

Keep the Wannies Wild
Fighting to protect our shared landscape

CORE DOCUMENT K.3

Planning appeal Ref: APP/P2935/W/20/3244389

Cold Law, Stiddlehill Common, near Ridsdale, Ray Estate,
Northumberland

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

**Landscape Proof of Jean Jones MA BSc DipTP
on behalf of 'Keep the Wannies Wild' (KTWW)**

February 2021

Introduction

1. My qualifications and experience are found in my planning proof (CD K.4) I have illustrated important points by referring to representations from interested persons which are in Appendices A – C to this proof. Appendices with numbers are from the KTWW Statement of Case (CD K.2).

The Main Issue

2. The Inspector's main issue is the effect on the landscape character and appearance of the rural area. The planning balance discussed in my separate planning proof includes: the benefits or harm to tourism and the local economy; the benefit from ecological improvements and whether it would be sustainable development.
3. I consider that the tests to be covered in the main landscape issue are whether the proposal complies with:
 - (i) TLDFCS Policies GD1 and NE1 (a) relating to development in the countryside and protecting/enhancing the character and qualities of the landscape;
 - (ii) TDLP policy GD2 requiring all development to respect the positive characteristics of the natural and built environment;
 - (iii) NPPF paragraph 170 (b) to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside;
 - (iv) Emerging NLP Policy ENV 3 (1a) requiring proposals affecting the character of the landscape to conserve and enhance important elements of that character;
 - (v) Emerging NLP Policy ENV4 seeking to limit urbanising effects, to preserve openness and to conserve and enhance tranquillity;
 - (vi) Emerging NLP policy QOP1 requiring design to respect views and landscape setting.

The nature of the proposal

4. The promotion of multiple types of symbolism smacks of desperation; far from being rooted in the locality, it seems rather to be one man's personal project. The photograph in Appendix 8 of CD K.2 demonstrates that it would be a focal point in the vista from the appellant's property at Lynnheads, not even his main residence. It is unfortunate that a monument supposed to uphold the Queen's dignity would thrust a steel spike into the shapely mound of Cold

Law, known affectionately amongst local people as 'Tit Hill'. Many objectors consider Her Majesty would be horrified and insulted by 'Ascendant'. She has not endorsed it but has instead expressed her support for a 'Commonwealth Canopy' of trees (Appendix 6 to CD K.2).

5. References to Sir Charles Parson are also misguided as his family members write (Appendix 7 of CD K.2):

We feel that the monument is an intrusion which desecrates the integrity of an open and wild landscape, and that its justification as a tribute to Sir Charles is not supported by what we know of his deep love of the wildness of the place. He was a man of simple tastes and without vanity, and he would not have welcomed a massive overbearing monument supposedly celebrating his connection with the area but, in the process, changing completely the place he loved.

We consider it highly unlikely that Uncle Charlie would view the proposed Elizabeth Monument with anything other than dismay and horror. We feel that he valued the wildness and unspoilt beauty of the area, just as walkers and others enjoy it today.

6. Planning conditions could not ensure the development was carried out as so fulsomely described in the application documents. Conditions could not control the Commonwealth or royal references nor the promotion of the scheme to provide economic benefit from tourism. The outcome might be just the bare minimum of a rusty 'spike' and car park, dominating this previously wild and remote area of shared countryside.
7. Consider our example of the *Gladys Landmark* below. Would planning permission really be granted for this? Would it matter whether the poetry was Wordsworth or Pam Ayres? We pose these questions not to be facetious but to underline that the Elizabeth Landmark should be assessed on an equal and objective basis to anything else that looked the same. Professional judgements should not, even unconsciously, be slanted towards a favourable visual assessment of the Elizabeth Landmark because of its royal or symbolic connotations or its supposed tourism benefit.



Main issue: harm to the landscape character and appearance of the rural area

8. This involves two aspects: the first is the visual impact of the monument and associated physical works, the second is the impact of the activity associated with it.
9. There is a series of Landscape and Visual Impact Assessment (LVIA) material. The first (CDs E.1-4) is Southern Green's LVIA dated January 2019 'the LVIA'. Southern Green appears to have been involved with the Elizabeth Landmark project for at least a year prior to submitting the LVIA; they produced some of the application drawings. Stephenson Halliday's brief review for NCC is CD E.15. My detailed critique of those two reports, originally submitted in March 2020 for written representations is found in Appendix 12 of CD K.2. All these were reviewed by Wood plc in May 2020 on behalf of NCC at the time of the second application. That and the responses from both parties are at CDs F.1-3.
10. My critique of the LVIA was prepared under guidance from Michelle Bolger, a chartered Landscape Architect of many years' experience in the field of LVIA's and until recently a trustee of the Landscape Institute. She advised on the technical aspects but did not visit the site nor advise on the merits or otherwise of the proposal. In acknowledging that I am not a landscape architect, I note that PINS did not consider it necessary for this appeal to be determined by a landscape specialist.
11. It is important to appreciate that LVIA's are merely tools and not in themselves the determinant of this appeal. There are effects outside their scope that can also impact on a landscape characterised by a sense of remoteness, notably the noise and activity from people and vehicles. This is not EIA development and the use of terms such as 'significant' or 'substantial' are not thresholds for decision-making.
12. National guidance in para 2.25 of GLVIA3 (CD H.4) accepts that,

