



APPEAL BY HARTMIRES INVESTMENTS Ltd.

Land North of Turners Hill Road, Turners Hill, West Sussex

PROOF OF EVIDENCE

MARK GIBBINS, BA (HONS) MLI

**PLANNING INSPECTORATE REFERENCE:
APP/D3830/W/21/3266563**

**LOCAL PLANNING AUTHORITY REFERENCES:
DM/20/2877 AND AP/21/0009**

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I BACKGROUND TO THE APPEAL

- 1.1 This Appeal is made under section 78 of the Town and Country Planning Act 1990 against refusal by Mid Sussex District Council of an Outline Planning Application for the development of a single Chapel Crematorium with abated single cremator and natural burial site with associated access, car parking, landscaping and drainage on an area of Land to the north of Turners Hill Road, Turners Hill, West Sussex.
- 1.2 This is an Outline Application, with all matters other than the access being reserved; however, the Site has the benefit of a ‘fallback’ in the form of a series of implemented and extant planning approvals for a natural burial ground with associated Chapel, reception building, maintenance building/workshop and associated access, car parking and landscaping.¹
- 1.3 The planning application was refused permission due to “*impact on the intrinsic character and beauty of the local countryside, including the setting of the High Weald Area of Outstanding Natural Beauty, which would be further harmed by the necessary woodland mitigation screen planting*” and the fact that the harm was “*not considered to be outweighed by an overriding need for the development*”.²
- 1.4 It is in this context that the appeal has become necessary.

2 QUALIFICATIONS, EXPERIENCE AND SCOPE OF EVIDENCE

Qualifications and Experience

- 2.1 My name is Mark Gibbins and I am a Director of Indigo Landscape Architects Limited, a landscape architectural consultancy based in Salisbury, Wiltshire. I hold a Bachelor of Arts Honours degree in Landscape Architecture, am a Chartered Member of the Landscape Institute and have been a practicing Landscape Architect since 1992.
- 2.2 I have worked in private practice (for some 28 years) during which time I have been involved in a wide range of development proposals. This work has included a large number of Landscape and Visual Appraisals (LVA) and Impact Assessments (LVIA) for planning applications and Environmental Impact Assessments, and giving evidence at numerous Public Inquiries.
- 2.3 My practice has acted as landscape consultants to Hartmires Investments Ltd. for the Appeal Site for a period of approximately 12 months. In the course of this work, working with the design team, I led the designs for the proposed Crematorium and prepared the Landscape and Visual Appraisal (LVA) for the Appeal Site proposals which looked at all landscape and visual impacts of the development (not just the concerns relied upon by the Council as the basis for its reason for refusal).³ The scheme has been ‘landscape led’ from the outset,

¹ The sub-base for the access bellmouth and parking areas associated with this development has been laid, and the maintenance building/workshop is now constructed on Site.

² Reason for refusal I (Core Document M3.4).

³ Refer to the Landscape and Visual Appraisal submitted with the Application (Core Document ADI.5).

has responded to the analysis of the Site and the surrounding landscape undertaken as part of the assessment process, and the landscape aspects of the scheme have been fully accommodated and respected throughout.

2.4 I am now instructed in connection with the Section 78 Appeal by Hartmires Investments Ltd. to provide expert landscape evidence to support the Appellant’s case in connection with the Appeal against the refusal of planning permission ref DM/20/2877.

2.5 I am familiar with the Appeal Site and the surrounding area, which I have visited on several occasions and seasons in the past year.

Purpose and Scope of Evidence

2.6 My evidence deals with the visual and landscape issues in relation to the Appeal Site proposals and in particular those aspects of the Reason for Refusal contained in the Planning Decision Notice submitted by Mid Sussex District Council (“the Council”) in December 2020.

2.7 The planning issues raised in the Council’s documents are dealt with by Mrs Lisa Jackson, and the need issues are dealt with by Mr Peter Mitchell. Highway issues were also discussed at the Case Management Conference and are dealt with by Mr Matthew Last. My evidence should be read in conjunction with the Appellant’s Statement of Case; and the Proofs of Evidence of my colleagues.

2.8 The following Sections of my evidence are structured as follows:

- Section 3 provides details of the planning policy background relevant to the scope of my evidence.
- Section 4 provides details of the baseline condition of the Appeal Site and surrounding area.
- Section 5 provides details of the Appeal Site proposals.
- Section 6 sets out my analysis of the landscape and visual issues raised by the Council as reasons for refusal of the Appeal proposal.
- Section 7 looks at the alleged policy contraventions.
- Section 8 sets out my conclusions.

3 PLANNING POLICY BACKGROUND

3.1 Details of the planning policy background at both the national level (through the NPPF and NPPG); and at the local level through the Mid Sussex District Plan, the Turners Hill Neighbourhood Plan, and the High Weald AONB Management Plan are set out in Section 3.2 and 3.3 (pages 7 to 9) of the LVA. For simplicity these have not been repeated here, however, reference should be made to the LVA for this information.⁴

3.2 Similarly, details of landscape, heritage and tree designations are set out in Section 3.4 (page 9) of the LVA; and details of habitat designations are listed (for contextual purposes) in Section 3.5 (also on page 9 of the LVA).

4 BASELINE STUDY

4.1 Site location and description

4.1.1 The Site location and a description of the Site are given in Sections 1.2 (page 3); and 5.2 (page 13) of the LVA.

4.2 Visual baseline

4.2.1 The visual baseline for the Appeal Site proposals is described in Section 4 (page 11) of the LVA; with the estimated Zone of Visual Influence (ZVI) as agreed in the Statement of Common Ground⁵ shown graphically on Figures 3, 4 and 7 (pages 10, 12 and 21 of the LVA respectively).

4.2.2 At this stage, however, I would point out that the visual survey work undertaken for the LVA was done in the summer of 2020 when the trees were in leaf,⁶ and that winter survey work has subsequently been undertaken which has led to the following changes to the estimated winter ZVI:

- i. The extent of the winter ZVI has been reduced within the High Weald AONB to the south of Turners Hill Road.
- ii. To the north of Turners Hill Road the winter ZVI has been extended across the field to the east of the Site (towards the Church), and slightly further into Butchers Wood.

4.2.3 In light of the winter site work and the 3D modelling undertaken following the refusal of planning, I have also undertaken a review of the assessments undertaken in Section 8 of the LVA, and confirm that whilst there would be changes to the text presented, only two viewpoints (Viewpoints 7 and 10) would experience more significant effects than those presented in the

⁴ Landscape and Visual Impact Appraisal ref: 917-LVA 2020-08-03 Rev C. (Core Document AD1.5).

⁵ Statement of Common Ground, Topic four, Item 5. (Core Document CD6.1).

⁶ Refer to section 1.6 on page 4 of the LVA (Core Document AD1.5).

assessment, and three viewpoints (Viewpoints 6, 11 and 12) would experience a reduction in effects.^{7, 8, 9, 10, 11} None of these changes are of significance, however, in the overall picture of the assessment.

4.2.4 These changes are discussed further in my evidence below, and the revised ZVI is shown on drawing 917-PM-02 in Appendix I to my evidence,¹² with a full set of winter photographs from the LVA viewpoints also now included in Appendix 6.¹³

4.3 **Landscape (or environmental) baseline**

4.3.1 The environmental baseline for the Appeal Site is set out in Section 5 (pages 13 and 14) of the LVA, and was agreed by the Council’s Landscape Consultant who confirmed in her first letter that *“this report provides an accurate description of the baseline landscape and visual context for the site and surrounding area”*.¹⁴

5 **PROPOSED DEVELOPMENT**

5.1 **Proposals generally**

5.1.1 A description of the proposed development is contained within Section 6 of the Landscape and Visual Appraisal, with an indicative scheme shown over three phases of development on the landscape masterplan drawings 917-MP-01 rev A to 917-MP-03 Rev A.¹⁵ A more detailed Illustrative Layout Plan (Drawing 917-SK-01 Rev I)¹⁶ was also prepared showing an indicative Crematorium building and associated built development on the southern field parcel in more detail (the ‘Crematorium’ part of the Site).

5.1.2 A Section (drawing 917-MP-05 Rev B)¹⁷ showing the relationship with the AONB to the south and Footpath 68W running through the Site to the north of the proposed Crematorium was also prepared at the time of submission; and this was supplemented by two further Sections on drawing 917-MP-06 Rev A¹⁸ during the course of the application.

⁷ Viewpoint 6 would be reduced to: ‘Very slight adverse effects’ in both summer and winter Year 1.

⁸ Viewpoint 7 would be increased to: ‘Slight adverse effects’ in winter Year 1; and to ‘Very slight adverse effects’ in winter Year 7.

⁹ Viewpoint 10 would be increased to: ‘Slight adverse effects’ in winter Year 1.

¹⁰ Viewpoint 11 would be reduced to: ‘Slight adverse effects’ in both summer and winter Year 1.

¹¹ Viewpoint 12 would be reduced to: ‘Neutral effects’ in winter Years 1 and 7.

¹² Core document CD10.1.

¹³ Core document CD10.6.

¹⁴ Letter from County Landscape Architect dated 01/09/2020, Page 2, Paragraph 2.4 (Core document VP6.1).

¹⁵ Core Documents AP2.6 to AP2.8.

¹⁶ Core Document AP2.5.

¹⁷ Core Document AP2.9.

¹⁸ Core Document AP2.11.

5.1.3 Whilst (apart from access) this is only an Outline Planning Application (and the submitted layout is therefore indicative), the proposals shown on the masterplan and indicative layout drawings demonstrate that a Crematorium can be accommodated on the Appeal Site whilst meeting both the operator's requirements and ensuring that the proposals provide for high quality design; ensuring that they respect and benefit from the Site's natural features and resources, respond to the notable Site topography and strategic views, respect the nearby heritage assets (both Ancient Woodland and the Church of St Leonards), form a strong landscape framework, and provide for biodiversity enhancements and sustainable drainage.¹⁹

5.1.4 A parameters drawing (917-GA-02 Rev A)²⁰ and the highway engineers Proposed Site Access drawing²¹ formed the only fixed elements of the Application.

5.2 Key elements of the indicative proposals

5.2.1 The proposals for the Site build upon the approved and implemented natural burial site and respond to the surrounding wooded character of the High Weald.

5.2.2 Key elements of the proposals are set out below:

- i. Only the southern part of the Site has been proposed for Crematorium and associated purposes. The entire northern field has been retained for natural burial.
- ii. The entire development has been arranged to comply with the extant Crematorium Act 1902, with its offsets of 200 yards (182.88m) to private residences and 50 yards (45.72m) to public highways.
- iii. The development has also been designed generally to accord with the recommendations contained within both the Department of the Environment memorandum on 'The Siting and Planning of Crematoria',²² and the Federation of Burial and Cremation Authorities 'Recommendations on the Establishment of Crematoria'²³ (although it should be noted that these are industry sources and not government policy or guidance).²⁴ In terms of the external landscape the following is of particular note:

¹⁹ Refer to the Design and Access Statement for further information (Core Document AD1.10).

²⁰ Core Document AP2.2.

²¹ 190561-001 Rev F (Core Document AP2.10).

²² 'The Siting and Planning of Crematoria', First Published in 1978 (Core Document CD11.5).

²³ 'Recommendations on the Establishment of Crematoria', January 2019 (Core Document CD11.4a).

²⁴ It should also be noted that the indicative layout shown on the plans presented with the Application are based on significant and highly relevant experience gained over the last three years in working with one of the Country's foremost Crematorium operators.

- The Site is greater than the “*minimum of 2 hectares*” recommended in these documents.²⁵
 - The Site is located in a “*woodland setting*” with “*good natural features and mature trees*” (adjacent to Ancient Woodland), and on “*an area of undulating ground*” with “*attractive views*” that have been “*preserved as part of the overall landscape design*”.²⁶
 - The proposals include “*a long-term planting scheme for forest trees for the ultimate screening and maturing of the site*”.²⁷
 - The proposals include for entrance gates set back from the road and a separate pedestrian gateway and path.²⁸
 - The proposals include for a suitable car park (shown with 82 spaces) with disabled parking near the entrance to the building and separate parking (25 spaces) for overflow and for visitors to the Garden of Remembrance; and provide for funeral cortege only circulation to the porte –cochere.²⁹
- iv. The Site access has been retained in the same location as the existing access, but with improvements to aid its function.
- v. The entire development has been set back from the edge of Butchers Wood in order to respect, protect and make the most of this adjacent asset.
- vi. The proposed Crematorium building has been located to the northeast of the Site access at a level some 3m lower than the access point and set back some 100m from the access where it would best be screened from the surrounding public landscape but would still benefit from the views available on and from the Site from the Crematorium Chapel, Floral Tribute and Garden of Remembrance.

²⁵ ‘Recommendations on the Establishment of Crematoria’, January 2019, Pages 3 and 5, final paragraphs (Core Document CD I I.4a); and DOE memorandum on ‘The Siting and Planning of Crematoria’, paragraph 5 (Core Document CD I I.5).

²⁶ ‘Recommendations on the Establishment of Crematoria’, Page 2, second to last paragraph (under the heading “*Siting of Crematoria*”) (Core Document CD I I.4a); and DOE memorandum on ‘The Siting and Planning of Crematoria’, paragraph 6 (Core Document CD I I.5).

²⁷ ‘Recommendations on the Establishment of Crematoria’, Page 14, 6th paragraph. (Core Document CD I I.4a); and DOE memorandum on ‘The Siting and Planning of Crematoria’, paragraph 15 (Core Document CD I I.5).

²⁸ ‘Recommendations on the Establishment of Crematoria’, Page 5, 3rd paragraph. (Core Document CD I I.4a); and DOE memorandum on ‘The Siting and Planning of Crematoria’, paragraph 10 (Core Document CD I I.5).

²⁹ ‘Recommendations on the Establishment of Crematoria’, Page 5, 5th and 6th paragraphs. (Core Document CD I I.4a). Car parking numbers have been based on experience of designing other Crematoria.

- vii. The proposed Crematorium building has been envisaged and tested as a flat roofed building with height parameters set to control the roof level and heights of a proposed feature skylight and chimney.³⁰
- viii. Car parking has been located in the southeast corner of the Site where it would be screened from Turners Hill Road by the existing hedgerow (and additional planting) and where it could be cut gently into the Site topography to minimise its impact on views from the Footpath to the north.
- ix. The approved and now constructed maintenance building/workshop has been retained in the same location as the existing approval, and the existing parking area has been proposed as overflow parking where it would also provide for access to the maintenance building and Garden of Remembrance.
- x. Footpath 68W has been retained within the scheme without the need for amendment or diversion, and the Crematorium would be screened by both a native hedgerow along its entire southern edge and adjacent woodland planting. Views to the north would be retained.
- xi. The existing footpath link from the southeast corner of Site to the Church of St Leonards would be retained,³¹ and an additional permissive path would be created across the Site frontage allowing a pedestrian link along this section of the road.

³⁰ Refer to Appendix 10 for images of similar flat roofed Crematorium buildings.

³¹ Refer to images in Appendix 9.

6 ANALYSIS OF THE ISSUES ARISING AND CONSIDERATION OF THE REASONS FOR REFUSAL

6.1 Introduction

6.1.1 This section of my evidence deals specifically with the visual and landscape character issues associated with the Reason for Refusal of the Appeal Site proposal, as set out in Reason 1 of the Council's Decision Notice.

6.1.2 In it I have set out and responded to the specific issues contained within the Reason for Refusal. Comments on the alleged policy contraventions are contained within Section 7 of my evidence below.

