

PROOF OF EVIDENCE
OF

ROBYN BUTCHER

ON BEHALF OF CORNWALL COUNCIL

APPEAL REFERENCE: APP/DO840/A/09/2113075
(PLANNING AUTHORITY REFERENCE 08/00761)

In respect of the Planning Appeal by SITA Cornwall Ltd

Relating to the decision by the former Cornwall County Council (now Cornwall Council) to refuse planning permission for the Cornwall Energy Recovery Centre (CERC) and associated development on land at Rostowrack Farm, Wheal Remfry, Goonvean and Parkandillick Dryers St Dennis St Austell Cornwall.

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- B. *Terra Firma: CERC, St Dennis: Review of the Landscape and Visual Aspects of the Environmental Statement on Behalf of Cornwall County Council. February 2009.*
- C. *Terra Firma: CERC, St Dennis: Response to SITA Cornwall Ltd comments on the 'Review of the Landscape and Visual Aspects of the Environmental Statement on behalf of Cornwall County Council. February 2009*
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1.0 QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Robyn Butcher and I hold a Bachelor of Arts Honours Degree and a Graduate Diploma in Landscape Architecture from Leeds Metropolitan University. I have been a practising Landscape Architect for 15 years, and achieved Chartered Membership of the Landscape Institute in December 1998.

- 1.2 I have worked at The Terra Firma Consultancy since 1995, becoming an Associate in 2001 and Senior Associate in 2007. The practice is a Landscape Institute Registered Practice, a Corporate Member of the Institute of Environmental Assessment and Management and is included in the Law Society's Directory of Expert Witnesses.

- 1.3 My experience has ranged from large scale landscape planning studies, strategies, guidelines and site masterplanning through to detailed landscape proposals for civic spaces, public parks, office, industrial and housing schemes, urban regeneration, leisure, education and healthcare facilities, private estates and management plans. I have frequently advised on the potential visual and landscape impact of development proposals including other schemes in the energy and waste sectors.

2.0 INTRODUCTION

2.1 I was appointed in October 2009 by Cornwall County Council to give evidence on their behalf on the landscape and visual aspects of the refused application for the '*Cornwall Energy Recovery Centre and associated works*' at St Dennis.

2.2 In October 2008 The Terra Firma Consultancy were commissioned by Cornwall County Council to undertake a review of the '*Landscape And Visual Effects, Chapter 9 of the Environmental Statement*' prepared by Terence O'Rourke on behalf of SITA Cornwall Ltd. To accompany the application for the proposed Cornwall Energy Recovery Centre. Other supporting documents and relevant texts were also been reviewed and commented on where appropriate. A review of relevant planning policy was carried out; a site visit was undertaken along with field work checks and a discussion meeting with the Appellants' Landscape Consultants.

2.3 This work was summarised in three reports and these are appended to my proof as:

Appendix A: *Terra Firma: CERC, St Dennis: Initial Response on Landscape and Visual Impact Statement and Associated Information on behalf of Cornwall County Council. October 2008*

Appendix B: *Terra Firma: CERC, St Dennis: Review of the Landscape and Visual Aspects of the Environmental Statement on Behalf of Cornwall County Council. February 2009.*

Appendix C: *Terra Firma: CERC, St Dennis: Response to SITA Cornwall Ltd comments on the 'Review of the Landscape and Visual Aspects of the Environmental*

*Statement on behalf of Cornwall County Council'.
February 2009*

- 2.4 The application was refused Planning Permission in March 2009. Cornwall Council resolved to refuse permission on the basis of eight reasons, of which I have been asked to address the second:

REFUSAL OF PERMISSION: REASON 2

*'The Proposal would have an unacceptable impact on landscape character and visual impact by virtue of its scale, massing and height; the significant encroachment in to undeveloped countryside, and the proposed loss of established Cornish hedge. This is contrary to Policy SD3 (The Environment and Natural Resources) of the draft Regional Spatial Strategy 2008; Policy1 (Principles for Sustainable Development), 2 (Character Areas, Design and Environmental Protection) and 6 (Waste Management) of the Cornwall Structure Plan 2004; Policy L6A, L6B (Energy from Waste) and C1 (Operational Practice) of the Cornwall Waste Local Plan 2002, and Policy 6 (Development and Design Principles). 10 (Energy Supply) 11 (Protecting the Borough's Heritage) and 18 (protecting the Wider Countryside) of the Restormel Borough Council Local Plan 2001.'*¹

- 2.5 In November 2009 I listed a schedule of issues to be raised with the Appellants' Landscape Consultants in order to address areas where it was felt their original application documents had lacked clarity or had questions that might be resolved before the Inquiry. Subsequently a meeting was held with the Appellant's Consultants, Terence O'Rourke, on 8th December 2009 to gain further understanding of the Appellants' methodology for photographic, visual influence determination and photomontage techniques. The explanation of their methodology was agreed to be satisfactory.

¹ Notice of Refusal of Permission for Development March 2009

- 2.6 The full methodology for the photographs and photomontages is described in the Appellant's Environmental Statement² and is expanded in the 8th December 2009 meeting notes³.
- 2.7 Viewpoint locations are discussed in my Proof Appendix D Section 2.5.3, and identified on fig 11 and 12 of the same.
- 2.8 At the meeting on the 8th December both parties were in agreement that there would be significant impact on longer views, but differed on opinion of impact in closer views. TOR agreed that the representation of the development in photomontages was inconsistent and that they would be corrected to show fully rendered structures throughout. Lighting and potential visual impact was also discussed and it was understood that no further information was available.
- 2.9 Furthermore, with the case going before Inquiry it was felt helpful that I should undertake a full LVIA assessment of my own. I have therefore prepared this and it is appended to my proof as Appendix D: Terra Firma Landscape and Visual Impact Assessment.
- 2.10 My proof of evidence draws information from my LVIA and sets out my opinion on the landscape and visual context and impacts of the development. It also identifies areas I had felt to be inadequacies of the Appellants' Environmental Statement and assesses the development proposals against policy, with regard to the Reasons for Refusal. These landscape and visual issues are considered in the context of Government planning policy and other guidance and the relevant Development Plan Policies and Landscape and Visual Assessment Guidance.

² A7-A10 SITA Environmental Statement Chapter 9: section 9.15-9.23

³ J18 Record of meeting between Terra Firma and Terence O'Rourke (8th December 2009)

3.0 SITE AND SURROUNDINGS

- 3.1 Key features of the existing site and surroundings are illustrated in my Proof Appendix G.
- 3.2 The main body of the application site lies to the southwest of the village of St Dennis and north east of the village of Treviscoe, in mid Cornwall. It is approx 3km south of the A30 where it passes to the south of the settlement of Indian Queens.
- 3.3 The Main Application Site would be set in existing agricultural land to the south west of Rostowrack Farm on the edge of St Dennis village. This land lies to the immediate north of a railway which runs along the northern boundary of the Parkandillick Calciner and Trelavour Driers (referred to collectively as Parkandillick Dryers), facilities forming part of the China Clay Industry, which occupies much of the land to the south of the area between St Dennis, Treviscoe and St Austell to the south.
- 3.4 The Access Road would also be set within agricultural land to the west of the main site. The Haul Road would run partly along existing public highway, partly existing private track and partly through areas of vegetated former China Clay mining landscape and undeveloped landscape.
- 3.5 The Main Application Site is sloping land, falling to the northwest with highest point at approx 155m AOD and lowest point at approx 140m AOD and is set within a bowl of land with land rising in close proximity to the west, south and east, and land falling away to the north across Goss Moor. St Dennis village is set on the naturally rising land to the northeast and east of the site, with St Dennis Church set on the top of Carne Hill to the north east. Treviscoe village is set on a natural ridge to the southwest of the site. Higher land to the south and east has been formed by waste tips of the China Clay extraction process.

- 3.6 The route of the Access Road runs from the southwest corner of the Main Application site, approx 155m AOD to La Mount Corner at approx 170m AOD. The route of the Haul Road varies in elevation from 105m AOD (at its lowest point where it crosses the River Fal) to 170m where it meets that public highway west of La Mount Corner. The existing track it follows in part has an undulating elevation and is of a winding nature.
- 3.7 The main site and route of access road are set on the southern edge of an area of Grade 3 agricultural land⁴ characterised by a field pattern enclosed by Cornish hedges and scrub vegetation. Land further to the north of the agricultural landscape is wetland, the majority forming Goss Moor, a designated SAC.
- 3.8 The route of the haul road runs mostly through a China Clay mining area partly characterised by working quarries, waste tip landforms and pockets of heavy industrial development, with restored landscape. Prominent China Clay associated development includes the Parkandillick Dryers immediately to the south of the site and Wheal Remfry works to the northwest.
- 3.9 Residential properties are concentrated at St Dennis and Treviscoe, with smaller pockets at Rockwenna, Lower Bodella and Trerice. There are several farmsteads and houses scattered throughout the agricultural land to the north of the site. Beyond to the north there is little residential development in the Goss Moor area.
- 3.10 The site lies on the northern edge of the Landscape Character area 'CA17 St Austell or Hensbarrow China Clay Area' as defined in the Cornwall and Isle of Scilly Landscape Character Study 2007. The character area description states that *'The dominant scale of the*

⁴ J13 'Impact on Soils and Agriculture' : Reading Agricultural Consultants pg. 11 (March 2008)

*china clay workings and the size of the spoil heaps is dramatic, as is the sense of a mobile and changing landscape. This contrasts with the intimate small field patterns of the surrounding agricultural landscape.*⁵ The site is immediately to the south of the boundary of the Landscape Character Area CA20 'Mid Cornwall Moors'.

