AN EVALUATION OF THE EFFECTIVENESS OF LANDSCAPE AND VISUAL IMPACT ASSESSMENT ON THE UK PLANNING DECISION-MAKING PROCESS

by

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Abstract

Many studies have addressed the broad link between the Environmental Impact Assessment (EIA) process and its integration within the UK Planning System. Few have focussed upon a specific environmental component and assessed how that particular element influences the development consent decisions made by Planning Officers (POs).

Hence the project analysed the subjective Landscape and Visual Impact (LVI) component of EIA and how this could influence the PO decision. Content analysis of eleven planning files accompanied by Environmental Impact Statements (EISs) as well as the landscape and visual mitigation section of the EIS were examined along with face-to-face interviews with seven POs and one Landscape Officer (LO) and one Landscape Architect (LA) within Norfolk.

It was found that even though Landscape and Visual Impact Assessment (LVIA) is highly subjective in nature and hence the potential for personal opinion to override the EIS and consultations exists, in general most POs and even the experienced LA felt that the scope for this to occur was limited, although content analysis and interview responses conflicted at times with respect to this issue.
1. **Introduction**

1.1 The Origins of Environmental Impact Assessment and its integration within the UK Planning System

In recent years there has been a remarkable growth of interest in environmental issues – in sustainability and the better management of development in harmony with the environment (Glasson et al., 1999). However there will always be pressure for new development. How much better it would be to avoid or mitigate the potential harmful effects of future development on the environment at the planning stage (Glasson et al., 1999). Environmental Impact Assessment (EIA) assesses the impacts of planned activities on the environment in advance, thereby allowing avoidance measures to be taken: prevention is better than cure (Glasson et al., 1999).

EIA first became operational in the USA in 1969 with the enactment of the National Environmental Policy Act (NEPA). A European Community Directive in 1985, Directive 85/337/EEC (“the Directive”), accelerated its application in EU Member States, and was formally implemented within the UK in 1988 through over forty different secondary regulations under section 2(2) of the European Communities Act 1972 (Glasson et al., 1999). Different regulations apply to projects covered by the planning system, projects covered by other authorization systems and projects not covered by any authorization system but still requiring EIA (Glasson et al., 1999). In England and Wales, most of the developments listed in Annexes I and II of Directive 85/337/EEC fall under the remit of the planning system, and are thus covered by the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (Glasson et al., 1999). The original text of the Directive was amended in 1997, by amendment Directive 97/11/EC, and once again in 2003 by Directive 2003/35/EC, although the latter has yet to be implemented. EC Directive 85/337, as amended expanded Annexes I and II of the Directive to include an increased number of projects for which EIA would be mandatory or discretionary, amongst other requirements. These improved provisions were instigated within England and Wales by the Town and Country Planning (Assessment of Environmental Effects) Regulations 1999 (SI 293).
It was envisaged that EIA, a process that mitigates the potentially harmful environmental impacts of a project prior to development consent, would aid the incorporation of environmental effects within the remit of a planning application (DETR, 2000). Essentially, the EIA process has been adapted to fit within the existing UK planning system. It has not been imposed upon the system, therefore changing the nature of development control (Weston, 1997).

Initially, the implementation of EC Directive 85/337 and its amendment EC Directive 97/11 was met with opposition by planners as they argued that environmental considerations were implicit within their planning permits (Glasson et al., 1999). Indeed, crucial to the development control process is the concept of material considerations (Cullingworth & Nadin, 2002). The 1990 Town and Country Planning Act states that ‘where in making any determination under the planning Acts regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise’ (Cullingworth & Nadin, 2002). The list of possible considerations begins with the siting and appearance of the proposed buildings; the suitability of the site and its accessibility; relationship to traffic and infrastructure provision; landscaping; and the impact on neighbouring land and property (Cullingworth & Nadin, 2002). Many other matters may be relevant such as environmental impacts and the historical and aesthetic nature of the site. Therefore, in theory, environmental considerations are taken into account in considering all planning applications (Blowers, 1993). However, EIA is conceptually different in that, in theory it involves a highly systematic quantitative and qualitative review of proposed projects, though practice is somewhat different (Wood and Jones, 1991). Therefore EIA is designed to help the POs with their recommendations on whether planning permission should be granted or not, which in turn will influence the planning committee’s final decision. It attempts to achieve this goal by documenting the key significant environmental issues within the Environmental Impact Statement (EIS), and encouraging stakeholder involvement. Therefore, although the main way POs and the planning committee come to an informed decision is through the development plan, it comes with the assurance that the project’s environmental implications are understood (Glasson et al., 1999).
Another fundamental aspect of EIA is the formulation of mitigation measures (documented within the EIS). Mitigation is defined as ‘measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects’ (CEC, 1985). Wood (2003) describes mitigation as the heart of the EIA process and its aim is to ensure that the project becomes ‘environmentally acceptable’ (Wood and Jones, 1997). The planning system can deliver mitigation through the use of planning obligations and conditions attached to the planning permission. However, EC Directive 85/337, as amended does not explicitly require the planning authorities to specify the mitigation measures described in the EIS as conditions (Brew and Lee, 1996). This therefore limits the will, as it were to actually use the EIS. Guidance on the use of planning conditions is set out in Circular 11/95, “The Use of Conditions in Planning Permissions”. Indeed, the Annex to this Circular states that ‘conditions attached to grant of planning permission may incorporate mitigation measures proposed in the environmental statement where such conditions meet the criteria summarised in paragraph 14 above’. Paragraph 14 establishes six tests which planning conditions should meet. These are that planning conditions should be:

- Necessary to the grant of permission;
- Relevant to planning;
- Relevant to the development to be permitted;
- Enforceable;
- Precise; and,
- Reasonable in all other aspects.

The requirements for enforceability and precision mean that a general condition requiring development to be in accordance with the EIS would usually not be valid unless the EIS was exceptional in the precision with which it specified mitigation. (DETR, 1997).

Much previous work has focussed upon the integration of EIA into the UK planning system e.g. (Weston, 1997) and on the effectiveness of mitigation in the EIA process in general with respect to the usage of the EIS in formulating planning conditions and obligations e.g. (DETR, 1997). However the literature is rather limited in its analysis
of decision-making in the UK planning process as well as the implementation of mitigation measures in terms of a specific environmental component. As will be discussed shortly, there is an element of subjectivity in every PO’s report on what he/she recommends the planning committee should consider when determining to refuse or accept a planning application process. However, this is especially true for landscape and visual impacts since these can be perceived differently by different people (IEMA/LI, 2002). Hence the dissertation will be concerned with evaluating the effectiveness of landscape and visual impact assessment in the UK planning decision-making process.

1.2 Landscape and Visual Impacts: Science or Value Judgement?

Landscape has many meanings, can be approached from numerous perspectives and draws on many disciplines (Bishop et al., 2004). The problem is compounded by the apparently subjective nature of people’s responses to landscape. Landscape beauty is indeed in the eye of the beholder (Bishop et al., 2004). Hence the recommendations a PO reaches in his/her report are likely to be subjective and opinion-led rather than firmly based on all of the consultations undertaken with interested parties, statutory consultees and the public. In addition, it could well be that the landscape and visual impacts documented within the EIS are not referred to for this reason, or that reference is limited. Bell (1993) states that ‘our views are perceived as patterns. Some of these may be the result of pure ecological processes interacting with natural processes yet not consciously planned or designed with any aesthetic objective in mind’. Hence LVIA is inherently subjective, and it is therefore important that a structured and consistent approach is used (IEMA/LI, 2002). Below is a schematic diagram that illustrates the nature of landscape and visual appraisal concisely:

![Diagram showing the nature of landscape and visual appraisal](image-url)

(Adopted from IEMA/LI, 2002).
The above diagram illustrates the various facets that landscape and visual appraisal possesses: on the one hand objectivity is attempted to be maintained through character assessments but on the other hand personal perception of landscape beauty and the public preference also come into play. Therefore, the POs have to assess both the objective and subjective sides of landscape and visual appraisal. Hence do they see the EIS as an objective document in this instance and does this help them in their decision-making? Similarly do POs place more weight in their recommendations with regard public preference and consultations with the relevant statutory consultees in comparison to the EIS?