even with qualified and experienced professionals, there can be differences in judgments made on aesthetic grounds. It advises that there is no point in seeking ideas and views if it is actually too late for the scheme design to be modified, as in this case. The Wood plc review (CD F.1) supported my critique on a number of points and it is up to the Inspector to make his own judgements.

13. I will focus here on the main points of disagreement with the LVIA:
 - The LVIA was done at too late a stage and the development was not open to significant modification
 - The effect on the landscape itself was underestimated
 - The monument would not sit well in the landscape
 - Wind turbines are not a precedent nor a major element of the context
 - Too many viewpoints on roads were given only moderate sensitivity. That should be 'High' sensitivity for points 1, 3, 7 and 8
 - The views of the car park and vehicles from higher land were not considered
 - The close viewpoints were not illustrated and the effect from them was underestimated
 - The structure would not be slender, only appearing relatively slender by comparison with its great height
 - Insufficient weight was given to the long duration of the effect on many users of the landscape
 - There is no evidence that receptors would find the development beneficial and there is much evidence that they would find it harmful

14. I agree the description of the Landscape Character Types and Areas in the LVIA. Cold Law is within NCC's 'Outcrop Hills and Escarpments' LCT whose key characteristics include the *open, relatively remote character* and *areas of uninterrupted, sweeping moorland*. The nearby 'Sandstone Fringe Farming' LCT is characterised by *extensive views and a sense of remoteness*. I consider 'remote' means the absence of built development; low levels of vehicular or human activity; and low levels of non-natural sounds.

15. The LVIA study area also includes the 'Rolling Upland Valleys' LCT where one force for change is that *increased traffic associated with tourism, timber extraction and through travel may undermine tranquility*. The fourth relevant LCT is 'Rolling Uplands' with the key characteristic of *wildness and remoteness derived from the landscape's upland character, limited accessibility and relative lack of overt manmade features*. These key characteristics of the LCTs

amount to the same as the term *intrinsic character and beauty* used in NPPF paragraph 170(b).

16. The starting point is that the LVIA authors agreed the landscape should be accorded 'High' sensitivity. Further information from objectors about the landscape's scenic quality, cultural importance, recreational value and restorative qualities, which the LVIA authors were not aware of at the time, only serves to underline its High sensitivity and that changes will be perceived as higher magnitude than the LVIA assumed. The LVIA paragraph 2.1.34 lists those items as factors in the assessment of landscape value.
17. The changes involve Cold Law and its cairn being mutilated, cut out and filled with concrete. By expunging from the landscape the existing distinctive feature of Cold Law, this would make for a High, not a Low magnitude of landscape change. The LVIA (paragraph 4.2.10) concludes: *While the introduction of any man-made object could be considered an adverse change in comparison to the undeveloped baseline, the change could also be beneficial and could encourage greater appreciation of the landscape.* I consider that objectors' letters are evidence that there is ample appreciation of the landscape already. This equivocal conclusion goes against the convincing evidence from objectors that the landscape effect would be substantial and adverse.
18. The lengthy 8-12 month construction period would involve three cranes, a pile driving rig, soil stripping, noise, dust, heavy vehicle movements and a site compound with contractor's office and staff facilities, all of which would harm the landscape character, particularly its sense of remoteness, through noise and visual intrusion of industrial buildings and equipment. The factors of noise, traffic and light, both during construction and thereafter, are recognised in NLP policy ENV 4(a) as part of the potential landscape impact.
19. Turning to the viewpoints, the LVIA made professional judgements about the effect on 'receptors'. But the receptors are in fact the local people and visitors who have overwhelmingly expressed their view that the proposal would have a substantial and harmful effect. Their reasons for judging that changes would be of a higher magnitude than assumed by the LVIA are clearly expressed: the scenic, cultural, recreational, restorative qualities of this special landscape. This is real evidence that should carry greater weight than the hypothetical situation the LVIA attempted to assess.
20. I contest the LVIA's judgement that the monument would sit well in the landscape; its dark colour would make it stand out against the

sky. The massive height and tilted form are at odds with this landscape of horizontal escarpments, being reminiscent of a shipyard crane. Its curved form, when placed as a tilted slice, loses all connection with the 3D shape of the hill. Equalling the height of nearby hills would merely serve to detract from their drama and from closer viewpoints it would look relatively higher (see photos in Appendix 10 of CD K.2). The LVIA's comparison with hill forts cannot be a serious suggestion.