- 3.11 The current visual envelope of the site is defined by the close landscape which forms a bowl of land, surrounded on three sides by sloping landform, with the northern edge open across the low lying Goss Moor across to the line of the A30.
- 3.12 The Main Site and route of Access Road are improved grassland with boundaries formed by Cornish hedges and native scrub growth. There is some tree cover at Rostowrack and Bodella Farms adjacent to the site. In part the route of the haul road runs through areas of regenerating vegetation on former mining land, natural woodland and scrub vegetation, and through tree cover along the banks of the River Fal.
- 3.13 Vegetation in the surrounding landscape is influenced by topography and land use. Land to the north of the main site is agricultural grassland, which, as the land slopes away, gives way to the scrub vegetation characteristic of the Goss Moor SAC. To the west and south land use for China Clay mining has given rise to a landscape of regenerating vegetation, either colonised or replanted as part of restoration works. Existing China Clay working areas are unvegetated. Carne Hill to the north east has a locally distinctive grove of trees to the top surrounding St Dennis Church.
- 3.14 Public access to the main application site and route of the access road is limited to public footpaths. The route of the haul road is partly formed along public highway and public footpath and sections of the

⁵ J1 Cornwall and Isles of Scilly Landscape Character Study: LCA17 page 4 (June 2007)

haul road on private land can be reached through the public footpath network. Footpaths 15, 16, 17 and 108 exist in legal terms but are at present physically impassable. There are also existing and proposed permissive paths in the vicinity.

- 3.15 The surrounding area has a network of public highways. The A30, the main arterial route through Cornwall runs across the north of the immediate surrounding area at some 3km from the site. From this roads connect to St Dennis, Treviscoe, between the two and further south into the China Clay area.
- 3.16 The surrounding landscape contains a variety of structures of various scales and masses: Scattered small farmstead and residential properties of 1 or 2 storeys, small hamlets and villages of mostly terraced buildings of 1 or 2 storeys (e.g. Lower Bodella), small villages of mostly terraced buildings of 1 or 2 storeys on ridge (e.g. Treviscoe), larger villages of mostly smaller 1 or 2 storey buildings, with denser core area, and straggling edges, a prominent historic building, set within clump of trees on hill top, industrial works formed of grouped building and structures of larger scale.
- 3.17 A tree preservation order covers part of the haul road route. Within the wider 15km zone of visual influence designations include AONBs on north and south coasts, an area of Heritage Coast (south coast) numerous AGLV (none closer than 4km), numerous ancient woodlands mainly at a distance of 5km or further from the centre of the site. In the closer 3km locality designations for a Special Area of Conservation and a Site of Special Scientific Interest are centred on Goss Moor, which is also in part a National Nature Reserve. Parkandillick Engine House and St Dennis Church are both Grade 2* listed buildings.
- 3.18 The site and the surrounding agricultural land are defined as Ancient Enclosed Land (AEL). The AEL's contribution to the present

landscape character is defined as 'Great'⁶. The character description also states that '*Road schemes, the spread of housing from towns and certain larger villages, extractive industry (especially China Clay) and other development can all be expected to nibble away at this zone.*'⁷ and that the AEL's '*components, rarity, coherence, time-depth, contribution to landscape character, the high regards in which it is held and the potential it holds for historical and archaeological research and presentation combine to make the Zone of very great importance*'⁸ and that '*The great historic value of the AEL needs to be fully borne in mind when applications for development which will destroy or damage parts of it are being considered*'.⁹

⁶ J2 Cornwall Landscape Assessment: Contribution to Landscape Character pg. 143 (1994)

⁷ J2 Cornwall Landscape Assessment: Forces for Change pg. 143 (1994)

⁸ J2 Cornwall Landscape Assessment: Importance pg. 144 (1994)

⁹ J2 Cornwall Landscape Assessment: Safeguarding the Zone pg. 144 (1994).

4. SCHEME DESCRIPTION

- 4.1 Key features of the proposals are illustrated in my Proof Appendix G.
- 4.2 The proposed development is known as the Cornwall Energy Recovery Centre (CERC) and is proposed as an 'Energy from Waste' facility to serve the County. The site is located between the villages of St Dennis and Treviscoe to the north of the St Austell China Clay District. Details of the development are taken from the Appellants' documentation.
- 4.3 The footprint of the development would cover a total area of 14.6ha and is primarily comprised of:
- i. Main facility buildings (CERC Facility and Bottom Ash Handling Facility and stack) 6.6ha
 - ii. Access road (800m length; covering 1.7ha)
 - iii. Haul road (private access; 2km length; covering 5ha)
 - iv. Pipe work connection to adjacent works (1.3ha)
- 4.4 Construction of subsidiary buildings and structures, internal vehicular circulation and parking, landscape elements and footpath realignment are included within these areas.
- 4.5 The development construction and operation gives rise to the following principle sources of change and potential impact¹⁰:
- 4.5.1 **Stack:** This comprises two 3.4m diameter flues of 120m (393ft) height, set towards the northern boundary of the site, separate from buildings. The upper 85m (278ft) of the stack would be finished in a light matt grey finish, with the lower 35m (115ft) finished in non-reflective steel, in keeping with the CERC building cladding.

¹⁰ A7-A10 SITA Environmental Statement Chapter 9: section 9.137

- 4.5.2 **Plume:** It is predicted that there would be a plume of with average length of 42m (138ft) and maximum length of 214m (702ft). It would be visible for 37% of daylight hours in a year, *'appearing white or light grey in daylight and possibly darker grey when viewed backlit by the sun'*¹¹. The plume would *'predominantly occur during the night due to cooler temperatures'*¹². The plume would be *'mainly composed of water vapour'*¹³ and it is assumed that this would reflect light from the development and surrounding light sources at night.
- 4.5.3 **CERC Facility:** The building is 145m (475ft) long and varies in width between 38 and 58m (190ft), with a height at the apex of the curved roofline of 45m (147ft). It is understood that the scale of the building is as a result of the internal spatial arrangement of the Facility. Materials include: a mid grey aluminium roof, with translucent polycarbonate roof panels; silver grey steel cladding and translucent polycarbonate walls. Granite filled gabions would be used for retaining structures. The subsidiary office building would have a sedum roof.
- 4.5.4 **Bottom Ash Handling Facility:** The building is 172m (564ft) long and 56m (183ft) wide, with the highest point being 23m. The building would step downwards with the topography of the site, with the roof in a series of 'wave' forms.
- 4.5.5 **Lighting:** It is understood that the facility would have translucent cladding panels on roof and walls, pole and wall mounted lights for the lighting of walkways and roads, and there would be red aircraft warning lights to the middle and top of the stacks, with three lights per level.

¹¹ A7-A10 Appellants Environmental Statement Chapter 9 Section 9.138

¹² A7-A10 Appellants Environmental Statement Chapter 9 Section 9.138

¹³ A7-A10 Appellants Environmental Statement Chapter 9 Section 9.138

- 4.5.6 **Fencing:** The boundary of the main Facility would be secured with a 2m metal fence on the outside of the perimeter road.
- 4.5.7 **New access road:** An 800m long two way road with pavement to one side running from La Mount corner to the Main Application site.
- 4.5.8 **New Haul Road:** A 1.7km long private haul road, constructed to a high engineering standards, with associated drainage measures, part following the route of an existing track (0.95km), and part along a new line through restored and natural vegetation (0.75km), incorporating a new bridge across the River Fal. The route of the haul road is a winding one, with numerous inclines and corners. The Appellants have stated that *'The haul road will be gated at both ends, with the gates operated by transponders mounted in the vehicles; this will prevent unauthorised use.'*¹⁴
- 4.5.9 **Existing Public Highway:** The proposals include the use of two stretches of existing public highway as part of the Haul road; between the A30 and the start of the Haul road (1.5km); and between the end of the Haul road and the Access Road (250m). Works are proposed to provide junctions with clear sightlines.
- 4.5.10 **Signage:** No details are given in the application but it is assumed that there would be extensive new road signage, new footpath signage, interpretation signage.
- 4.5.11 **Public footpaths:** Existing footpaths affected by the proposals include footpaths numbers 2, 5, 14, 15, 17, 18, 31, 108 and 109. Footpath 2 is realigned along a new footway running along the Access Road. Footpath 5 is rerouted around the proposed development. Footpath 17 is rerouted along a proposed pavement to the side of the public highway. Footpaths 14, 15, 18, 31, 108 and 109

¹⁴ A7 Appellants' Environmental Statement: Non Technical Summary, section NTS 34

will be altered where they meet with proposed haul road, access road or development.

4.5.12 **Cornish hedge relocation:** Proposals include the relocation of approximately 510m of existing Cornish Hedge from within the site itself and along the access road, and the construction of approximately 1440m new Cornish hedge. New hedge would have existing hedge interspersed within.

4.5.13 It is anticipated that the construction period would last approximately 33 months, with the first phase of construction of the Haul road and Access Road and some associated groundworks covering approximately 9 months.

4.5.14 During the construction period it is anticipated that there would be temporary change and potential impact from the following¹⁵:

- Provision of infrastructure (roads, services etc)
- Temporary security fencing to works
- Site compounds and car parking
- Site clearance works
- Storage of materials for removal and reuse
- Erection of cranes, rigs and large machinery
- Temporary lighting to enable construction
- Disruption to roads due to heavy machinery
- Disruption to roads due to realignment, widening and provision of junctions

¹⁵ A7-A10 Appellants Environmental Statement Chapter 9 Section 9.143

5. METHODOLOGY

5.1 Scope of LVIA Study

5.1.1 The geographical scope of the Landscape and Visual Impact Assessment element of the report includes the site itself and an area of up to 15 km surrounding the site likely to be impacted by the proposals.