1.3 Review of previous work on the usefulness of the EIS and consultations in the UK Planning System

Previous work on the influence of EISs on planning committee decisions has shown that Local Planning Authority (LPA) response to EIA was 'very variable and that decisions appeared often to have little regard to the findings of the E[II]A' (Lambert and Wood, 1990). Similarly, Jones (1995) reveals that 'overall, only just over half of the E[II]Ss were regarded as satisfactory whereas planning officers viewed nearly three-quarters as 'adequate' for decision-making purposes'. Whether this is due to the EIS enhancing objectivity and limiting the need for value judgements to be made remains unanswered. Fuller (1995) concludes that in general, 'E[II]A does appear to be largely successful in ensuring environmental considerations are fully taken into account...' However it is unclear to what extent the landscape and visual impacts documented within the EIS have contributed to this overall success. Glasson et al., (1996) found that of 15 POs questioned, 20 percent considered the EIS to have had 'much' influence on the decision, while 60 percent believed that the EIS had 'some' influence. Again, the extent to which LVIs within the EIS are utilized in planning decisions is unclear.

Hughes and Wood (1996) highlight the importance that POs and developers place on consultations as well as the contents of the EIS. Interestingly, the then Countryside Commission (which is the principal statutory consultee for landscape and visual issues) had least influence whereas the public interest/local action groups were given more weight (Jones, 1995). Whether this is because PO’s felt that the Countryside
Agency (since April 1999) did not present much useful advice regarding landscape and visual impacts or whether they were simply not consulted very regularly is unclear. In theory, it would only seem logical to place more weight on the principal landscape statutory consultee, rather than interested parties, however from the above it seems that practice is different. Therefore it would be interesting if not useful to unearth why this is the case.

Wood and Jones (1997) undertook an analysis of the weight given to the content of the EIS in the PO’s report by calculating the proportion that dealt with the EIS content. In nearly three-quarters (74 percent) of these cases in the sample, less than one-fifth of the report dealt with the content of the EIS. In terms of consultation, a different picture emerged: for only 17 cases (45 percent) did less than one-fifth of the report deal with the consultations. In just over one-quarter of cases discussions of the results of consultations took 30-40 percent of the report. In terms of LVIs specifically however, it would be interesting to see if a similar trend existed. Perhaps due to the inherent subjectivity associated with landscape there is a greater need to place more weight on the EIS rather than on the consultations (so that objectivity is enhanced). However this is inextricably related to the quality of the EIS as mentioned earlier.

1.4 The incorporation of mitigation measures in landscape and visual impact assessment

Landscape and visual impacts are bound to occur in many if not all developments. However certain types of development will be more prone to these than others. This is especially true for wind turbine applications as well as minerals and waste projects. However even in these instances ‘some potentially serious issues (including impacts on ecology, landscape, groundwater and surface water) were omitted, and in the opinion of consultees, inadequate landscaping and restoration schemes were proposed’ (Pritchard et al., 1995). Hence it can be seen that even for major developments with a potentially high LVI, the coverage of these issues is, at times, poor. However the reasons for this are not clear and need to be looked into further.
In terms of mitigation, the EIS should facilitate the formulation of planning conditions and obligations, at least in theory. This is because the developer has considered ways in which to reduce the potentially significant impacts of his or her development and thus these should be documented within the EIS (Glasson et al., 1999). However, every developer would ultimately like to obtain full planning permission hence even if the potential impacts are significant, ways can be found to temper these impacts so that development will go ahead. This is especially straightforward to achieve with regards landscape and visual mitigation. Indeed, ‘mitigation measures such as landscaping and tree planting were often viewed as a ‘smokescreen’ that detracted from more serious local concerns’ (Pritchard et al., 1995). Hence this might reduce the ‘trust’ POs place in EISs, and as a result reference to the EIS in planning obligations and conditions might be minimal. Therefore more weight could be given to consultations in this instance although this needs to be looked into further. Indeed, the Department of Environment, Transport and the Regions (DETR, 1997) established that 35% of planning authorities felt that the EIS was very useful in the drafting of planning conditions, although 25% felt it almost to be redundant. This might be due to some of the reasons outlined above.

1.5 Project design and mitigation

One very important facet that links in with mitigation is the issue of project design. The conventional EIA structure is based on the assumption that landscape issues are passive ‘mitigation’, to be added after project design (Hankinson, 1999). It is vital that ‘landscape’ is not seen as a passive or negative screening of the undesirable or the superficial ‘greening-up’ of an engineering or architectural fait accompli. For most projects that are likely to have a significant landscape impact, the relationship with the landscape should be seen as a fundamental part of project design (Hankinson, 1999). The EIS should then be a record of the residual effects: an assessment of the likely landscape and visual impacts of the final design, with many of the potential impacts designed out – ‘avoided and reduced’, as the primary legislation intends (Hankinson, 1999). Hence the fact that LVIs are simply regarded as passive mitigation to the developer might be one explanation as to why the EIS is not seen as a useful document for the formulation of planning conditions by POs.
1.6 The Need for the Project

EIA requires the consideration of many impacts (Bond et al., 2004). EC Directive 85/337, as amended, requires the consideration of ‘human beings, fauna and flora; soil; water; air; climate; the landscape; material assets; cultural heritage’ (CEU, 1997 in Bond et al., 2004). Research to-date indicates that not all these impact categories are comprehensively dealt with in EISs (Bond et al., 2004). This might influence the overall quality of the EIS and hence reduce the POs trust in using it as a consultative document in order to come to a decision as to whether planning permission should be granted or not.

Much literature is concerned with the integration of EIA in the UK planning decision-making process but very little deals with specific environmental components as identified above. We have seen that landscape and visual appraisal relies on subjectivity to a large extent. In addition many developments (if not all) are bound to acquire some kind of LVIs. It would therefore be fruitful if not informative to analyse to what extent the LVIs of a given development (which will be documented within the EIS), affect the PO’s perceptions and ultimately his or her decision as to whether development consent should be granted or not. Furthermore, consultations with statutory consultees and the public with specific reference to LVIs will also have a substantial bearing on the decision made by POs due to inherent subjectivity. Hence an analysis of both the applicable sections of EISs and the planning files will be undertaken in order to establish the weight given to landscape and visual appraisal within the UK planning system.

Secondly, the incorporation of environmental mitigation measures within the UK Planning System has also been examined, primarily through the DETR’s 1997 study. However once again the results are very broad and do not analyse any specific environmental component. It would be useful to see how the landscape and visual mitigation measures described in the EIS helped the POs with the formulation of planning obligations and or conditions. This is because the POs own perceptions could have influenced the translation of landscape and visual mitigation measures into appropriate obligations/conditions.
1.7 Aims, research questions and objectives

The overall aim of the dissertation is to gain an appreciation of how landscape and visual impacts and mitigation are treated within the UK planning system. There are essentially two research questions that need to be answered:

1. With respect to landscape and visual impacts, has the EIS and or consultations helped POs come to an informed decision as to whether planning permission should be granted or not?
2. In terms of landscape and visual mitigation measures, has the EIS aided POs with the formulation of planning obligations and/or conditions?

Therefore, the dissertation comprises the following objectives:

- To examine to what extent landscape and visual impacts and mitigation documented within the EIS influence the planning decision and formulation of planning obligations and/or conditions.

- To investigate whether the influence of landscape and visual impacts on planning decisions as well as the translation of landscape and visual mitigation measures into planning obligations/and or conditions varies according to type of development.

- To suggest possible ways in which the integration of LVIA within the UK planning system could be improved.
2. Methodology

2.1 Geographical selection

The research focused on one particular County in the UK: Norfolk. The rationale behind this is as follows: Policy ENV. 3 of the Norfolk Structure Plan 1999 states that “in the areas of important landscape quality, the Brecks, the river valleys, the remaining length of undeveloped coast, the Wash area […] proposals for development will only be acceptable where they can be shown to conserve and are sensitive to the appearance and character of these areas”. It can therefore be seen that a high number of landscape designation’s are to be found in Norfolk, placing LVIA as one of the main environmental considerations that PO’s should consider when making their development consent decisions. However, other Counties are likely to possess a similar landscape policy, therefore, ideally it would have been fruitful to visit other District and/or County Council’s. Given the financial and time constraints associated with the project, however, this was not possible. More importantly however, the general approach used (see below) necessitated the acquisition of specifics so that methodology and aims could complement one another.

