibility. Overall, the indirect landscape effects would be **minor** for this LCA as a whole although higher levels of effect would be experienced, up to **substantial / moderate**, within the westerly edge of the LCA in closer proximity to the Proposed Development in the area less influenced by the presence of wind farm development and forestry.

5.5 Visual Effects

- 5.5.1.1 The SGLVIA is a viewpoint, rather than receptor, based assessment which means that a series of single viewpoints has been used to inform the assessment. This approach is recognised as being appropriate for some assessments but in this case has resulted in an assessment which does not provide a comprehensive understanding of the effects on the full range of visual receptors identified in the baseline of the report. For example, the assessment of visual effects for receptors using the adjacent open access land which includes Hepple Heugh has not been undertaken.
- 5.5.1.2 It is also notable that most of the viewpoints are taken from the highways network. In a rural landscape with a comprehensive recreational path network and extensive areas of 'open access' land a greater understanding of the level of visual effects across the wider landscape would have been achieved through the adoption of a receptor based assessment.
- 5.5.1.3 Visual effects for some recreational receptors who would experience close range views of the Proposed Development have not been assessed within the SGLVIA. These receptors include those using the 'open access' land (see Figure 1a and b, Appendix B³⁵) which extends across a large area of the upland landscape including the site area and the elevated form of Hepple Heugh less than 1km to the west of the Proposed Development. Views from elevated areas, such as Hepple Heugh, would also allow comprehensive visibility of the ancillary aspects of the Proposed Development where the change from a simple vegetated surface to a more complex arrangement of landscape elements would be readily perceived. Recreational users will experience close range, open views

³⁵ Appendix B to Proof of Evidence David Stokoe (J.3.1, Figure 1a,b)

from large tracts of this landscape resulting in a **high to medium** magnitude of change which combined with a high sensitivity would result in a **substantial to substantial / moderate** level of effect across much of the area.

- 5.5.1.4 The locally promoted Lises Burn Circular Walk³⁶ and miscellaneous other recreational routes which utilise a mix of PRoW's and minor roads has not been included in *Figure 2 Access and circulation plan*³⁷ of the SGLVIA and has not been assessed within the SGLVIA. Where these routes pass in close proximity to the Proposed Development users would experience **substantial** levels of visual effect from sections of the route where close to mid-range views are available. The LVIA's visual assessment was clearly also incomplete so far as 'open access' land and these recreational routes are concerned.
- 5.5.1.5 In closer range views, representing the visual experience for users of the C195, local PRoW network and open access land as illustrated in the SGLVIA viewpoints 1 and 2³⁸, the Proposed Development would introduce a prominent structure and visual focus detracting from an appreciation of open views of the wider landscape. The SGLVIA has assessed the magnitude of change as **medium** and the level of effect as **moderate** for viewpoint 1 and **substantial / moderate** for viewpoint 2 and considers that the nature of effects would be *'theoretically considered adverse' but 'likely to be perceived as a positive addition by many receptors'*. However, my assessment is that the Proposed Development would result in a **high** magnitude of change and **substantial to substantial / moderate** levels of effect both during construction and operation primarily because of the scale of the structure and activity associated with its implementation. The nature of the effects would be adverse as a result of visual prominence of the sculpture contrasting with the characteristically rural landscape. Adverse visual effects would also be experienced in views where the ancillary aspects of the development are visible, the added complexity of these landscape elements will introduce visual clutter and movement into a landscape characterised by a very restrained, simple palette of naturalistic landscape elements.

³⁶ <https://www.northofthetyne.co.uk/westwoodburn.html>

³⁷ SGLVIA Figure 2 Access and Circulation Plan (**E2**)

³⁸ LVIA Figures (Part 1), prepared by Southern Green Landscape Architects [January 2019] (**E.2**, Figure 7)

6. Summary and conclusion

- 6.1.1.1 It has been found that the Proposed Development would not have an appropriate or meaningful relationship with the wider landscape context and would often be perceived in relation to views of wind turbines and/or in relation to the distinctive landforms which are characteristic of the area diminishing appreciation of the landscape.
- 6.1.1.2 The Proposed Development would introduce fundamental change to the site area during construction and on completion. Adverse effects would be experienced as a consequence of the activity and presence of vehicles and machinery during construction and through the introduction of a large man-made structure requiring excavation and permanent landform change to the summit of Cold Law. The added complexity and urbanising influence of ancillary development would detract from the existing characteristic simplicity of the site area.
- 6.1.1.3 Adverse landscape effects would be experienced within the host landscape the *Outcrop Hills and Escarpments* LCT, specifically the (8g) *Sweethope and Blackdown* LCA as a result of the dominant vertical presence of the large scale structure which would detract from the appreciation of the characteristic interplay between the craggy escarpment landform and the gently sloping areas of the upland landscape which are set out in the guidelines of NLCA Part B, *The Changing Landscape*.
- 6.1.1.4 Indirect adverse effects would also be experienced in adjoining areas of landscape. Specifically, the *11b, Buteland and Colt Crag* LCA and the *20b Bellingham and Woodburn Valley* LCA as a consequence of the presence of the sculpture in skyline views.
- 6.1.1.5 In many views the Proposed Development would be perceived as a large scale vertical element viewed in relation to the distinctive escarpment landform or set against existing wind farm development. In both scenarios the sculpture would introduce an additional visual focus and diminish appreciation of the scenic value of the wider landscape. The Proposed Development would dominate closer range views because of the scale of the structure fundamentally changing the visual experience and interfering with the availability of open views across the wider landscape.
- 6.1.1.6 Recreational users of the PRow network and open access land in close proximity to the Proposed Development would experience adverse visual effects and a diminished sense of tranquility whilst moving through this remote, rural landscape.
- 6.1.1.7 Overall, I believe the original decision to refuse the planning application on the basis of failure 'to recognise the intrinsic character and nature of the countryside in this location' to be based on a sound understanding of the likely adverse landscape and visual effects which the Proposed Development would introduce and recommend that this judgement is upheld.

wood.