REASON FOR REFUSAL I

6.2 Introduction

6.2.1 Mid Sussex District Council's Reason for Refusal states:

“The proposed development would have an adverse impact on the intrinsic character and beauty of the local countryside, including the setting of the High Weald Area of Outstanding Natural Beauty, which would be further harmed by the necessary woodland mitigation screen planting. This harm is not considered to be outweighed by an overriding need for this development and is therefore contrary to Policies DP12, DP16, DP25, DP26 and DP37 of the Mid Sussex District Plan, Policies THP8 and THP13 of the Neighbourhood Plan, the provisions of the NPPF, in particular, paragraphs 8, 11, 124, 127, 130 and 170, Objectives FH2 and FH3 of the High Weald AONB Management Plan 2019-2024 and Design Principles DG3, DG7 and DG11 of the Mid Sussex Design Guide SPD.”

6.2.2 The 'Appraisal' and 'Conclusions' of the section on 'Landscape Character' in Section 6 of the Council's Statement of Case (pages 14 to 16) then amplify the Reason for Refusal in the following terms:

“Appraisal

6.13 *As the proposed development is in outline form, landscape impacts should be assessed by taking into account a worst-case scenario.*

6.14 *The proposal would result in an increased scale of development and intensification of use on the appeal site, particularly the larger building (shown indicatively with and including the roof extent measuring 32m x 31m, with a building identified as being up to 40m x 40m in maximum dimensions), an unbroken developable area of 170m across the southern field and 120m in depth (shown indicatively), increased car park, garden of remembrance and increased user numbers. There would be adverse impacts on landscape character as a result. This would include adverse effects on the setting of the High Weald AONB as a result of the*

reduction in landscape quality at the boundary of the AONB, and visible from it. There would also be adverse effects on the High Weald LCA arising from change to the rural character of the area, including a reduction in the characteristic field patterns and cumulative effects with Tulley's Farm. Landscape character would also be adversely affected as a result of impacts on relative tranquillity and local sense of place from the increase of activity on site, with funerals, remembrance and increased landscape maintenance.

- 6.15 The proposed development would result in adverse visual effects from public rights of way, including for users of Public Footpath 68W and Turners Hill Road.*
- 6.16 The fallback position of the consented natural burial site, Chapel, car park and maintenance building will represent a less intensive development of the site. The resulting landscape character will be more appropriate than the Appeal proposals and lead to less visual harm from Public Footpath 68W and Turners Hill Road.*

Conclusion on Landscape Character

- 6.17 The appeal scheme will be harmful to overall landscape character, with visual harm of such a magnitude in the short, medium and long term that it would be contrary to the development plan.*
- 6.18 The proposal would conflict with Policy DPI2 of the Mid Sussex District Plan in that it is not for an agricultural use, is not supported by other relevant policies and would not maintain or enhance the quality of the rural and landscape character of the District.*
- 6.19 The proposal would also conflict with Policy DPI6 because it would detract from the visual qualities and essential characteristics of the High Weald AONB setting, by adversely affecting views out of the AONB.*
- 6.20 The proposal would conflict with Policy DP26 because it would not be sensitive to the countryside or address the character of the landscape as a result of the identified landscape and visual effects. It would not contribute positively to the public realm by being of an inappropriate scale to this surrounding landscape; and would be dominated by car parking when viewed from the site entrance and the public footpath 68W.*
- 6.21 The proposal would conflict with Policy THP8 of the Turners Hill Neighbourhood Plan in that it would fail to protect or enhance the countryside and would have a detrimental impact on this area of substantial value and sensitivity. It would also fail to maintain the*

distinctive views of the surrounding countryside from the public footpath as a result of necessary mitigation planting.

6.22 *The proposal would conflict with Policy THP13 of the Turners Hill Neighbourhood Plan in that the expansion of this (currently non-operational) employment site would not respect the character of the area and would harm the surrounding landscape.*

6.23 *Although it is mentioned in the reason for refusal, the Council will not be arguing that the proposal would breach policy DP37.”*

6.2.3 The issues raised in the Council’s Statement of Case (SoC) raise a number of questions which I have broken down into general issues; visual issues; and landscape character issues below:

General issues

- **Has the worst-case scenario been considered?**

Visual issues

- **What is the extent of visibility of the proposals and who would be affected?**
- **What would the effect be on receptors using footpath 68W?**
- **What would the effect be on users of Turners Hill Road, in particular at the Site entrance?**
- **What would be the effect on the visual qualities of the AONB and on views out of the AONB?**
- **What would be the effect on the visual qualities of the area that comprises the setting of the AONB to the north of Turners Hill Road?**
- **Would the ‘fallback’ position lead to more or less visual impact overall, taking into account in particular views from footpath 68W, Turners Hill Road, and the High Weald AONB?**

Landscape character issues

- **Is the area of substantial value and sensitivity (it being common ground with the Council that the Site itself is not a “valued landscape” in NPPF paragraph 170(a) terms)?**
- **Would the landscape character of the Site itself change as a result of the proposals?**
- **Would the proposals be harmful to overall landscape character, or be sensitive to the surrounding countryside and address the character of the surrounding landscape?**

- In answering this question I will consider the points raised in the Council's Statement of Case pertaining to:
 - The proposed woodland character and consequential reduction in field pattern.
 - Scale.
 - Effects on tranquillity.
 - Effects on sense of place.
- **What would the effect be on the landscape character of the AONB?**
- **What would be the effect on the landscape character of the area that comprises the setting of the AONB to the north of Turners Hill Road?**
- **Would the landscape character of the 'fallback' position be more appropriate than the Appeal Proposals?**

Cumulative effects

- **Cumulative effects with the Tulleys Farm events field.**

6.2.4 I will deal with each of these items in turn (starting with the general issues).

General Issues

6.3 Has the worst case scenario been considered?

6.3.1 In considering this question I refer to Section 1.4 on page 4 of the Landscape and Visual Appraisal (LVA)³² undertaken for the proposed development, and to the Parameters Plan 917-GA-02 Revision A.³³

6.3.2 This part of the LVA makes it clear that the assessment in the main body of the LVA (Sections 1 – 9) has been made relative to the existing baseline rather than the extant approvals (the 'fallback'), and that the effects of the current proposals relative to the 'fallback' is included as a separate section (Section 10) at the end of the report (LVA paragraph 1.4.4). The LVA assessments therefore take the 'worst case' in this regard.

6.3.3 LVA Section 1.4 also makes it clear that the worst case scenario has been assessed in terms of built form (through the use of key parameters relating to the scale of built development) (LVA paragraph 1.4.6), and by avoiding any assumptions on design quality (paragraph 1.4.7).

³² Core Document AD1.5.

³³ Core Document AP2.2.

Visual Issues

6.4 What is the extent of visibility of the proposals and who would be affected?

6.4.1 In considering this question I refer to the visual effects assessments contained within the Landscape and Visual Appraisal undertaken for the proposed development on the Appeal Site.³⁴ This document represents a thorough analysis of the visual (and landscape) effects of the proposed development.

6.4.2 I also refer to the revised Zone of Visual Influence and to the winter views presented in Appendices I and 6 to my evidence.³⁵

6.4.3 Referring to these documents (and using the revised ZVI) the following key points can be drawn out:

- i. The Zone of Visual Influence (ZVI) of the proposed development is very small. At its worst (in winter) it lies entirely within a distance of less than approximately 600m of the centre of the Site; and the total area covered by the winter ZVI measures only 0.37 square kilometres (approximately).³⁶ In summer the ZVI is smaller, measuring only 0.17 square kilometres and falling within a distance of less than approximately 175m of the centre of the Site.
- ii. In summer the ZVI is located entirely to the north of Turners Hill Road covering the Site itself and a very small area of the landscape to the north and west of the Site, a significant portion of which consists of the Tulleys Farm events field. Within this area there are no private residences, and only the users of the Tulleys Farm events field (which is private, and where visitors to events such as Tulleys 'Pumpkins Nights' and the like will be consumed with their own activities), a short length of Turners Hill Road, and a 340m length of Footpath 68W have the potential for views of the proposals. This represents a very small area of the surrounding countryside. The rest of the summer ZVI is occupied by private fields used for agricultural purposes.
- iii. In winter the Zone of Visual Influence extends outwards as trees defoliate and allow filtered views through boundary and nearby vegetation. Within this area there would be additional potential for glimpsed views of the development from the Turners Hill Road (through the roadside hedgerow) and from an additional length of Footpath 68W within the edge of Butchers Wood to the east of the Site, and for glimpses of the development from Footpaths 69W and 70W within the AONB to the south. There would also be the potential for glimpsed views from the private, permissive footpath (within the

³⁴ Core Document AD1.5, Section 8 page 21 onwards.

³⁵ Core Documents CD10.1 and CD10.6.

³⁶ Adjusted figures are quoted which reflect the revised Winter ZVI. The previous figures are given in LVA paragraph 9.3.1, page 59. The differences are not material.

Appellant's ownership) that links the Site to the centre of Turners Hill. Overall however, visibility from the surrounding landscape remains small. Again, the balance of the winter ZVI is occupied by private fields used for agricultural purposes.

- iv. Finally, whilst planning is principally concerned with effects on the public domain, considering private residences only people located on the upper floors of Pumpstreet Farmhouse and Grove Buildings (within the AONB to the southwest) fall within the Zone of Visual Influence of the proposals, and the properties have the potential for views in winter only.^{37,38} The extent of potential visibility across private residential properties is extremely limited.

6.4.4 In conclusion, and even without consideration of additional planting, this is an extremely well contained Site where visibility is restricted by vegetation and the nature of topography in the surrounding landscape; and where public access is limited to a few locations. Overall it is clear that the extent of visibility of the proposed development would be very small.

6.5 **What would the effect be on users of Public Footpath 68W**

6.5.1 In considering this question I set out the nature of the scheme proposals alongside this path, discuss the effects assessed in the LVA, and then I consider whether the views from the path are "*distinctive*"³⁹ or would be "*dominated*"⁴⁰ by car parking.

The proposed scheme

6.5.2 Although the planting would clearly need to be approved by Reserved Matters, the scheme proposed on the Appeal Site includes a triple row mixed native hedge along the entire south side of Footpath 68W where it runs through the Site;⁴¹ and substantial areas of broadleaf woodland planting behind the hedge planting.⁴²

6.5.3 Only one gap in this hedge planting is proposed - to allow access between the northern part of the Site (the natural burial site) and the southern part (the Crematorium site), but additional woodland planting is proposed to be positioned to block views from this gap towards the proposed Crematorium building.

³⁷ See LVA paragraph 8.3.7 on page 58 for a description of these properties (Core Document AD1.5).

³⁸ See paragraphs 9.3.10 and 9.3.11 on page 60 of the LVA (Core Document AD1.5).

³⁹ Council's Statement of Case paragraph 6.21 (Core Document CD6.3).

⁴⁰ Council's Statement of Case paragraph 6.20 (Core Document CD6.3).

⁴¹ LVA page 17, paragraph 6.2.27 first bullet point (Core Document AD1.5).

⁴² Refer to landscape masterplan drawing 917-MP-01 revision A which showed the Structural planting intended at year 1, and to drawing 917-SK-01 revision I. (Core Documents AP2.6 and AP2.5).

- 6.5.4 This planting is intended to build upon the approved concept of a wooded site (which was approved as part of the natural burial site planning permission) and to assist in providing screening / filtering of the views of the proposals.
- 6.5.5 To the north of the footpath additional hedge planting is proposed to reinforce the existing hedge along the north side of Footpath 68W where it passes between the burial ground and the Crematorium site,⁴³ but the views north from the footpath to the west of the natural burial site are proposed to be retained (as indicated by the “Scenic Views” arrows on drawing 917-SK-01 Revision I).⁴⁴

Assessed effects

- 6.5.6 Effects on receptors using this path have been considered at Viewpoints 3 – 5 of the LVA submitted with the application, and I stand by these assessments.
- 6.5.7 For viewpoints 3 and 4 (to the northeast and northwest of the proposed Crematorium building respectively) effects in year 1 (when it has been assumed that the proposed planting would have a minimal effect on any changes to the view) have been assessed as ‘substantial adverse effects’ in both summer and winter, and for viewpoint 5 (in the southwest corner of the Site and further from the Crematorium building) they have been assessed as ‘major adverse effects’ (again in year 1). There will clearly be effects on users of this footpath at this early stage.
- 6.5.8 By year 7, however, the planting proposed within the Site would have had time to become well established and effects have been judged to be ‘Neutral’ in both seasons for viewpoints 4 and 5 and ‘slight adverse (winter) to ‘Neutral’ (summer) for viewpoint 3.⁴⁵ I quote below from the Viewpoint 3 assessment:

“By year 7 the planting proposed within the Site would have had time to become well established. The hedgerow along the south side of Footpath 68W would provide dense screening / filtering to above eye level in the foreground (particularly in summer); individual trees would be well established with greater height (5.5 – 7.5m) and increased density of canopy; and the woodland areas on the Crematorium site would form a solid visual barrier at ground level in summer (2 to 5m in height) and good filtering to full screening of views in winter (depending on depth of planting).

From this location, in both summer and winter the planting proposed would largely truncate views of the Crematorium building, although a glimpse of the building may remain through the foreground planting in winter.

Overall in summer although the view would have changed, with a hedgerow and woodland planting along the southern edge of the Footpath and some woodland planting potentially evident in the woodland burial area, this would not be not out of character with the wider scene.

⁴³ LVA page 17, paragraph 6.2.27 second bullet point (Core Document AD1.5).

⁴⁴ Core Document AP2.5.

⁴⁵ See LVA pages 27, 29 and 31 (Core Document AD1.5).

In winter potential glimpses of the Crematorium would have a slightly detrimental effect on the character of the scene.”

6.5.9 In the longer term (year 15), because the planting would have matured to such an extent, effects have been assessed as neutral throughout.

Distinctive views

6.5.10 In referring to the Turners Hill Neighbourhood Plan Policy THP8 the Council’s Statement of Case (paragraph 6.21) alleges that the scheme would “fail to maintain the *distinctive* views of the surrounding countryside from the public footpath as a result of necessary mitigation planting.” [emphasis added]

6.5.11 In my judgement there is nothing particularly distinctive about the views from this Footpath, and in any event any that could be considered to be distinctive are to be retained:

- i. To the north, views look across the natural burial site and across the Tulleys Farm pumpkin field towards Miswell Wood, an area of woodland to the east of Tulleys Farm, and the hillside on the north side of the valley. There are glimpses of hills within the Surrey Hills AONB in the distance, but two sets of power lines (one on pylons, one on twin sets of poles) cross the valley in the relative foreground detracting from the scene.
- ii. To the west views look across the Tulleys Farm events field (which contains significant car parking areas and various small buildings and structures); and there are further views of the power transmission lines and pylons, and from the southwest end of this path there are clear views of Gatwick Airport in the distance.⁴⁶
- iii. To the south the views look across the southern part of the Site which presents as an area of unmanaged grassland with areas of invasive scrub woodland and the maintenance building/workshop and car park sub-base associated with the existing approvals.⁴⁷ Power lines follow Turners Hill Road, and the trees along the AONB boundary are seen to the south of the hedgerow along the road, but there are no views into the AONB and there is no sense (from the Footpath) of looking into an Area of Outstanding Natural Beauty.

6.5.12 No specific viewpoint is identified on Ordnance Survey maps, within the Mid Sussex Landscape Character Assessment Character Area 6 (High Weald),⁴⁸ or within the Neighbourhood plan or older Village Design Statement; and there is nothing in either the Character Assessment, Neighbourhood Plan or the

⁴⁶ Refer to the photograph in Appendix 7 (Core Document CD10.7).

⁴⁷ Refer to Viewpoints 4 and 5 in Appendix 6 (Core Document CD10.6), in particular the winter photographs which now show the maintenance building/workshop.

⁴⁸ Specific viewpoints are identified in Part Two of the document on page 39, paragraph 2.120 (Core Document CD9.2), but do not include Footpath 68W or any in the area of the Site.

Village Design Statement to suggest that the views from the Footpath are anything other than “long views”⁴⁹ or “far reaching”.⁵⁰

- 6.5.13 In my judgement the views across the Site from this Footpath are nothing out of the ordinary; and to the extent that there are distinctive or attractive / long views from the Footpath these are to the north, would be entirely preserved by the scheme (refer to paragraph 6.5.5 above), and in themselves the views would draw the attention of people using the path to the north (away from the Crematorium).
- 6.5.14 Furthermore, and fundamentally, in the long term the effects on users of the Footpath would be little different to those associated with the ‘fallback’ consents (refer to Section 6.9 below).