5.2 Methodology guidance

5.2.1 General guidance for the methodology for this study is from three key documents:

- a. Landscape Character Assessment (The Countryside Agency, 2002);
- b. Guidelines for Landscape and Visual Impact Assessment (Landscape Institute and IEMA, 2002); (referred to henceforth as GLVIA)
- c. Appendix 7 of the Cornwall County Council Waste Local Plan: 'Methodology for assessing the visual impact of an energy from waste plant'

5.2.2 I have followed this guidance in my Landscape and Visual Impact Assessment and my proof of Evidence.

5.3 Desktop Research

5.3.1 The desktop survey has involved the review of OS mapping data, aerial photographs, landscape character assessment documents and related planning policy, and development proposals. Field study has included visits to the site and surrounding areas.

5.4 Photography and Photomontage work

5.4.1 The methodology used by TOR in the Environmental Statement to produce the viewpoint photographs, ZVI mapping, wire frame and rendered models and photomontages was agreed in a meeting on 8th December 2009 to be appropriate.

5.5 Landscape Impact Assessment

5.5.1 Due to the wider scale nature of county landscape character documents and the absence of detailed local guidance in the vicinity, I carried out an assessment of landscape character of the immediate site context as part of my LVIA. This involved consideration of the area in the immediate visual envelope of the site as sub-areas of similar character or type, classifying them, mapping them and describing their character by identifying a recognisable, distinct and consistent pattern of components. An assessment of their sensitivity was then undertaken and this used to help assess the landscape impact of the development proposals on both the local and the wider county character zones.

5.6 Visual Impact Assessment

5.6.1 26no. representative viewpoints were identified throughout the 15km identified zone of visual influence¹⁶ by the Appellants, which were included in the Environmental Statement.

5.6.2 The locations of these, 10no. subsequently agreed viewpoints and 4no. other viewpoint locations are indicated in my Proof Appendix D¹⁷ and are labelled as follows:

- The original 26no. viewpoints used in the application (1-26)
- 6no. additional viewpoints from the south east (Reg. 19 request: originally 9no. and reduced in agreement at 8th December 2009 meeting) (VA, VD, VE, VG, VH and VK)
- 4no. additional viewpoints in close area agreed at 8th December 2009 meeting (TF1-4)
- 4no. additional viewpoints on the haul road and public highway (HR1-4)

¹⁶ A7-A10 Appellants' Environmental Statement Chapter 9 Fig 9.7 & 9.8

¹⁷ Proof Appendix D: Figs. 11 & 12

5.6.3 The sensitivity of receptors from each viewpoint was assessed, along with the nature and magnitude of change in each view. These were then used to determine the visual impact of the development proposals on each representative viewpoint.

6. RELEVANT POLICIES

6.1 National level: PPS1 Delivering Sustainable Development

6.1.1 The Government objectives for the planning system set out in PPS1 state that *'planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by...protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities'*¹⁸

6.1.2 PPS1 states that *'planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the opportunities for improving the character and quality of an area should not be accepted.'*¹⁹

6.1.3 PPS1 also states that *'The Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. Planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources. Those with national and international designations should receive the highest level of protection.'*²⁰

6.1.4 And that *'significant adverse impacts on the environment should be avoided and alternative options which might reduce or eliminate those impacts pursued.'*²¹

6.1.5 PPS1 states in 'Design' (section 34) that *'Good design should contribute positively to making places better for people. Design which*

¹⁸ E2 PPS1: Delivering Sustainable Development, (section 5)

¹⁹ E2 PPS1: Delivering Sustainable Development, 'Key Principles' (section 13)

²⁰ E2 PPS1: Delivering Sustainable Development, 'Protection and Enhancement of the Environment' (section 17)

²¹ E2 PPS1: Delivering Sustainable Development, 'Protection and Enhancement of the Environment' (section 19)

*is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.*²²

6.1.6 And that *'Good design should... be integrated into the existing urban form and natural and built environments.'*²³

6.1.7 And that *'Key objectives should include ensuring that developments...respond to their local context and create or reinforce local distinctiveness...and are visually attractive as a result of good architecture and appropriate landscaping.'*²⁴

6.2 National level: PPS7 Sustainable Development in Rural Areas

6.2.1 Objectives for rural areas set out by the Government in PPS 7 include the need *'To raise the quality of life and the environment in rural areas through the promotion of good quality, sustainable development that respects and, where possible, enhances local distinctiveness and the intrinsic qualities of the countryside; and continued protection of the open countryside for the benefit of all, with the highest level of protection for our most valued landscapes and environmental resources.'*²⁵

6.2.2 And *'To promote more sustainable patterns of development: discouraging the development of 'greenfield' land, and, where such and must be used, ensuring it is not used wastefully; promoting a range of uses to maximise the potential benefits of the countryside fringing urban areas; and providing appropriate leisure opportunities to enable urban and rural dwellers to enjoy the wider countryside.'*²⁶

6.2.3 And that *'New building development in the open countryside away from existing settlements, or outside areas allocated for development*

²² E2 PPS1: Delivering Sustainable Development, 'Design' (section 34)

²³ E2 PPS1: Delivering Sustainable Development, 'Design' (section 35)

²⁴ E2 PPS1: Delivering Sustainable Development, 'Design' (section 36)

²⁵ E4 PPS7: Sustainable development in rural areas, Objectives (pg.6)

²⁶ E4 PPS7: Sustainable development in rural areas, Objectives (pg.6)

*in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.*²⁷

6.2.4 And that *'All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness'*.²⁸

6.3 Regional level: Draft Regional Spatial Strategy 2008

6.3.1 Policy SD3 (The Environment and Natural Resources) states that *'The region's environment and natural resources will be protected and enhanced by: positive planning and design to set development within and to enhance the local character (including setting development within the landscape of the historic environment)...*'

6.3.2 The policy also states that *'Poor design can have a negative impact on local character and distinctiveness, eroding a sense of place. Reductions in tranquillity and increased light pollution are other effects that are apparent in the South West. If care is not taken, the result will be harm to the special environments and landscapes for which the South West is valued by its people and internationally.'*²⁹

6.4 County level: Cornwall Structure Plan 2004

6.4.1 **Policy 1 (Principles for Sustainable Development)** states that *'Development should bring about a long term and sustainable improvement to Cornwall's economic, social and environmental circumstances without harming future opportunity. Development should be compatible with the conservation and enhancement of*

²⁷ E4 PPS7: Sustainable development in rural areas, 'Key Principles' (iv.)

²⁸ E4 PPS7: Sustainable development in rural areas, 'Key Principles' (vi.)

²⁹ D2 Draft Regional Spatial Strategy 2008, Preamble

*Cornwall's character and distinctiveness, the prudent use of resources and the conservation of natural and historic assets...*³⁰

6.4.2 Policy 2 (Character Areas, Design & Environmental Protection)

states that *'The quality, character, diversity and local distinctiveness of the natural and built environment of Cornwall will be protected and enhanced. Throughout Cornwall, development must respect local character and retain important elements of the local landscape, including natural and semi-natural habitats, hedges, trees, and other natural and historic features that add to its distinctiveness; contribute to the regeneration, restoration, enhancement or conservation of the area; positively relate to townscape and landscape character through siting, design, use of local materials and landscaping; create safe, aesthetically pleasing and understandable places;...*³¹

6.4.3 Policy 6 (Waste Management)

states that *'Development should be compatible with the protection of the environment and local amenity from significant adverse effects of waste management facilities; high standards of design;...*³²

6.5 Cornwall Waste Local Plan 2002

6.5.1 Policy L6A (Energy from Waste) states that *'Applications for a EfW plant should fully assess and quantify any landscape and visual effect and demonstrate that proposals will not adversely impact on the special character of Cornwall's landscape, or cause significant adverse impact on the visual amenity of local residents or recreational users. Any adverse effects will be taken into account in determining the planning application.*³³

6.5.2 And that *'Planning permission will not be granted for EfW proposals which would harm landscape features such as ancient woodland,*

³⁰ D3 Cornwall Structure Plan 2004 Policy 1 (Principles for Sustainable Development) pg 6

³¹ D3 Cornwall Structure Plan 2004 Policy 2 (Character Areas, Design and Environmental Protection) pg 8

³² D3 Cornwall Structure Plan 2004 Policy 6 (Waste Management) pg 20

³³ D5 Cornwall Waste Local Plan Policy L6A (Energy from Waste) pg 41

*significant areas of other woodland, historic parkland, extensive areas of semi-natural vegetation, hedgerows or trees of significant landscape of nature conservation importance; cause loss of important local landscapes; be incompatible with local landscape character in terms of location, scale, building design or choice of planting; cause significant light pollution of surrounding rural landscapes; cause significant impact on the visual amenity of local residents or recreational users.*³⁴

6.5.3 Policy L6B (Energy from Waste) states that *'The design, siting and external appearance of a proposals should complement its landscape setting and use materials and colours appropriate to the location in which the plant is to be located. Landscaping should be incorporated as an integral part of the overall development of the site. High quality design will be required and innovative design will be sought in appropriate locations.*³⁵

6.5.4 C1 (Operational Practice) states that *'Proposals for waste management facilities will be carefully evaluated for potentially damaging effects and will not be permitted unless it can be satisfactorily demonstrated that...the development includes appropriate measures to prevent significant visual and landscape impact , which may necessitate off site measures; the cumulative impact of individual effects will not cause unacceptable detriment to local amenity or the natural and historic environment...*³⁶

6.6 Local level: Restormel Borough Council Local Plan 2001

6.6.1 Policy 6 (Development and Design Principles) states that *'New developments will be required to: harmonise with their surroundings by: Not protruding above prominent ridges or skylines; taking account of changes in level or slope; not expanding out of any natural valley*

