



PROOF OF EVIDENCE BY

ROBIN MEETHAM CMLI OF THE PEAK DISTRICT NATIONAL PARK AUTHORITY

APPEAL REFERENCE: **APP/M9496/C/18/3215789**

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PINs REFERENCE: **XXXX**

Appeal by Dunlin Limited against an Enforcement Notice relating to engineering operations consisting of the laying of geotextile matting and wooden log 'rafts' to form a track on land at Mickleden Edge, Midhope Moor, Bradfield, South Yorkshire

TABLE OF CONTENTS

	Page
1.0 Introduction	2
2.0 Site & Development Description	4
3.0 Policy background	5
4.0 Key Landscape and Visual Issues	6
5.0 Summary and Conclusions	10
6.0 References	11

Appendix 1

Figure 1: Appeal site location and context – landscape baseline and character

Figure 2: Landscape assessment of implemented development and location of photographs

Figure 3: Photographs and assessment commentary

1 Introduction

1.1 This Proof of Evidence has been prepared by Rob Meetham CMLI. I am a landscape architect and a chartered member of the Landscape Institute (LI). I am a member of the LIs 'Rural Landscapes' working group and a 'Pathway to Chartership' supervisor for the LI. I graduated with a MLA from Newcastle University in 1997 and became Chartered in 2002. I joined the Authority in 2015 after extensive experience in private practice (including as a senior at Gillespies and Associate at Camlin Lonsdale).

1.2 This Proof of Evidence relates to the landscape aspects of the appeal by Dunlin Limited regarding the refusal of planning permission for retrospective planning consent for the installation of a plastic reinforcement mesh track on Midhope Moor.

What this Proof of Evidence covers

1.3 This statement deals with the Authority's landscape response to the ground (a) appeal that '*planning permission should be granted permanently or in the alternative temporarily for the development described in the Notice*'.

1.4 This statement considers:

- The qualities and character of the landscape of the site and the local area;
- The degree to which the development impacts on the qualities and character of the landscape;
- Whether the development would be harmful to the intrinsic character and natural beauty of the landscape in conflict with the National Planning Policy Framework (NPPF) and the Local Development Framework Core Strategy;
- The 'practical appropriateness' of the track; and
- Effects on the visual amenity of users of the PRoW and access land.

1.5 I leave it to Mr Keeley to cover the planning and policy aspects of the case. I will however cover planning issues insofar as they relate to landscape and therefore cover relevant guidance and policies from:

- The National Planning Policy Framework, Department Communities and Local Government 2019 (*the 'NPPF'*)
- Policies in the Peak District National Park Local Development Framework Core Strategy Development Plan Document – adopted October 2011 (*the 'Core strategy'*)
- The Peak District National Park Landscape Strategy and Action Plan 2009 – 2019, July 2009 (*the 'Landscape Strategy'*).

1.6 This Proof of Evidence does not cover ecological matters. These issues are dealt with by Mrs. Horsford. This Proof of Evidence does not cover details of the enforcement notice (f). This issue is dealt with by Mr Cook.

1.7 In preparing this evidence I have reviewed the relevant data and visited the implemented development on site and viewed it within its wider context on three occasions over the last 5 years. I have recorded site photographs and assessment commentary which are included in Appendix 1 Figure 3.

1.8 In this written representation I set out how, in my opinion, the development is still, almost 6 years after installation:

- a prominent and incongruous feature in the landscape;
- adversely affects landscape character, natural beauty and the setting of the sensitive and valuable landscape of the moors; and
- does not comply with national and local planning policy and guidance as they refer to landscape.

Declaration of Truth

1.9 I confirm that insofar as the facts stated in this Proof of Evidence are within my own knowledge, I have made clear which they are and I believe them to be true. In my professional opinion, I believe that this Proof of Evidence represents an unbiased and true assessment of the landscape and visual implications of the implemented plastic mesh track development.