Dominated by car parking

- 6.5.15 In terms of the proposed car parking, whilst there would be short term visual effects on users of the Footpath, in my judgement the views from the Footpath would not be “dominated by car parking” (Council’s Statement of Case, Paragraph 6.20) even in year 1.
- 6.5.16 Not only would the car park rarely be full,⁵¹ but it is set back from the Footpath by between 90 and 150m; it would be cut gently into the topography of the Site; it would be substantially located behind the Crematorium building when seen from the north; and it would be located behind a series of layers of planting including both semi-instant hedgerow planting and advanced nursery stock and semi instant trees (which would by itself largely screen views of car parking from the Footpath from a very early stage in the scheme’s implementation).⁵²
- 6.5.17 In addition the whole length of the Footpath is also between 2.5 and 10+m lower than the proposed parking area,⁵³ meaning that there would be no

⁴⁹ E.G. Mid Sussex Landscape Character Assessment, Page 74 under ‘Summary and key characteristics’ 4th bullet point. (Core Document CD9.2)

⁵⁰ Turners Hill Neighbourhood Plan, paragraph 8.1, page 25 (Core Document CD4.2).

⁵¹ Refer to Paragraph 4.11 of the Planning Statement submitted with the application (Core Document AD1.8), which states:

“Experience from other sites with a single Chapel, reflected in the transport statement, shows that average attendance at services is low normally about 19 cars per service. Well-attended cremations are rare. Increasingly ‘direct cremation’ with no service is the choice for families reflecting the increasingly secular society. This level of traffic generation is supported by Appeal decision APP/P1805/W/18/3211026 where the Inspector accepted average number of cars per cremation service is 15.”

It is also understood that cremations can be secondary funeral events (often family only) held in addition to a religious / faith service held at a site elsewhere (for example a Church), and that this also accounts for low average attendance.

⁵² LVA page 5, Para 2.4.3, items b and d (Core Document AD1.5).

⁵³ The parking is proposed at between 164.5 and c.166.5m AOD, and the footpath runs from c.162m AOD (at its southwest corner of the site) to around 154m AOD (where it enters the site from Butchers Wood).

potential whatsoever to see the car park surface from the Footpath (even ignoring the proposed planting referred to above).

6.5.18 Whilst some parked cars would be visible in year 1 these would not dominate views from the Footpath for the reasons given above; and in the medium term views towards the parking would be truncated by the hedgerow proposed along the south side of the Footpath and by the extensive wood planting described above. In the medium to longer term the car parking would be entirely screened from users of the Footpath.

6.6 **What would the effect be on users of Turners Hill Road, in particular at the Site entrance?**

6.6.1 In considering this question I set out who the users of Turners Hill Road are, describe the scheme proposals alongside the road, discuss the effects assessed in the LVA, and then I consider whether the views from the road are “distinctive”⁵⁴ or would be “dominated”⁵⁵ by car parking.

Road users

6.6.2 In the area of the Site users of Turners Hill Road are restricted to people in vehicles as there is no pavement along the road.⁵⁶

6.6.3 This is a “C” class road subject to the national speed limit of 60 miles per hour, but shows lesser (85%ile) speeds of 42mph northwest bound and 48mph southeast bound.⁵⁷

6.6.4 Almost all receptors passing the along Turners Hill Road are therefore in vehicles travelling at some speed.

The proposed scheme

6.6.5 In terms of the proposals along this edge of the Site, the existing (established) hedgerow along the Site frontage is to be retained and new planting is proposed in the form of both woodland planting and a second hedgerow set back between 6 and 10m from the road (designed to separate a proposed permissive footpath along the Site frontage from the main Crematorium site itself).

6.6.6 Within the Site further areas of woodland planting have been proposed along the south side of the Garden of Remembrance and to the southwest of the proposed car park (to screen / filter views of the Crematorium building when

⁵⁴ Council’s Statement of Case paragraph 6.21 (Core Document CD6.3).

⁵⁵ Council’s Statement of Case paragraph 6.20 (Core Document CD6.3).

⁵⁶ Some 185m to the west of the Site a wide verge allows pedestrians to connect between Footpaths 71W and 70W (see LVA Viewpoint 15 and the photomontage and reference images from viewpoint 15A in Appendices 2 and 3) but between a point 185m to the west of the Site and the entrance to the Church of St Leonards car park (some 240m east of the Site) hedges and other vegetation hug the road edge and there is no pedestrian access.

⁵⁷ See Transport Statement, paragraph 2.10, Page 8. (Core Document ADI.4).

looking into the Site), and both semi-instant hedgerow planting and advanced nursery stock and semi-mature tree planting is proposed within the car park.

Assessed effects

- 6.6.7 Effects on receptors using Turners Hill Road have been considered at Viewpoints 6 (Site entrance), 7, 8, 11 and 15 of the LVA submitted with the application, and with the revisions noted in paragraph 4.2.3 above I stand by these assessments (with revisions).
- 6.6.8 A photomontage (number 15A) from the verge on north side of the road opposite Viewpoint 15 has also been prepared and is included in Appendix 2, with its associated reference image in Appendix 3.⁵⁸
- 6.6.9 From Viewpoints 8, and 15 effects have been assessed as neutral throughout. The proposals would not be seen from Viewpoint 8 (by the Church of St Leonards), and from Viewpoint 15 any glimpses of the proposals would scarcely be appreciated in the view.
- 6.6.10 From Viewpoint 7 effects would be neutral in summer in all periods; and in winter would fall from 'slight adverse effects' (year 1), through 'very slight adverse effects' (year 7), to neutral (year 15). The proposals would be entirely screened in summer, but in winter in the shorter term glimpses of the proposals would be seen through the intervening hedgerow and trees along the Site boundary. There is no pavement, however, in this location.
- 6.6.11 From Viewpoint 11 (directly opposite the southwest corner of the Site) effects were assessed in the LVA as 'moderate adverse effects' in both summer and winter in year 1, but in light of the photomontage modelling we have now undertaken for the proposals I have revised both of these to 'slight adverse effects'. Effects in year 7 fall to 'Neutral' as the planting proposed within the Site would have had time to become well established. I note here that the Council's planning officer acknowledged in his e-mail of the 13th November⁵⁹ stating that:
- “there would be some minor impact on Viewpoints 11 and 12 (the existing orange hoarding was visible from PROW 69W heading north) but these are not significant.”*
- 6.6.12 Viewpoint 6. Although some short term visibility would exist through the hedges either side of the Site access point in winter,⁶⁰ at the Site entrance the position of the existing hedges means that open views into the Site will only be possible in year 1 from a very short length of the road (approximately 65m in total), and in the medium/longer term this would be restricted (by the additional planting within the Site) to a length of road no wider than the access bellmouth (approximately 30m). The potential for open views into the Site is extremely small (especially as planting matures).

⁵⁸ Core Documents CD10.2 and CD10.3.

⁵⁹ Core Document LE5.8

⁶⁰ Refer to winter photographs from Viewpoint 6 on page 9 of Appendix 6 (Core Document CD10.6).

- 6.6.13 In addition, the view into the Appeal Site is orientated perpendicular to the direction of travel along Turners Hill Road and would therefore be at almost 90 degrees to the direction in which users of the road would be focused (while mostly travelling in excess of 40mph). Other than the signage that would inevitably be associated with the development, a significant proportion of receptors (almost all of whom would be passing the Site in vehicles) are likely to be barely aware of the proposals.
- 6.6.14 In this location (Viewpoint 6) effects have been assessed as 'sight adverse' in both summer and winter year 1 in the LVA, although in light of the photomontage modelling we have now undertaken for the proposals I have revised both of these to 'very slight adverse effects'.⁶¹ The effects in years 7 and 15 remain as 'very slight adverse' throughout. The original assessment can be read on page 33 of the LVA, where the assessment reflects the medium sensitivity of the road users, the layout of the Site (and establishment of planting in years 7 and 15), and the fact that "*from the majority of cars passing along the road views would be seen at some speed and those into the Site would be fleeting*".

Distinctive views

- 6.6.15 Considering "*distinctive views*" (Council's Statement of Case paragraph 6.21), as for Footpath 68W, no specific viewpoint is identified on Ordnance Survey maps, within the Mid Sussex Landscape Character Assessment Character Area 6 (High Weald),⁶² or within the Neighbourhood plan or older Village Design Statement; and even though the Neighbourhood Plan identifies that "*the east-to-west road is comparatively level as it runs along the ridge and provides some excellent and far reaching views to the north and south of the village*",⁶³ in the area of the Site the road is climbing the hill and other than a glimpse seen through the Site access, no such views exist.
- 6.6.16 Along the Site frontage, and approaching the Site from the east and west, the existing roadside hedgerows block all but an occasional glimpse to the north, and to the south the existing tree line along the edge of the road prevents views into the AONB. The views are nothing like the far reaching views into the AONB seen looking south from the Paddockhurst Road (for example),⁶⁴ and I speculate that these are the views to which the Neighbourhood Plan refers.
- 6.6.17 In my judgement there is nothing distinctive about the views from the road in the area of the Site; and whilst a glimpse to the north exists when passing the Site entrance, as set out in paragraphs 6.6.13 to 6.6.15 above it is limited to a

⁶¹ Refer to Paragraph 4.2.3 above.

⁶² As previously noted, specific viewpoints are identified in Part Two of the document on page 39, paragraph 2.120 but do not include any in the area of the Site (Core Document CD9.2).

⁶³ Turners Hill neighbourhood Plan, Page 11, paragraph 4.4 (Core Document CD4.2).

⁶⁴ Refer to Appendix 11 (Core Document CD10.11) for an example of the view to the south from the Paddockhurst Road.

very short stretch of road where there is no pavement and receptors in vehicles are passing the site at some speed.

- 6.6.18 Furthermore, the hedgerow and woodland planting proposed along the road edge (to the north of the permissive path proposed across the Site frontage) would not only screen the proposals in the medium term, but would reinforce the enclosed character of the road (which is bounded by trees and hedgerows along its length); and (fundamentally) as with Footpath 68W in the long term the effects on users of the road would be little different to those associated with the 'fallback' consents (refer to Section 6.9 below).

Dominated by car parking

- 6.6.19 In terms of the proposed car parking, whilst there would be some very limited and localised visual effects when driving past the Site entrance, in my judgement the relatively fleeting views from the road would not be "*dominated by car parking*"⁶⁵ even in year 1.
- 6.6.20 As noted in paragraph 6.5.16 above the car park would rarely be full, and it is set back from the Site entrance and behind both the existing hedgerow and the proposed additional planting. Whilst some glimpsed views of the parking are likely to be possible in year 1 when passing the Site heading in an easterly direction, it would far from dominate the scene.

6.7 What would be the effect on the visual qualities of the AONB and on views out of the AONB? (Council's Statement of Case paragraph 6.19)

- 6.7.1 Considering the effects of the Crematorium proposals on the AONB to the south of the Site I refer both to the LVA submitted with the application,⁶⁶ to the Revised Zone of Visual Influence in Appendix 1 to my evidence;⁶⁷ to the winter photos in Appendix 6;⁶⁸ and to the photomontage and reference images 12A and 15A in Appendices 2 and 3 respectively.⁶⁹
- 6.7.2 These photomontages (and those of the 'fallback' scheme in Appendix 4 and 5)⁷⁰ show both photowire representations overlaid on GPS verified photographs, and 3D massing representations where the images have been edited to remove those elements of the model that would be hidden by foreground features.⁷¹ They are shown in winter without any mitigation either in the form of building materials or planting and therefore represent the absolute 'worst case'. In reality for both the Crematorium proposals and the approved Chapel the effects would be less than indicated by these

⁶⁵ Council's Statement of Case paragraph 6.20 (Core Document CD6.3).

⁶⁶ Core Document AD1.5.

⁶⁷ Core Document CD10.1.

⁶⁸ Core Document CD10.6.

⁶⁹ Core Document CD10.2 and CD10.3.

⁷⁰ Core Document CD10.4 and CD10.5.

⁷¹ Refer to the Technical Methodology at the rear of each of the photomontage Appendices for details.

photomontages, particularly in the medium to longer term as the planting associated with either proposal becomes established.

Summer

- 6.7.3 In summer (when the intervening trees are in leaf) there would be no visibility of the Crematorium proposals from viewpoints set back within the AONB, even in year 1 (refer to LVA viewpoints 12, 13 and 14).
- 6.7.4 The only place within the AONB with any potential for views of the proposals is from the very northernmost end of Footpath 69W on the northern edge of the AONB (refer to LVA Viewpoint 11). This single viewpoint sits across the road from the southwest corner of the Site, and from this location there are views through an existing gateway into the Site.
- 6.7.5 From this location the effects on receptors have been assessed in the LVA as 'moderate adverse effects' in year 1, but as set out in paragraphs 4.2.3 and 6.6.12 above in light of the photomontage modelling we have now undertaken for the proposals I have revised both summer and winter assessments to 'slight adverse effects'. By year 7, however, when the proposed mitigation planting on Site would be well established, the magnitude of visual effects would fall to neutral (refer to LVA page 43 for full assessment).
- 6.7.6 Effects on the visual qualities of the AONB and on receptors within the AONB in summer would be negligible.

Winter

- 6.7.7 The potential for views from the AONB in winter (or the period when deciduous trees are without leaves) are shown on the winter photographs presented for Viewpoints 11 – 15 in Appendix 6 to my evidence,⁷² and are demonstrated by the photomontage and reference image 12A in Appendices 2 and 3.⁷³ Photomontage / reference image 15A in the same appendices also gives a feel for the likely view from the north end of Footpath 70W as it emerges from the AONB some 215m to the west of the Site (although strictly speaking the montage is taken from the north side of Turners Hill Road and is outside the AONB boundary).
- 6.7.8 I believe that the two photomontages amply demonstrate how insignificant the effects of the proposed Crematorium would be on both the visual qualities of the AONB, and on receptors using footpaths 69W and 70W within the AONB. The photomontage/reference image of the Crematorium proposals from Viewpoint 12A also gives a good feeling for the likely extent of visibility of the proposals from the residences at Grove Buildings and Pumpstreet Farmhouse, and it is also worth noting that Gatwick airport is considerably more visible from this location than the Crematorium proposals.

⁷² Core Documents CD10.6.

⁷³ Core Documents CD10.2 and CD10.3.

- 6.7.9 As set out in the LVA, I maintain that effects on receptors within the AONB in winter would be neutral (see LVA Viewpoints 13, 14 and 15 and my revised assessment for Viewpoint 12 (see paragraph 4.2.3 above)) or at worst only slight adverse effects (revised assessment for viewpoint 11) in the short term, and that in the medium to longer term once the proposed mitigation planting is fully established there would be no visibility of the proposed buildings from within the AONB whatsoever.
- 6.7.10 Overall, it is clear that there would be very little intervisibility between the AONB and the Site⁷⁴ and in my judgement the effects on the visual qualities of the AONB and on receptors within the AONB in winter would be so small that I consider them to be negligible.

Conclusion

- 6.7.11 Overall it is my judgement that the effects on the visual qualities of this part of the AONB, and on receptors within this edge of the AONB would be so small as to be considered negligible. Furthermore, it is clear that there would be no effects on the wider AONB.⁷⁵
- 6.7.12 As a final point it is worth noting here that, although slightly different words were used, there appeared to be consensus with the Council on these points during the course of the application. In the email response of the 13th November⁷⁶ to my letter setting out suggested common ground (letter dated the 12th October)⁷⁷ the Council's planning officer confirmed the following:

"Having now walked all the public footpaths set out in the applicant's LVIA on 4 November and discussed these findings with Ms Pullan, we are in agreement that the proposed development will not impact on Viewpoints 13, 14, 15, We do acknowledge that there would be some minor impact on Viewpoints 11 and 12 (the existing orange hoarding was visible from PROW 69W heading north) but these are not significant." [edited in the context of this section of my evidence to include only those viewpoints within the AONB].

