

Keep the Wannies Wild
Fighting to protect our shared landscape

CORE DOCUMENT K.4

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

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

February 2021

Introduction

1. I hold the degrees of MA (Cambridge University), BSc (Open University) and a Diploma in Town and Country Planning. I am a retired member of the Royal Town Planning Institute and have 36 years' experience working for a large local authority and as a Planning Inspector dealing with appeals by written representations, hearings and inquiries and also carrying out examinations into several Core Strategies. Prior to that I worked on two academic research projects involving both quantitative and qualitative analysis. I am a member of the Keep The Wannies Wild group (KTWW) and acting for them in a voluntary capacity.
2. I have illustrated important points through quotations from representations submitted by interested persons. Those which are on the NCC portal and have previously been provided to the Inspector are in Appendices A – F to this proof (CD K.4.1). Representations to the second application, which are no longer on the NCC portal and have not previously been provided to the Inspector, are in my Appendices G-T. Appendices with numbers are from the KTWW Statement of Case (CD.2).
3. My evidence will cover the following items:
 - The nature of the proposal
 - Planning policies
 - Conclusions on the main issue and the planning balance
 - Planning conditions

The Main Issue and planning balance

4. The main issue is dealt with in my separate landscape proof where I find the proposal is significantly harmful and does not meet the relevant planning policy tests. The appellant asks to set against this the possible benefits to the area from tourism, the ecological benefits and the presumption in favour of sustainable development.
5. It appears that new material will be provided by the appellant's witnesses and I foresee the need for rebuttal proofs to be prepared in line with the Inspector's timetable.

Statement of Common Ground (SOCG)

6. With the addition of TLDFCS policy EDT4, I agree the list of relevant planning policies in the SOCG paragraphs 3.2-3.4. I can agree the remainder of the SOCG except for sections 3.5-3.9.

The nature of the proposal

7. The description of the development does not include a change of use and the access and car park are not included in the description. The monument itself would take up little of the 9.5 ha area. Events are an intrinsic part of the proposal and could lead to the erection of temporary structures or buildings with consequential visual impact. Lights and amplified sounds from events would also be harmful to tranquility.
8. Contrary to the appellant's claims, Cold Law has no connection to the Queen or Commonwealth. Her Majesty has not expressed any support for the proposal but has instead stated that she favours the 'Commonwealth Canopy' of tree planting (Appendix 6 to CD K.2). The inscribed stone to Queen Victoria's Diamond Jubilee on Hartside is a commonplace item and it is merely an accident of land ownership that puts both that and Cold Law within the Ray Estate.
9. Planning conditions could not ensure the development delivered what is described in the application. They could not control either the Commonwealth or royal references nor the promotion of the scheme to provide economic benefits from tourism. The outcome could be merely a rusty 'spike' plus a car park spoiling a previously attractive hillside.
10. The monument would bear a confusing mass of symbolism, in particular references to Sir Charles Parsons. But his relatives have voiced their strong opposition to it supposedly celebrating his connection with the area but, in the process, changing completely the place he loved (Appendix 7 of CD K.2).
11. Turning to the structure itself, we refer to our example of the *Gladys Landmark* in my landscape proof (CD K.3), not to be facetious but to make it clear that the Elizabeth Landmark should be assessed on an equal and objective basis compared with anything else that looked the same. Judgements about its visual impact should not, even unconsciously, be coloured by royal or symbolic connotations or its supposed tourism benefit.

Planning policies

12. I consider the proposal should be assessed against the following development plan policies: TLDFCS policies GD1, NE1, EDT1 and EDT4 which limit development in the open countryside; for tourism development it must be small-scale and appropriate; TDLP policies GD2 and TM4 relating to development in the countryside and tourism.

13. It should also be assessed against NLP policy ECN15, QOP1, ENV3 and ENV4. This plan is at an advanced stage and should be afforded weight in line with para 48 of NPPF.
14. NPPF paragraphs 8, 11, 83 and 170 (b) are also relevant. It is not necessary in addition to argue paragraph 170 (a) but I maintain that, in the opinion of the large number of objectors, this is a landscape of very high value in the widest sense.
15. The other cultural or economic strategies quoted by the appellant merely make generalised statements about the desirability of encouraging tourist or cultural activity and do not provide specific support for the appeal proposal.