1.10 The Landscape Institute (LI) requires all members to abide by its code of conduct. I confirm I have prepared my evidence in accordance with the code of conduct of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

2 Site and Development Description

Site Description

- 2.1 The appeal site is located on Midhope Moors to the south of Langsett reservoir. Mickleden Beck runs north – south through the centre of the appeal scheme. The site also includes the Cut Gate PRoW which runs north – south along Mickleden Edge.
- 2.2 In terms of the Peak District Landscape strategy. It is located within the Dark Peak LCA and Moorland Slopes and Cloughs LCT. A short section on the higher ground to the south east is located in the Open Moors LCT.
- 2.3 The character of the Moorland Slopes and Cloughs is defined by the Landscape Strategy as *“Steep slopes and cloughs rising to open moorland on the high plateaux above, with widespread rough grassland and heather moor, grazed by sheep. This is a wild unsettled landscape with exposed views over lower ground”*.
- 2.4 The appeal site is typical of this description and is an area of open moorland. Vegetation is predominantly dwarf shrub upland heath with areas of bracken and rushy wet flushes. It is an open landscape with wide, expansive views. It has strong aesthetic and perceptual qualities of ‘remoteness’ and ‘wildness’.
- 2.5 The overall strategy for the Dark Peak is defined as *“Protect the remoteness, wildness, open character and tranquillity of the Dark Peak landscapes, and manage these landscapes to mitigate the impacts of climate change”*.
- 2.6 The appeal site (and surrounding moorland) are designated as Section 3 Moorland in the Wildlife and Countryside Act 1981 and as Natural Zone in the Authority’s Development Plan.

Development description

- 2.7 The development is approximately a 700 metre length of 2m width green plastic reinforcement mesh. This has been installed almost 6 years ago (we have a photograph that shows the installed track taken in January 2015). The planning application states that this is for *‘the restoration of previously damaged access route to include the laying of plastic access mesh to facilitate vehicular access’*.

3 Policy background

The NPPF

- 3.1 Para 127 states that *'Planning policies and decisions should ensure that development:*
- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change)'*.
- 3.2 Para 170 states that *'(a) protecting and enhancing valued landscapes...in a manner commensurate with their statutory status or identified quality in the development plan) & (e) preventing new....development from contributing to....unacceptable levels of soil, air, water or noise pollution of land instability. Development should, wherever possible, help improve local environmental conditions....'*
- 3.3 Para 172 states that *'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks....'*

The Local Development Framework Core Strategy

- 3.4 Para 9.14 states that *'Across the whole National Park policies will:*
- *Apply strict protection of the Natural Zone; and*
 - *Manage development through careful consideration of landscape character'*;
- 3.5 Para 9.14 also goes on to state that *'Across the Dark Peak, policies will:*
- *protect the remoteness, wildness, open character and tranquillity of the Dark Peak landscapes'*
- 3.6 Para 9.15 *'requires all development to conserve and enhance the valued characteristics and landscape character of the National Park. For the purposes of this core strategy, the valued characteristics include:*
- *Natural beauty, natural heritage, landscape character and diversity of landscapes;*
 - *Sense of wilderness and remoteness'*

- 3.7 Policy L1: Landscape character and valued characteristics
- A. Development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics.*
- B. Other than in exceptional circumstances, proposals for development in the Natural Zone will not be permitted.*
- 3.8 Para 9.17 states that *'Alongside the adopted Landscape Strategy, legislation requires the National Park Authority to identify areas which it considers are particularly important to conserve. The Authority calls these areas the Natural Zone. To qualify for inclusion, areas must substantially include: (issues relevant to the development and the natural zone designation identified below)*
- *a quality of 'wilderness';*
 - *few obvious signs of human influence such as field boundaries;*
 - *natural beauty, which in the opinion of the National Park Authority, is particularly important to conserve'.*
- Landscape Strategy and Action Plan*
- 3.9 'Valued landscape character' (as defined by Policy L1) is detailed within the Landscape strategy and Action Plan.
- 3.10 The key overall strategy for the Dark Peak relevant to this application is to *'Protect the remoteness, wildness, open character and tranquillity of the Dark Peak landscapes'.*

4 Key Landscape and Visual issues

Landscape effects

Conflicts with the NPPF

- 4.1 With respect to Para 127, the development does not *'function well'*. The mesh is breaking up in a number of areas (in areas of poor vegetation establishment the mesh is very brittle and is also breaking up due to vehicle movements in other areas) and has required log rafts to be installed over it in a number of wetter areas. It is not *'visually attractive due to appropriate landscaping'* as vegetation establishment has been intermittent and limited. It would appear that imported stone has been used to raise levels and reduce crossfalls where the track crosses the Cut Gate PRoW. It is not *'sympathetic to local character or landscape setting'* as the plastic mesh is an obviously man made material which conflicts with surrounding natural character.

