

Email only – Copies Nick Rogers, Sally Blomfield, Jennifer Bale

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Dear Andy

Outline Planning Application for Single chapel Crematorium with a single abated cremator and Natural Burial Site with associated access, car parking, landscaping and drainage. All matters reserved apart from access. Turners Hill Burial Ground, Turners Hill Road, Turners Hill, RH10 4PB Reference DM/20/2877 -Landscape Matters

I refer to your email of 13/11/20 and the attached comments from Virginia Pullan in her letter of 12/11/20 in response to the correspondence on landscape matters with regard to the above application.

Common Ground – Agreed 13/11/20

We are pleased to note that the County Landscape Architect has now agreed (as have you as set out in your email) that you confirm with our landscape expert in his points of common ground as set out in his letter on 12 October 2020. In particular we note that you both agree with item 3.6 that whilst there would be some effects on the site itself, including both topography and tranquillity, effects on wider landscape character would be restricted to a very small area of the surrounding landscape.

Virginia Pullan's Letter Version 5 – 12/11/10

Having made such significant progress in agreeing virtually all points of common ground as set out in your email in response to Mark Gibbin's letter of 12/10/20 the suggestion that the comments of Virginia Pullan's letter of 12/11/20 (which predates the agreement on common ground) will be reported to committee is really frustrating. This letter will materiality mislead Members and could lead to an unfair refusal of the application, is entirely inconsistent with the contents of your email, and has a number of poorly chosen words.

In particular the final statement made by Virginia Pullan in paragraph 1 of the letter totally mischaracterises the impact of the development (in that it focuses largely on the effects on the site itself, rather than on the effects on the character of the surrounding landscape). In addition, at no point in this letter, or for that fact in your email, do you consider if the proposal before you has similar (albeit different) landscape effects and impacts to the consented and partly implemented cumulative approvals on this site.

In addition, the points made in paragraphs 2 and 3 of Virginia Pullan's letter may also materially mislead Members. Landscape details are reserved matters and are not for detailed consideration as part of this application and are therefore irrelevant to the consideration at committee. We would be very happy to agree the detailed approach to planting (and indeed the exact amount of woodland planting on the site) at the reserved matters stage.

Virginia Pullan's Letter Version 4 – 2 /11/20

We have not previously responded in detail to the letter of 2 November 2020 and would like to highlight the following points, as it is now clear that you intend to present this to the committee. The paragraph numbers are taken from her letter.

2.8 – The assertion that there could be significantly different impacts with the proposal at the reserved matters stage is wrong. There are clear parameter plans that govern the scale of the proposal and its impacts, and planning conditions can be used to ensure these approved plans are adhered to. All the details, save the access, are to be determined at reserved matters stage, meaning the Council has full control over the acceptability of impacts as part of the next stage of the process.

2.9 The statement that “sections of the footpath would have permanent views towards the development through access routes and clearings” and her subsequent statement that “from these areas the visual impact is likely to be significant and adverse in the long term”. This is not the case. The proposed hedgerow on the south side of the footpath would truncate all views of the development once fully established, and this would be further reinforced by the woodland planting on the south side of the hedge. The only place that a gap is proposed in this hedge is where the footpath links from the crematorium site to the natural burial area to the north of the path, and carefully placed woodland block to the south of this gap would screen the long-term views of the crematorium. In the medium to longer term effects would be mitigated. Virginia Pullan's statement would mislead members about the true impact of the proposal.

2.10 – The above-mentioned hedgerow would only be on the south side of the path through the site, and whilst woodland planting would ultimately characterise the natural burial area on the north side of the path, this situation only exists for a relatively short length of the path. The existing hedge on the north side of this path to the west of the natural burial site would deliberately be maintained at a low level in order to maintain the existing views to the northwest (see screenshot below). A planning condition could ensure this outcome.



2.12 – The first sentence of **this paragraph misrepresents the LVIA conclusions** as substantial and major adverse effects in year 1. This is the case for the three viewpoints on the footpath crossing the site only (this not made clear in this paragraph) – most effects at year 1 are neutral as now acknowledged by your email of 13/11/20. This paragraph would mislead Members about the true extent of impacts of the proposal.

2.13 – Whilst the proposed development would be greater in scale than the development associated with the extant permissions, it must be noted that these impacts would not be great. The letter makes no objective assessment here and this is therefore misleading.

2.16 – Paragraph 7.4.3 of the LVA sets out the significance of effect on overall landscape character, whilst this paragraph of Ms Pullan's letter focuses on effects on the site itself. As Mr Gibbins set out in his letter to you of the 5th November, the purpose of Landscape and visual impact assessment is to consider the effects of a proposed development on visual receptors (people), and on the landscape character of the area surrounding the site. Effects on the site itself are an inevitable consequence of development (and are acknowledged within the assessment), but it is the effect on overall landscape character within the area surrounding the site (i.e., the local character of this part of the landscape) that is key. It is also important to consider the fallback position. Please refer to Mr Gibbins' letter of the 5th November for more detail on both these issues.