Benefits to tourism

16. Benefits to tourism were assumed but not supported by evidence in the appeal application. The second application was lodged in order to provide the *Visitor Strategy* (CD D.3) and the *Assessing Economic Impact Study* (CD D.5) in the hope that these would overcome the landscape objection. Members of the public were quick to spot the shortfalls in these reports as evidenced in my Appendices G-T which are representations to the second application. While these letters have not previously been provided to the Inspector, they were on the NCC portal for six months before the application was withdrawn and they are familiar to both main parties.
17. The appellant contends that the proposal would bring new jobs or extra income for existing businesses but provides no hard evidence. The *Visitor Strategy* concedes that there are no comparable projects but nevertheless goes on to use non-comparable ones to estimate detailed breakdowns of visitor numbers, profiles and income generated. The 'spend' of £50 per person in the *Visitor Strategy* is merely an ambition, not a forecast.
18. In fact the *Visitor Strategy* says there is no financial or other requirement for the landmark to achieve any target. Given that the development would not generate any direct income, only maintenance costs and possibly legal liabilities from visitor accidents, it is possible that marketing for tourism might not happen at all and planning conditions could not ensure it did. This outcome would perhaps be attractive to the appellant who could still enjoy seeing 'his' monument from his property, which is not even his main residence, without being inconvenienced by tourists.

19. The *Visitor Strategy*, uses the 'highly optimistic' (sic) estimates of visitor numbers to model detailed profiles of travel mode, age, place of residence and accommodation types etc. Estimated numbers were based on other Northumberland countryside attractions such as Kielder. But that has a visitor centre, many activities and hospitality venues that would keep visitors there all day, spending money on refreshments, accommodation or sports. By contrast, the Elizabeth Landmark would not have much to detain visitors or encourage extra overnight stays.
20. The source of the percentage breakdowns is not given; it is merely 'other data' and no reliance can be placed on these unsupported figures. The strategy states that it is not possible to estimate the benefits to the local economy but the authors nevertheless later contributed questionable assumptions about visitor spending to the *Assessing Economic Impact Study*.
21. The benefit to nearby businesses cannot be quantified, the *Visitor Strategy* can only say that there will be 'latent' opportunities for additional value to be 'gleaned'. The *Cambridge English Dictionary* defines 'latent as' 'present but needing particular conditions to become active, obvious or completely developed'. It defines 'gleaning' as 'collecting small amounts, often with difficulty'. If this is the best that can be said, it does not sound promising for the local economy.
22. The *Assessing Economic Impact Study* gives examples, from the Angel of the North to projects in New York and Chicago, but the appeal site is not near a motorway nor in a city. Its location is not comparable with any of the examples and there is little for tourists to spend their money on. The report gives a spend of only £5.95 on goods plus £7.20 for catering for each visitor to 'The Kelpies'. 'Gromit Unleashed' came up with £65 gross visitor spend including accommodation, travel, refreshments and souvenirs. A 'Visit England' estimate for day visitor spending of £22.80 on average again gives no source.
23. The *Assessing Economic Impact Study* found it unlikely that the proposal would encourage new business start-ups. It thought it possible that a limited number of local businesses would see additional trade but not on a scale that would create any additional employment (4.4-4.5). It states that the challenge is to represent the level to which visitor intentions would be different as a result of building the Elizabeth Landmark.
24. The Gross Visitor Spending modelling in the second part of this study has no basis for estimating how much spend would be as a

result of the Elizabeth Landmark. It multiplies estimated visitor numbers by the estimated spend on different types of accommodation. These are unsupported figures taken from the *Visitor Strategy*, implying that people would extend their stay as a result of wishing to visit the landmark. Turning these numbers, which use assumptions derived from other assumptions, into projected new jobs is just not rigorous and contradicts the same study's earlier conclusion that it would be unlikely to lead to new business start-ups or additional employment (4.4-4.5).

25. The conclusions of the *Assessing Economic Impact Study* are full of terms such as 'nothing comparable', 'no attribution', 'potential', 'assumptions on which these claims are based', 'a precursor to other regeneration activity', 'it is difficult to see what other development the Landmark might promote'. This gives no confidence to the appellant's claims.

Harm to existing tourism businesses

26. There is an existing well-defined tourism offer in the Wannies area, based on the wild and sweeping open landscape. Its value as a restorative environment is well attested in the objection letters, for example Cathy Aynsley writes (App. A):

I worked in tourism for 25 years so have first hand knowledge of what many people are looking for when they visit our county. They come to enjoy the wonderful landscapes that we have, the amazing scenery, the peace and quiet of our area. They come to view, to walk, to cycle and to picnic, to enjoy tranquility, getting away from the noise and clutter of urban life.