2.2 General approach

A content analysis approach was adopted (Steinemann, 2001) in order to ‘understand current processes and to learn from them’ (Yin, 1994). This approach consisted of a) analysing planning applications that had been accompanied by an EIS and b) to ensure that the planning applications were approved so that the landscape and visual mitigation measures documented within the EIS could be compared with the planning obligations and/or conditions attached to the planning permission notice. Certain planning applications were initially rejected but eventually approved at the Appeal stage. Hence these types of planning application were also considered.

A semi-structured interview approach was used in the current research. This was favoured over structured and unstructured interviews for the following reasons: with structured interviews, ‘a set pattern of questions is worked out beforehand and then
asked in a precise order’ (Bond, 2004). However this limits the scope for in-depth analysis to occur as the interviewee cannot elaborate very much on personal experience he/she might have with regards the topic due to the highly focused nature of this type of interview. At the other end of the spectrum, unstructured interviews begin with one or two questions posed by the interviewer and then the interviewee is allowed to structure the content and direction of the interview (Bond, 2004). In this instance the main problem is the potential limit of appropriate information acquired as the structure and content is guided almost entirely by the interviewee rather than the interviewer. The semi-structured interview on the other hand, seeks to balance the two other forms of interview: ‘the researcher begins with a broad idea of the topics they wish to cover but is prepared to let the drift of the conversation dictate both the order and content of the specific questions’ (Bond, 2004). Therefore this method is the most feasible for the current research because a) it allows for the interviewer to acquire control over the broad topics to be discussed (hence assuring that the appropriate information will be obtained) and b) it potentially enables a more in-depth analysis to be undertaken depending on the willingness of the interviewee to elaborate on specific topics.

This approach was favoured rather than sending out a questionnaire for the following reason: ‘survey returns clearly depend to a certain extent on the views of the respondent and cannot be relied on to give precise information’ (Leu et al., 1995). Indeed, Wood (2003) recommends an examination of attitudes and opinions of decision makers through the use of interviews. The examination of the planning files and interviews were undertaken on the same day so that the EISs could act as potential case studies for the interviewee to relate to. As Denscombe (1998) notes, ‘researchers might expect the data obtained to be more detailed and rich, and the face-to-face contact offers some immediate means of validating the data’. In addition the details acquired from within the planning file and the mitigation section of the EIS act as case-studies in their own right, pulling out information that perhaps the planning officer missed out in the interview but that was necessarily relevant to the research. The research approach adopted by Hughes and Wood (1996) is similar to the method used for the current dissertation: ‘personal interviews were arranged with the seven relevant planning officers to question them about the preparation and the use of
the documents’. This relates to the current methodology in that ‘personal interviews’ were used in order to unearth the attitudes the planning officers have with respect to LVIA. ‘In addition, the planning officer’s reports were obtained for each of the projects to help determine what influence the documents and consultations may have had upon the decision that was made’. With respect to the current methodology this is also true although ‘documents’ specifically refers to EIS in this study, and evidence of personal opinion within the planning officer’s report was also sought after (perhaps by way of disagreeing with what the EIS said on LVI mitigation measures or impacts) and how this might have influenced the final decision.

Interviews were conducted with POs specifically so that even though they do not make the final decision on whether planning permission should be granted or not they will ultimately influence the planning committee’s final development control decision. The study conducted by Wood and Jones (1997), focussing on planning applications accompanied by an EIS, illustrates this very well: ‘the decision made by planning committee was the same as that recommended by the planning officer in 97% of cases’.

Planning Officers (POs) from each District Council were interviewed in addition to a Landscape Architect (LA) from Norfolk County Council and a Landscape Officer from Broadland District Council. However, it was not possible to interview a PO at West Norfolk District Council, face-to-face, hence a telephone interview was conducted in this instance. Typically, it was only possible to interview 1 PO at each District Council given their busy schedule as well as the limited time available to scrutinize planning files and EISs and interview POs all in the space of one day. However, 2 PO’s were interviewed at Breckland District Council and Great Yarmouth Borough Council. In retrospect, the practicality and cost-effectiveness of interviewing and analysing data on the same day cannot be underestimated. Hence, even though 1 – 2 POs were interviewed from each District Council, this allowed pertinent conclusions to be drawn for Norfolk County as a whole, and the content analysis of the planning files and EISs, in certain instances, backed up the interviews further.
With respect to the actual interview questions themselves, the full list of 9 questions can be viewed in Appendix B. (A broad overview of the interview questions will be given here). Owing to the semi-structured approach adopted, the following (order of questions was adhered to):

- Firstly, it was important to establish how experienced the given planning officer felt he/she was in terms of dealing with the EIA process – this was asked for two reasons – a) so that the interview could get under way in a smooth manner, which would not have been the case if a specific question would have been asked at the start and b) to put the answers to the specific questions asked later on into a wider context: e.g. perhaps due to a lack of experience, the planning officer had to rely more on the EIS or consultations rather than his/her own personal opinion.

- Secondly it was necessary to understand what the interviewees thought of EIS quality in order to gauge their opinion on how useful they felt the LVIA impacts within the EIS were in coming to an informed decision as to whether or not planning permission should be granted. In terms of planning conditions/obligations the LVIA mitigation measures in the EIS might have helped in their formulation.

- After these two broad questions were asked, the remaining questions revolved around the issue of consultation and the site visit, and how these influenced the planning officers personal opinion, if at all. The aim of asking these more specific questions was to find out whether the PO’s relied solely on their personal opinion having little regard for both EIS and consultations in making their decisions. Since LVIA is inherently subjective this could well have been the case.

During the interviews, field notes were used in order to take down what the interviewee was saying. This was especially true when just one planning officer was interviewed as he/she might have had a reservation or unwillingness to reveal information fully had a Dictaphone been used and this would have impacted negatively on the results (Denscombe, 1998). When more than one planning officer was interviewed, the use of a Dictaphone was justified on the grounds that using field notes solely would have limited the precision of the information gathered and certain
answers to questions might have been missed partially or even entirely. The issue of reluctance to speak in the presence of a Dictaphone in this instance was resolved by contacting the relevant District Councils and asking the planning officers that were going to be interviewed whether they would mind having their answers recorded. All agreed to be recorded. Thus the objective of obtaining the maximum amount of truthful information was achieved in this way.

2.3  Project categorisation

As LVIs are concerned with a broad, if not all development types it was envisaged that the data analysis undertaken would cover a wide range or as wide a range of development types as was feasibly possible given the time constraints associated with the research. There was no strict categorisation of development types as a result, however from the analysis of planning files that were accompanied by an EIS that had been approved, it emerged that a number of development types did recur throughout Norfolk. These are described below:

- Flood defence works
- Pig/poultry farms
- Waste and mineral extraction works
- Wind turbines

The above categorisation was primarily based on POs perceptions, as they were responsible for retrieving the relevant planning applications. As a result, this cannot be considered a representative sample of all the main project types that do occur within Norfolk that are subject to an EIA.
3. Results and Discussion

Each District Council’s results will be analysed in turn and discussed in the wider context, utilising the two research questions as a baseline with which to structure the discussion. The results acquired from the content analysis of planning files and EISs will be presented, where appropriate, in tandem with the interview responses on specific points. However other issues raised during the interviews themselves will also be discussed separately.

3.1 North Norfolk District Council (NNDC)


The decision notice accompanied by landscaping planning conditions stated the following: ‘Prior to the commencement of the development hereby permitted, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority (LPA).’

In addition the following details were put forward: ‘The scheme shall detail the ground preparation of seeding of the site together with any shrubs to be planted. The scheme shall also include indications of all existing trees and hedgerows on the land with details of any to be retained [...], together with measures for their protection during the course of development’.

The actual LV EIS mitigation measures were as follows: ‘Mitigation of the landscape effects would involve the reseeding or turf reinstatement of all disturbed areas and seeding of the new embankment to establish a vegetation cover, resulting in a negligible adverse residual effect’.

Within the PO’s recommendations the following was noted: ‘The development shall be carried out in full accordance with the recommendation on environmental mitigation measures detailed on page VII of the supporting E[I]S’. In this instance
then, it can be seen that the EIS helped greatly in the formulation of landscaping conditions, since full reference is given to the landscape and visual mitigation section. Hence it could well be that in this case, the EIS was of such quality that the planning officer felt that full reference should be given to it, especially with respect to LVI mitigation. Therefore, the scope for personal opinion to override the EIS as it were, even with respect to LVIA seems to be limited in this particular case. However, the NNDC PO did not comment on this issue and hence one cannot say for certain whether this is the case.