- 6.7.13 In addition, the Council agree to this conclusion as set out in Topic four, item 6 of the agreed Statement of Common Ground.

6.8 What would be the effect on the visual qualities of the area that comprises the setting of the AONB to the north of Turners Hill Road? (Council's Statement of Case paragraph 6.19)

- 6.8.1 The Council's position on the effects on the setting of the AONB is unclear and inconsistent. The Council's Statement of Case (paragraph 6.19) suggests the proposals would be in conflict with Policy DPI6 "because it would detract from the visual qualities and essential characteristics of the High Weald AONB

⁷⁴ See also the analysis of effects from footpath 68W considered in Section 6.5 above.

⁷⁵ This updates the conclusions of the LVA (para 9.3.8, page 59) which stated that the "effects on the wider AONB are so small as to be considered negligible". [emphasis added]

⁷⁶ Core Document LE5.8.

⁷⁷ Core Document LE4.9.

setting, by adversely affecting views out of the AONB” and yet in the more recent the Statement of Common Ground (Topic four, item 6) it is agreed that “the effects on the setting of the High Weald AONB would be minimal”.

- 6.8.2 It is also notable that the same Council planning officer who was responsible for the processing of the Appeal application has stated the following on page 10 of his recent report discussing the renewal of the Chapel permission (for which he subsequently granted permission under delegated powers):

*“There would not be any adverse impact to the setting of the AONB on the southern side of Turners Hill Road”.*⁷⁸

- 6.8.3 Despite this apparent confused position, however, I will deal with the issue of setting below.

- 6.8.4 The term ‘setting’ is defined in the High Weald AONB Management Plan (page 67) as “The surroundings in which the AONB is experienced by people”, and this is expanded upon on page 21 in the following terms:

“The term ‘setting’ is used to refer to areas outside the AONB where development and other activities may affect [the character of] land within an AONB. Its extent will vary depending upon the issues considered but some can be mapped, for example, the impact of development on views into and out of the AONB. Section 85 of the CROW Act 2000 requires public bodies to consider whether any activities outside the AONB may affect land in an AONB, and Planning Practice Guidance (Natural Environment: 003)⁷⁹ emphasises that this duty is relevant in considering development proposals that are situated outside the AONB boundary. Not all activities will be detrimental; conservation practices and economic ties outside the AONB can support AONB purpose.”
[Clarification added].⁸⁰

- 6.8.5 Paragraph 042 of the Natural Environment section of the NPPG highlights the importance of the settings of National Parks, the Broads and Areas of Outstanding Natural Beauty. It notes the harm that can be done by poorly located or designed development (especially where long views from or to the AONB are identified as important, or where the landscape character of land within and adjoining the designated area is complementary); and it notes that development within the settings of these areas will need sensitive handling that takes these potential impacts into account. [emphasis added].

- 6.8.6 In these terms it is clear that the Appeal Site sits within the setting of the AONB and there is the potential for the proposed development to affect both landscape character (which I shall address later in my evidence) and the visual qualities of the AONB.

⁷⁸ Officer’s report on the renewal of the Chapel permission, page 10, 6th paragraph (Core Document M3.7)

⁷⁹ The reference here to 003 appears to be in error. I believe that they meant to reference 042.

⁸⁰ These definitions are acknowledged in paragraphs 3.2.9 – 10 and 3.3.9 of the LVA submitted with the application (Core Document AD1.5).

- 6.8.7 In terms of visual qualities, however, whilst there would be some effects on the area within the (very small) Zone of Visual Influence surrounding the Site, (and therefore within the area which constitutes the ‘setting’ of the AONB), as set out in paragraph 6.7.10 above there would be very little intervisibility between the AONB and the proposed Crematorium; and there are certainly not any views that are identified as long views (either to or from the AONB) or as being important within any of the documentation I have reviewed (or that I have myself identified). As noted earlier, Gatwick Airport features far more visibly in the only long views to the north from this part of the AONB, and in visual terms the airport has a far greater effect on the setting (as seen from the AONB) than the Crematorium proposal.
- 6.8.8 In terms of the views experienced by receptors in the area surrounding the Site to the north of Turners Hill Road,⁸¹ however, whilst it is acknowledged that the proposal would have some effects on visual receptors within the Zone of Visual Influence identified (particularly in the shorter term before the proposed mitigation planting becomes fully established); there would be almost no effects on people’s experience of the AONB.
- 6.8.9 From this part of the ‘setting’ of the AONB, other than the tree line along its edge, the AONB is largely not seen.
- 6.8.10 The issue of landscape character is considered in Section 6.14 below, but in visual terms the AONB is scarcely experienced by people using this section of Turners Hill Road, or by people within the landscape to the north of the road (which falls away from the AONB boundary); and consequentially the proposals would have no effect on the way they experience the AONB. Unlike from Paddockhurst Road to the south of the Site (from where there are expansive views to the south across the rolling countryside and woodlands within the AONB),⁸² short of going into it, the AONB is simply not experienced from the area around the Appeal Site.
- 6.8.11 For the users of Turners Hill Road, their perception of the AONB when travelling through the area would barely be affected.
- 6.8.12 I don’t believe that it’s the intention of legislation and its associated guidance that development which is outside the AONB and can’t be seen from it should not be permitted to go ahead simply because it is adjacent to it, and therefore considered to be within its ‘setting’. Development within the setting of an AONB is not by definition harmful to the AONB itself.
- 6.8.13 In fact I note that the last sentence of Natural Environment paragraph 042 of NPPG says that “*development within the settings of these areas will therefore need sensitive handling that takes potential impacts into account*”, and it is my judgement that the Appeal Site proposals do this by taking advantage of the natural features of the Site (which provide screening and naturally restrict the extent of visibility of the proposals), by restricting the height parameters of the

⁸¹ Which falls within the area immediately outside the AONB and therefore is arguably part of its ‘setting’.

⁸² See Appendix II (Core Document CD10.11).

building in terms of Ordnance Datum levels (as opposed to simply elevational dimensions), and by proposing extensive mitigation planting that both reflects the existing natural burial approval and the surrounding wooded landscape character.

Either way

- 6.8.14 Even if one takes a different approach, and one considers that any views of a proposed development from the area adjacent to an AONB (that have an adverse effect) would have a detrimental effect on the visual qualities of the AONB's setting (despite the fact that it would not be seen from the AONB); in this case the extent of these adverse effects is very small. The proposals would effect a very small area of the countryside to the north of Turners Hill Road; there is very little public access within this area;⁸³ and effects (even from Footpath 68W) would only be short term.
- 6.8.15 Whilst it is acknowledged that the visual experience from Footpath 68W would change looking across the Site, and that the visual qualities of the landscape on the Site would change as the Site would become more wooded over time, I do not consider any long term changes (due to the change from a field to a more wooded site) to be detrimental to the overall visual qualities of the area.
- 6.8.16 Finally there is the 'fallback', the visual implications of which I consider below.

6.9 Would the 'fallback' position lead to more or less visual impact overall, taking into account in particular views from footpath 68W, Turners Hill Road, and the High Weald AONB? (Council's Statement of Case paragraph 6.16)

- 6.9.1 The 'fallback' scheme associated with the Appeal Site includes a number of permissions shown collectively on drawing 917-GA-04 revision A.⁸⁴ A selection of the planning drawings associated with these approvals are also shown in Appendix G to the LVA.⁸⁵
- 6.9.2 Although it is my opinion that neither the approved Chapel scheme nor proposed Crematorium scheme would be unacceptable, I have set out below a comparison of the two and then compared the visual effects with particular reference to Footpath 68W, Turners Hill Road, and the High Weald AONB.

Scheme comparison

- 6.9.3 The concept for the overall package of approvals is similar to that presented in this Appeal Site application, that being one of an ultimately wooded site in which natural burials are undertaken. The main difference lies in the fact that the current proposals include Crematorium facilities with associated additional

⁸³ Outside the AONB only a short length of Turners Hill Road and approximately 400m of Footpath 68W pass through the Zone of Visual Influence (340m in summer).

⁸⁴ Core Document AP2.10.

⁸⁵ Core Document AD1.5g.

- parking, a Garden of Remembrance and a floral tribute area, and restrict the natural burials to the northern part of the Site.
- 6.9.4 Both schemes include a site access from Turners Hill Road at the same location along the southern Site boundary.
- 6.9.5 Both schemes also include the maintenance building/workshop (now constructed) in the same location, and both provide parking, although the total numbers on the current proposals are greater to accommodate the Crematorium function of the Site (45 on the approved scheme; 111 associated with the current proposals, split between the main car park, an overflow car park and staff parking in the service yard).⁸⁶
- 6.9.6 The approved Chapel is located in the western part of the southern parcel of the Site, whilst the proposed Crematorium is located to the east of the southern parcel.
- 6.9.7 The approved Chapel measures 24.3m by 10.5m (wall to wall) with a 2x12m single level extension on the north side; Finished Floor Level lies at 163.18m AOD; and the ridgeline is approved at 10.4m above FFL at 173.58m AOD. The Chapel also includes a basement cut into the landscape at a level of 160.58m AOD. Approval for an additional single storey reception building is also part of the permitted scheme. The total floor space (including the internal element of the reception building) amounts to approximately **600m²**.⁸⁷
- 6.9.8 The parameters tested for the Crematorium are for a single storey building covering a maximum of 40 x 40m on plan (including oversailing roof, covered porte-cochère, screening walls etc.), with a roof approximately 4.5m above FFL (maximum 168.5m AOD) and a chimney and potential raised skylight reaching a maximum of 7m above FFL (171m AOD)). The illustrative building design (shown on drawing 917-SK-01 revision A and used on all other plans) shows a floorspace of **546.4sqm**.⁸⁸ This is an appropriate industry standard, and as set out in Mrs Jackson's proof of evidence,⁸⁹ in order to assuage any concerns about the potential scale of the building the Appellant now proposes a condition limiting the size of the Crematorium building to 600m² GIA.
- 6.9.9 Overall the roof of the proposed Crematorium would be some 5m lower than the approved Chapel (to Ordnance Datum), with the chimney and highest point of the skylight some 2.5m lower.
- 6.9.10 Building materials would be similar, with (subject to Reserved Matters for the Crematorium) both schemes using a combination of glazing and natural materials with soft hues (such as sandstone or timber cladding) chosen to respect the local character and to blend with the surrounding landscape.

⁸⁶ Parking numbers associated with the Appeal Site proposals are agreed in the Statement of Common Ground, Topic one, Item 8 (Core Document CD6.1).

⁸⁷ Chapel = 279m²; Basement = 255m²; reception = 70m².

⁸⁸ Refer to drawing 917-M-03 in Appendix 8 (Core Document CD10.8).

⁸⁹ Refer to Mrs Jackson's Proof of Evidence, paragraph 6.31 (Core Document CD7.4).

There is no question in my mind that, as with the Chapel, the detailed design of the Crematorium will secure a building of the highest design quality.

Key issues

- 6.9.11 The key differences between the schemes relate to a potential intensification of the Site (associated with the size of the Crematorium building compared to the Chapel, the intensity of Site use, or the amount of the Site covered by built elements (primarily buildings, car parking and service areas)); or the heights of the proposed buildings, however these details do not in themselves provide a clear picture of the effects of the developments.
- 6.9.12 What is important is the extent to which the two schemes are perceived in the landscape and the relative effects they would have both visually and in terms of effects on surrounding landscape character.
- 6.9.13 I deal here with the visual effects, and will turn to the effects on landscape character in the next section of my evidence.

Visual effects

- 6.9.14 The LVA submitted with the application compares visual effects of the Appeal Site proposals with those of the combined consented scheme in Section 10.3 on page 61 of the assessment.⁹⁰
- 6.9.15 Whilst this is a comparison in which only broad conclusions have been drawn due to the fact that items such as finished materials and exact heights and built form associated with the Crematorium proposals would be fixed at the Reserved Matters stage, I maintain that it represents a reasoned and balanced comparison of the two schemes and stand by the comments made.
- 6.9.16 Following the application, however, an additional set of Sections was prepared in an effort to assist the Council with their decision making process;⁹¹ and following the refusal of the proposals additional material has been prepared in the form of the photomontages and reference images now presented in Appendices 2 to 5, 12 and 13 to my evidence.⁹²
- 6.9.17 Given this, and the issues raised in the Council's Statement of Case (paragraph 6.16), I therefore consider below whether the 'fallback' proposal would "*lead to less visual harm from Public Footpath 68W and Turners Hill Road*", and from the High Weald AONB.

Footpath 68 W

- 6.9.18 From Footpath 68W the precise effects of the two proposals would depend on where a receptor is located along the path. In the short term (year 1) when the planting by the path is not established:

⁹⁰ LVA page 61, Paragraph 10.3.2, first two bullet points under "Visual effects" (Core Document AD1.5).

⁹¹ Drawing 917-MP-06 Rev A (Core Document AP2.11) showing two sections through viewpoint 12 within the AONB to the south of the site, one passing through proposed Crematorium (Section B-B'), and the other through the approved Chapel (Section C=C').

⁹² Core Documents CD10.2 - CD10.5, CD10.12 and CD10.13.

- i. Entering the Site from Butchers Wood (to the east) the Crematorium building would be located approximately 120m from the point the path tops the steps that lead out of the woodland (LVA Viewpoint 3), and the Crematorium building would sit on the rising ground seen in the field, breaking the skyline. The eastern end of the main Crematorium car park would also be visible beyond the Crematorium Building, closer to Turners Hill Road (refer to Viewpoint 3 in the LVA, and the winter images in Appendix 6).⁹³

In contrast, from this same location the Chapel and its car park would sit some 80m further back in the view (approximately 200m), and generally only the roof would be seen over the foreground scrub and intervening topography.⁹⁴

- ii. Entering the Site from the west (LVA viewpoint 5), however, the opposite would be the case. From this location the Chapel and its parking would sit closer to the viewpoint with the Chapel located immediately behind the maintenance building/workshop (approximately 85m from the viewpoint) where it would break the skyline, and its parking would be clearly visible in the relative foreground.

In contrast, from this viewpoint the Crematorium and its parking would sit some 85m further back in the view (with the building approximately 170m from the viewpoint). From this location, however, the Crematorium building would be located behind the maintenance building/workshop which sitting much closer to the viewpoint would almost entirely truncate the view of the Crematorium building. The Crematorium would not break the skyline created by the trees in the background. Only the overflow parking area (which would rarely be used) would sit in the relative foreground. (Refer to the draft photomontage in Appendix 13,⁹⁵ LVA Viewpoint 5, and winter photographs in Appendix 6).

- iii. From the northwest corner of the Site (LVA viewpoint 4), the Chapel would be positioned some 45m directly up-slope to the south-southeast and would completely dominate the view, with its parking located beyond the Chapel building. It would fully break the skyline.

By contrast from this viewpoint the Crematorium and its parking would sit some 65m further back in the view (with the building located some 105m upslope to the east-southeast and its parking starting some 95m from the viewpoint (beyond the Garden of Remembrance) to the southeast). In this case the Crematorium building would only partially break the skyline.

⁹³ Core Document CD10.6.

⁹⁴ Refer to Section C-C' on drawing 917-MP-06 revision A for a similar section line to the view of the Chapel from viewpoint 3. (Core Document AP2.11).

⁹⁵ Core Document CD10.13.

(Refer to the draft photomontage in Appendix 12,⁹⁶ LVA Viewpoint 4, and winter photographs in Appendix 6).

- iv. Seen from the centre of this boundary at the closest point to the proposed Crematorium building (adjacent to the point the western boundary of the northern field heads north) the Crematorium building would be located some 58m upslope to the south-southeast; whilst the Chapel would be some 105m upslope to the south-southwest. In both cases the parking is set back behind the respective buildings, and both are likely to just break the skyline.