2.17 - This paragraph is a material misrepresentation of the previous inspector's judgement; it is a partial reading of the appeal decision and would be misleading to Members. Other comments were made in the decision letter: For example at paragraph 8 the decision states *"In view of its height, it would be a conspicuous building when viewed from close quarters but the proposed materials would help its assimilation into this rural setting"* and paragraph 10 *"The chapel building in particular would result in some short to mid- term adverse impacts on landscape character, when viewed from close positions but these impacts would be dissipated in the longer term as the proposed planting matures."* And at paragraph 13 *"The spur car park would be located opposite the site access and so would be visible from the road."*

2.18 – The County Landscape Architect suggests that there would be *"considerably more vehicle and people movements than the permitted development..."* and suggests that *"this increased activity adjacent to the AONB boundary could have an adverse impact on the tranquillity of the AONB in the vicinity of the site"* [emphasis added]. Again, this is an unjustified exaggeration of the facts and the evidence is actually the reverse. The traffic assessment for natural burials actually has a higher trip/ vehicle attraction (an average of 44 two-way vehicle trips per day) than for cremations (which generate on average 38 two-way vehicle trips per day - see Transport Assessment Section 5). The assessment by the Highway Authority has confirmed that traffic increases are well within normal daily variations and the LVIA report bases the assessment on tranquillity on an 5% increase in traffic on weekdays only (LVIA page 19, XIII). The County Landscape Officer does not make an actual assessment based on evidence. *"Could"* is conjecture and shows a complete misunderstanding of the operation of a Crematorium where a cremation is often a secondary funeral events (after a religious service held elsewhere) so often they are either not attended or by very small numbers of immediate family only. Direct unattended cremations are also a growing part of a modern crematorium offer. Unchallenged this conjecture about activity, rather than the evidence (agreed with the highway authority) regarding average movements, is a misrepresentation and would mislead Members regarding the impact.

2.19 – This statement is at odds with the common ground agreed in your email of the 13/11/20. Whilst accepting there are impacts on site – there are very small effects on surrounding landscape character and certainly not "significant" as characterised here. This would mislead Members on the true impacts of the proposal.

2.21 – As previously discussed the natural burial approvals will, over time, see the entire site becoming planted with woodland. In this paragraph Ms Pullan set out her belief (at that time) that *“in both extant permissions the proposed woodland planting is less extensive than in the current application”*. Whilst this may be correct in the short term, the paragraph was based on a fundamental misunderstanding on Ms Pullan’s part of the medium to long term effect of the existing permissions. This now appears to have changed, as Ms Pullan states in section 2 of her most recent letter (12/11/2020) that *“the implication for memorial planting associated with the natural burial ground is that the planting would extend across the site over time ...”* (instead, she now criticises the specification and character of the woodland planting). This said, however, the proposals before us are in outline form and we would be very happy to discuss the exact nature and specifications of the planting at a later date. We have previously clarified that the nature of woodland planting is a reserved matter. Both this paragraph of Ms Pullan’s letter, and the detailed nature of planting specifications would again be inappropriate to report to Members as the nature of the planting is within the control of the Council.

2.22 and 2.23 – The County Landscape officer misrepresents the impacts and fails to report that the approved chapel is located closer to AONB. It is also disingenuous to compare this to a proposal for housing which is an entirely different type of development with entirely different impacts. The Inspector in decision 3179872 considered the housing appeal at paragraph 16 contrasted the chapel proposal and described the two different types of impacts *“The Inspector concluded that the residential development proposed on land adjacent to the appeal site would be completely out of character with the surrounding rural area and that the landscaping then proposed should not be used to hide an otherwise unacceptable large-scale development. The chapel by contrast would be a single structure, located in a different part of the site and designed to suit its setting”*. Likewise, the Inspector considered the landscape measures positively: *“landscape measures close to the building and along the public right of way are not designed to totally obscure the building, but to permit its successful integration in to its surrounding”*. This false support taken from the appeal decisions and relied on by the County Landscape Architect would be materially misleading to Members. In the current proposal the woodland character is integral, it comes from the planting character as previously approved in the consent for natural burials on the site, and the illustrative design solution shows, as with the previous approved appeal for the chapel proposal, how the building and landscape framework has been designed to suit its setting and that formed by the consented scheme for the site.

Conclusion

Advice from the County Landscape Architect on this application has completed shifted from version 1 to version 5 of her five letters containing comments on the application. In this journey over the five responses the proposal has not changed, but the assessment of it by the Council’s landscape expert has. This assessment is therefore completely muddled and confusing. These five versions of her assessment have been unhelpful to you in understanding the impact, as many issues of policy objection raised in version one has now been conceded completely including additional points in this latest letter. This fifth version gives no further help to you and directly contradicts what is your agreed common ground in your email of 13 November. Presenting version 4 and version 5 of the consultation response, as you suggest, would mislead the committee especially as it is completely at odds with your email of 13 November 2020.

Having discussed this with the experts in our team we believe the only fair solution is for an entire reappraisal of the landscape and visual impacts in the report to Committee, commencing with the now agreed common ground, and taking into account the comments above and the significant fallback position established on this site. This would avoid a spurious and uncharacteristic assessment of the landscape effects of the application; therefore, we believe a new ‘version 6’ of this assessment is required.

We offer this as a positive solution as a means of mitigating any risks from a potential cost claim (if an appeal is necessary) either as a result of non-determination appeal or for an appeal that places any reliance by the Council on a refusal based on landscape issues that have been inadequately assessed.

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In view of the above please can you confirm to me in writing that an entirely revised assessment of landscape impacts will be presented to the Committee as part of the professional assessment of this application in the committee report.

Can you also confirm that your legal department has been consulted to on this matter to avoid an unsafe decision and the potential cost claim as set out above?

Yours sincerely



Lisa Jackson MA BSc MRTPI