

COLD LAW DRAFT OPENING STATEMENT for KTWV GROUP

The KTWV group came into being as a direct result of the appeal application. We are putting forward a case today that provides convincing evidence to support the Council's decision.

The Inspector will have received copies of the representations from objectors submitted in response to the council's notification of the application and appeal. Ms Palmer's evidence will confirm these at 128 and 146 respectively. There were a further 141 objections in connection with the second application, over 400 in all. Compared with that, only a single spontaneous representation of support was received in response to the council's three rounds of notifications and that gave no reasons. The objections are not merely signatures on a petition, they are not copy-and-paste standard letters. They are individually written and they express thoughtful and heartfelt opinions. The writers are not concerned about private issues as is often the case. No – they are concerned with protecting the quality of the shared countryside.

Now shared countryside is a good term for Cold Law because this is open access land, the public can walk over it to enjoy the exercise and the scenery and many do so. Cold Law is part of a magnificent and expansive view North Westwards across Redesdale to the Cheviots and Scottish Border. Objectors are not just local people but also those who visit for recreation and enjoyment plus those who run businesses that depend on this type of tourism.

The main issue in this appeal is the effect on landscape character and appearance. The key qualities of the Landscape Character Types in this area are the *open, relatively remote character; areas of uninterrupted, sweeping moorland; and extensive views and a sense of remoteness*. Representations from the public frequently mention its wildness and a sense of tranquility which, together with the openness of the landscape, is a major benefit to their health, both mental and physical.

What the appellant's scheme would do is to impose a massive and alien-looking structure in a prominent location within this shared countryside while vehicles in the car park or left on the road would be intrusive, even more so from higher land where people walk or climb. The appellant would achieve visual domination over a very wide area indeed, and far beyond the land he actually owns. The structure would **interrupt the sweeping character, reduce the openness, intrude into the extensive views and take away the sense of remoteness**. It is our case that this impact would make it severely harmful to the landscape character and appearance.

Our example of the 'Gladys Landmark' is not facetious, it was drawn up to demonstrate what is actually being applied for here in terms of its physical size and appearance minus the flummery with which the Elizabeth Landmark has been gilded. This is well summed up in the recent headline from the Times newspaper's arts correspondent which we have submitted (included in Appendix B to our rebuttal proof (CD K.4.3)) It states: THIS LANDMARK IS MAD- BUT IF IT MAKES THE QUEEN HAPPY, BUILD IT. This proposal is misguided on so many levels as we shall demonstrate and any objective visual assessment must avoid being swayed, even unconsciously, by notions of royal deference or its symbolism or possible tourism potential.

The appellant's claims for it having a beneficial effect rest on its cultural, symbolic and artistic attributes, none of which are apparent from a viewing. Just as importantly, its massive carbon footprint is the opposite of educational or celebratory. It would set the worst possible example to visitors and even visiting schoolchildren would not take long to sniff out its hypocrisy. The huge level of well-informed objection is evidence that its impact would indeed be adverse in every respect.

Turning to the LVIA, it is clear that this is just a tool to assist in the overall planning assessment; it does not itself decide, or even recommend, whether planning permission should be granted. There are wider considerations.

For example, one intrinsic aspect of a landscape characterised by a sense of remoteness and tranquility, is the low level of disturbance from human activity and vehicle noise. Amazingly, the appellant's latest Visitor Strategy still contains a photograph of serried ranks of motorcyclists in front of the Angel of the North and states, with seeming approval, that motorcyclists would be likely to divert from their favoured scenic route on the A68 to meet up at the Elizabeth Landmark. Is that what the appellant wants, more noise and distracting vehicle movements to take away the tranquility?

The appellant now states belatedly that there will be no lighting and no events. But events figure prominently in his case for economic benefits; without them such benefits would be reduced. In any case, a mere contradictory statement does not provide certainty. The rosy picture painted by the appellant cannot just be taken on trust when this is a development that could last for hundreds of years and would bring in no income, only expense.