4.2 With respect to Para 170, the development does not *'protect and enhance a valued landscape'*. No ongoing or planned future management or restoration aims for the track to facilitate have been supplied. The plastic mesh forms an incongruous man-made element that conflicts and contrasts with local character and the perceptual / aesthetic qualities (of *'a quality of wilderness'* and *'remoteness'*) of the moor.

4.3 Also with respect to Para 170, as the mesh is degrading and is breaking up in a number of areas it is a source of plastic pollution and litter in a delicate and valuable upland landscape. The application is silent on ongoing management / repair of the track and how it is to be managed and decommissioned at the end of its functional life.

Conflict with Policy L1

4.4 The track does not comply with Policy L1 as it conflicts with (rather than conserving and enhancing) valued landscape character. The key elements of landscape character in the Natural Zone relevant to this development are defined in para 3.8 above and I consider how the track interacts with these below.

4.5 The development conflicts with *'a quality of wilderness'*. While it is accepted that true *'wilderness'* does not really exist in the cultural landscapes of England, the concept of *'a quality of wilderness'* relates to both the physical characteristics of wild, uninhabited or uncultivated land, but also to perceptual factors. These include *'remoteness from local and national population centres, remoteness from mechanised access, apparent naturalness and altitude'* (Wilderness attribute mapping in the United Kingdom Carver, S., Evans, A.J. and Fritz, S. 2002). Based on this, the application site clearly possesses elements of *'a quality of wilderness'*:

- the prominent and clearly man-made nature of the plastic mesh and its unnatural colour (in terms of tone, uniformity) and (in areas where grass has established on the track surface) the obvious *'green line'* of the track conflicts of the with the perceptual quality of *'wilderness'*.

4.6 The development conflicts with *'few obvious signs of human influence such as field boundaries'*:

- the prominent man-made nature of the plastic mesh and its unnatural colour are a clear, overt and obvious sign of human influence.

- 4.7 The concept of Natural beauty relates to '*unspoiled rural areas, relatively free from the effects of urbanisation and industrialisation*' (On the meaning of natural beauty in landscape legislation Selman, Paul and Swanwick, Carys 2010). It is clear that the open, heather-dominated landscape of the appeal site which is remote from population centres and with little overt evidence of human use possesses natural beauty.
- The prominent artificial nature of the plastic mesh and its unnatural colour conflict with natural beauty.

Landscape assessment of the development

- 4.8 Where the mesh is still visible (almost 6 years after installation) it forms a clearly incongruous element in the landscape. As outlined in 4.5 – 4.7 above this has adverse effects on character and aesthetic/perceptual qualities of landscape (including the perceptual qualities of 'remoteness' and 'quality of wilderness').
- 4.9 Where vegetation has established on the plastic mesh track, this tends to be dominated by grass with only limited areas of heather establishment. Therefore, even where vegetation has established, the track still forms an incongruous element that conflicts with landscape character: it is seen as a 'green line' which contrasts markedly (in terms of colour and texture) with the surrounding upland dwarf heath moorland vegetation.
- 4.10 I do not consider that the short sections of 'log rafts' in the wet rushy flushes to have the same degree of adverse effect as the plastic mesh. However, the colour of these (a weathered grey) does conflict with the surrounding vegetation and these log rafts (which are laid on top of the matting) are not considered to be appropriate elements in the landscape.
- 4.11 As the mesh track has been installed for almost 6 years, some sections have now become reasonably well-accommodated and relatively 'naturalised' in the moorland landscape; however, other sections of the track (which have not naturalised with vegetation regrowth) conflict with character and result in landscape harm. These areas are shown in Figure 3 in Appendix 1.
- 4.12 The document 'Blanket Bog Track Trial Moor house NNR' (Blanket Bog Track Trial Moor House NNR The Moorland Association, North Pennines AONB and Natural England, Undated) details the trial of a temporary plastic mesh track on a blanket bog in Yorkshire. This report did not consider the landscape or visual effects of the track, but does contained photographs of the mesh track at 10 months after installation, 25 months after installation and 45 months

after installation. This shows increases in vegetation cover, but even after 45 months vegetation regrowth on the mesh was still relatively patchy in this trial.