27. Guy Thouret (App. Q) writes:

*Those who believed NCC's tourist information to come and explore Northumberland's wild uplands and remote rural landscape where **'you can feel alone and be better for it'** will cease to come. What was said to be on offer will be lost and they will go elsewhere to find it.*

28. Rock climbers regard it as a special place: Stephen Blake (App. B) writes:

For generations of climbers and walkers the Wanneys have been a place of wild adventure....People come to Northumberland because it is wild. Rock climbers come from all over the UK to visit the Wanneys and they will not want to look out at this. It is wholly inappropriate.

29. The appeal site is not a museum nor a regeneration area, it is a sparsely populated remote area with no planning policy imperative for allowing this type of themed attraction. The construction activities alone would damage a whole year of tourism in the area. Local people with tourism businesses have stated that they would be damaged if 'Ascendant' went ahead.

30. Sarah Morpeth (App. C) writes:

I have a holiday cottage at Elsdon and the repeated comments over twenty years are that people come here for the wildness and unspoilt landscape - which this ugly erection will destroy. Any benefits to the local tourism economy are not sufficient to outweigh the harm that would result. As someone who has been involved in the local tourist economy for years and whose livelihood in part depends on it, I am absolutely certain that this will not bring anything but criticism from my visitors - it ruins exactly what people love about coming here.

31. Emma Kellie (App. D) writes:

We run a local business (First and Last brewery in Elsdon) which in part depends on a successful tourist industry in Northumberland. We feel strongly that this structure will detract from the attraction of the area (people visit, cycle, walk and climb because the area is wild) rather than draw people to it.

32. Some objectors who enjoy the area as it is have stated that they would go elsewhere if the monument were built. Helen Tait (App. E) writes:

I visit this area because of the beauty. The proposed structure would make me want to avoid the area.

Angela Frampton (App. F) writes:

I travel almost an hour ... to enjoy the peace and tranquility of this natural and beautiful area. To find you have plans to spoil this area as well is frankly devastating to me.

33. This novelty feature could attract unauthorised gatherings with consequent noise, traffic, litter and problems such as wild toileting which would deter existing visitors seeking quiet recreation. Even intended cultural events could use light and sound systems and attract unpredictably large numbers with no ability to control visitors or their vehicles. Events benefit from permitted development rights and, even if a condition were to limit such

rights, enforcement would be difficult.

34. An example of such problems of overpopularity is Sean Henry's sculpture 'Seated Man' on the North York Moors which was removed by crane to a sculpture park after only two years because its popularity brought serious problems from parking on verges, litter and damage to livestock (Appendix 15 of CD K.2). But 'Ascendant' could not be moved, however severe the problems caused.
35. There are over 400 individually written objections that eloquently express the harm that would be done to this special countryside, to people's well-being and to local businesses. The appellant has provided no evidence to demonstrate a positive impact on tourism or the local economy and I believe the impact would be a net loss. The support for the scheme is shallow and unconvincing. Tourism and economic development policy documents may be enthusiastic about cultural tourism but in a generalised way which does not justify the appeal scheme.

Assessment against relevant planning policies

36. In my separate landscape proof I have already found the proposal conflicts with TLDFCS policies GD1 and NE1, also TLDP policy GD2 and NLP policies ENV3 and ENV4. Planning policies relating to tourism do not offer any specific support for developments such as the Elizabeth Landmark in the open countryside. It would fail to meet TLDFCS policies EDT1 and EDT 4 and also TLDP policy TM4 by not being small-scale or appropriate and by harming the landscape.
37. Emerging NLP policy ECN 15 encourages tourism and visitor development but the proposal would not fall within any of its criteria. There would be conflict with NLP policy QOP1 because the proposal would not make a positive contribution to local character; it would not have a positive relationship with landforms and topography; it would not respect and enhance the natural and built environment and would not mitigate climate change, quite the opposite. The requirements of paragraph 83 of NPPF are not met because of harm to the landscape and the unsustainable form of development.

Proposed ecological improvements

38. The ecological improvements proposed in the S106 agreement (CD L.2) are no more than any prudent landowner would provide, bearing in mind paragraph 170 (d) of NPPF which requires minimizing impacts on and providing net gains for biodiversity.

Sustainability

39. The proposal would not be sustainable development on any of the three grounds in paras 8 and 11 of NPPF. It would be environmentally unsustainable because of the energy use and emissions from the excavation of Cold Law and in the concrete and steel used for the sculpture. It would also increase vehicle emissions by attracting people to drive out to an area with virtually no public transport, flying in the face of efforts to mitigate climate change. There could be environmental degradation from over-use. There is no evidence of economic benefits. It would be socially divisive, as pointed out by Guy Opperman MP (CD K.5.1 App M):

The proposal clearly does not have the support of the local community, which should be a prerequisite for such a project....any future plans of this kind should draw on the knowledge, passion and creativity of the local community, and should not be something imposed and unwanted.