21. To nearby walkers the gigantic leaning structure would be overbearing and frankly quite frightening. It would only be *relatively* slender in comparison with its great height but this does not mean its effect on views would be low. The 'blade' itself would be 85m long and 5m wide at ground level, that is the width of a terraced house, rising to 7.5m wide. This massive vertical punctuation of the landscape with an incongruous structure would clearly interrupt its sweeping character and harm the *open and relatively remote character* of this LCT, contrary to TLDFCS policy NE1, TDLP policy GD2, emerging NLP policies ENV3, ENV4 and QOP1 and paragraph 170 (b) of the NPPF.
22. The LVIA has not considered the fact that vehicles in the car park and along the road would be fully visible from some viewpoints including from rising land on nearby Hepple Heugh and from rock climbs. Screening by walls or mounds could not mitigate this. Even low-level lighting for essential safety purposes would harm the sense of remoteness. Intended cultural events could lead to the intrusive visual impact of portaloos and other temporary structures unless permitted development rights were removed by conditions. Even then it would be difficult to refuse permission for them if they were regarded as essential to the use.
23. Wind turbines appear only in some views, are not part of the overall context and their light colour blends into the sky. Objectors dislike them but comment that at least they serve a useful purpose and will be removed when no longer needed. (Appendix 13 of CD K.2). Similarly, the blocks of forestry are only temporary. 'Ascendant' by contrast has no useful function and would remain indefinitely.
24. The 16 viewpoints were chosen for varying reasons, some related to ancient monuments which turned out not to be an issue. Some were on roads and allocated a 'Medium' sensitivity. However, many of these quiet rural roads are used as part of recognised walks (Appendix 11 of CD K.2) or are proxies for nearby footpaths and should be accorded High sensitivity. Viewpoints 1, 3, 7 and 8 should be upgraded in this way and the long duration of the views for recreational users, whose main purpose is to enjoy the landscape,

should be given more weight.

25. The tabulation of the large number of viewpoints appears to dilute the seriousness of the effects. I strongly contest the assessment of the magnitude and effect on many of the viewpoints as indicated in the table in my critique. In particular, points 1 and 2 do not have photomontages and, perversely, the substantial/moderate impact on point 2 is written off in the LVIA conclusions (para 6.0.5) on the grounds that it is close to the structure. Yes it is, and that is why the visual impact would be colossal, particularly on those who see this gigantic structure at very close quarters for a long duration during their countryside recreation. As David Caygill (App A) writes:

...those climbers, walkers, cyclists, artists, poets and others who regularly visit the Wannies for recreation and inspiration would find this erection monstrous and overbearing in an otherwise perfectly rural setting. I would imagine that many may cease to visit, their enjoyment shattered by the imposition of such a domineering, rusting metal spike. At 180 feet tall it would be impossible to ignore and would simply intrude upon everything for which the Wannies are presently valued.

26. The many objections from those living in and visiting the area for recreation are first-hand evidence of the harmful effect of the proposal on the landscape and on their views of it as receptors. The writers of the LVIA repeatedly copied and pasted the following equivocal remark: *the effect would be theoretically considered adverse in comparison to the undeveloped baseline in terms of this assessment, however is likely to be perceived as a positive addition by many receptors (sic)*. This massively important leap from adverse to positive was unsubstantiated and invalidates the conclusions of the LVIA. The hard evidence of significant harm described over and over again by objectors should be preferred. They themselves are the receptors of which the LVIA speaks.
27. Turning to the impact of activity, that is clearly a legitimate element of landscape character. Increased traffic is mentioned in the 'Rolling Upland Valleys' LCT and NLP policy ENV 4, in both cases relating to loss of tranquility. Any events, whether authorised or not, would bring the sounds of vehicle movements and people. The appellant's *Visitor Study* states that motor cycle clubs, who use the A68 as a scenic route, might find 'Ascendant' attractive to visit and that would add loud engine noise. Sounds travel a long way in this open landscape and the increased activity would damage tranquility. The appellant's events to celebrate the Queen and Commonwealth could involve harmful lighting and amplified sound: a 'Son et Lumiere' for example. As so well put by the curate of Otterburn in her objection (App B):

Their very coming will change the nature of the landscape.