4.13 I am not aware of any studies that are of a longer duration than this, but it is my view that if the prevailing environmental conditions have not resulted in vegetation becoming established in almost 6 years, then – unless conditions or other factors change – increased vegetation establishment is not likely to occur in the future.

4.14 However, despite some areas becoming accommodated through vegetation regrowth, the appeal scheme has to be considered in its entirety, and as such, while some sections result in limited harm, the development overall results in adverse landscape effects on the character and perceptual qualities of the moorland.

4.15 It is accepted that previous use by vehicles has led to damage to the moor. Due to its sensitivity, it is clear that vehicle use has the potential to cause significant landscape and visual harm to the moorland landscape.

4.16 It is also accepted that the existence of a newly-surfaced route would probably reduce vehicle erosion – both on the route itself and in the wider landscape of adjacent areas - during the restoration works that have previously been carried out.

4.17 However, it is clear that the track as implemented – particularly given that I understand no further restoration works are programmed or planned - currently results in significant landscape harm.

Visual effects

4.18 While the development demonstrates clear adverse visual effects, the adverse visual effects of the plastic mesh track are relatively limited & relatively localised.

4.19 However, despite being relatively limited and relatively localised, adverse visual effects are experienced as a direct result of the plastic mesh surfaced track:

- users of the Cut Gate PRoW experience close range views of raised ground levels (which would appear to be imported substrate) with the degraded plastic matting as a prominent feature (due to very limited vegetation establishment). This occurs for approximately 30m length either side of the Cut Gate PRoW.

- users of the PRoW and wider open access land (a) see sections of plastic mesh in the wider landscape (which are an adverse detracting view element); and (b) where the mesh itself isn't a visible element, the line of the track is visible as a 'green grassy line' through the moorland. The nature of this conflicts with the experience of the surrounding moorland landscape and results in an adverse visual effect, detracting from the visual appreciation of the moorland landscape by users.

5 Summary & Conclusions

- 5.1 I consider that the appeal scheme conflicts with the qualities of landscape character and results in harm to the character, quality and setting of the Peak District National Park.
- 5.2 I contend that, while some areas of the plastic mesh track have naturalised and some restoration of previously degraded areas (as a result of damage caused by previous vehicle use) has taken place – the appeal development (when taken as a whole):
- demonstrates clear and obvious harm to landscape character (in terms of conflict with a '*quality of wilderness*', '*few obvious signs of human influence*' and '*natural beauty*').
 - demonstrates clear conflict with Landscape Policy (as defined in the NPPF, the Local Development Framework Core Strategy and the Landscape Strategy).
- 5.3 The development demonstrates clear – but relatively localised – adverse visual effects as a result of the man-made nature of the mesh and its lack of accommodation (by appropriate vegetation regrowth) into the landscape.
- 5.4 As the track has been installed for almost 6 years, I contend that it is unlikely to establish and naturalise further to any significant extent in the future. The adverse landscape and visual effects of the appeal scheme will not therefore significantly reduce in the future.
- 5.5 I therefore respectfully request that the appeal is dismissed and the refusal of planning permission is confirmed.

6 References

Adopted Planning Policy and Guidance

The National Planning Policy Framework Department of Communities and Local Government 2019

Local Development Framework Core Strategy Development Plan Document, Peak District National Park Authority Adopted October 2011

Landscape Strategy and Action Plan 2009 – 2019, Peak District National Park Authority July 2009

Background and Evidence Base Documents

Landscape reference document 1: Blanket Bog Track Trial Moor House NNR (The Moorland Association, North Pennines AONB and Natural England, Undated)

Landscape reference document 2: Article: Selman, Paul and Swanwick, Carys (2010) **On the meaning of natural beauty in landscape legislation**. *Landscape Research*, 35 (1). P. 3. ISSN 0142-6397 The University of Sheffield

Landscape reference document 3: Article: Carver, S., Evans, A.J. and Fritz, S. (2002) **Wilderness attribute mapping in the United Kingdom**. *International Journal of Wilderness*, 8 (1). pp. 24-29. ISSN 1086-5519 The University of Leeds