³⁴ D5 Cornwall Waste Local Plan 2002, Policy L6A (Energy from Waste) pg. 41

³⁵ D5 Cornwall Waste Local Plan 2002, Policy L6B (Energy from Waste) pg. 42

³⁶ D5 Cornwall Waste Local Plan 2002, Policy C1 (Operational Practice) pg. 59

*or depression which confines present development; not intruding into prominent views into, out of or across any town, village or areas of countryside; not intruding into the setting of any prominent building or significant landmark;*³⁷

6.6.2 And that *'New developments will be required to: create an interesting, attractive environment by: respecting the character and identity of their surroundings through their design and materials; providing for adequate landscaping that retains as many as possible existing trees, hedgerows and woods and other natural features which contribute to the character of the area as possible.'*³⁸

6.6.3 Policy 10 (Energy Supply) states that *'Proposals for renewable energy generation schemes such as ...energy from waste, will be permitted, unless they would cause demonstrable harm to designated or protected landscapes, habitats, features of heritage importance, Area of Outstanding Natural Beauty, Area of Great Landscape Value and the countryside in general.'*³⁹

6.6.4 And that *'All renewable energy proposals will need to be capable of being constructed, operated and serviced without harm to the amenity of nearby habitations.'*⁴⁰

6.6.5 Policy 11 (Protecting the Borough's Heritage) states that *'The Council will seek to conserve and enhance the features and habitats of heritage importance within the Borough.'*⁴¹

6.6.6 Policy 18 (protecting the Wider Countryside) states that *'Development policies which would harm the integrity or continuity of the landscape features listed below which are of major importance for fauna and flora will only be permitted if it can be shown that the reasons for the*

³⁷ D4 Restormel Borough Council Local Plan: Policy 6 pg 16

³⁸ D4 Restormel Borough Council Local Plan: Policy 6 pg 16

³⁹ D4 Restormel Borough Council Local Plan: Policy 10 pg 20

⁴⁰ D4 Restormel Borough Council Local Plan: Policy 10 pg 20

⁴¹ D4 Restormel Borough Council Local Plan: Policy 11 pg 23

*development clearly outweigh the need to retain the features... List of features: hedges; stone walls; linear tree belts / shelter belts; plantations and small woodlands; green lanes / drove roads etc.; larger semi-natural or ancient woodlands; river corridors; lakes; reservoirs; ponds; wetlands; costal cliff, grassland, heathland and woodland mosaics; roughlands ie. the heath, mire, and scarab complexes that are characteristic of Cornwall.*⁴²

7. LANDSCAPE AND VISUAL IMPACT

7.1 Landscape Impact

7.1.1 In my Landscape and Visual Impact Assessment (Appendix D) I have identified Landscape Character areas for the immediate surrounding and setting of the site. This shows that the site falls into what I have described as the 'Agricultural Land' character area and this can be seen in Viewpoint 3 where the site is set within the small scale field patterns⁴³. The site is visually divided from the character area to the immediate south, 'Working Industry' by the line of the railway.

7.1.2 The Landscape Character Assessment describes the '*dominant visual elements [of the LCA] include large white spoil heaps, either conical or flat topped in form, aqua-blue pools, areas of rough ground and natural and naturally regenerated scrub and health, as well as large quarry pits. The scale of these features contrasts dramatically with the small scale field patterns*'.⁴⁴

7.1.3 '*Guidelines for Landscape and Visual Impact Assessment*' states that '*landscapes are considerably more than just a visual perception of a combination of landform, vegetation cover and buildings – they embody the history, land use, human culture, wildlife and seasonal changes of an area. These elements combine to produce distinctive*

⁴² D4 Restormel Borough Council Local Plan: Policy 18 pg 29

⁴³ A7-A10 Appellants' Environmental Statement Chapter 9 fig 9.14

⁴⁴ J1 Cornwall and Isles of Scilly Landscape Character Study 2007: LCA17 pg. 1

*local character and continue to affect the way in which the landscape is experienced and valued.*⁴⁵

- 7.1.4 Cornwall County Council's Historic Landscape Assessment, describes Ancient Enclosed Land, the category in which the site sits, as a 'zone of very great importance'⁴⁶ and it is stated that the '*great historic value of AEL needs to be fully borne in mind when applications for developments which will destroy or damage parts of it are being considered*'⁴⁷.
- 7.1.5 The Cornwall Landscape Assessment (1994), in section 13a China Clay Mining, description of land use and landscape pattern, states that the '*modern clay mining has created a dramatic landscape of unique character*'⁴⁸ and that '*The scale of these features contrasts dramatically with the small scale field patterns*'⁴⁹ and that '*these small scale field patterns... are an important aspect of this area's character most notably around St Dennis*'⁵⁰ and that '*the contrasts of scale have remained visible due to the survival of blocks of agricultural land that read as mini landscapes...*'⁵¹.
- 7.1.6 The Cornwall and Isles of Scilly Landscape Character Study (2006) again states that '*the scale of these features [china clay mining] contrasts dramatically with the small scale field patterns*'⁵². It states that the '*small areas of pastoral farmland and rough grazing*'⁵³ are a Key Landscape Characteristic. It mentions that '*small patches of original agricultural land still remain amongst the industrial activity*'⁵⁴. It also states that the '*pattern made by the stone walls in the St Dennis area makes a significant feature*'⁵⁵.

⁴⁵ J3 Guidelines for Landscape and Visual Impact Assessment pg. 9 para. 2.3

⁴⁶ J2 Cornwall Landscape Assessment: Importance pg. 144 (1994)

⁴⁷ J2 Cornwall Landscape Assessment: Safeguarding the Zone pg. 144 (1994)

⁴⁸ J2 Cornwall Landscape Assessment: Section 13a pg. 55 (1994)

⁴⁹ J2 Cornwall Landscape Assessment: Section 13a pg. 55 (1994)

⁵⁰ J2 Cornwall Landscape Assessment: Section 13a pg 55 (1994)

⁵¹ J2 Cornwall Landscape Assessment: Section 13a pg 55 (1994)

⁵² J1 Cornwall and Isles of Scilly Landscape Character Study: pg. 1 (2007)

⁵³ J1 Cornwall and Isles of Scilly Landscape Character Study: pg. 1 (2007)

⁵⁴ J1 Cornwall and Isles of Scilly Landscape Character Study: pg. 2 (2007)

⁵⁵ J1 Cornwall and Isles of Scilly Landscape Character Study: pg. 3 (2007)

7.1.7 The Appellants have judged the designation of the landscape resource of the site, which includes character, to be of medium or low importance.

7.1.8 In reply to my comments on this assessment of importance during the application review process, the following response was been given by the Appellants: *'The low to medium rating is based on a number of factors that we believe are explained in paragraphs 9.64-9.66. CCC's Historic Landscape assessment of the area as a 'zone of very great importance' is a statement of that Landscape type's cultural and historical importance but is not a landscape designation and does not take into account that within the zone there are great variations in the quality and character of the landscape in which the zone lies. Reference to the mapping of the zone of 'Anciently Enclosed Land' shows that well over half the entire area of Cornwall is within this zone. The area of the zone removed is an extremely small part of the overall zone and its context adjacent to the china clay works provides as unattractive setting. Taking these factors into account, as a landscape resource we believe that the assessment of it as a landscape resource of low to medium importance is justified*⁵⁶.

7.1.9 It is my opinion that the character of the site is part of the landscape that is described in the CCC Landscape Assessments as key in forming the dramatic contrast with the China Clay industrial landscape. The site is set on the southeast edge of a green bowl of land, enclosed by higher ground, and is one of the blocks of agricultural land referred to as *'mini landscapes'*⁵⁷. The site is set on a slope and the pattern of Cornish hedges is clearly visible from the surrounding area (see Viewpoint 3)⁵⁸.

⁵⁶ J15 Response to Terra Firma initial report by Terence O'Rourke (November 2008) Section 2, para. 9.66 pg

⁵⁷ J2 Cornwall Landscape Assessment Section 13a pg. 55 (1994),

⁵⁸ A7-A10 Appellant's Environmental Statement Chapter 9 fig 14

- 7.1.10 I accept that the Historic Character Zone of Ancient Enclosed Farmland is '*found throughout the county*⁵⁹', but would argue that this particular pocket of important AEL is a significant local feature of the landscape character, as a boundary to an area already visually dominated by the China Clay Industry both in terms of landform and plant.
- 7.1.11 In light of the above point and the Historic Landscape Character Zone description as '*a zone of very great importance*⁶⁰' and subsequent comments on the safeguarding of AEL's, I feel that the importance of the landscape resource of the site has been significantly downplayed when described as '*low to medium importance*⁶¹'.
- 7.1.12 In my Landscape and Visual Impact Assessment, I have given more substantial weight to the sensitivity of the landscape resource of the site, judging it to be high.
- 7.1.13 The Appellants have described the site as being '*despoiled by the adjacent landscape*⁶²'.
- 7.1.14 The Appellants state that '*The local landscape character includes large scale buildings and structures of an industrial character and china clay workings, and the proposals are compatible with this context.*⁶³
- 7.1.15 Part of the site has previously been identified in the Cornwall County Council Minerals Local Plan (MLP) as being potentially suitable for plant development ancillary to the extraction of china clay.⁶⁴ The principle of some development of part of the site was therefore

⁵⁹ J2 Cornwall Landscape Assessment: Principal locations pg. 144 (1994)

⁶⁰ J2 Cornwall Landscape Assessment: Importance pg. 144 (1994)

⁶¹ A7-A10 Appellant's Environmental Statement Chapter 9, section 9.151

⁶² A7-A10 Appellant's Environmental Statement Chapter 9, section 9.66

⁶³ C1 Appellants' Grounds for Appeal Section 3.3

⁶⁴ D7 Mineral Local Plan: Inset plan 1a (1997)

accepted in the context of China Clay Extraction. However this has never been implemented. Any development in line with this policy would have been subject to a planning application and presumably rigorous landscape and visual impact assessment.