*Planning application: Construction of Natural Gas Compression Facility with Associated Plant and Buildings, New Access and Road Improvements. Decision: APPROVED but went through APPEAL process. Year: 1995*

As can be seen, in this case the development was controversial in that it had initially been refused but subsequently appealed to by the developer and eventually approved. However during this process significant conflict arose between the views of the POs, third parties and statutory consultees and the developer with respect to LVIA. The following are extracts from the consultations and the opinion voiced by the Chief PO.

The (then) Countryside Commission stated that: ‘...if the planning authority are mindful to give approval to this planning application sufficient attention should be devoted to the specification of mitigating landscaping works to minimise the impact on the Area of Outstanding Natural Beauty (AONB)’. In addition many interested parties opposed the development on the grounds that LVIs were causing ‘intrusion into the open countryside, which is totally contrary to the local plan’. However, even Norfolk County Council opposed the development: ‘Attention should also be paid to landscaping, which as currently proposed is considered inadequate’.

The actual LVI mitigation measures proposed within the EIS were as follows: ‘Trees will be planted at the commencement of the construction period on areas not affected by groundworks and on the perimeter of the site’. Hence an early tree screen will be established. However this is all the EIS mentions with respect to LVI mitigation and furthermore assumes that ‘positioning of the site in a valley next to the existing
Terminal also mitigates the impact of the development by placing it in an already industrial context’. This is of course the developer’s reasoning for the erection of the Natural Gas Compression facility, and the EIS goes on to state that ‘the significance of the impact of the compression facility on the landscape is likely to be low’. Hence the controversial issue of developer-bias arises here and consideration for the local inhabitants is kept to a minimum. Indeed, at a meeting held in 1995, Members complained about the non-technical summary of the EIS and more importantly that the developer gave the impression that all impacts were minimal.

In terms of the Chief PO’s report, his recommendation was as follows: ‘We wish to oppose planning permission being granted for the above project. Reasons: Visual Pollution: The height of the exhaust stacks is abnormally high. The reasons given by Interconnector being to reduce noise levels from the exhaust stacks is totally ludicrous with modern gas turbine technology’. In addition he states that ‘the acoustic hoods themselves are a blot on the landscape – there is no reason why the foundations cannot be 15 feet below ground level i.e. the turbines in holes’.

Hence, in this instance the personal views of the PO are at total odds with the EIS and hence agrees with the statutory consultees and opposing parties that the development should not go ahead based on the adverse LVIs. Therefore, it can be seen in this instance that EIS quality is relatively low and a lot of developer-bias exists, hence the PO under these circumstances is seen to use personal views more in conjunction with the consultations to come to a decision as to whether development should go ahead or not. However, during the interview with the NNDC PO, he considered this particular EIS to be ‘professional-like’. It seems that had this PO been responsible for writing the recommendation, he would have approved the development right from the beginning (unlike the other planning officer who disagreed with the LVIA issues). Hence personal perception of ‘quality’ also plays a role in whether a PO will refer to or agree with the EIS or not, and ultimately in influencing the final decision.

In addition, the NNDC PO mentioned that “if landscape is not seen as a priority environmental component then it is unlikely that reference to that particular section will be made in the planning officer’s report”. He gave the example of Interconnector
whereby he thought that other issues such as water pollution, noise and air quality were more important than LVIs. Therefore, as well as personal perceptions of EIS quality, perception of what the most significant environmental component for a given development will be, could also influence the final decision.


The planning conditions attached to the planning permission notice with specific reference to LVIs was simply as follows: ‘Prior to the commencement of the development hereby permitted a landscaping scheme shall be submitted to and approved in writing by the LPA’.

The development control committee suggested that the ‘Proposed use is acceptable in Countryside Policy Area and is subject to the provision of additional planting and retention and possible thickening of existing hedges’. However the report gives no reference to the EIS in this instance with regards to LVIA.

3.1.1 Other points raised in the Interview with North Norfolk District Planning Officer

The District Council in question receives on average ‘2 to 3 EISs every 5 years’, hence alluding to the fact that the experience of the PO with respect to EIA was rather typical perhaps. This is based on the fact that of 502 local authorities in the UK (97% of the total), 412 (82%) had received at least 1 EIS since the implementation of “the Directive” in 1988 by late 1995 (Glasson et al, 1999).

With respect to EIS quality he said that they were ‘mixed’. In terms of whether the LVI section of the EIS helped the PO with his/her recommendations to planning committee he said ‘not really’ and that PO’s will rely on subjectivity at the end of the day. He alluded to the fact that LVIA is ‘not a specific science like noise where you can measure decibels and compare with the standard.’
With respect to the issue of consultation, he said that ‘internal staff were consulted’ but that expertise in the field of LVIA was limited hence the need as it were for consultation to take place. Based on this, he admitted that the recommendations in his report with regards to LVIA would certainly not be adopted from personal opinion alone but from the wider consultations as well. He remarked that ‘beauty is in the eye of the beholder’, hence very subjective and personal, however other opinions from interested parties and statutory consultees (the main one for NNDC being Norfolk Landscape Archaeology) will be needed in order to come to an informed decision.

This particular PO did not have very much to say with respect to the issue of LVIA mitigation measures and to what extent the planning conditions attached to the permission notice were based upon them. However, he did mention the fact that there were ‘far too many’ landscape and visual planning conditions attached to developments: he said that they were even imposed on ‘single dwellings’.

Lastly, he told me that ‘landscape should enhance a scheme and not hide it’. He gave me examples of farm lagoons where ‘awful’ fences where used to round them off and were very visually intrusive. Therefore the issue of integrating mitigation measures within the project design should be adhered to in his opinion.

3.2 South Norfolk District Council (SNDC)

Planning application: Land East of Ferry Road

Flood defence works comprising bank strengthening floodbank setback, temporary site compound together with Engineering operations. Decision: APPROVED. Year: 2002

Interestingly, the first point of discussion/disagreement with this development was not so much the LVI impacts but the mitigation measures associated with the development: ‘further data should be submitted to clarify the figures used for Mean High Water Spring Levels; in respect of the River Yare, the replacement bank should
be at the same height as the existing road (0.94m to 1m AOD)’. Therefore it could well be that the mitigation measures proposed in the EIS were irrelevant or of low quality, hence the adoption of a consultative approach, finalising what the appropriate mitigation measures should have been. Although in this instance the mitigation measures are not specifically relevant to the landscape, it does potentially show that consultations are relied upon more than the EIS when it is considered to be of low quality, and this might especially be the case for LVIA due its inherent subjectivity. According to the SNDC PO, the ‘EIS is a good starting point’ and depending on the quality of the document, could influence the formulation of planning conditions to an extent, although consultations were preferred because ‘they give more detail’. Hence it can be seen that consultations are likely to be relied upon more than the EIS, especially when it is of poor quality, when recommending LV planning conditions.

The actual planning conditions attached to the planning permission that relate to LVIA in this case were the following: ‘All landscaping or restoration shall accord with the approved details unless otherwise agreed’. In terms of the planning process, a decision as to whether planning permission shall be granted or not will depend upon the development plan unless other material considerations dictate otherwise (Cullingworth and Nadin, 2002). However it is unclear whether ‘approved details’ refers to the development plan or the EIS. Perhaps the LV mitigation measures within the EIS altered the plan somewhat, but this is uncertain.

The LV mitigation measures documented within the EIS were broken down into two components: a) ‘Gates, silts and fences: the Environment Agency (EA) requires BESL to maximise the re-use of materials for replacement of field access crossings, gates and fences wherever possible’; b) Topsoil storage: ‘Topsoil shall only be stripped when soil moisture conditions will not result in damage to the soil structure’.