The balance of planning issues

40. There is convincing evidence that, on the main issue, the proposal would fail to meet development plan policies that limit development in the open countryside and seek to protect and enhance the qualities and character of the landscape. It would fail to comply with the emerging Local Plan and national policies in NPPF because of harm to landscape character and appearance. The extent of that harm would fully justify the refusal of planning permission and there are no significant local or national policies that outweigh that.
41. To set against this is questionable evidence about tourism benefits with data taken from unnamed sources and conclusions hedged about with qualification. What we can say with confidence is that local tourism businesses would be damaged if 'Ascendant' went ahead. The proposal does not comply with planning policies that encourage tourism development. The damage to landscape character and appearance is not outweighed by any possible net benefit to tourism or the local economy.
42. If there were any net ecological benefit, that would not outweigh the harm to landscape character and appearance, nor should it be offered as an inducement to grant permission for an otherwise unacceptable scheme.

43. The proposal would not be sustainable development in any of the economic, social or environmental terms used by the NPPF and does not benefit from the presumption in favour.
44. I consider that, on the balance of planning matters, the harm on the first issue is not outweighed by these other factors and the appeal should be dismissed.

Planning conditions

45. We have agreed the proposed conditions (CD L.6) as far as they go but believe conditions should also cover temporary or mobile lighting and sound systems as well as fixed lighting. However, it is our case that conditions could not control the following items that would have harmful effects: temporary uses, buildings and structures under permitted development rights because temporary events are an intrinsic part of the proposal. Enforcement of conditions would be difficult because events would be sporadic and the appellant is not in any case able to physically control the use of this open access land. Conditions requiring the setting up of a management trust, the acquisition and display of Commonwealth writings and the marketing for tourism are likely to fall outside what is acceptable but without them there is no certainty that the development would be carried out as described in the application.

CONCLUSIONS

46. The proposal relies on references to the Queen and Commonwealth but these are nebulous and cannot be secured through planning conditions. Symbolism related to Sir Charles Parson is regarded as misguided by his family members. Looking objectively at the physical nature of the development will avoid being overcome by the weight of symbolism ascribed to it.
47. There would be harm to the key landscape qualities of this rural area. The development would, once and for all, destroy the sense of tranquillity, remoteness and openness that residents and visitors currently value and which contributes positively to the local economy and to people's well-being. There can legitimately be different opinions on visual and aesthetic matters and it is for the Inspector to make his own judgements after he has visited the site and surrounding area. Nothing could be done to mitigate the impact, 'Ascendant' would be impossible to ignore and would be there in perpetuity.

48. There is no evidence that it would benefit tourism or jobs, on the contrary there is evidence that it would harm the existing tourism businesses that rely on those seeking quiet outdoor recreation. If, surprisingly, it *were* successful in attracting large numbers of tourists then that in itself could cause problems in a rural area with no facilities.
49. Any ecological improvements are no more than would be required for any planning application. It would not be sustainable in any of the economic, social or environmental terms used by NPPF.
50. The fulsome picture painted by the appellant might well not come to pass and planning conditions could not require most of the things that are promised - these have to be taken entirely on trust. It could be tempting for him, having built his monument, just to enjoy the more distant view of it from his property, which is not even his main residence, while leaving a rusty 'spike' in a car park for the wider population to endure.
51. The harm to landscape character and appearance conflicts with local and national planning policies, clearly justifying the refusal of planning permission and there are no material considerations outweighing this. The appeal should therefore be dismissed.

APPENDICES

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

Representations already provided to PINS

- A. Cathy Aynsley
- B. Stephen Blake (Text of letter Bi, cover sheet Bii)
- C. Sarah Morpeth
- D. Emma Kellie
- E. Helen Tait
- F. Angela Frampton

Second application letters not previously provided to PINS

- G. Emma Anderson
- H. John Bainbridge
- I. Dianne Fox
- J. Arran Greenop
- K. Mike Johansen

- L. Alison Page
- M. Anne Palmer
- N. Redesdale Society
- O. Mary Ann Rogers
- P. James Skelly
- Q. Guy Thouret text
- R. Guy Thouret images
- S. Sue Underwood
- T. Susan Dobson