7.1.16 It is my opinion that whilst the visual impact on the site of the adjacent 'Working Industry' character zone is not in dispute, the actual landscape character of the site itself undoubtedly remains agricultural.

7.1.17 I also am of the opinion that the proximity and scale of the adjacent working industry should not be used as a justification for similar development extending into this area of very different landscape character.

7.1.18 The impact of the proposed development would lead to a complete and significantly adverse change in the agricultural landscape character for the main application site and the access road. Based on my LVIA character zones, the high sensitivity 'agricultural land' would be reduced to low sensitivity 'working industry'. The proposed development would lead to a loss of a landscape with positive character and quality, valued historically as '*a zone of very great importance*⁶⁵', and significant adverse impact on the landscape character of other identified character areas in the surrounding site area. As can be seen in my LVIA⁶⁶, the impact significance of the proposed development on all but one landscape character area in the wider landscape character areas would be substantially adverse.

7.2 Visual Impact

7.2.1 In my LVIA⁶⁷ I have assessed the visual impact of the development from a wide range of representative viewpoints in the close and wider

⁶⁵ J2 Cornwall Landscape Assessment: Importance pg 144 (1994)

⁶⁶ Proof Appendix D: Appendix 1

⁶⁷ Proof Appendix D

landscape. The sensitivity of these 40 viewpoints is has been assessed with the majority of viewpoints (35) being of high sensitivity. The magnitude of change would be consistently adverse throughout the zone of visual influence.

7.2.2 The Appellants state that there would *'be significant impacts on visual amenity from some local viewpoints.'*⁶⁸

7.2.3 This is indeed the case. In my Landscape and Visual Impact Assessment I found 16 viewpoints on which the development would have a high adverse impact. These were all close viewpoints where the magnitude of change and the receptor sensitivity were high.

7.2.4 I also found that 10 viewpoints on which the development would have a high/medium adverse impact: these were a mix of close and more distant viewpoints where the magnitude of change was assessed as medium, and the receptor sensitivity high.

7.2.5 The resultant visual impact significance of the proposed development on all representative viewpoints in the close and wider zone of visual influence would be significantly adverse.

7.3 Night time visual impact

7.3.1 There are no light sources present on the existing site, which is currently agricultural land.

7.3.2 From the description of lighting proposals given by the Appellants in the ES⁶⁹ and Reg. 19 responses⁷⁰ it appears that the proposed development would be highly visible at night.

⁶⁸ C1 Appellants' Grounds for Appeal section 3.4

⁶⁹ A7-A10 Appellants' Environmental Statement, Chapter 9 section 9.139

⁷⁰ A18 Appellants' Reg. 19 response to request: section 9.2

- 7.3.3 The development would have pole and wall mounted lights to illuminate walkways, roads, gates and doors. Translucent cladding panels in the walls and roof of the CERC facility, which allow natural light to illuminate the interior during the day, would appear as panels of '*suffused illumination*'⁷¹. The stack would have red aircraft warning lights to the middle and top of the stacks, with three lights per level.
- 7.3.4 The Appellants have already stated that the plume would '*predominantly occur during the night due to cooler temperatures*'⁷². This statement implies that the plume would be visible more often at night than in daylight, which was stated to be 37% of the daylight hours in a year⁷³. It is assumed that the plume would reflect light at night not only from the development, but due to its potentially long length, it would also reflect light sources from the surrounding area such as Parkandillick Dryers and St Dennis village.
- 7.3.5 The Appellants have produced three night time photomontages. These show an uplit building, the suffused light from the translucent panels, pole or wall mounted lights against the building (two in Viewpoint 2⁷⁴ and one in Viewpoint 3⁷⁵) and the aircraft warning lights to the top of the stack only. Mention of uplighting to the building has not been made in the Appellants' information.
- 7.3.6 In my opinion the three night time photomontages⁷⁶ do not illustrate correctly the level of night time visual impact of the development described by the Appellants.
- 7.3.7 Having viewed a smaller Energy Recovery Facility at night (in Portsmouth)⁷⁷ I found that the levels of lighting around the base of the building and in the surrounding area were considerable. One cannot

⁷¹ A7-A10 Appellants' Environmental Statement, Chapter 9 section 9.139

⁷² A7-A10 Appellants' Environmental Statement Chapter 9 Section 9.138

⁷³ A7-A10 Appellants' Environmental Statement Chapter 9 Section 9.138

⁷⁴ J15 Response to Terra Firma initial report by Terence O'Rourke (November 2008) Section 5

⁷⁵ J15 Response to Terra Firma initial report by Terence O'Rourke (November 2008) Section 5

⁷⁶ J15 Response to Terra Firma initial report by Terence O'Rourke (November 2008) Section 5

⁷⁷ Proof Appendix F: images of Portsmouth ERF

compare directly the facilities to the proposed CERC Facility, as it is in a predominantly urban context, set within a well lit industrial area. It has no associated access road or haul road and existing street lighting is adequate to illuminate signage and entrances.

7.3.8 Based on this experience I would suggest that, like Portsmouth, the proposed CERC development would also require lighting of car parks, main building entrances, ancillary buildings (such as gatehouses, weighbridges, gantries).

7.3.9 In the unlit rural location proposed for the CERC there are no street lights to provide light and I understand that it is likely that there would be a need for lighting to signage at junctions of the Haul Road and the Access Road where they meet the existing public highway. There would also be lights from movement of vehicles after dark, especially during the winter months. I would also suggest that the plume, which the Appellant states will '*predominantly occur at night*⁷⁸', may reflect more light than is indicated.

7.3.10 The night time effect of translucent panels will be a suffused illumination from sides and roof of the CERC facility. In Viewpoint 3 the extent of the translucent panel to the east side of the facility can be clearly seen and extends to the top of the curve of the building at 45m height (147ft) spanning the width of the central section of the building. The extent of the translucent panels is similar on the west side of the building. It is not clear from the photomontages provided by the Appellant what the extent of the translucent panels on the roof of the Facility will be.

7.3.11 The visual effect of the translucent panels, a suffused illumination, bears no similarity to any existing night time illumination effect in the

⁷⁸ A7-A10 Appellants' Environmental Statement Chapter 9 Section 9.138

vicinity and, given the scale of the panels, will be highly visible and out of character in the surrounding landscape.

7.3.12 It is therefore my opinion that the impact of the development at night will be more significant than the Appellants state but the degree cannot be substantiated without further information (as set out in my Appendix E section 1.2).

7.4 Scale, massing and height

7.4.1 The potential adverse visual impact of the development is a direct consequence of the scale, massing and height of the proposed development.

7.4.2 The proposed development comprises three main components:

- a. The CERC Facility: 145m (475 ft) long, varying in width between 38 and 58m, with a height at the apex of the curved roofline of 45m (147 ft). It is understood that the scale of the building is as a result of the internal spatial arrangement of the Facility.
- b. The Bottom Ash Handling Facility: 172m (564 ft) long, 56m wide, with the highest point being 23m. The building would step downwards with the topography of the site, with the roof in a series of 'wave' forms.
- c. The Stack: Two 3.4m diameter flues of 120m (393ft) height, set towards the northern boundary of the site, separate from the other main buildings, with a plume of varying length, on average 42m (138ft) length and maximum 214m (702ft), visible by day and night.

7.4.3 In elevation from the west the CERC Facility would be set in front of the Bottom Ash Handling Facility. The Stack would stand on the northern side of the latter against the CERC facility. From Viewpoint 1 the slope of the agricultural land falling to the north that the development is set on is clearly seen, with the Parkandillick Dryers

complex to the south. The development would be seen against a backdrop of the village of St Dennis, Carne Hill and restored spoil heaps, with the CERC Facility and the Stack both forming part of the skyline. The Plume would be visible set against the sky. The shape and form of the CERC Facility and Stack bear no resemblance in scale and massing to the backdrop and the magnitude of change that they, and the potentially long plume (maximum length 214m), would bring to the skyline is significant. The form of the CERC Facility is a single mass and this is not compatible with the massing of the Parkandillick Dryers, which are formed of individual elements grouped together. The roofline of the CERC facility bears no resemblance to the shape of the landforms it is set against. It is my opinion that the proposed development would be highly obtrusive and completely out of scale with surrounding development when seen from this angle. Set against a backdrop of historic field patterns, the small scale nature of St Dennis Village and existing industry, the proposed development would be completely out of character with these and would have a substantial adverse impact on the landscape's character and visual amenity.

7.4.4 In elevation from the north the CERC facility and the Bottom Ash Handling building are set adjacent to each other, with the stack positioned in front of the latter. It can be seen from Viewpoint 11 that the development is set in sloping land in front of the Parkandillick Dryers and this serves to give a visual prominence to the CERC Facility as it juts into the agricultural land. The development would be set against a backdrop of the Parkandillick Dryers and the restored spoil heaps behind, which form the skyline. The stack would cut through this skyline. The plume would be visible set against the sky. The Bottom Ash Handling Building would be lower than and is set against the Parkandillick Dryers. The CERC Facility would be considerably larger and taller than the Parkandillick Dryers and would screen them in the view. In this elevation the curved roofs of the proposed buildings would not be visible. The form of the CERC

Facility is a single mass and would not be compatible with the massing of the Parkandillick Dryers, which are formed of individual elements grouped together. It is my opinion that the proposed development would be obtrusive and that the proposed development would stand out from its setting significantly due to the huge scale and massing of the CERC facility, the sheer height of the Stack and the potential long length of visible plume.