28. Page 11 of the Appendix to the Design and Access Statement for the second application (CD D.2) says: *The lighting will add an entirely different aspect to the sculpture, and therefore would attract visitors to see it specifically at night time. The rock slot will need to be lit too, for visitor safety and to add to the whole low light/nighttime experience.* Lighting itself could be visually intrusive and, even if controlled by a planning condition, would be difficult to resist if essential for safety reasons. That document also suggests a 'rack and pinion elevator' inside the steel sculpture for visitors to enjoy the view. That would introduce a funfair element which would be completely at odds with the rural setting.
29. This novelty development could attract overnight stays and the type of unauthorised gatherings now common through use of social media. Even if the car park had a barrier, the appellant has no means of controlling the use of the open access land and planning conditions could not effectively control such activities which would damage the sense of remoteness and tranquility.
30. It is against the key landscape character qualities of the relevant LCTs that the appeal proposal must be assessed. In my opinion, inserting an enormous vertical structure would **interrupt** and diminish the **sweeping character**. The landscape would become less **open** and significantly less **remote** because of the visual intrusion and the activity resulting from events, intended or otherwise. The proposal would clearly fail to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside as required by paragraph 170(b) of NPPF.
31. There is no requirement for a majority of the viewpoints to have substantial harmful effects for planning permission to be refused. The effects just from the closer viewpoints are clearly substantially harmful to landscape character and appearance. Both visually and in terms of activity the proposal would introduce urbanising effects and would fail to conserve and enhance tranquillity as required by NLP policy ENV4. The relevant development plan and national policies also speak of enhancement and it is clear that the proposal would not enhance. There is more than enough evidence to show that it fails the tests set out earlier in this proof and justifies the refusal of planning permission on the basis of TLDFCS Policies GD1 and NE1, TDLP policy GD2, NPPF paragraph 170 (b) and emerging NLP policies ENV3, ENV4 and QOP1.

32. The awkward position of the artist, who won the competition and hoped to see his concept brought to life, is understood. But high-flown concepts and design statements are not enough when the initial brief was so unsuitable for the context. Objectors are not uninformed Nimbys, many are interested in contemporary art but are clear that the appeal development is unacceptable as Dr Alison Conway writes (App C):

I am enthusiastic about well considered public art, and no large scale sculpture or monument will be to the taste of all, but this is an incredibly inappropriate and insensitive project that has no connection or value to the landscape it will occupy and diminish due to the size and situation, regardless of the design.

33. The well-known writer on art, architecture and the countryside Sir Simon Jenkins has commented (Appendix 14 of CD K.2):

Many thanks. Yes, I know of it. I cannot believe it. This is not even a statue but just a spike, an ugly bit of clutter. And like most of these things, it is not a monument to anyone but its financier.

CONCLUSIONS

34. The proposal relies on references to the Queen and Commonwealth but those are nebulous and cannot be secured through planning conditions. Looking objectively at the physical nature of the development will avoid being overcome by the weight of symbolism ascribed to it. There has been a sense of horror that it purports to celebrate Her Majesty and Sir Charles Parsons but is, in fact, the opposite of what is known about their wishes.
35. The LVIA involved a large number of value judgements about matters of appearance and character which I strongly contest. National guidance accepts that there can be differing opinions about these matters and it is for the Inspector to come to a decision based on his own judgement. He should, however, bear in mind the advice of GLVIA3 that there is no point in seeking ideas and views if it is actually too late for the scheme design to be modified.
36. The impact from closer views, affecting recreational users over long durations, is more than enough to justify the refusal of planning permission. The local people and visitors are the 'receptors' of which the LVIA speaks. They are not theoretical but real and the significant harm which they identify should carry greater weight than hypothetical judgements and unsubstantiated claims of beneficial effects.

37. There would be harm to the key landscape qualities of *open, relatively remote character* and *uninterrupted, sweeping moorland*. Context is all-important and, whatever the quality of the detailed design, the brief has made it inappropriate for this location. Because of the activity from people and vehicles it would, once and for all, destroy the sense of tranquillity, remoteness and openness that residents and visitors currently value and which are acknowledged key qualities of landscape character. Organised events with light, amplified sounds and temporary structures would exacerbate these effects and be difficult to control. Nothing could be done to mitigate its impact, 'Ascendant' would be impossible to ignore and would be there in perpetuity.
38. The proposal would fail the tests set out at the beginning of this proof by conflicting with the development plan in terms of TLDFCS policies GD1 and NE1 and TDLP policy GD2. There would also be conflict with the emerging NLP policies ENV3, ENV4 and QOP1 as well as NPPF paragraph 170 (b) through significant harm to the character and appearance of the landscape. There are no material considerations outweighing this harm and the appeal should be dismissed.

APPENDICES

Full copies of representations to NCC or PINS that are quoted in this proof

- A. David Caygill
- B. Elaine Ryder
- C. Alison Conway