6.9.19 The simple reality of this analysis, is that in the short term the Crematorium building would be more prominent from the eastern section of the Footpath, and the approved Chapel would be more prominent from the west.

6.9.20 In the medium term, however, as the proposed path-side hedgerow and the extensive woodland planting associated with the Crematorium proposals gets established these effects would reduce to neutral (refer to assessments from viewpoints 3, 4 and 5 on pages 27, 29 and 31 of the LVA for details); and given the significant increased levels (and better specification) of planting proposed when compared to the approved planting associated with the Chapel (see Harper Landscape architecture drawing hla 281 01 in LVA Appendix G),⁹⁷ the effects of the Crematorium would be less significant.

6.9.21 In the longer term it is assumed that woodland planting associated with the natural burials would fill this area of the Site (see phase I of the Lizard Landscape Design Phasing drawing LLD787/01 in LVA Appendix G)⁹⁸ and the effects of both schemes would be dissipated.

Turners Hill Road

6.9.22 In terms of the effects of the Chapel relative to the Crematorium proposals as seen from Turners Hill Road I refer to Section 6.6 above for my assessment of the effects of the current proposals, to the Sections on drawing 917-MP-06,⁹⁹ to the photomontage/reference images of the Chapel and Crematorium proposals from viewpoint 15A in Appendices 2 to 5 to my evidence,¹⁰⁰ and to Viewpoints 6, 7, 11 and 15 in Appendix 6 and the LVA submitted with the application.

6.9.23 The Sections on drawing 916-MP-06 have the same origin point at LVA Viewpoint 12 and show a very similar line through Turners Hill Road and either the proposed Crematorium (Section B-B') or the approved Chapel (Section C-C'). These can be considered in combination with the photographs from Viewpoint 6, in Appendix 6. These drawings and photographs

⁹⁶ Core Document CD10.12.

⁹⁷ Core Document AD1.5g.

⁹⁸ Core Document AD1.5g.

⁹⁹ Core Document AP2.11.

¹⁰⁰ Core Documents CD10.2 – CD10.5.

demonstrate the general relationship between the road and the Site along the Site frontage either side of the access point, and indicate that in summer the roadside hedge would screen most views of both the Crematorium building and approved Chapel. In winter it is my judgement that glimpses of the Chapel may be seen through the upper part of the hedge, but due to its lower roofline the proposed Crematorium building would not be seen.

- 6.9.24 Approaching the Site from the west, however, the approved Chapel would be clearly visible in year 1, seen through the gate at the southwest corner of the Site (Viewpoint 11) and through the Tulleys Farm Events Field (refer to photomontage and reference images from viewpoint 15A in Appendix 4 and 5);¹⁰¹ whereas from the same locations the proposed Crematorium building would only be glimpsed (refer to LVA viewpoint 11 and my revision set out in Sections 4.2.3 and 6.6.12 above, and to the photomontage and reference images from Viewpoint 15A in Appendix 2 and 3).¹⁰² Approaching from this direction the effects of the Chapel would be more significant.
- 6.9.25 As stated above, my assessment of the effects of the Crematorium from the entrance to the Site (LVA viewpoint 6) is set out in Section 6.6 of my evidence, and it is evident that many of the points raised also apply to the approved Chapel proposals. In both cases there is no footpath along the road, other than those entering the Site cars would be traveling at some speed, and the views into the Site would be fleeting. Both schemes also involve the creation of a new access road,¹⁰³ and both are likely to require some form of entrance signage at some point.
- 6.9.26 Looking into the Site through the access the Crematorium proposals would be glimpsed by receptors in cars traveling east along Turners Hill Road, but traveling west the approved Chapel would be more visible, being both 5m higher than the maximum roof level of the Crematorium proposals, and some 30m closer to the Site entrance.¹⁰⁴
- 6.9.27 Car parking in both schemes would largely be hidden behind the roadside hedgerows, but in the approved scheme an area of car parking is located directly ahead of the Site access point, whilst in the Crematorium proposals the car park access road is found (dropping down the hill) in this location.
- 6.9.28 Seen approaching the site from the east (LVA Viewpoint 7), both proposals would be screened in summer, but in winter the Crematorium would be glimpsed through the roadside vegetation (paragraphs 4.2.3 and 6.6.11 above) whilst the Chapel would be screened.

¹⁰¹ Core Documents CD10.4 and CD10.5.

¹⁰² Core Documents CD10.2 and CD10.3.

¹⁰³ The bellmouth radius for the Crematorium proposals is slightly larger at 10m as opposed to 6m for the Chapel proposals, but the location of the gate is set back further into the site (12m as opposed to 6m).

¹⁰⁴ The ridge of the Chapel is 5.08m above the maximum stipulated roof level for the Crematorium (Chapel 173.58 / Crematorium roof 168.5).

- 6.9.29 Overall, the effects along Turners Hill Road would be similar (and I would consider neither to be significant), but in the short term at least the approved Chapel would be more visible from the road.
- 6.9.30 In the medium to long term, however, although it would need to be secured through Reserved Matters approval, the second line of hedgerow and woodland planting proposed along the roadside to the south of the car park and at the southwest corner of the Site as part of the Crematorium scheme would provide more effective screening than that associated with the Chapel building.

High Weald AONB

- 6.9.31 In terms of the effects of the Chapel relative to the Crematorium proposals as seen from The High Weald AONB, I refer to the photomontage of the Chapel and Crematorium proposals from viewpoint 12A in Appendices 2 to 5 to my evidence.¹⁰⁵
- 6.9.32 Looking at the photomontage of the Crematorium proposals (Appendix 2 page 2 and Appendix 3 page 1) it is evident that the effects on views out of the AONB, and on the visual qualities of the AONB would be negligible. Only a glimpse of the Crematorium chimney and skylight is seen in the photomontage, and with more appropriate materials (the photomontage model is shown in white) even this glimpse would recede into the intervening vegetation.
- 6.9.33 Looking at the approved Chapel montage from the same location (Appendix 4 page 2 and Appendix 5 page 1), however, the Chapel is clearly seen.
- 6.9.34 The effects of the approved Chapel (the 'fallback') on the AONB would clearly be significantly greater than that of the current proposals.

Landscape / character Issues

I now move on to the issues raised by the Council that are associated with landscape character.

In doing so I first wish to discuss the value and sensitivity of the landscape and the approach taken in the LVA, and then I will consider the effects of the proposals.

- 6.10 **Is the area of substantial value and sensitivity (it being common ground with the Council that the Site itself is not a "valued landscape" in NPPF paragraph 170(a) terms)?** (Council's Statement of Case paragraph 6.21)
- 6.10.1 Considering the term 'substantial', Turners Hill Neighbourhood Plan Policy THP8 b) states that a development "*must not have a detrimental impact on, and*

¹⁰⁵ Core Documents CD10.2 – CD10.5.

would enhance, areas of substantial landscape value or sensitivity";¹⁰⁶ and the Mid Sussex Landscape Capacity Study 2007 places the Site within Character Area '05 Major's Hill High Weald' to which it gives "substantial" landscape sensitivity and "substantial" landscape value,¹⁰⁷ resulting in "Negligible/Low" landscape Capacity.¹⁰⁸ [emphasis added]

- 6.10.2 The Neighbourhood Plan, however, does not define where the areas of "substantial value or sensitivity" are located (I speculate that these would occur within the parts of the plan area that fall within the High Weald AONB); and the 2007 Landscape Capacity Study is a broad document¹⁰⁹ with the purpose of considering settlement patterns for new housing and employment,¹¹⁰ and which was "*carried out to inform the Core Strategy by identifying where strategic development might be accommodated*".¹¹¹ [emphasis added]. It is not aimed at development such as that being proposed on the Appeal Site, has no acknowledgement that "*capacity is likely to vary according to the type and nature of change being proposed*";¹¹² and is based on the assumption that "*buildings would be largely 2 or 3 storeys in height with occasional landmark buildings of 4-5 storeys*".¹¹³ It does, however, state that where an area has been assessed as having a "*low or negligible rating for landscape capacity*" (which is the case with the Major's Hill High Weald Character Area), development "*should only be small scale and proposals would need to demonstrate no adverse impacts on the setting to settlement or wider landscape*"¹¹⁴ (which I consider to be the case with the Appeal Site proposals, particularly in light of the 'fallback').
- 6.10.3 In terms of the LVA prepared for the Crematorium proposals, this was based on the Guidelines for Landscape and Visual Impact Assessment (GLVIA3)¹¹⁵ which was published in April 2013 (some six years after the Council's 2007 Landscape Capacity Study). It considers landscape value and susceptibility to change and combines these to make a judgement of landscape Sensitivity.
- 6.10.4 On a scale of LOW, MEDIUM and HIGH, the assessment of overall landscape sensitivity set out on page 14 of the LVA is that sensitivity is HIGH.

¹⁰⁶ Turners Hill Neighbourhood Plan, Page 43 (Core Document CD4.2).

¹⁰⁷ Mid Sussex Landscape Capacity Study 2007, pages 18 and 32 (Core Document CD9.3).

¹⁰⁸ Mid Sussex Landscape Capacity Study 2007, Page 46, Area 05, Majors Hill High Weald. (Core Document CD9.3).

¹⁰⁹ The 2007 Landscape Capacity Study considers the Site as part a very large are of countryside between Crawley and Turners Hill (Character Area 05, Major's Hill High Weald).

¹¹⁰ Mid Sussex Landscape Capacity Study 2007, paragraph 1 of the Preface (Core Document CD9.3).

¹¹¹ Mid Sussex Landscape Capacity Study 2007, Page 1, paragraph 1.1. (Core Document CD9.3).

¹¹² An important point that is acknowledged within the later Mid Sussex Capacity Study dated June 2014 Paragraphs 2.45, page 13; and 3.7, page 44 (Core Document CD9.4).

¹¹³ Mid Sussex Landscape Capacity Study 2007, Page 15, Paragraph 5.1.2. (Core Document CD9.3).

¹¹⁴ Mid Sussex Landscape Capacity Study 2007, Page 49, paragraph 5.2.2. (Core Document CD9.3).

¹¹⁵ Core Document CD9.6.

6.10.5 Whilst I do not necessarily agree with the Council's use of the term "substantial", therefore, as the Site itself is not within the AONB, the consideration of the effects on landscape character undertaken within the LVA has been based on the highest level of sensitivity available within the methodology used. The LVA is therefore robust in this regard.

6.11 **Would the landscape character of the Site itself change as a result of the proposals?**

6.11.1 The simple answer to this question is clearly yes. Ignoring the 'fallback' approvals the landscape character of the Appeal Site itself would of course change as a result of the proposals. This is acknowledged in the LVA and has been acknowledged throughout discussions with Council.¹¹⁶

6.11.2 It is also acknowledged that there would be a change on the Site in terms of built elements relative to the 'fallback' approval (Council's Statement of Case paragraph 6.14). The extent of the building is potentially larger on plan¹¹⁷ (albeit it is lower in elevation and height Above Ordnance Datum, and potentially less in terms of built floorspace),¹¹⁸ however, there would be more car parking.

6.11.3 In landscape character terms, however, the consideration of effects should not focus on the Site alone. It should not focus on an entire landscape character area either. Instead it should focus on the effects of a proposed development on the character of the landscape surrounding the Site. Whilst considering the effects of a proposal on a site, the area that must be considered should not be confined to its boundaries.

6.11.4 The question should not be "would the landscape character of the site itself change as a result of the proposals", but "would the character of the landscape resource as a whole change as a result of the proposals and do the changes affect the integrity of the wider setting or are they largely in keeping with the existing landscape despite the changes that occur".

6.11.5 To use the Council's language, the key issue is therefore whether the proposals would be "*harmful to overall landscape character*" (Council's Statement of Case paragraph 6.17), and whether they would be "*sensitive to the surrounding countryside*" and "*address the character of the [surrounding] landscape*" (Council's Statement of Case paragraph 6.20). [emphasis added].

¹¹⁶ For example in my letter setting out common ground dated 12th October 2020 (item 3.6) (Core Document LE4.9); and the Jackson Planning letter dated the 17th November 2020 (1st paragraph) (Core Document LE4.15).

¹¹⁷ Parameters = Max 40x40m.

¹¹⁸ Refer to paragraphs 6.9.7 & 8 above, and 6.12.18 below. The total Chapel floorspace measures 566.3m² (including the reception building); and the illustrative Crematorium building measures 546.4m².

6.11.6 I address these questions over the following pages and in doing so will deal with the other issues raised in the Council's Statement of Case.

6.12 **Would the proposals be harmful to overall landscape character, or be sensitive to the surrounding countryside and address the character of the surrounding landscape?**

6.12.1 Considering this question, it is my clear professional opinion that the proposal would be both sensitive to the surrounding countryside and address the character of the surrounding landscape, and whilst there would be some short term adverse effects which need to be considered in the planning balance, in the medium to long term these would fall to a level which would not undermine the rural character of the countryside.¹¹⁹

6.12.2 In coming to this conclusion I have considered various elements pertaining to Landscape Character in the Council's Reason for Refusal and Statement of Case, and I have broken the issues down into the following:

- Effects of the proposed woodland character and consequential reduction in field pattern.
- Effects on scale.
- Effects on tranquillity.
- Effects on sense of place.

6.12.3 I have then considered the potential for effects on the landscape character of the AONB, and on the setting of the AONB; and finally I have considered whether the landscape character of the 'fallback' position would be more appropriate than that of the Appeal Proposals.

Effects of the proposed woodland character and consequential reduction in field pattern

6.12.4 In landscape character terms effects on vegetation are considered both in terms of the effects on the physical resource (the amount and type of vegetation added or lost as a consequence of the proposals); and the effects on the wider landscape character.¹²⁰

6.12.5 Considering the Appeal Site proposals, in terms of effects on the physical vegetation resource, the proposals would retain and protect all existing vegetation surrounding the Site, and there would be significant additional tree and hedgerow planting both in short term in the form of structural planting,¹²¹ and longer term associated with the woodland burials.¹²² There would be

¹¹⁹ See also LVA page 59, paragraph 9.2.4 (Core Document AD1.5).

¹²⁰ Refer to the Glossary paragraph 7 on page 63 of the LVA (Core Document AD1.5).

¹²¹ Refer to drawing 917-MP-01 (Core Document AP2.6).

¹²² See drawings 917-MP-02 and 03 (Core Documents AP2.7 and AP2.8).

substantial medium to long term enhancements to the vegetation resource as set out in the LVA.¹²³

- 6.12.6 In terms of effects on wider landscape character it is important to understand the overall concept of the scheme. This was set out in detail in Section 6.2 of the LVA, and is summarised as follows:

“The overall concept of the scheme is one of a Crematorium and natural burial site set within a wooded setting on the edge of the High Weald, with views overlooking an on-Site wildflower meadow and adjacent ancient woodland, and distant views across the Low Weald towards the Surrey Hills and Kent Downs.” [emphasis added]

- 6.12.7 The woodland concept proposed references the character and local distinctiveness of the surrounding countryside (which is well wooded), and builds upon the approved and part implemented natural burial site proposals (part of the ‘fallback’ approvals) which would over time become woodland.¹²⁴

- 6.12.8 It is important to understand that the planting proposals are not intended to simply screen the proposals (although screening is an important element in the context of the views from Footpath 68W in particular); but are intended to reinforce and enhance the character of the area whilst integrating the proposals into the landscape.

- 6.12.9 Simply standing on Site or looking at an aerial photograph¹²⁵ makes it plain that woodland forms a strong part of the character of this landscape, and this is strongly backed up by the Council’s Landscape Character Assessment which under the ‘Summary and Key Characteristics’ refers to the *“ancient, densely wooded landscape of the High Weald”*, and refers to it being a *“wooded confined rural landscape ...”* with *“significant woodland cover”*.^{126,127}

- 6.12.10 It is acknowledged that the Character Assessment also refers to the field pattern, with an additional ‘Key Characteristic’ being the *“pattern of small, irregular-shaped assart fields, some larger fields and small pockets of remnant*

¹²³ I also note here that the Preliminary Ecological Appraisal Report averages a 30% Biodiversity Net Gain (Executive Summary item 05, page iv). (Core Document AD1.2).