7.4.5 In elevation from the east the Bottom Ash Handling Building and the stack are set in front of the CERC Facility with the stack to the north. From viewpoint 3⁷⁹ the slope of the agricultural land falling to the north that the development is set on is clearly seen, with the Parkandillick Dryers complex to the south. The development would be seen against a backdrop of the village of Treviscoe, agricultural land and spoil heap landforms, with the CERC Facility and the Stack both forming part of the skyline. The Plume would be visible set against the sky. The shape and form of the CERC Facility and Stack bear no relationship or resemblance in scale and massing to the backdrop and the magnitude of change they, and the potentially long plume, bring to the skyline would be significant. The form of the both the CERC Facility and the Bottom Ash Handling building are single masses and this would not be compatible with the massing of the Parkandillick Dryers, which are formed of individual elements grouped together. The rooflines of the CERC Facility and the Bottom Ash Handling Building would bear no resemblance to the shape of the landforms they are set against and the over-articulated wave form of the Bottom Ash Handling Building would only serve to make it more obtrusive, being a line incongruous with the elements in its setting. The Stack, with its visible plume, would be considerably taller than surrounding landform and would dominate the skyline. It is my opinion that the proposed development would be obtrusive and completely out of scale with adjacent development when seen from

⁷⁹ A7-A10 Appellants' Environmental Statement, Chapter 9 fig 9.14

this angle. Set against a backdrop of historic field patterns, the small scale nature of farmsteads and Treviscoe village the proposed development would be completely out of character and would have a substantial adverse impact on the landscape character and visual amenity of the surrounding area.

7.4.6 In elevation from the south the CERC facility and the Bottom Ash Handling Building are set adjacent to each other with the stack set behind the Bottom Ash Handling Building. It can be seen from viewpoint E, where the viewer is generally at a higher level than the ground plane of the site, that the roof of the CERC Facility and the Stack would be visible but the Bottom Ash Handling Building would be hidden behind intervening landform. The development would be set against the backdrop of a long rural view northwards, with the roofline of the CERC Facility just below the skyline and the Stack cutting the skyline. The Plume would be visible set against the sky. The shape and form of the CERC Facility and Stack bear no resemblance in scale and massing to the backdrop. The form of the both the CERC Facility is a single mass and this would not be compatible with the massing of the Parkandillick Dryers, which are formed of individual elements grouped together. The roofline of the CERC Facility bears no resemblance to the shape of the landform it is set against. The CERC Facility would be set forwards from the higher ground of the waste tip landforms and would appear to jut out over the rural landscape. The Stack, with its potentially long plume, would be considerably taller than surrounding landform and dominates that skyline. It is my opinion that the proposed development would be obtrusive and incongruous against the backdrop of the wide rural landscape when seen from this angle, having an adverse impact on longer rural views to the north and forming a very substantial presence elevated over the agricultural land.

- 7.4.7 In my Landscape and Visual Impact Assessment I identified a range of scale and massing of development in the surrounding area, from small scattered properties to industrial works formed of grouped building and structures of larger scales.
- 7.4.8 Massing is defined by CABE as *‘the combined effect of the arrangement, volume and shape of a building or group of buildings in relation to other buildings and spaces⁸⁰* and that *‘the scale, massing and height of the proposed development should be considered in relation to that of adjoining building; the topography; the general pattern of heights in the area; and views, vistas and landmarks⁸¹* and that *‘the massing of development contributes to creating distinctive skylines in cities, towns and villages, or to respecting of existing skylines⁸²* and that *‘a building should only stand out from the background of buildings if it contributes positively to views and vistas as a landmark.⁸³*
- 7.4.9 The Appellants state that *‘The proposed buildings will be contained in the wider landscape to a significant degree, being screened in medium and longer views from the south and west by topography. Due to its height the stack will be visible from a greater distance.⁸⁴* It is my opinion that the plume would also be visible from greater distances.
- 7.4.10 The main body of the development would be screened in medium and longer views from the south and west, but the stack and plume would be visible. The development, stack and plume would be visible in medium and long views from the north and north east
- 7.4.11 Cornwall’s skyline has many vertical elements. These can sometimes have a positive impact on visual character; for example disused

⁸⁰ J11 By Design : DETR and CABE 2000 pg. 16

⁸¹ J11 By Design : DETR and CABE 2000 pg. 21

⁸² J11 By Design : DETR and CABE 2000 pg. 21

⁸³ J11 By Design : DETR and CABE 2000 pg. 21

⁸⁴ C1 Appellants’ Grounds for Appeal section 3.4

engine houses and church spires. Other elements, such as wind farms and transmitters, can have a negative impact on character. The presence of the stack falls into the latter category and has a negative impact on visual character. The development stack is 120m (393 feet) in height, with a visible plume predicted for 37% of daylight hours with an average length of 42m (138 feet) and a maximum length of 214m (702 feet).

7.4.12 Adverse visual impact of a stack can be heightened by some people's perceptions about what may be contained in visible emissions. Not only do emissions cause concern, they also draw attention to it, emphasising the presence of the development.

7.4.13 In my opinion the effect of the stack with the potentially long plume would not contribute positively to views and vistas.

7.4.14 The Appellants say themselves that '*Although there are large scale industrial buildings, including the neighbouring Parkandillick Dryers, the height and massing of the main building exceeds that of any building in the area. The chimney is also significantly larger in scale than other chimneys in the area. The industrial nature of the proposals is broadly in character with the area but the scale is much larger than the characteristic industrial structures.*⁸⁵ Whilst I do not agree that the industrial nature of the proposals is broadly in character with the area, I do agree that the scale is significantly greater than any other development found in the area at the moment.

7.4.15 The Appellants also state that '*the scale of the main building will however have a significant effect on some views in the local area.*⁸⁶, and that their aim is '*to integrate [the development] with the surrounding landscape setting.*⁸⁷ This is a laudable aspiration, but in

⁸⁵ A7-A10 Appellants' Environmental Statement Chapter 9 section 9.152

⁸⁶ C1 Appellants' Ground for Appeal Section 3.4

⁸⁷ A1 Appellants' Design and Access Statement page 23

my view is not consistent in this location with the aim of the Environmental Statement: that *'the resulting design is for a landmark building'*.⁸⁸

7.4.16 Whilst I appreciate there will be operational reasons behind the layout of internal processes and features that drive the size of the buildings, the fact is that the development bears little relation to the scale and massing of local development, be it either the adjacent industrial development or the villages of St Dennis and Treviscoe.

7.4.17 The development bears little relation to the local topography in terms of scale, and I maintain the opinion that any integration is only possible to argue in views looking southwards. For example in Viewpoint TF1, looking eastwards towards the site, the development would stand proud of the existing agricultural land it sits on. When not seen against an immediate backdrop of industrial works and restored spoil heaps, but rather against a landscape of agricultural land the development would look extremely out of place and obtrusive in the rural scene.

7.4.18 Indeed an application for the construction of a China Clay Tip, made in 1996, for a landform located in the *'green bowl of land'* (referred to in my point 7.1.9) was recommended for refusal by the County Planning Officer, with one of the reasons being that *'the scale and location of the proposals would have a significant and unacceptable visual impact on the landscape and countryside. The proposals are isolated and not well related to existing operational areas and surrounding landform and uses'*⁸⁹. It was subsequently refused planning permission.

7.4.18 The location of the stack on the lower slopes of the Main Application site and separate from the CERC Facility building only serves to

⁸⁸ A7-A10 Appellants' Environmental Statement Chapter 9 Section 9.139

⁸⁹ J16 Gaveriggan Tip Planning Committee Report 24 January 1996

make its presence more prominent. For example: from Viewpoint 3⁹⁰ the stack is set against the backdrop of Treviscoe village, with distant landforms. Had it been located on the southern side of the site it would have been set against the restored spoil heaps, where the upper section of the stack cutting the skyline would have been less and would serve to reduce the adverse visual impact of the stack. From Viewpoint 8⁹¹ the stack is clearly seen as an entity separate from the CERC Facility; the adverse impact of the stack from this angle would have been somewhat reduced had it not been separate from the building but visible against the backdrop of the building.

7.4.19 It is my opinion that, in addition to the adverse landscape and visual impact that I have already identified, the scale, massing and height of the proposed development would exacerbate the adverse impact. The development would not integrate with its landscape setting and would stand out prominently. I do not believe that the design quality is such to deserve recognition as a landmark building as the scale and massing significantly would contribute to the unacceptably high adverse impact of the development on the surrounding area.