Hence it can be seen from the above that this particular EIS is quite detailed with respect to LV mitigation, however it is not clear whether these mitigation measures are an integral part of the ‘approved details’ as outlined in the condition.
Planning application: Erection of four egg breeder units with associated structures

Decision: APPROVED. Year: 2002

The LO agrees with the case officer regarding the issue of earth mounds: ‘I share her concern about the potential impact of earth mounds and note that these were not detailed on the planning drawings’. He adds: ‘within this hedgerow, oak trees should be planted at 10 metre centres in order to further mitigate the visual impact of the units’. Therefore, it would seem that this particular LO has a good deal of experience and hence can rely on his personal opinion and the fact that he is recommending a specific spacing distance reflects this. The issue of how the site visit influences the perceptions of POs comes into question here and according to the SNDC PO both the EIS and the site visit are used, ‘in order to ensure that positions of features are correct in the EIS’. Indeed, the above excerpt illustrates the fact that where the ‘planning drawings’ are inadequate or incorrect, it is more likely that personal opinion from the site visit will be used to come to an overall conclusion as to whether development consent should be granted or not.

The EIS LV mitigation measures (shown below) are not as precise and hence it can be concluded that reference is solely made to personal opinion through experience in this instance. In addition, the LO recommends that planting be proposed along the northern boundary of the site, and that this was not a specific requirement of the planning condition, nor was it mentioned in the EIS. According to the SNDC PO, the final decision, although personal will ‘not exclude any information that has been provided’. Hence personal opinion does not override the consultations in his view, even though LVIA is highly subjective. Consultations are used ‘as an integral means of coming to an informed decision, otherwise there would be no point in consulting in the first place’. This might well hold true for this particular planning officer, however the above LO excerpt, does show that personal opinion is relied upon extensively. The LV mitigation contained within the EIS specifies the following: ‘An earth bund is to be erected on the South and West sides of the buildings with a tree screen planted thereon’. There was no mention of any northern boundary here and hence it is a fact that the LO’s personal perception of what should be done differs with what is
documented within the EIS. However it cannot be said for sure that he relies totally on his subjective albeit experienced opinion as many of the third parties (e.g. Parish Council) wish to see a ‘landscaped bund to the northern boundary’ as well, hence consultations might also have influenced the LO’s personal opinion.

3.2.1 Other points raised in the interview with South Norfolk District Council Planning Officer

It must be noted that in this interview, after the two general questions asked on EIS quality and experience, the focus turned to mitigation measures, as it was felt that from the last interview with NNDC, not much information pertaining to this issue was acquired.

South Norfolk District Council does not receive a ‘huge number’ of EISs per year. Many of the applications are concerned with agricultural/residential development.

In terms of quality, like the NNDC PO he too thought that the EISs received were of ‘mixed’ quality. This was based on his own personal opinion as he said that no review packages were used to aid him in this process.

When asked about the issue of landscaping conditions he said that they were ‘pretty standard’. He told me that it was a case of the developer ‘getting away with the least possible…’ With respect to the issue of EIS LV mitigation measures influencing the formulation of planning conditions he said that this greatly depended upon the quality of the EIS. He himself said that he was quite happy to trust LV mitigation that showed ‘before’ and ‘after’ pictures for instance and that did not contain technical jargon.

With respect to the issue of landscaping conditions being part of the mainstreaming planning process (i.e. development plan) or part of the environmental information used as a material consideration, he thought that ‘landscaping is integral to any development’ therefore the LV mitigation measures are not treated as an ‘add-on’ in his view and therefore are part of the environmental information considered in the
material considerations. This means that reference to the LV mitigation within the EIS is made and will influence the formulation of landscaping planning conditions to an extent (as alluded to above).

In terms of whether the LV impact section of the ES has helped POs with their recommendations on whether the development should go ahead or not, he said that the EIS should be looked at ‘critically’ and that he was ‘always on the look out for developer bias’. In addition, he mentioned that there are plenty of ‘amenity societies’, which are ‘far more knowledgeable’. Hence from this it is quite clear that this planning officer favours consultations over EISs, since he seems to trust them more.

With regards to the issue of personal opinion overriding the LV impact section of the EIS, he told me that ‘if in doubt, a second opinion can be sought after’. He said that he looks at both the EIS and the consultations but at the end of the day, it is necessary to personally evaluate the LV impacts based on the information provided. He said that ‘The more information the better’. After this, he again alluded to the fact that one can liaise with amenity groups to ask them for more information if ‘at first sight the information is inadequate’.

As far as the issue of consultation goes, he said that he tries to ‘consult as widely as possible’ and that the landscape is but one issue associated with this. He said that perhaps one reason for the Countryside Agency’s (CA) minimum influence on planning officers recommendations was that ‘other issues needed to be balanced’ or that the CA was going into ‘too much detail’.

3.3 Great Yarmouth Borough Council (GYBC)

Analysis of two wind-turbine planning applications was undertaken at this District Council; hence this project type shall be focussed upon. The conflict between developer and interested parties is very heightened in this instance due to the extensive visual impacts associated with such developments and the fact that wind
turbines are a form of renewable energy source that counteracts global warming. The position the PO’s take with respect to these issues is unearthed within the case studies but particularly from the interview with the two POs.


The PO’s report sums up the issue of consultation well: ‘the proposal has been subject to wide consultation and has given rise to strong concern over its landscape effects, particularly in relation to the amenities of nearby residents and the impact upon the adjacent AONB’. Whether the EIS is referred to in this instance so that objectivity is maintained is uncertain. However, as noted from previous case studies and interviews, the EIS should be consulted since it provides ‘a good starting point’ in assessing the potential impacts associated with a given project. Even so, and this is especially true for wind turbine applications, the photomontages within the EIS must be checked by conducting a site visit, since pictures cannot substitute for what the naked eye really sees, as this excerpt from the PO’s report shows: “[...] confirmed with conversation with many individuals is that the present wind farm is more prominent and can be viewed from further away than was anticipated at the application stage and on the basis of submitted photomontage”. Indeed, according to the two GYBC PO’s, the EIS is referred to “for sure” but it is used “in combination with the site visit” to compare the image of wind turbines put in the EIS with what the naked eye actually sees.

Furthermore the PO’s report states that the “view of many of the significant consultees (e.g. Broads Authority, Countryside Agency...) is that adverse visual impact upon valuable and protected landscape does, in this instance, outweigh the advantages of securing a new source of renewable power”. In addition the view is that “the contribution to reducing energy from the burning of fossil fuels/nuclear power might be better made by an emphasis on encouraging energy conservation and savings”. Therefore the final recommendation was to refuse planning permission: “in the event of a decision the recommendation is that the application should be refused on the
grounds that significant adverse visual impact of the Broads and the AONB landscape will occur”. Hence the willingness to consult the EIS in this instance was more limited than any other developments outlined previously and therefore it can be said that wind turbine EISs do not influence the PO’s recommendation as much as the consultations would in this instance. This distrust of the EIS probably arises due to the fact that in some cases, the submitted photomontages are a representation of what the developer would like the PO to believe is there, whereas the reality might and usually does dictate otherwise. Nevertheless, according to the two GYBC PO’s, even though developer-bias exists quite profusely in this instance the EIS is still consulted and in combination with the site visit a more ‘realistic’ view is obtained. Indeed both POs said, “developer-bias is at the back of our minds”.

However the real difficulty with wind turbine applications is to consider the differing opinions of the public and third parties: some may consider a wind turbine to be a majestic form of renewable energy whilst others may indeed consider it to be a blot on the landscape. Hence symbolism is an important term that should be considered. Indeed, one of the two GYBC PO’s raised the issue of symbolism with respect to wind turbines and said that he actually “likes” them. However, he said that even though he personally thought that their outlook was good, this would not be allowed to be put in the report because it would mean that he did not take account of “other material considerations”. Consequently, it seems that even with the inherently subjective issue of LVIA, personal opinion is kept to a minimum within the planning process, at least with respect to PO’s recommendations.

With respect to LV mitigation measures, in this instance it is not possible to ‘landscape’ a wind turbine, hence site selection and colour become the important ‘mitigation’ measures that need to be implemented. The EIS mitigation for the above application states: “in summary the environmental impacts have been minimised throughout the planning process. NO mitigation measures are perceived as being necessary”.
Even though there was plenty of opposition from third parties and the statutory consultees to oppose development the application was approved after it went to Appeal. Hence it seems that the planning inspectors are either more politically orientated or simply do not think that the LV impacts will be as significant as those pointed out by statutory consultees. Therefore, perhaps at this level, personal opinion influences the decision more due to the fact that a planning inspector has delegated powers that the PO does not possess. It was not possible to interview Planning Inspectors to check this view however so this is just a possibility.