Future incumbents of the Ray Estate might well have different ideas unrelated to the current stated cultural aims. We have very serious concerns about the impact of activity and disturbance, even on a day-to-day basis, even without the added impact of events.

But the appellant has no control over the use of his open access land. Will the handy car park and novelty monument attract unauthorised gatherings through social media? Night-time visitors? Drone flying groups? Graffiti artists? What can the appellant do about that? Absolutely nothing, nor could the Local Planning Authority control its use through conditions.

We have provided evidence about a sculpture on the North York Moors that had to be removed because of the environmental problems caused by high numbers of visitors attracted to a remote location. Unfortunately, that option would not be available in the case of 'Ascendant' which would be heavily anchored in deep concrete and designed to last for hundreds of years. Once despoiled, there would be no remedy to restore this lovely and cherished landscape which could never again be enjoyed by those who appreciate it.

The five local Parish Councils are unanimous and determined in opposing what they know would be damaging, despite the appellant's attempts to elicit their support. Their objections should be given considerable weight as they represent the unusually wide area that would be affected by this development.

It is our case that the sum of the harm to landscape character and appearance make the proposal conflict with the relevant development plan policies, with national policy in NPPF and with the emerging Local Plan.

To balance this harm, the appellant claims a benefit to tourism. The recent two reports say little that is new and the figures they have derived are unfounded. There is no evidence whatsoever that any of this hypothetical expenditure would be new as a result of the EL. The consultants have striven to produce a silk purse out of a sow's ear but have little to show for it other than guesswork, assertion and conclusions that are hedged about with qualifications.

What our evidence can say for sure is that people running local tourism-based businesses say that their customers come for the tranquility and beauty of the countryside, the wildlife and the opportunities for quiet recreation such as walking, cycling, photography and climbing. The hen harriers, an important draw for sustainable tourism, are unlikely to return if there is increased disturbance. The impact of the EL would be damage to the enjoyment of outdoor recreational users and harm to the local businesses that depend on them, several of which have provided first-hand evidence of their concerns.

Planning policy encourages sustainable development. But we have detailed the ways in which the appeal proposal would not be economically, socially or environmentally sustainable. The appellant's response to our criticisms does not address these points adequately. In tourism terms, all their support is generalised on the basis that 'more tourism must be good'.

But para 83 of the NPPF speaks of encouraging sustainable rural tourism and leisure development which respects the character of the countryside. That is a good description of the area's existing tourism offer. Clearly, the appeal scheme is not sustainable tourism, it would create unwanted emissions from the concrete and steel used in the development itself and from the mainly car-borne visitors. It is even promoted on the basis of encouraging visitors on long-haul flights from Commonwealth countries as if that were a good thing. But that would go completely against the stated intentions of Northumberland and the country as regards climate change.

The Elizabeth Landmark purports to be a public monument but is in fact a private frivolity. The local MP, Guy Opperman, is amongst the 15 people from whom the recent support letters were solicited. But his earlier letter to Ms. Palmer (CD K.5.1 App M) said 'It's my view that any future plans of this kind should draw on the knowledge, passion and creativity of the local community, and not be something imposed and unwanted'. That is exactly what this misguided scheme would be.

Other support is based around admiration for the Queen but there are in fact many more objectors who have expressed admiration for Her Majesty than there are supporters doing so. In any case this is not a relevant material consideration.

In the end, it is for the Inspector to visit the site and see the wider area. No amount of professional assessment can replace the evidence of your own eyes and KTWW asks that inquiry time is not wasted by forensic discussion of matters that rely on aesthetic judgement, nor on fruitless repetition about the design process. The Inspector should ask himself what relevant interests would be risked by his decision in this appeal. If it were allowed then there is a high risk of damage to the landscape character; despoiling of the environment for those who live nearby or come as visitors; and risk to the businesses that depend on the existing tourism offer. This structure would be built to last hundreds of years and could not be removed, there would be no going back. If the appeal is dismissed then the risk is only to the personal whim of Lord Devonport which could be exercised in other more acceptable ways.