7.5 Site Landscape Features

7.5.1 The Appellants state that *'There will generally be no significant harm to landscape features, except for the loss of agricultural land for the construction of the plant buildings and access road. There will be relocation to another part of the site of some Cornish Hedge of low ecological value. Lost lengths of Cornish hedge will be replaced. As a result there will be a substantial net gain in length of Cornish hedge.'*⁹²

⁹⁰ A7-A10 Appellants' Environmental Statement, Chapter 9 fig 9.14

⁹¹ A7-A10 Appellants' Environmental Statement, Chapter 9 fig 9.20

⁹² C1 Appellants' Grounds for Appeal (para. 3.3)

- 7.5.2 The main site area is existing agricultural land bounded by and divided by Cornish Hedges. The development proposals would remove these features in their entirety. These features form a key characteristic of the Agricultural Landscape character zone identified in my LVIA, and are a key element in the Wider Character Area CA17.
- 7.5.3 The Appellant states that '*Within the CERC site and access road 75% of the agricultural land is of low quality, with the remainder only marginally better.*'⁹³
- 7.5.4 This statement is inconsistent with the report commissioned by the Appellant on Soils and Agriculture. In fact the Soil and Agriculture report states that 1.7ha of land is Grade 3a and 5.6ha land is Grade 3b⁹⁴. MAFF guidance states that Sub-grade 3a land is classified as '*Good agricultural land*' and sub-grade 3b is '*Moderate quality agricultural land*'⁹⁵.
- 7.5.5 Based on their own specialist advice, the Appellants' statement on the quality of the agricultural land is incorrect. In my view the loss of this landscape feature would be significant in an area where there are only '*Small areas of pastoral farmland*'⁹⁶ left in a landscape already dominated by industry.
- 7.5.6 The removal of existing Cornish hedges that form a key characteristic of the landscape character of the site would be damaging. They provide the historic field patterns which are a key to the landscape character of agricultural land. This pattern cannot be recreated within the proposed development. Relocating and constructing new hedge alongside the access road and haul road, both heavy haulage routes,

⁹³ A7 Appellants' Environmental Statement: Non Technical Summary, Section NTS 109

⁹⁴ J13 'Impact on soils and agriculture': Reading Agricultural Consultants, March 2008

⁹⁵ J12 MAFF Agricultural Land Classification of England and Wales 1988

⁹⁶ J1 Cornwall and Isles of Scilly Landscape Character Study June 2007. LCA17 pg. 1

and along site boundaries in an attempt to soften the impact of the development with a locally familiar landscape feature cannot recreate this importance. Nor can it instantly recreate the habitat of a well established hedge in a new construction.

7.6 Haul Road

7.6.1 The development proposals include a haul road for heavy haulage traffic constructed to avoid use of public highway and the crossing of the historic Trerice Bridge. This 1.7km long private haul road, would be constructed to a high engineering standard, partly following the route of an existing track (0.95km), and partly along a new line through restored and natural vegetation (0.75km), and would incorporate a new bridge across the River Fal.

7.6.2 The information provided by the Appellants on the Haul road states that the proposals would include:

- the removal of natural and restored vegetation along 45% of the route
- the construction of an high engineering standard bitmac road with associated kerbs, and drainage and passing places
- Balancing ponds to take run off from the road
- Provision of junctions with the existing public highway including visibility splays, signing and white lining
- A new bridge over the River Fal
- Spreading of topsoil along verges and on land around balancing ponds route to allow re-colonisation of local plant species
- New planting at junctions with public highway and adjacent to new bridge

7.6.3 It is my opinion that the direct impacts of the construction of the haul road on the landscape would be very substantial. There would be considerable loss of vegetation, not only in the construction of the

haul road through vegetated areas and in particular in the vicinity of the new bridge across the River Fal, but in the construction of a road to a high engineering standard, with associated drainage measures and balancing ponds and visibility splays. I understand that it is likely that there would be lighting of signage at junctions with the public highway and that this would add additional obtrusive elements to the predominantly rural landscape. Clearly these detailed matters will have implications on Landscape and Visual Impacts that I haven't been able to assess to date.

7.6.4 In my LVIA I have assessed the impact on the landscape character of the haul road as part of the 'restored spoil heaps' character zone. The sensitivity of this zone is medium, with the proposals giving a potential magnitude of change of high adverse. The resultant impact of the haul road on this character zone would be high / medium.

7.6.5 In my LVIA (Proof Appendix D) I have identified viewpoints along the haul road route. HR1 looks southwards towards Trerice Bridge at the junction of the haul road and existing highway and I have judged the sensitivity of receptors as medium. HR3 looks south west towards the route of footpath 17 as it runs southwards from the point where it crosses the public highway (C184) and I have judged the sensitivity of receptors as high. HR2 looks northwards along a section of existing track at the end of a public highway and I have judged the sensitivity of receptors as low.

7.6.6 The magnitude of change in views HR1 and HR3 would be high adverse, giving resultant impact significance of high or high /medium adverse, and the magnitude of change in view HR2 would be medium adverse, giving a resultant impact significance of medium/low.

7.6.7 Viewpoint HR3 looks south west towards the route of footpath 17 as it runs southwards from the point where it crosses the public highway (C184). The legal route of the footpath is currently impassable and

from observations on site, it is clear that there is an alternative route currently being used. Images of two viewpoints on this route are shown in my LVIA (Proof Appendix D) at fig 15. The alternative route runs directly along the proposed route of the Haul Road. In my LVIA (Proof Appendix D) at point 7.3.5 I have judged the receptor sensitivity from these viewpoints to be high, and the magnitude of change high, giving a high adverse impact for both of the viewpoints from the alternative route.

7.6.8 I would suggest that the construction of the haul road, with associated junction provision, drainage measures, signage and lighting, its use by haulage traffic, with vehicular light movements at night, combined with the associated loss of vegetation and construction of a new bridge, would constitute an unacceptable adverse landscape and visual impact.

7.7 Visual Amenity of Public Rights of Way

- 7.7.1 The site and immediate surrounding area have a network of linked footpaths, which the Appellants state are '*well used*'⁹⁷. Footpath 5 runs through agricultural land, in part alongside the long established railway line and affords good panoramic views across the landscape to the north. This footpath links with footpath 31 which runs between St Dennis to Treviscoe on a direct route.
- 7.7.2 The route of Footpath 5 runs along the southern boundary of the proposed development and the proposals include the re-routing of the path around the perimeter boundary of the facility, in places against the fenceline and roads, with screen planting in places separating it from the development. By re-routing the footpath the length of the route would be increased and the footpath route would drop down to the lowest part of the site and up again, losing the opportunity for views over the landscape to the north as a result of this change in elevation and the proposed planting.
- 7.7.3 The routes of footpaths 2 and 5 to the west of the site run along a pavement to the side of the access road, a heavily trafficked route and in order to use the link to footpath 31, walkers would, have to cross the access road, where '*during a 10 minute period, a maximum of 10 CERC associate vehicles will use the site access road during the AM and operational peak*'⁹⁸. This equates to one every minute, which would have a significant effect on the visual amenity of the footpath.
- 7.7.4 In guidance it is stated that '*The most sensitive visual receptors may include users of all outdoor recreational facilities including public*

⁹⁷ A7-A10 Appellants' Environmental Statement Chapter 9 section 9.94

⁹⁸ A7-A10 Appellants' Environmental Statement Chapter 9 section 6.105

*rights of way, whose attention or interest may be focused on the landscape*⁹⁹

7.7.5 In my view the impact on the visual amenity of the users of footpaths 2 and 5 would be severely adverse. The currently pleasant experience of walking the footpath with panoramic views across the landscape would be completely altered by the proposals and would leave the walker with little opportunity for views. The route, currently across open fields, would run alongside industrial fencing, roadways and through area of screen planting, which have little effect on screening the visual impact of a development of huge scale and massing at close proximity. I would suggest that the development would have a high adverse impact on the visual amenity of the users of this footpath and would only serve to reduce its use and potentially to sever the footpath link between the two villages.

7.7.6 In my LVIA I have assessed the visual impact of the development on 26 close representative viewpoints in the area, with 21 of these coinciding with the routes of public footpaths in the area. Of these, 19 were deemed as of high sensitivity, and 2 as of medium sensitivity (where aesthetic qualities are already diminished by viewpoint being set within working industrial landscape). The magnitude of change would be consistently adverse throughout the closer zone of visual influence.

7.7.7 The Appellants state that there would *'be significant impacts on visual amenity from some local viewpoints.*¹⁰⁰

7.7.8 In respect of the visual amenity enjoyed by footpath users this is indeed the case. In my LVIA I found 14 viewpoints on which the development would have a high adverse impact, 4 on which it would

⁹⁹ J3 Landscape Institute and Institute of Environmental Management and Assessment: Guidelines for Landscape and Visual Impact Assessment (2nd Edition 2002): section 7.3.2

¹⁰⁰ C1 Appellants' Grounds for Appeal section 3.4

have a high/medium adverse impact, 2 on which it would have a medium adverse impact and 1 on which it would have a medium/ low adverse impact.

7.7.9 The resultant impact of the proposed development on footpaths in the closer zone of visual influence¹⁰¹ would be consistently adverse, with the development having a high or high medium adverse impact on by far the majority of the viewpoints.

7.7.10 I would suggest that this consistently and significantly adverse impact of the proposed development on the visual amenity of the footpaths, where the viewer is engaging with the aesthetic quality of the landscape would be unacceptable and significantly detrimental to the amenity of the network of footpaths within the close surrounding area.

¹⁰¹ A7-A10 Appellant's Environmental Statement Chapter 9 fig. 9.7

8. ASSESSMENT AGAINST POLICY

- 8.1 Policies from National to Local level carry identifiable themes throughout which, with the impact significance assessed in my LVIA, can be used to assess whether or not the development is contrary to policy. Relevant extracts from these policies are outlined in Section 6 of my Proof.
- 8.2 Theme 1: Protection and enhancement of the natural and historic environment, landscape character and distinctiveness is inherent in PPS1, PPS7, the South West Regional Strategy, Cornwall Structure Plan (in particular Policy 2), Cornwall Waste Local Plan (in particular Policy L6A) and Restormel Borough Council Local Plan (in particular Policy 6). My LVIA has shown that the proposed development would be contrary to these policies as a result of its adverse impacts on local and wider landscape character, direct loss of landscape features and loss of a historic landscape of ‘*very great local importance*’¹⁰² locally.
- 8.3 Theme 2: Protection of the amenity value of the landscape is inherent in PPS1, PPS7, Cornwall Structure Plan (particularly Policy 2 and 6), Cornwall Waste Local Plan (in particular Policy L6A) and Restormel Borough Council Local Plan (in particular Policy 6 and 10). My LVIA has shown that the proposed development would be contrary to these policies as a result of its adverse impacts on visual amenity in the local and wider area.
- 8.4 Theme 3: High quality design that contribute positively to character and quality of an area is inherent in PPS 1, PPS7, the South West Regional Strategy, Cornwall Structure Plan (particularly Policy 2 and 6), Cornwall Waste Local Plan (in particular Policy L6A and L6B) and Restormel Borough Council Local Plan (in particular Policy 6). My

¹⁰²J2 Cornwall Landscape Assessment: Importance pg 144 (1994)

LVIA has shown that the proposed development would be contrary to these policies as a result of its adverse impacts on local and wider landscape character, and I have also set out in my proof my opinion that in terms of the scale, massing and height the proposed development would bear no relationship or resemblance to its setting and surroundings, and due to its significant size, massing and height, would not contribute positively to local views, vistas or landscape character and would simply be incompatible with its setting.