*Planning application: South Denes Wind Park, Great Yarmouth (4 X E66 wind turbines). Decision: APPROVED, through APPEAL.*

Once again, initial refusal of planning permission occurred: “The proposed wind turbines, on account of their scale/position are considered to significantly adversely affect local amenities and the amenities of the occupiers and users of nearby properties and lands on either side of the River Yare”.

However at the Appeal stage, the view of the Planning Inspector seemed to favour development: “…I saw at my visit that the wind turbines at Somerton can be seen over a wide area, although the intervening landscape …impact fleeting. The proposed turbines would be in an urban setting where vertical structures such as Nelson’s Monument and the proposed towers for the power station…” Since the wind turbine was eventually approved it can be said that this personal statement influenced the decision to a far greater extent than did the recommendation(s) made by the PO. Whether this is because the Planning Inspector thought that the development was not as visually intrusive as the PO, assuming further information from the developer was asked for at Appeal, remains unclear.

The actual conditions attached to the Appeal decision were as follows: “No development shall take place until details of the non-reflective finish and colour of the materials to be used for the external surfaces of the wind turbines have been submitted and approved by the Local Planning Authority (LPA)”.
“No development shall take place until a scheme for the alleviation of shadow flicker affecting properties in the vicinity of the proposed turbines has been submitted to and approved by the LPA”.

The LV mitigation measures within the EIS were as follows: “The impact of a wind turbine can be reduced by traditional means, such as strategic planning, but not removed. For this reason mitigation measures have been built into the design of the development primarily through the choice of site”. In addition, shadow-flicker is proposed to be mitigated by “pre-programming the wind turbine with the times and dates of potential shadow-flicker”.

Hence it is quite possible that the above Appeal conditions in this instance were formulated based upon the LV mitigation documented within the EIS. Perhaps this is not so surprising given the fact that the developer and Planning Inspector both agree that the application should go ahead.

3.3.1 Other points raised in the Interview with two GYBC POs

Since the above two planning applications dealt with wind turbines, the interview focused on the LV issues associated with this type of development solely.

GYBC receives on average “2 to 3 EISs per year”. This is actually slightly higher than the most common value of 1 EIS received by local authorities (see Section 3.1.1). In addition, both POs hold an MSc in EIA hence their knowledge of the process would be expected to be good.

Both POs rated EIS quality as “generally good”. This was arrived at by personal opinion, no review packages were used to rate quality. Following on from this, when asked how much weight was placed upon the EIS when coming to a decision as to
whether planning permission should be granted or not both told me that the “*first protocol is the Local Plan and the public opinion associated with the development*”.

In addition they also mentioned the fact that there is a “*political element*” within the EIA process whereby the councillors who make the ultimate decision are the “*voice of the people*” since they are elected by the people. Therefore it could well be the case that the Planning Committee place more weight on the consultations rather than the EIS, although this cannot be proven here since interviews with Councillors were not undertaken. Consequently “*at the end of the day, it is all about considering both the ES, consultations/complaints and weighing these up to come to an informed decision*”. Hence, even though LVIA is highly subjective they said that they would “*always refer to the EIS and consultations*” and it would not be a case of going on a “*personal rant*” to decide what was best.

As one can see here, both POs interviewed considered EIS quality to be “*generally good*” therefore the likelihood of them referring to it would have been high in the first place. From the case study analysis however it can be seen that the consultations are used more than the EIS because of the frequent reference to the consultations rather than the EIS within the PO’s report. Therefore even though the two POs interviewed gave the impression that an equal amount of EIS and consultation reference occurs, it is more likely, due to developer bias on the one hand and the perceived quality of EISs on the other, that consultations are relied upon more than the EIS.

In terms of mitigation, both POs said that for wind turbines, the area that is dealt with is “*very exposed*” hence it would not be feasible to screen. Consequently, there is no specific EIS section on mitigation with respect to wind turbine applications and the appeal conditions would refer to design issues such as colour and the issue of shadow flicker and how to limit this at the design stage (see South Denes case-study).

3.4 **Breckland District Council (BDC)**
Planning application: Kenninghall – Erection of a new poultry farm. Decision: APPROVED.

The landscaping planning conditions attached to this development along with the LV mitigation measures documented within the EIS will be compared: “before commencement of work on site, a scheme of landscaping which shall take account of any existing trees or hedges on site shall be submitted and approved in writing by the LPA”. In addition, “no development shall take place until a schedule of landscape maintenance for a minimum period of 10 years has been submitted to and approved by the LPA. The landscaping shall be carried out in the approved schedule”. Again, whether the ‘approved schedule’ is actually the LV mitigation contained within the ES is unclear.

The ES LV mitigation measures were as follows: “the area of planting and earth screening will occupy ~ 0.12ha (0.3acre) and will be planted with native trees and shrubs. The area will be densely planted at 15m centres, equivalent to 4450 plants per hectare to achieve early screening and will contain ~ 540 plants. A mix of 50% trees and 50% woody shrubs will create a dense visual barrier”. These mitigation measures are quite precise and detailed so the likelihood of them at least influencing the ‘approved schedule’ would seem to be high. Hence as a result of this good quality EIS, reference to it is likely to be made.

Within the development control officer’s report, it is apparent that independent consultants, ADAS, prepared the EIS and not agents of the developer. Therefore developer-bias in this instance would tend to be limited and the EIS trusted more as a result. In the report it is mentioned that a similar application (poultry farm) was refused based on its significant landscape impacts a few years before.

The PO recommends the following: “the significant landscaping proposals and the relatively low lying nature of the land in addition to the overall design and scale of
buildings proposed are such that a refusal on the basis of detriment to the Area of Important Landscape Quality (AILQ) would not now be justified”.

Therefore, in this instance it can be seen that the EIS is referred to since the ‘landscaping proposals’ are essentially the LV mitigation measures. Hence the consultations in this instance are not favoured over the EIS and based on the information acquired, the PO believes the “proposal would result in a more efficient agricultural operation which would assist in mitigating any significant adverse environmental impact on the living conditions of the local residents”. Hence, it can be seen that the PO’s personal opinion with respect to LVIA does not override the EIS or consultations in this instance, rather they are used to enrich the PO’s personal perception and aid him/her come to an informed decision, even though LVIA is very subjective. This is especially true in terms of the EIS due to the comprehensive landscaping proposals given in the mitigation section. Of course, in this particular case the PO would have to give very good reasons for rejecting the proposal given the fact that a similar proposal was rejected beforehand. In other words, the landscape and visual impacts would have to adversely outweigh the landscaping proposals noticeably but due to previous rejection, the developer has promised to screen the poultry farm considerably more than the last application and the proposals adopted in order to achieve this satisfy the PO. Hence site history plays a very important part in this instance.

3.4.1 Interview with the Development Control Manager and a Countryside and Tree Officer in Breckland District Council

In terms of the number of EISs received at Breckland Council, the PO mentioned that on average 3 – 4 per year are acquired, and that most of these are wind turbine and poultry farm applications. It was also noted that the Countryside Officer had only been in office for the past 6 months, so he himself admitted that unfortunately he had “little experience”, although the development control manager had been at Breckland for over 7 years.
With respect to the quality of EISs received, both said that they “vary tremendously”. The Countryside Officer continued by giving a few examples of recent EISs he had dealt with which were both ‘good’ and ‘poor’. Both rated EIS quality based on their own personal perceptions, no review packages were used.

When asked about the extent to which the landscape and visual section of the EIS had been relied upon when coming to a recommendation as to whether planning permission should be granted or not, they alluded to the fact that they had “different experiences”. The Countryside Officer for example, said that the EISs themselves were “pretty reliable” but that he certainly wouldn’t rely on the LV impact section “entirely” and that a site visit would need to be made too. In terms of the Development Control Manager (DCM), she alluded to the fact that Landscape Character Assessments (LCAs) were undertaken at Breckland Council for wind turbine applications mostly, and that the EIS had referenced this LCA, hence she was quite “happy” about this. However it was unclear in this instance whether she relied on the LV impacts more than the LCAs undertaken at the Council.