¹²⁴ For examples of a similar natural burial site refer to the photographs of the Hamdown Burial Site submitted to the Council during the application (Core Document LE4.13).

¹²⁵ For example refer to Figure 1 on page 3 of the LVA (Core Document AD1.5).

¹²⁶ Mid Sussex Landscape Character Assessment, Part three, Landscape Character Area 6 – High Weald, 7th bullet point under ‘Key Characteristics’. (Core Document CD9.2).

¹²⁷ There are similar references to woodland in the Village Design Statement and Neighbourhood Plan (Core Documents CD5.1 and CD4.2).

heathland”,¹²⁸ but it is clear that woodland is not out of character with this landscape.¹²⁹

- 6.12.11 Furthermore, looking at the ‘Land Management Guidelines’ of the Council’s Character Assessment, it is notable that (amongst others) the guidelines call for planners and landscape professionals to “*plan for long-term woodland regeneration*” and “*the planting of new broad-leaved woodlands*”; to “*extend existing woodland areas*”;¹³⁰ and to “*increase tree cover in and around villages, agricultural and other development and along the approach roads to settlements*”.¹³¹ This is also supported by Mid Sussex District Plan Policy DP37 which (amongst other objectives) calls for development to take “*opportunities to plant new trees, woodland and hedgerows within new development to enhance on-site green infrastructure and increase resilience to the effects of climate change*”.¹³² [emphasis added]
- 6.12.12 Furthermore, the first bullet point under ‘Landscape and visual sensitivities’ on page 82 of the Council’s Character Assessment states that “*woodland cover limits the visual sensitivities of the landscape and confers a sense of intimacy seclusion and tranquillity*”, all characteristics wanted at a Crematorium and natural burial site and (by virtue of this statement) encouraged in this landscape.
- 6.12.13 In conclusion, the woodland planting associated with the proposals is, in my opinion, entirely in keeping with this landscape. Just because the Site would no longer consist of open fields does not mean it would be out of character with the surrounding landscape, and in any event the ‘fallback’ approvals and lawfully implemented consent mean that the Site will become wooded over time. In approving the natural burial ground in September 2015 (DM/15/1035) the Council has already accepted that this Site will become woodland and it seems entirely inconsistent to state otherwise now.
- 6.12.14 Finally, with respect to the suggestion made by the Council’s Landscape Officer during the application that the indicated approach to the detailed planting specification was somehow inappropriate,¹³³ I simply note that both approaches she outlines would eventually turn into woodland, and that this is

¹²⁸ Mid Sussex Landscape Character Assessment, Part three, Landscape Character Area 6 – High Weald, 1st and 6th bullet points under ‘Key Characteristics’. (Core Document CD9.2).

¹²⁹ A point further supported by Appendix B of the Mid Sussex Landscape Capacity Study 2007 which characterises the Major’ Hill High Weald Character Area as a “*Patchwork of arable, pasture and woodland with paddocks and horticulture*” [emphasis added]. (Core Document CD9.3).

¹³⁰ The proposals would build upon / extend the existing woodland to the east – Refer to Landscape Masterplans 917-MP-01 to 03. (Core Documents AP2.6 to AP2.8).

¹³¹ Mid Sussex Landscape Character Assessment, Part three, Landscape Character Area 6 – High Weald, Page 83, 2nd, 3rd, 4th and 7th bullet points. (Core Document CD9.2).

¹³² Mid Sussex District Plan 2014 – 2031, second to last bullet point on Page 91. (Core Document CD4.1).

¹³³ For example as contained in the last letter from the County Landscape architect, paragraphs 2.24 to 2.26. (Core Document VP6.6).

an Outline Application in which the detail and precise extents of any planting scheme can be dealt with as a Reserved Matter.

6.12.15 I therefore move on to the question of potential effects on scale.

Effects on scale

6.12.16 In landscape character terms effects on scale are considered in terms of effects on the size of elements in the landscape such as fields or woodland areas (where large scale refers to large elements such as large fields / large areas of woodland and small scale refers to small fields / elements); and effects on the scale of built form.¹³⁴

6.12.17 The Council's Statement of Case (paragraph 6.14) considers the scale of development in terms of the potential building size in plan dimensions (maximum 40x40m) and in terms of "*an unbroken developable area*" and "*increased car park, garden of remembrance and increased user numbers*" and at paragraph 6.20 it states that the development "*would not contribute positively to the public realm by being of an inappropriate scale to the surrounding landscape.*" (I will deal with the issue of increased use numbers under tranquillity below).

6.12.18 Considering the above statements, I first note that there is no consideration of the height of the proposals (either in elevational terms or relative to the surrounding levels), or its visibility; and as set in paragraph 6.9.8 above the floor space associated with the illustrative building is in fact only 546.4m².

6.12.19 Furthermore, as set out in paragraph 6.9.8 above and in Mrs Jackson's proof of evidence,¹³⁵ in order to assuage any concerns about the potential scale of the building the Appellant now proposes a condition limiting the size of the Crematorium building to 600m². The suggestion that the building would be 1,600m² has never been the Appellant's intention, and it is inappropriate. Drawing 917-M-03 in Appendix 8¹³⁶ shows the maximum 40x40m parameters area (1,600m²) overlaid on the Illustrative Layout used in drawing 917-SK-01 Revision A.¹³⁷ This demonstrates how a building with an appropriate floor area (in this case 546m²) and overhanging roof (the total roof area measures 934m²) sits within the 40x40m area indicated on the parameters plan. The 40x40m maximum parameter has been designed to allow an operator realistic room to revise the scheme at the Reserved Matters Stage, without compromising the integrity of the proposals or causing harm to the surrounding environment.

6.12.20 Considering the Appeal Site proposals the LVA considers the effects on scale in the following terms:¹³⁸

"The proposals would have minimal effect on the overall scale of the landscape. Field boundaries would be retained, the woodland planting on

¹³⁴ Refer to Glossary paragraph 18 on page 64 of the LVA (Core Document AD1.5).

¹³⁵ Refer to Mrs Jackson's Proof of Evidence, paragraph 6.31 (Core Document CD7.4).

¹³⁶ Core Document CD10.8.

¹³⁷ Core Document AP2.5.

¹³⁸ LVA page 19, item XI (Core Document AD1.5).

the Crematorium site and ultimately created on the natural burial area would be in keeping with the scale of woodlands found throughout this landscape, and the proposed Crematorium building and car park would be low lying, largely screened from the surrounding landscape, and would not be out of scale in comparison with built form found in the wider area.”

- 6.12.21 A footnote at the end of this statement then refers to some examples of buildings found in the area including buildings in the Rowfant Business Centre to the north; buildings within the grounds of Worth School and Abbey to the southwest; and the extensive car parking at Worth Hall Farm (the location of the Tulleys Farm escape rooms, tea room and event venue) to the west; and it notes that both the Worth Abbey complex and Worth Hall Farm are located within the High Weald AONB). It is also worth adding here that Gatwick Airport is also seen from the southwest corner of the Site (refer to the photograph in Appendix 7 to my evidence).¹³⁹
- 6.12.22 Considering the issue of scale in more detail, whilst it is accepted that none of these buildings lie immediately adjacent to the Appeal Site, these examples have relevance in so far as they demonstrate how buildings are found within the surrounding landscape; and they also demonstrate how such buildings can “operate without any undue adverse impact on its surroundings.”¹⁴⁰
- 6.12.23 That said, considering the Crematorium proposals specifically, whilst it is accepted that the proposals would lead to an increase in the scale of building on the Site (as at present only the maintenance building / workshop is present), the building height proposed has deliberately been limited to a maximum AOD limit and it would have very little impact on the surrounding landscape.
- 6.12.24 As set out in Section 6.4 above, even in year 1 the Zone of Visual Influence of the proposals is very limited in extent and there are very few locations in the surrounding landscape where any views of the building are possible (the main area being Footpath 68W), or from where the sense of increased scale would be perceived.
- 6.12.25 Furthermore, once established the woodland planting proposed as part of the structural planting associated with the Crematorium (and in the longer term associated with the natural burial site to the north) would be entirely compatible with the scale of woodland areas in the surrounding landscape. In the medium to longer term the Crematorium proposals would become fully integrated into the landscape and any effects on scale would barely be perceived from outside the Site.
- 6.12.26 In my judgement the proposed development would therefore have little impact on landscape scale either locally to the Site (within the Zone of Visual

¹³⁹ Core Document CD10.7.

¹⁴⁰ Turners Hill Village Design Statement page 13, paragraph 4.17. (Core Document CD5.1). The reference is to Worth Abbey.

Influence) or in the wider setting. I therefore move on to the question of effects on the degree of tranquillity and sense of place.

Effects on tranquillity

- 6.12.27 The Council have raised concerns regarding “*impacts on relative tranquillity arising from increased activities on site including funerals, remembrance and increased landscape maintenance*” in paragraph 6.14 of their Statement of Case.
- 6.12.28 In landscape character terms tranquillity is considered in terms of both noise (aural tranquillity) and visual intrusion (visual tranquillity). A tranquil place is one that is calm, peaceful, quiet, serene; without detractors both aural and visual; and effects on tranquillity are considered in terms of the effects on these characteristics of the landscape on and around a site.¹⁴¹
- 6.12.29 In this case tranquillity is a characteristic associated with the High Weald AONB, and is also mentioned in the ‘Summary and Key Characteristics’ of the Mid-Sussex High Weald Character Area, where the area is described as being “*locally secluded and tranquil*” [emphasis added].¹⁴² It is also mentioned in the ‘Management Objective’ of this Character Area which calls for conservation of the “*tranquil qualities*” of the area,¹⁴³ and in the ‘Land Management Guidelines’ which “*Seek to protect the tranquil and historic character of rural lanes*”¹⁴⁴ (although this doesn’t apply to the Site).
- 6.12.30 There is no judgement of whether tranquillity is high, medium or low within the Character Area, and this (in my opinion) is correct as tranquillity varies throughout the Character Area (which for example includes East Grinstead, Crawley Down and Copthorn to the north of the Site, and abuts the M23 motorway and East Grinstead to the northwest).
- 6.12.31 In my judgement (perhaps reflected by the use of the words “*relative tranquillity*” in the Council’s Statement of Case), the area locally to the Site has moderate to high levels of tranquillity, with the Site being ‘moderate’ (as it is affected by both aural and visual detractors); and with tranquillity levels increasing as you head south into the AONB.¹⁴⁵
- 6.12.32 As set out in Sections 5 and 7 of the LVA, existing aural tranquillity around the Site is affected by the presence of the Turners Hill Road, events on the adjacent Tulleys Farm field, and planes approaching and leaving Gatwick Airport are on occasion likely to be audible though not intrusive; and existing visual tranquillity is affected by these elements as well as Gatwick airport itself,¹⁴⁶ the array of small buildings and seasonal parking areas on the Tulleys

¹⁴¹ LVA Glossary, page 64, paragraph 21 (Core Document AD1.5).

¹⁴² Mid Sussex Landscape Character Assessment, Page 74, 1st bullet point. (Core Document CD9.2).

¹⁴³ Mid Sussex Landscape Character Assessment, Page 83, under ‘Management Objective’. (Core Document CD9.2).

¹⁴⁴ Mid Sussex Landscape Character Assessment, Page 83, 14th bullet point. (Core Document CD9.2).

¹⁴⁵ LVA page 14, paragraph 5.3.11 (Core Document AD1.5).

¹⁴⁶ Refer to the photograph in Appendix 7 (Core Document CD10.7).

Farm events field, and by the presence of the power lines and pylons which traverse the landscape to the north and west of the Site.¹⁴⁷

Effects on aural aspects of tranquillity

- 6.12.33 In terms of the proposed development, as a consequence of movement and noise levels generated by users of the Crematorium (including funerals, remembrance and landscape maintenance) it is accepted that the degree of tranquillity would inevitably be affected on the Site itself (including, to a very limited degree, for the users of Footpath 68W); however, tranquillity is a characteristic that is desirable within a Crematorium setting,¹⁴⁸ it is commonly acknowledged that funerals and acts of remembrance are quiet affairs, and noise associated with the cremation process itself will also be minimal;¹⁴⁹ and whilst grass cutting can generate some sound many landscape maintenance operations generate little noise (which in any event would be no greater than with the ‘fallback’). I therefore stand by the statement set out in the LVA that “*noise levels on the Crematorium site are likely to be very low*”.¹⁵⁰
- 6.12.34 In terms of effects on the land immediately surrounding the Appeal Site, in my judgement there may be a small reduction in localised tranquillity (for example on Footpath 68W where it falls into the edge of Butchers Wood and on Footpath 69W immediately south of Turners Hill Road), however, any effect would fall away rapidly from the Site boundary and would be little more than experienced in the ‘fallback’ consents.¹⁵¹ Furthermore, in my view no (or de-minimis) change would be perceived to aural tranquillity levels experienced by people in vehicles along Turners Hill Road (there is no public footpath along the road); and any perception in the surrounding landscape of increased noise levels generated by the 5%¹⁵² increase in traffic along the road would be small. I do not believe that there would be any perception of increased noise (with its consequential effect on tranquillity) as experienced by people using the Public footpaths in the wider landscape (including those within the AONB to the south).

¹⁴⁷ LVA page 19, paragraph 7.3.1 XIII (Core Document AD1.5).

¹⁴⁸ ‘Recommendations on the Establishment of Crematoria’, Page 2, second to last paragraph (under the heading “*Siting of Crematoria*”) ... “*The process of site selection should be aimed at achieving quietness and seclusion*” (Core Document CD1.4a).

¹⁴⁹ Clearly the operators of crematorium do not want mourners to hear the cremator. All plant would be enclosed within a sound insulated cremator hall (including insulated roller shutter doors) with very little to no noise break-out. Externally only an air blast cooler / dry air cooler is normally required. Noise levels at the closest point on the footpath are “*likely to be well below the existing daytime noise climate ...*”. Refer to Entran letter of the 9th April 2021 (Core Document N7.8).

¹⁵⁰ LVA page 19, paragraph 7.3.1 XIII (Core Document AD1.5).

¹⁵¹ The Tulleys Farm events field is private land where access is only possible when events are ongoing. Such events generate their own noise and during such times any additional noise (albeit minimal) from the Crematorium site would have no effect on any perceived tranquillity of the area.

¹⁵² 5% increase in traffic passing the site (on weekdays only). See Transport Assessment Summary and Conclusions, page 29, paragraphs 6.5 and 6.7 (Core Document AD1.4).

- 6.12.35 Overall it is my judgement that there would be no effect on wider aural tranquillity; and that those changes experienced immediately around the Site would not be significant given the nature of the proposals, the background noise levels generated by traffic on Turners Hill Road, and seasonal events at Tulleys Farm (and potentially aircraft leaving and approaching Gatwick airport).

Effects on visual aspects of tranquillity

- 6.12.36 Turning to the visual aspects of tranquillity, it is clear that there would be some effects on the visual characteristics of the Site itself, but from viewpoints in the immediate locality effects would be minimal.
- 6.12.37 As set out above the Zone of Visual Influence of the proposals is very small, there are very few publically accessible areas where views of the proposals would be seen, and there are detracting features within the existing landscape.
- 6.12.38 Even from Footpath 68W effects on visual aspects of tranquillity would be relatively short lived (as in the medium term the buildings, parking and any activities on Site would become screened by the adjacent hedgerow and woodland planting); and given the baseline characteristics of the area (including the views of the Tulleys events field with its year round paraphernalia and seasonal events, the presence of the electricity cables and pylons crossing the valley to the north and west, the likely views of aircraft approaching or leaving Gatwick Airport, and (at the southwest corner of the Site) views of both Turners Hill Road and Gatwick Airport itself), in my judgement effects would not be significant.
- 6.12.39 Within the High Weald AONB to the south the proposed Crematorium would barely be glimpsed (and even then only in winter); and where there is the potential for views (from a short stretch of Footpath 69W) Gatwick Airport is seen to the northwest. As with the visual effects discussed in Section 6.7 above, in my judgement the effects on visual aspects of tranquillity from this area would be negligible.
- 6.12.40 In conclusion it is my considered judgement that the overall tranquillity of the area surrounding the Appeal Site (including the AONB) would barely be affected by the proposals; and that whilst there would be some long term effects within the operational part of the Site tranquillity is a characteristic that is desirable within a Crematorium setting, and from Footpath 68W the effects would be both limited and short term. I therefore move on to the question of effects on sense of place.