8.5 In particular Policy L6A of the Cornwall Waste Local Plan¹⁰³ states that '*planning permission will not be granted for EfW proposals which would*':

8.6 a. '*Harm landscape features such as ancient woodland, significant areas of other woodland, historic parkland, extensive area of semi natural vegetation, hedgerows or trees of significant landscape or nature conservation importance*'. My LVIA describes the proposed development which would include the relocation of approx 0.5km of Cornish Hedge. It is my understanding that relocation of the hedges would only involve the retention and relocation of the stone and soil, and not established vegetation and that this relocation would constitute '*harm to landscape features*' as set out as a policy criteria for refusal.

8.7 b. '*cause loss of important local landscapes*'. My LVIA sets out extracts from the Cornwall County Historic Landscape Character Assessment that describe the Ancient Enclosed Land, which the Main Application Site and the Access road are set within, as a 'zone of very great importance'. It is also set out in my LVIA that the site would be set within the character zone of 'agricultural land' which I have assessed as being of high sensitivity and that there would be adverse impacts from the loss of local landscape and the resultant

¹⁰³ D5 Cornwall Waste Local Plan pg 41

magnitude of change on other character zones in the local and wider area. Based on this I would suggest that the development would indeed cause *'loss of important local landscapes'* as set out as a policy criteria for refusal.

8.8 c. *'be incompatible with local landscape character in terms of location, scale, building design or choice of planting'*. My LVIA sets out an assessment of local landscape character, in which the existing site is assessed to be within 'agricultural land'. The proposed development would have an adverse impact on the 'agricultural land' character zone it is set within and also on neighbouring character zones. I have also set out in my proof my opinion that in terms of the scale, massing and height the proposed development would bear no resemblance to its setting and surroundings, due to its significant size, massing and height, and that the building design does not reflect the local topography or contribute to the character of the area. Based on this I would suggest that the development would indeed be *'incompatible with local landscape character'* as set out as a policy criteria for refusal.

8.9 d. *'cause significant light pollution of surrounding rural landscapes'*. In my opinion the impact of the development at night may be more significant than the Appellants state but this cannot be substantiated without further information (as set out in my Appendix E section 1.2). I have therefore estimated the impact in my Landscape and Visual Impact Assessment and have found it to range between high/medium adverse and medium/low adverse, which I would suggest that the development would *'cause significant light pollution of surrounding rural landscapes'* as set out as a policy criteria for refusal.

8.10 e. *'cause significant impact on the visual amenity of local residents or recreational users'*. My LVIA has assessed the visual impact of the proposed development. From the 40 viewpoints assessed, I found 16 viewpoints on which the development would have a high adverse

impact and 9 viewpoints on which the development would have a high/medium adverse impact. This represents approximately two thirds of the representative viewpoints assessed and I would suggest that the proposed development would indeed '*cause significant impact on the visual amenity of local residents or recreational users*' as set out as a policy criteria for refusal.

8.11 In summary of paragraphs 8.6 - 8.10, in the case of the proposed development, meeting all of the criteria would indicate that the scheme should be refused under policy L6A.

8.12 Policy L6B of the Cornwall Waste Local Plan states that '*The design, siting and external appearance of a proposal should complement its landscape setting and use materials and colours appropriate to the location in which the plant is to be located. Landscaping should be incorporated as an integral part of the overall development of the site. High quality design will be required and innovative design will be sought in appropriate locations.*'¹⁰⁴

8.13 I would suggest that the design, siting and appearance of the proposal do not complement the landscape setting. The site is set within an agricultural landscape, close to the village of St Dennis and the historically important St Dennis Church, and despite the proximity of the Parkandillick Dryers, the substantial scale of the proposals negates any attempt at complementing the landscape setting. The proposals also bear little relation to the local topography in terms of scale, and siting on sloping land only serves to make the proposal's presence more prominent.

8.14 Materials proposed may be of good quality, however bear little relation to locally used materials, giving the proposals an indistinct

¹⁰⁴ D5 Cornwall Waste Local Plan pg 42

appearance that might be found anywhere rather than responding to the immediate location.

8.15 Landscape proposals are incorporated, but once again the substantial scale of the proposals negates any attempt at mitigation that planting might afford.

8.16 The design, siting and appearance of the proposed development are not of a quality that would overcome the significant adverse impacts of the proposal's substantial scale on landscape character and visual amenity, that I have identified. I would suggest that the terms 'high quality design' or 'innovative design' cannot be applied to the proposals.

9. CONCLUSIONS

- 9.1 The landscape of Cornwall is highly valued by residents and visitors alike for its unique and diverse range of landscape character, from the nationally important designated Areas of Outstanding Natural Beauty covering 30% of the County down to the local landscape enjoyed by people in their everyday lives.
- 9.2 The Cornwall and Isles of Scilly Landscape Character Assessment states in its vision that *'The landscape of Cornwall is recognised as a superb asset and its conservation regarded as important or essential to the area's sustainable future by all relevant strategies from region to District.'*¹⁰⁵
- 9.3 The planning process plays a vital role in the protection of Cornwall's landscape features, landscape character and visual amenity from the adverse impact of development.
- 9.4 The CERC development has been shown to be contrary to policy on national, regional and local level. As set out in Policy L6A of the Cornwall County Council Waste Local Plan, landscape and visual effect criteria for refusal are all met by the development, meaning that planning permission should not be granted.
- 9.5 My own LVIA for the proposed CERC Facility concluded that the impact on the immediate landscape context would be unacceptably high. The anticipated effect on my 7 identified close proximity landscape character zones is consistently adverse, with the development having a high/medium adverse landscape impact on 1 zone and a medium adverse landscape impact on 5 zones. Of the 12 wider landscape character zones, defined by Cornwall County

¹⁰⁵ J1 Cornwall and Isles of Scilly Landscape Character Study: Overview and Technical Report: Section 6 pg. 11 (2007)

Council, the impact of the development is consistently adverse, with the exception of 1 far flung area from which the Facility is not visible.

- 9.6 My LVIA for the CERC Facility has shown the visual impact of the Proposals to be consistently adverse across a 15km zone of visual influence. In 38 of 40 viewpoints (the majority of which are common with the Appellants' selection) the development has at least a medium adverse impact on the area's visual amenity and in 16 of these cases high adverse impact.
- 9.7 The proposed scale, height and massing of the development means that the level of impact on landscape character and visual amenity are significantly adverse. In combination with the high degree of visibility, the development would not integrate with its landscape setting and would stand out prominently. It is my opinion that this adverse impact cannot be mitigated by design.
- 9.8 The development would destroy the existing landscape features of the Main Application site in their entirety, including historically important features key to the historic landscape character of the area.
- 9.9 The development has a severely detrimental effect on the visual amenity of users of the Public Rights of Way.
- 9.10 In conclusion it is my opinion that the proposed CERC development would have significantly adverse impacts on landscape features, landscape character and visual amenity and that these would be highly detrimental to the uniquely diverse landscape character of the county, and in particular the immediate locality.

10. References and Bibliography

- A1 Design and Access Statement (March 2008)
- A2 Assessment of Alternative Sites (March 2008, and updated Jan 2010)
- A7-A10 Environmental Statement (March 2008)
- A13 Response to clarification requests by Terence O'Rourke (October 2008)
- A15 Response to Regulation 19 request (December 2008)
- C1 Grounds of Appeal
- D2 Emerging Regional Spatial Strategy for the South West (2008)
- D3 Cornwall Structure Plan (2004)
- D4 Restormel Borough Council Local Plan (2001)
- D5 Cornwall Waste Local Plan inc. Appendix 7 Methodology for assessing the visual impact of an energy from waste plant (December 2002)
- D6 The Emerging Waste Development Framework (Submission Stage version 2007)
- D7 Cornwall Minerals Local Plan (1997)
- D10 Cornwall Waste Development Framework: Report on Preferred Options (2006)
- E3 PPS 1: Delivering Sustainable Development (2005)
- E4 PPS 7: Sustainable Development in Rural Areas (2004)
- F3 Planning for Waste Management Facilities ODPM (2004)
- G3 Cornwall Centralised Energy from Waste Facility: Site Search Report (2006)
- J1 Cornwall and Isles of Scilly Landscape Character Study (2007)
- J2 Cornwall Landscape Assessment (including the Historic Landscape Character Assessment) (1994)
- J3 Landscape Institute and Institute of Environmental Management and Assessment, Guidelines for Landscape and Visual Impact Assessment (2nd Edition 2002)
- J11 By Design: DETR and CABE (2000)
- J14 Letter from South West Design Review Panel (18.09.07)

- J15 Response to Terra Firma initial report by Terence O'Rourke (November 2008)
- J13 Impact on Soils and Agriculture: Reading Agricultural Consultants (March 2008)

- Notice of Refusal of Permission for Development March 2009



The terra firma Consultancy Ltd

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