In terms of the weight placed upon consultations and whether they tend to rely on them more than the EIS, the DCM said, “it depends on what turns up” and added that at the end of the day “we try to corroborate in that respect”. Hence it can be seen that development control members are quite reluctant to place emphasis on one particular facet of EIA and tend to collate as much information as possible and based on that, come to an informed decision on whether development consent should be granted or not, even with respect to the subjective nature of LVIA.

When asked whether the Countryside Officer (CO) in particular would tend to disagree with the mitigation measures voiced in the EIS, (i.e. rely more on personal opinion based on experience), he said “I could if I wanted to” and the DCM said that “if we are unhappy then we will say so”. They also mentioned that once again the EIS quality plays a role: if the EIS quality is good then both CO and DCM were quite happy to “condition it!” (i.e. translate the LV mitigation measures into landscaping conditions). The CO mentioned that when considering mitigation the following
simple question is asked “is this going to work or not?” Furthermore he said that a “reactive” approach is taken whereby the developer is “guilty until proven innocent”. Therefore from this it can be seen that depending on what the DCM and CO consider to be appropriate LV mitigation measures, they are willing to relate quite firmly to the EIS. However, they also emphasised the fact that this decision would not only be arrived at through reading the EIS but from the consultations and personal experience of what the appropriate mitigation measures for a particular development should be.

With respect to the issue raised in Jones (1995) concerning the fact that landscaping conditions are amongst the most common conditions attached to planning permission notices, both the CO and DCM were “not keen on that”. They thought that landscaping conditions should be “more targeted” and “focused”. To achieve this, on the one hand the quality of the LV mitigation within the EIS would have to be improved and on the other, more experienced Landscape Officers or POs with good experience of landscape issues would need to recommend the appropriate conditions for the development type concerned.

In terms of whether personal opinion or perceptions of landscape and visual impacts override the consultation process or the validity given to the EIS, the DCM said that the “starting point was always the development plan unless other material considerations indicated otherwise”. She thought that there was actually “little room” in the planning process for personal opinion, however both DCM and CO mentioned the fact that as soon as the issue of “quality” arose, this was a very subjective term used in landscape and that is why the site visit is so important in order to determine what the actual quality of the landscape is.

3.5 West Norfolk District Council (WNDC)

Unfortunately, it was not possible to visit this District Council due to a failure of the computer planning register to file applications. Therefore, as a contingency plan, a short, 10-minute telephone conversation was held with a PO. However this particular
PO had only been recently appointed to WNDC (for the past 8 weeks) hence limited experience was again an issue.

3.5.1 Telephone interview with a PO

In terms of the number of EISs received per year, obviously he could not say because he had only been in the office for the past 8 weeks.

With respect to EIS quality, he said that they were “extremely variable”. He said that he based this rating on personal opinion mostly although he had used the Oxford Brookes review-package once.

In terms of the weight given to the EIS, he said that he “draws on additional information as much as possible”. He added that room for personal opinion was limited.

As for mitigation, he pointed out that conditions can be “couched” to acknowledge the EIS, but usually they are just “standard” due to “expediency” reasons. This last point could explain why landscaping conditions are normally standardised and not explicit: all planning applications have time constraints associated with them and hence it could be that due to this, limited focus with respect to LV conditions can be established.

3.6 Norfolk County Council (NCC)

The main reason for including NCC within the scope of this study was to gain an appreciation of the views, both within the content analysis but more widely through the subsequent interview with an experienced Landscape Architect (LA). Hence the ‘Senior Landscape Architect’s report’ was mostly focused upon here. It must also be
noted that the LA interviewed was the same as the Senior LA that had written the report below. Hence more pertinent conclusions were drawn in this instance.


Within the Senior Landscape Architect report, the LA mentions: “Working this site would remove a prominent landscape feature (the relic hedgerow)”. She adds, “Whilst I accept the applicant proposing a 2.5 metre screen bund [...] the bunds themselves are visually intrusive”. Hence a lot of personal opinion is voiced here and it might well be the case that her perceptions of what should be done with respect to LVIA override those proposed within the EIS. The LV mitigation measures within the EIS were quite detailed: “Screen bund proposed inside the planting block along the North and South sections [...].” However, as noted above, the LA disagrees with the screen bund, hence the fact that personal opinion overrides the EIS recommendations is validated in this instance. In addition the “progressive restoration” scheme is discussed which is also contained within the ‘Supporting Statement’ (which is basically a summary of the EIS). Hence reference to the EIS is confirmed here.

According to the interview with the NCC LA, however, as far as mitigation measures are concerned, she said that if she did feel the need to disagree with the EIS, there would always be “scope for negotiation”. Hence, if this is the case, the applicant’s are usually “willing” to participate (because this is usually the only obstacle that is stopping them from gaining planning permission) and they will take the LA recommendations on board and amend their LV mitigation. Hence the LV mitigation measures documented within the EIS are not to be taken as the final mitigation measures according to the LA, and that as a result, the final LV mitigation measures will include the LA’s recommendations. Nevertheless, the fact that disagreement occurs between what is in the EIS and the LA’s views does mean that personal experience does override the EIS.
3.6.1 Other points raised in the Interview with the Senior Landscape Architect

In terms of the number of EISs received per year, the LA concluded that “10 – 20 formal EISs” are acquired on average each year. This is considerably higher than the District Councils studied.

As far as the quality of EISs is concerned, she said that they “vary quite a lot”. In addition to this she gave reasons as to why this might be, saying that EIS quality relates quite strongly to development type. From a purely landscape and visual perspective, she said that the quality of this section was getting “better”, although she alluded to the fact that photomontage submissions were quite “poor”. This would then be another potential area where personal opinion would override the EIS.

With respect to the usefulness of the LV impact section within the recommendations made in the PO’s report she said, “if done properly, it helps to bring all of the information together” and added that in these terms the EIS constituted a “useful tool”. In addition she mentioned that the “first thing I look at, is whether the appropriate methodology has been followed”. By ‘methodology’ she meant whether the Landscape and Visual Impact Guidelines published by the Landscape Institute in 2002 were adhered to. She told me that there were sometimes problems with the “rating of significance” and gave me the example whereby a person who was “looking outside from their window” would perceive an LV impact differently then a person who was “driving in a car”, but that this was not recognised within some EISs. From the PO’s perspective, she emphasised that the EIS was “helpful” as it “picks up on the problem areas, landscape designations...” On the other hand, she said that the EIS “does not obviate the need to go out do a site visit”, and told me that it was very “difficult” to acquire a “balanced” EIS. In addition she mentioned that the EIA process as a whole “tends to be from the viewpoint that development should be justified”.

In terms of the weight assigned to the EIS, she said that “if the EIS is inadequate and if we consider it to be inadequate” then there is always the option of going back to the
developer and asking them for further information. Hence it can be seen that the first point of contact is the developer and not one’s personal, albeit experienced views on landscape issues. She said that with waste and mineral extraction applications specifically, there are two main issues: “the actual impact of the process and restoration”. She tends to look at them “separately and collectively” and gave me the example whereby she may have agreed with the “conclusion of the EIS that the restoration scheme once achieved would be acceptable” but disagreed with the EIS on “impact significance”. As to why, she said the “EISs tend to look at impacts from a uniform baseline, e.g. the countryside is considered to be quiet”. This limits the extent to which local factors are taken into account. This is where the LA’s recommendations would enter the equation. However, even though the LA’s recommendations are indeed arrived at through personal opinion, she first assesses the EIS and does not totally disregard it.

In terms of the site visit, she said that she would “read the EIS first, before going to the site” and added that she “would not totally disregard it”. She said “I would hope that if done properly, it would have drawn baseline information for me and save me time having to do my own assessment”. Hence this confirms the fact that even in the case of an experienced LA, the EIS and site visit are used in conjunction to help him/her with the recommendations and personal opinion does not take control, even though LVIA is inherently subjective.

In terms of whether the LV mitigation measures constitute part of the environmental information or whether the landscape conditions are part of the mainstream planning process, she mentioned that “EC Directive 85/337 gives a number of headings on what environmental information should be included or not” and landscape is one of them. So landscape is considered to be environmental information that is looked upon as a material consideration in the planning process. As for why so many developments contain a provision for ‘landscaping’ she said that it is a “means for proving and remedying any damage which might be done during the application” and gave me the example where a household extension would involve “taking a hedge out” and the ‘landscaping scheme’ would simply reassure the owner that “something is replanted”.