Effects on sense of place

- 6.12.41 In a similar manner to tranquillity, in paragraph 6.14 of their Statement of Case the Council have raised concerns regarding “*impacts on local sense of place arising from increased activities on site including funerals, remembrance and increased landscape maintenance*”.
- 6.12.42 In landscape character terms, sense of place is considered in terms of whether there are characteristics (or a combination of characteristics) that makes a place special and unique. A location with a strong sense of place has something

unique or particular to that location, whilst one with little sense of place is unremarkable and looks much like many other similar locations.

6.12.43 In terms of the baseline, sense of place is described in the LVA as follows:

“Overall, this is an undulating rural landscape with a strong wooded character. Sense of place is moderate on Site where there are detracting features present (such as the traffic on Turners Hill Road, and urbanising influences such as the surrounding recreational facilities and power infrastructure), increasing to strong when travelling south, away from urban areas and into more heavily wooded rural High Weald.”

6.12.44 This is supported by the text of the High Weald AONB Management Plan which when talking about architecture and materials of the AONB refers to the *“unique sense of place”*.¹⁵³ Sense of place is not mentioned in the High Weald Character Area text of the Council’s Landscape Character Assessment, but it does mention the *“sense of enclosure”*,¹⁵⁴ and *“sense of intimacy”*;¹⁵⁵ when referring to the significant woodland cover; and *“the long views over the Low Weald to the downs, particularly from the high Forest Ridge”*¹⁵⁶ will also contribute to sense of place.

6.12.45 Considering the Crematorium proposals, the effects on sense of place would be similar to those on tranquillity. There would be some effects to the sense of place experienced on Site as a result of the proposals, but there would be no (or de-minimis) effects on the AONB to the south; and due partly to the limited visibility of the proposals, effects in the immediately surrounding landscape would be both minimal and short term.

6.12.46 The only potential for long views in the area of the Site is from the Site entrance (where only fleeting glimpses from cars travelling at speed are currently seen from Turners Hill Road); and from Footpath 68W to the west of the northern (natural burial) field where there are views to the north and (from the southwestern end of the Footpath) northwest (where Gatwick Airport is clearly seen), however, neither of these would be affected by the proposals. There is no other public access to the Site.

6.12.47 Even in the short term it is my opinion that the sense of place associated with this being an undulating rural landscape with a strong wooded character would not be affected by the proposals to any significant degree; and there would be no effect on the stronger sense of place experienced when heading south into the High Weald AONB.

¹⁵³ High Weald AONB Management Plan 2019-2024, page 9 (top right). (Core Document CD1.9).

¹⁵⁴ Mid Sussex Landscape Character Assessment Page 74, 6th bullet point under ‘Summary and Key Characteristics’. (Core Document CD9.2).

¹⁵⁵ Mid Sussex Landscape Character Assessment Page 82, 1st bullet point under the ‘Landscape and visual sensitivities’. (Core Document CD9.2).

¹⁵⁶ Mid Sussex Landscape Character Assessment Page 74, 4th bullet point under ‘Summary and Key Characteristics’ (Core Document CD9.2).

- 6.12.48 In fact it could be argued that the overall sense of place of the surrounding landscape would be reinforced as the woodland associated with the proposals becomes established (screening the proposals and reinforcing the wooded character of the area), and that by allowing access to the Site for Crematorium services and remembrance the opportunity for more long views across the low weald to the downs would be facilitated.
- 6.12.49 It is my judgement, therefore, that sense of place within the Study Area would not be affected to any meaningful degree by the proposed development.
- 6.13 **What would the effect be on the landscape character of the AONB?**
(Council's Statement of Case paragraph 6.19)
- 6.13.1 Having considered the effect on the visual qualities of the AONB, and on views into and out of the AONB in Section 6.7 above; and the potential for effects on tranquillity in Section 6.12, it is my judgement, that there would be no (or at worst negligible) effects on the landscape character of the High Weald AONB.
- 6.13.2 The Crematorium proposals would have no direct effects on the AONB, and as demonstrated by the 'worst case scenario' photomontage / reference image presented in Appendices 2 and 3¹⁵⁷ there would be little potential for visibility from the AONB. Furthermore, as set out in the LVA (paragraph 7.5.1, page 20) in the longer term any glimpses of the building would be dissipated by the proposed woodland planting.
- 6.13.3 Similarly noise levels expected on the Site would be very low and I do not believe that any noise from activities on Site would be perceived from publically accessible land within the AONB;¹⁵⁸ and in my judgement the small increase in traffic levels along the Turners Hill Road would have no material effect on the levels of tranquillity experienced along this very small part of the AONB's northern edge.
- 6.13.4 Effects on the landscape character of this part of the AONB would, in my opinion, be de-minimis; and there would certainly be no effects on the wider AONB whatsoever.
- 6.14 **What would be the effect on the landscape character of the area that comprises the setting of the AONB to the north of Turners Hill Road?**
(Council's Statement of Case paragraph 6.19)
- 6.14.1 In terms of the effects on the setting of the AONB I have noted the Council's apparent confusion / lack of consistency between the Statement of Case and the Statement of Common Ground; and with the Council's approach to the recent extension of the Chapel approval in Section 6.8 above; and I have set

¹⁵⁷ Core Documents CD10.2 and CD10.3.

¹⁵⁸ The only point within the AONB where there is public access close to the Site boundary is at the northern end of Footpath 69W opposite the Site's southwestern-most corner.

out that whilst the Site is agreed as falling within the setting of the AONB the effects on the visual qualities of the AONB would be negligible.

- 6.14.2 I have also considered the intervisibility between the AONB and the area around the Site, and the manner in which people within the setting of the AONB would experience this designated landscape; and I have explained why I do not believe that it's the intention of legislation and its associated guidance that development which is outside the AONB (and can't be seen from it) should not be permitted to go ahead simply because it is adjacent to it, and therefore considered to be within its 'setting'. I have also set out that in any event the extent of adverse effects would be very small.
- 6.14.3 In terms of landscape character, I believe the same principles apply. I do not believe it is the intent of legislation to prevent changes outside an AONB which would not be perceived from within the designated area. As set out in Section 6.13 directly above, the proposals for the Crematorium would barely be seen or experienced from within the AONB, and whilst effects on landscape character on and around the Site (and therefore within its 'setting') are acknowledged both in the discussions above and within the LVA undertaken for the proposals,¹⁵⁹ I do not believe these should form the basis of a reason for refusal as a consequence of effects to the setting of the AONB from which this 'setting' cannot be seen.
- 6.14.4 That said, even if one takes the alternative approach, and one considers that any effects on landscape character caused by a proposed development that would have a detrimental effect on the landscape character of the AONB's setting are unacceptable (despite the fact that it would not be seen from the AONB), it remains my view that in this case the extent of these adverse effects is limited. The proposals would effect a very small area of the countryside to the north of Turners Hill Road; there is very little public access within this area; and effects on landscape character would largely be short term.
- 6.14.5 Whilst it is acknowledged that there would be effects to the character of the Site itself including a small reduction in the field pattern seen in the landscape, this would be replaced with a wooded site which would remain very much in character with the surrounding landscape (see paragraph 6.12.13 above).
- 6.14.6 Similarly whilst there would be an increase in built form and the scale of building on the Site (which I maintain is not large and would have very little impact on the surrounding landscape), these changes would be mitigated in the medium to longer term by the proposed planting. In the long term any effects on scale would barely be perceived from outside the Site (see paragraph 6.12.25 above).
- 6.14.7 In the same manner effects on visual tranquillity within the setting of the AONB would be minimal and would reduce to negligible levels in the medium

¹⁵⁹ The LVA assessment of effects on Overall Landscape Character concludes that 'Moderate adverse effects' would exist in the short term, falling to 'Slight adverse effects' in the medium to longer term (LVA Section 7.4, page 20). (Core Document AD1.5).

to longer term once the proposed planting becomes established; and effects on aural tranquillity would be small (see paragraphs 6.12.35 and 6.12.40 above). Equally, sense of place within the surrounding area would not be affected to any meaningful degree by the proposed development (see paragraph 6.12.49 above).

6.14.8 Whilst there would be short term effects on landscape character, and whilst the experience of walking along Footpath 68W would change along its southern side (to one of woodland) I maintain that in the medium to long term “walkers on the local footpaths and users of the road network would not notice the transition from the AONB landscape into that of the site and surrounding area”. (Council’s Statement of Case, paragraph 6.2, page 12).

6.15 **Would the landscape character of the ‘fallback’ position be more appropriate than the Appeal Proposals?** (Council’s Statement of Case paragraph 6.16)

6.15.1 All the above discussions of effects on landscape character ignore the presence of a ‘fallback’ in the form of the approved Chapel and natural burial part implemented permissions, however, paragraph 6.16 of the Council’s Statement of Case alleges that:

“The fallback position of the consented natural burial site, Chapel, car park and maintenance building will represent a less intensive development of the site. The resulting landscape character will be more appropriate than the Appeal proposals and lead to less visual harm from Public Footpath 68W and Turners Hill Road.”

6.15.2 The visual effects of the ‘fallback’ have been considered in Section 6.9 above. This includes a brief scheme comparison and assessment of the Key Issues, and then considers the visual effects of the ‘fallback’ in terms of effects on users of Footpath 68W, users of Turners Hill Road, and finally the effect on receptors within the High Weald AONB.

6.15.3 In terms of landscape character it is my judgement that whilst the ‘fallback’ position may represent less intensive development of the Site in terms of the extent of built development across the Site, the potential extent of the Crematorium building, and in terms of the amount of parking, the effects of these proposals in landscape character terms would be very similar. As set out under the ‘key Issues’ in Section 6.9.11 above, simply comparing (individually) details of site coverage or heights or floor areas of buildings does not provide a clear picture of the effects of the respective developments as a whole.

6.15.4 What is important is the extent to which the two schemes are perceived in the landscape and the relative effects they would have both visually and in terms of effects on surrounding landscape character.

Effects on Landscape Character

6.15.5 The effects of the ‘fallback’ are considered in Section 10.3 on pages 61 and 62 of the LVA submitted with the application.

- 6.15.6 This briefly considers the effects of both proposals on the 20 constituent elements of the landscape considered in the assessment which contribute to overall landscape character, and then concludes as follows:

“Overall the effects on landscape character would be very similar. Both the Crematorium and Chapel proposals would result in some short to mid-term adverse effects on both visual receptors and on landscape character, but the geographical extent of these is extremely small, would have negligible effects on the adjacent AONB, and in the long term these effects would be largely dissipated as the proposed planting matures.

Although the Crematorium proposals would involve a larger building on plan, a larger area of parking and more vehicular movements, over time both proposals would integrate effectively into their surroundings, and neither would undermine the rural character of the surrounding countryside.”

- 6.15.7 I stand by this conclusion which I consider to be both balanced and fair. Whilst it is acknowledged that the effects of the Crematorium proposals on the character of the Site itself would be greater (with the building potentially being larger on plan than the Chapel and the overall proposals involving more parking and ancillary areas than the existing approvals), the Chapel is a taller building which would be more visible from Turners Hill Road and the AONB to the south.
- 6.15.8 In terms of the issues discussed in Section 6.12 above, in time both schemes would become woodland with a consequential reduction in the local field pattern (this is a principle already accepted for the Site by virtue of the existing natural burial permission), and in both cases woodland would be entirely in keeping with the surrounding landscape character.
- 6.15.9 Similarly, both buildings would represent an increase in the scale of buildings compared to the existing maintenance building/workshop currently seen on the Site, but neither would be seen from a large area of the surrounding landscape and both would ultimately be surrounded by the proposed woodland planting (which in itself would be entirely compatible with the scale of woodlands seen in the surrounding area).
- 6.15.10 In fact whilst the proposed Crematorium building is deliberately intended to be low lying and settled into the landscape context (and would consequentially have very little impact on the scale of buildings seen from the surrounding landscape), the approved Chapel is taller and from Turners Hill Road and the AONB to the south would be more prominent. In this sense the scale of built form associated with the ‘fallback’ would in fact have greater effects on the surrounding landscape character.
- 6.15.11 In terms of tranquillity, whilst the increased activities associated with the Crematorium proposals are likely to have an increased effect on noise (aural tranquillity) compared to the lower key (only natural burial) proposal

associated with the Chapel,¹⁶⁰ effects on visual tranquillity associated with the Crematorium proposals are likely to be mitigated more quickly due both to the proposed levels and height of building (see above) and the increased extent of structural planting. In this sense the ‘fallback’ will be more harmful to landscape character, at least in the short term.

- 6.15.12 Finally, I do not believe there would be a significant difference in terms of the effects of sense of place. Whilst the Crematorium proposals would no doubt have greater effects on the sense of place on the southern part of the Site itself, the effects of the approved Chapel would be greater on the sense of place experienced when travelling south into the AONB (as the Chapel is more visible from this location). Similarly the effects on sense of place experienced whilst travelling along Turners Hill Road are likely to be greater for the Chapel (in the short term at least) as it would be more visible from the road.
- 6.15.13 Even in the short term the sense of place associated with this being an undulating rural landscape with a strong wooded character would not be affected by either of the proposals to any significant degree; and in the longer term both the Crematorium proposals and the approved Chapel could be argued to reinforce the overall sense of place of the surrounding landscape as a consequence of the woodland associated with the proposals becoming established, screening the proposals and reinforcing the wooded character of the area. In fact if anything this positive effect would happen more quickly for the Crematorium scheme which (although it is in Outline form at this stage) proposed more effective structural planting as part of its overall design concept.
- 6.15.14 Finally, both proposals would have similar (limited) effects on long views to the north from the Site access point and from Footpath 68W, and both would provide access to a site where the opportunity for long views would be facilitated within the design (see paragraph 6.12.48 above).

Cumulative effects

- 6.16 **Cumulative effects with the Tulleys Farm events field**
- 6.16.1 A final point raised in the Council’s Statement of Case (paragraph 6.14) is that of “*cumulative effects with Tulleys Farm*”.
- 6.16.2 In Landscape and Visual Impact Assessments cumulative effects normally refer to “*the cumulative landscape and visual effects that may result from an individual project that is being assessed interacting with the effects of other proposed developments in the area.*”¹⁶¹ [emphasis added]

¹⁶⁰ Albeit the effects associated with the Crematorium are not judged to be of any significance in their own right (see paragraph 6.12.35 above).

¹⁶¹ GLVIA3 Paragraph 7.8, page 121. (Core Document CD9.6).

- 6.16.3 Tulleys Farm is an existing development which forms part of the baseline, (impacting on the existing visual characteristics of the area and affecting landscape character aspects such as tranquillity), and its presence has been taken into consideration within the LVA and in all the points I have set out above. It already affects both the landscape and visual character of the landscape around the Site
- 6.16.4 For the avoidance of doubt, however, in my judgement any ‘combined’¹⁶² effects of the Crematorium proposals taken in combination with the Tulleys Farm events field would be relatively short lived. Once the proposed hedgerow and woodland planting on Site is fully established views of the Crematorium will be entirely screened from any location in which the Tulleys site also features, and any effects on landscape character caused by limited noise created on the Crematorium site are likely to be imperceptible during the occasional periods that events are occurring on the Tulleys Farm Field.
- 6.16.5 Equally any ‘sequential’¹⁶³ cumulative effects would be limited to views from cars passing the two sites along Turners Hill Road, would be minimal in the short term (as the Crematorium proposals are largely screened from the road), and would be mitigated in the medium to longer term by the planting proposed along the Site frontage.
- 6.16.6 In any event it is notable (in a passage which could be said to apply equally to the Appeal proposals) that the Council’s planning officer has considered that the presence of Tulleys Farm was relevant to the approval of the Chapel renewal on the Site, stating the following on page 10 of his report:¹⁶⁴

“As before, while acknowledging this is a rural area, the site is nevertheless adjacent to Tulleys Farm and its associated leisure/recreational facilities (maze, fun park, accesses, car parking, etc.) to the west. Immediately opposite that is the cricket ground and pavilion. As such, it is considered that the proposal would still be read in context with the scattering of other buildings and uses in this area and hence would not be out of place. There would not be any adverse impact to the setting of the AONB on the southern side of Turners Hill Road”.

¹⁶² ‘Combined’ cumulative effects are those where the observer is able to see two or more developments from one viewpoint, and can be seen either ‘in combination’ (where the developments are seen without moving the head) or ‘in succession’ (where the observer has to turn his/her head to see the various developments).

¹⁶³ ‘Sequential’ cumulative effects are those where the observer has to move to another viewpoint to see the developments in sequence (such as when moving along a road). GLVIA table 7.1 page 131. (Core Document CD9.6).

¹⁶⁴ Core Document M3.7.

7 ALLEGED POLICY CONTRAVENTION

7.1 Introduction

7.1.1 The final sentence of the Council's Reason for Refusal stated that:

“This harm is not considered to be outweighed by an overriding need for this development and is therefore contrary to Policies DP12, DP16, DP25, DP26 and DP37 of the Mid Sussex District Plan, Policies THP8 and THP13 of the Neighbourhood Plan, the provisions of the NPPF, in particular, paragraphs 8, 11, 124, 127, 130 and 170, Objectives FH2 and FH3 of the High Weald AONB Management Plan 2019-2024 and Design Principles DG3, DG7 and DG11 of the Mid Sussex Design Guide SPD.”

7.1.2 The Council's Statement of Case (paragraph 6.17) also states that:

“The appeal scheme will be harmful to overall landscape character, with visual harm of such a magnitude in the short, medium and long term that it would be contrary to the development plan.”

7.1.3 This final section of my evidence deals with alleged contraventions of these planning policies, and the alleged contravention with the Development Plan as a whole.

7.2 Policy contravention

7.2.1 In considering the policies above the first point to note is that after issuing their Decision Notice and Reason for Refusal the Council have since confirmed (in their Statement of Case paragraphs 6.23 and 6.38) that the proposal would not be in breach of Policies DP25 and DP37.

7.2.2 The second point to note is that several of the issues raised are not applicable to my area of expertise. These include arguments associated with:

- Mid Sussex District Plan Policy DP25: Community facilities and local services.
- Turners Hill Neighbourhood Plan Policy THP13: Business development.
- NPPF paragraph 8a and 8b (the economic and social objectives of achieving sustainable development); and 11 (the presumption in favour of sustainable development).

These are dealt with by my colleagues Mrs Lisa Jackson and Mr Peter Mitchell in their evidence.

7.2.3 I will now comment on the remaining (alleged) policy contraventions starting with the High Weald Management Plan.

High Weald Management Plan

7.2.4 It is unusual that Objectives FH2 and FH3 of the High Weald AONB Management Plan 2019-2024 have been directly referenced as reasons for refusal. Whilst the Management Plan is a material consideration “*it does not form part of the statutory Development Plan*”.¹⁶⁵ The Appeal Site lies outside the AONB, and the Management Plan (which concerns the AONB itself) has no direct application. Further, Objectives FH2 and FH3 relate to the AONB itself, not its setting (either generally or specifically). Whilst effects on the setting of the AONB are of relevance to the decision, I have covered these extensively in my evidence and do not consider that any effects on setting would materially affect the AONB (a position which the Council have accepted as they agree minimal impact on the setting of the AONB in the Statement of Common Ground).

Mid Sussex Design Guide SPD

7.2.5 With respect to the alleged breach of Principles DG3, DG7 and DG11 of the Mid Sussex Design Guide SPD, it is worth stressing that issues pertaining to detailed design matters are of limited relevance at this stage. Given that this is an Outline Planning Application (and that the Council has control over detailed aspects of the design at the Reserved Matters stage), I can see no conflict (either evident at this time, or inevitable if the scheme is approved). That is all the more so when the essentially comparable effects of the ‘fallback’ position are brought into account.

7.2.6 Furthermore, as set out in the ‘Proposed Development’ section of my evidence above (paragraphs 5.1.3 and 5.2.2), and in both the LVA and the Design and Access Statement submitted with the application, the proposals shown on the masterplan and indicative layout drawings demonstrate that a Crematorium can be accommodated on the Appeal Site whilst meeting both the operator’s very specific requirements and ensuring that the proposals provide for high quality design.

7.2.7 The landscape characteristics of the Site have been fundamental to the proposals from the outset (as required by Principle DG3 of the Council’s Design Guide).¹⁶⁶ Whilst it is only an Outline proposal the scheme presented responds to the surrounding landscape context in terms of all the aspects listed in Principle DG3; and retains, utilises and enhances these characteristics of the landscape within the scheme. The natural features have been incorporated and (where opportunity allows) enhanced, the proposals would add to the green infrastructure network that surrounds the Site, and the scheme would contribute positively to the sustainability agenda.¹⁶⁷ The Site itself would also

¹⁶⁵ AONB Management Plan page 20, 1st paragraph under the heading ‘Planning and AONBs’ (Core Document CD9.1).

¹⁶⁶ Mid Sussex Design Guide SPD, Page 44. (Core Document CD5.2).

¹⁶⁷ The green infrastructure proposed within the scheme would contribute to addressing the effects of climate change, assist with flood mitigation, and both maintain and enhance biodiversity.

have a distinct sense of place (that being a Crematorium in a woodland setting with views over ancient woodland and to distant hills), whilst the proposed planting and use of topography (coupled with the proposed limitations on building height) would reduce the impact of the built form on the wider landscape. These are all the requirements of Principle DG3 of the Council's design guide and the scheme should be acknowledged for them.

- 7.2.8 With respect to Design Guide Principle DG7 the proposals absolutely respond to topography of the Site and to strategic views. By virtue of its location on the Site and the proposed height restrictions (with maximum absolute height expressed as AOD) the building has been deliberately sited to protect the skyline (unlike the Chapel which is seen amongst the skyline trees as viewed from the AONB); the orientation of the Crematorium building has been designed to maximise views out from the Chapel in order to provide for reflection and contemplation during services; and the floral tribute area has been located to make the most of the views over the more steeply falling 'parkland' area towards Butchers Wood. Equally the views north from Footpath 68W have been retained.
- 7.2.9 Furthermore, other than at the Site access views from Turners Hill Road are entirely screened at present by the roadside hedgerow, and as there is no pavement there is no opportunity for members of the public to enjoy the views to the north from the road in this location (other than a glimpse seen traveling past the Site at over 40 miles per hour). The provision of the proposed Crematorium facility would in fact provide the opportunity for members of the public visiting the Site to enjoy these views (as is the case with the approved Chapel and part implemented natural burial site). I see no conflict with Principle DG7 which could not be resolved at the Reserved Matters stage.
- 7.2.10 With respect to Design Guide Principle DG11 (although it is noted that this Principle appears to refer primarily to urban locations), the only designated heritage asset within the area surrounding the Site is the Church of St Leonard's which lies some 230m to the southeast. Again, whilst this is only an Outline scheme the design approach taken has responded to this asset, utilising the Site topography, proposing building height limitations, and using both existing and proposed vegetation to screen the proposals from the Church. Furthermore it is common ground with the Council that the appeal scheme has no impact on heritage.¹⁶⁸
- 7.2.11 In so far as this is an Outline scheme the proposals also adhere to Principles DG4 (establish a landscape and green infrastructure network), DG5 (water features and sustainable drainage systems), DG6 (design and enhance biodiversity), DG8 (establish a clear movement network that connects with the surrounding network);¹⁶⁹ and DG9 (reduce reliance on the private car)

¹⁶⁸ See the Statement of Common Ground Topic three, item 12 (page 11), (Core Document CD6.1).

¹⁶⁹ An additional footpath link is proposed within the scheme.

insofar as there is a direct connection from the Appeal Site to the Church and the village.

NPPF

- 7.2.12 Having considered design relative to the Mid Sussex Design Guide I now feel it is appropriate for me to comment on the paragraphs of the NPPF quoted in the reason for refusal, as paragraphs 124, 127 and 130 are all design related (falling under Section 12 'Achieving well-designed places').
- 7.2.13 In considering these policies I simply refer to all my comments on the Mid Sussex Design Guide immediately above and conclude that given the nature of this Site and the amount of space available I can see no reason why the detailing of the scheme cannot achieve the requirements of these paragraphs at the Reserved Matters stage of the planning process. It is my judgement that the proposals for the Appeal Site would accord with these paragraphs of the NPPF.
- 7.2.14 Similarly, I find no conflict with Paragraph 8c (the environmental objective of achieving sustainable development) insofar as it pertains to my area of expertise.
- 7.2.15 With respect to NPPF paragraph 170 it has been agreed that the Site is not a 'valued landscape' in the terms of paragraph 170a,¹⁷⁰ however, it is my position that all landscapes have value and this has been acknowledged in the LVA undertaken and throughout the application.
- 7.2.16 Considering the Crematorium proposals in terms of Paragraph 170b it is my considered opinion that whilst the scheme would cause a change to the character of the Site itself, it would only cause limited and largely short term harm to the character of the overall landscape (although not to that of the adjacent AONB). Assessed overall against Paragraph 170b, it is my strong opinion that the high quality and sensitive approach of the proposals (both in terms of the location and scale of built development, and in terms of the substantial additional mitigation and woodland planting proposed) does recognise *the intrinsic character and beauty of the countryside*. In addition, any assessment of impact/harm must take account of the 'fallback' position, which I have considered at length above.
- 7.2.17 In my view, the Appeal proposals recognise the intrinsic character and beauty of the countryside, whether considered with or without reference to the 'fallback'; and do so manifestly when the essentially comparable visual / landscape effects of the 'fallback' are included in the assessment.

Mid Sussex District Plan

- 7.2.18 Turning to the policies quoted in the reason for refusal that relate to the Mid Sussex District Plan 2014 – 2031, I refer first to Policy DP26 which deals with

¹⁷⁰ Statement of Common Ground, Topic two, Item 2 (Core Document CD6.1).

‘character and design’, and simply state that for all the reasons set out above I find no conflict.

- 7.2.19 In terms of Policy DPI6 ‘High Weald Area of Outstanding Natural Beauty’, I refer to my evidence on the effects on both the AONB itself and on its setting. The proposed development has no direct effect whatsoever on the AONB itself, and I have demonstrated that visual effects on the AONB (in winter only) would be so small as to be considered negligible. The proposals would not ‘*detract from the visual qualities or essential characteristics of the AONB*’ and would not ‘*adversely affect the views into and out of the AONB by virtue of its location or design*’. I find no conflict with this policy.
- 7.2.20 Turning to Policy DPI2 ‘Protection and enhancement of Countryside’, although I note that Mrs Jackson comments in her proof on the degree of compatibility with NPPF 2019,¹⁷¹ for all the reasons given in the LVA and set out in Section 6 of my evidence above it is my judgement that only limited, short term and localised harm would result from the proposed development; and that whilst the scheme would involve built form on the Site, the comprehensive mitigation and integral woodland planting proposed would ensure that the proposals would integrate effectively into their surroundings, responding to both the existing natural burial use and to the surrounding woodlands, and would not undermine the rural character of the surrounding countryside.
- 7.2.21 Again, the ‘fallback’ position and its essentially comparable visual and landscape impacts cannot be ignored. In my judgement, taking account of all relevant landscape and visual matters, the high quality of the proposals and the ‘fallback’ position, there is no conflict with Mid Sussex District Plan Policy DPI2.

¹⁷¹ Mrs Jackson sets out that Policy DP12 predates the 2019 version of the NPPF and considers the weight attributable to this policy - Proof of Evidence of Mrs Jackson, paragraph 5.23 (Core Document CD7.4).

8 SUMMARY AND CONCLUSIONS

- 8.1 In conclusion, it is my opinion that the proposed Crematorium development would cause only limited, localised, and relatively short term harm to the landscape character and visual amenity¹⁷² of the area.
- 8.2 In terms of visual effects, by virtue of the surrounding existing vegetation and the nature of the local topography the Zone of Visual Influence is very small; there are only a very small number of viewpoints from publically accessible areas around the Site (primarily from Footpath 68W); and (although planning is principally concerned with views from the public domain) there is almost no potential for views from private residential properties. Effects on the users of Turners Hill Road would be minimal, and effects on the visual characteristics and views from and to the AONB would be negligible. The impacts of the development would be very localised, largely associated with the Footpath passing through the site itself, would be mitigated in the medium term by the proposed hedgerow and woodland planting, and in any event would be no worse than (and in some locations would be better than) those associated with the 'fallback'. Effects on overall visual amenity are very small and in my considered opinion are certainly not sufficient to warrant the refusal of planning permission.
- 8.3 In terms of landscape character effects, whilst the surrounding area is a landscape of acknowledged high quality, the Site's contribution to the setting of the AONB is limited. There would be no effects on the character of the High Weald AONB itself; and only limited, localised and short term effects on the landscape to the north of the designated area. Whilst the scheme would involve built form on the Site (with its associated effects on character), in the medium to longer term the comprehensive mitigation planting proposed would ensure that the proposals would integrate effectively into their surroundings, responding to both the existing natural burial use and to the surrounding woodlands, and would not undermine the rural character of the surrounding countryside.
- 8.4 I find no conflict with the objectives of NPPF paragraph 170a or b, or with the objectives of Mid Sussex District Plan Policy DP12. I wish to make it clear, however, that it is my opinion that some landscape and visual effects are to be expected with all development, as change (and therefore effects) goes hand in hand with any proposed development.
- 8.5 Given these findings, and the fact that the effects of the 'fallback' approval would be no better overall than those associated with the current proposals, I invite the Inspector to allow the Appeal.

¹⁷² Meaning the overall pleasantness of the views that receptors enjoy of their surroundings - GLVIA3 Page 21, Paragraph 2.20 (Core Document CD9.6).

9 EXPERTS DECLARATION

- 9.1 I confirm that my duty to the Planning Inquiry as an expert witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my evidence impartially and objectively, and that I will continue to comply with that duty.
- 9.2 I confirm that my Proof of Evidence includes all facts which I regard as being relevant to the opinions which I have expressed and that attention has been drawn to any matter which would affect the validity of those opinions.
- 9.3 My Proof of Evidence includes or reflects all relevant facts of which I am aware. Where I have made specific or important assumptions these are set out or included as an appendix. If there are material matters of which I am unaware or if the assumptions are incorrect or inappropriate for any reason of which I am currently unaware it could have a material effect upon my stated opinion.
- 9.4 I confirm that I am not instructed under any conditional fee arrangement nor have I entered into any agreement by way of funding this Appeal either directly or indirectly.

Conflicts of interest:

- 9.4.1 I am not aware of any conflicts of interest of any kind other than those already disclosed in my report.
- 9.4.2 I do not consider that any of the matters set out affect my suitability to act as an expert in this matter.
- 9.4.3 I undertake to advise those instructing me if, between the date of this Proof of Evidence and the Planning Inquiry, there is any change in circumstances which will impact on this declaration.

10 STATEMENT OF TRUTH

- 10.1 I confirm that I have made clear which facts and matters in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

Date: 15th April 2021

Mark Gibbins BA (Hons), MLI

Director

Indigo landscape Architects Limited