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Lastly, the fact that the Countryside Agency where the least influential consultee affecting PO’s reports (Jones, 1995), was because in her view “they tend not to respond unless the application affects AONBs or a Nationally Designated Landscape”. Hence they would only tend to be consulted in the Broad’s area and North Norfolk District mostly, due to the presence of national landscape designations in these locales.

3.7. Norwich City Council (NoCC)

Unfortunately content analysis of planning files and EISs was not undertaken here because all planning applications that had been accompanied by an EIS had not been approved (yet); hence no landscape planning conditions would have been attached. Hence a comparison between the LV mitigation measures and the landscaping conditions was not possible. However a face-to-face interview with one PO was still achievable.

3.7.1. Interview with NoCC PO

In terms of the number of EISs received, NoCC acquires “no more than 2” EISs per year. This again is fairly typical of EIS submissions within the UK (see Section 3.1.1).

As far as the issue of EIS quality goes, he did say that even though a limited number of EISs were received, he thought that they were “good”. He mentioned that the EISs were “prepared by professionals” and gave me the example of “WSP”. This was based on personal perception of quality, no review packages were used.

With respect to the issue of whether the LV mitigation measures within the EIS helped in the formulation of landscaping planning conditions, he did admit that
landscape conditions were “put on very regularly”, but added that this issue was not really “relevant” to this City Council and that “bat surveys” and “biodiversity protection” would be more akin to the environmental issues dealt with here. Therefore, it would seem logical to conclude that due to the urban nature of the city, LVIA would simply be a minor issue.

In terms of the weight assigned to the landscape and visual impact section of the EIS when coming to a decision as to whether planning permission should be granted or not, he said that it is “difficult to ignore it” and added that he would “want to be consistent with the findings of the EIA”.

A propos consultations, he simply said that he would “rely more on the consultations” than his own personal experience when it came down to LVIA.

In terms of the site visit, he said that he would use this “to check to see whether the EIS is correct” and “build upon it”. In addition he said that he would use the EIS “in conjunction” with the site visit to help him come to an informed decision and not totally disregard the EIS. However, it has also been shown that even experienced landscape architects do not totally disregard the EIS and it actually helps them to focus on the most significant areas (see section 3.6.1).

Lastly, with regards to the common occurrence of landscaping conditions on all type of developments, he said, “some proposals can just do that”. In addition he mentioned that there were basically two types of landscaping conditions in his view: a) “Landscaping scheme shall be submitted and b) ...in accordance with the planning drawing...” He did not know whether the LV mitigation measures in the EIS would have been referred to in these instances.

3.8 Broadland District Council (BrDC)

The planning permission notice contained the following landscape conditions: “Prior to any development commencing, a landscape master plan shall be submitted […]”. Furthermore, “a landscape management plan including long term design objectives and maintenance schedules for all landscape areas shall be submitted [...]”.

The LV mitigation measures documented within the EIS stated: “any development on site would have extensive new planting [...]. Hedges can be retained and underplanted [...] and the two areas of woodland underplanted and managed to enhance their species diversity”. Therefore it would perhaps seem appropriate to translate these LV mitigation measures into LV planning conditions, since the level of detail is relatively high. However, from the interview with the BrDC Landscape Officer (LO), it was found that the LV planning conditions are not based on the LV mitigation measures. He said that they “point us in the right direction”, but time-factor issues as well as “protective measures” such as the protection of “bushes, landscape and hedgerows” were not sufficiently addressed in the EIS. With respect to the time-factor issue, he said “we simply cannot keep referring back to the developer to provide us with more accurate mitigation measures”. Hence the fact that the development needs to be approved given a set time-period does not allow precise enough mitigation measures to be documented within the EIS, thus severely limiting the extent to which these measures would actually be translated into LV conditions, at least according to this LO.

In addition, LV conditions that are based on a “landscaping scheme” within the “approved details” do not refer to the EIS in any way, but rather to “best practice and legislation as well as the policy” according to the BrDC LO. He also mentioned that in certain cases, “Supplementary Planning Guidance (SPG)” would be attached to the planning policy and would be adhered to rather than the LV mitigation measures. In terms of planning obligations, he said that they are primarily concerned with “whether there is enough money for the development to go ahead” and hence it would be unlikely for any reference to be made to LV mitigation measures. In fact, the planning obligation associated with the above development only stated that “provision of traffic signals and bus services” shall be made. Landscape was not mentioned at all.
Planning application: Flood defence works including floodbank strengthening and setback, a temporary site compound, associated engineering units and a permanent diversion of a public footpath. Decision: APPROVED. Year: 2002.

Within the Assessment part of the PO’s report, the following is mentioned: “in respect of the proposed amendment to relocate the diesel engine shed, it is of concern that no comprehensive evaluation of its impact upon the landscape has been undertaken and that the detailed arrangements in respect of the layout could refer more effectively to the raised site area”. As a result of this, further information was requested from the developer. Hence it can be seen that EIS quality was a concern here.

In addition, the LO responsible for this application remarked: “I believe that the E[I]S should expand on the potential impacts detailed in the scheme”. Furthermore, “the sensitivity of the landscape to accommodate these changes has to be addressed as does the extent of change in the fabric of the landscape”. Therefore, the LO agrees with the PO on the issue of poor EIS quality in this instance. However, relying on one’s personal opinion instead is not the option that either the PO or LO want to take and both are willing to request further information from the developer.

The BrDC PO interviewed, held a slightly different approach to the issue of LV impacts. He mentioned that “most of the detail in the EIS comes from specialists”. Furthermore, he said that he was totally willing to “rely on their credentials and their knowledge as well as experience”. So, in his case he is willing to rely more on the EIS than his own personal opinion. In addition, he remarked “disagreement should be dealt with prior to EIS submission”. However this proposition seems unlikely to hold true since most of the key environmental impacts are documented within the EIS and hence without consulting this first, it is simply not possible to know what the significant environmental impacts are going to be, thus limiting the scope for disagreement at the pre-EIS submission stage. Even though the BrDC PO was willing to place quite a heavy weighting on the EIS compared to personal opinion, in terms of usefulness of the LV impact section, he said, “if I agree with the content, then it is a useful tool”. By “content” he meant the methodological approach and that if this was deemed to be correct than he would trust the EIS. However, he remarked that “life
would be a lot easier if the LV impact section was more focused, with more targeted aims”, and mentioned that EISs were “lengthy documents” that needed to be “filtered down”.

3.8.1 Other points raised in the BrDC LO interview

With respect to the number of EISs received at this Authority, the LO said “2-3 a year”. However he did say that he had only been in office in BrDC since May 2004.

In terms of EIS quality, he mentioned that the flood defence works one he had seen within BrDC was of “high standard”. However, this is not to be taken as representing the whole range of EISs. Nevertheless, the fact that this LO considered the above EIS to be of high standard whereas another PO and LO considered it to be lacking (see case study above) reduces the validity of this comment.

As far as consultations with the statutory consultees, third parties and the public are concerned, he spoke on behalf of PO’s and said that “they take everything on board and balance the issues out”. This seems to be a valid point given the pattern of similar comments received from PO’s. Hence even though LVIA is highly subjective, little room for personal opinion is made available.

In terms of the site visit, he said that he would use “both the EIS and the site visit” to come to an informed decision. The site visit would enable him to “pick up something that might not have been documented within the EIS”; although he said that the emphasis lay on the EIS. In addition, he remarked that the time-limiting factor was an issue and in this respect the EIS was a useful tool with which to be able to focus upon the key landscape impacts during the site visit.
4. Limitations and Recommendations

Interestingly, those developments that had been approved through the Appeal process (generally wind turbine applications), showed a definite disagreement between the PO’s personal opinion on whether development should go ahead (generally in these cases planning permission was not recommended to be granted) and the Planning Inspector (PI) who seemed to favour development. Why this is the case needs to be unearthed and hence interviews should be conducted with PI’s as well.

In addition, even though the study by Wood and Jones (1997) concludes that in 97% of cases Planning Committee actually agreed with the recommendations made by PO’s, (with respect to those planning applications that have been accompanied by an EIS), it is worth interviewing the Councillors so that they can perhaps give a more accurate impression of how LVIA influences their final decision as to whether development consent should be granted or not. Furthermore, it is thought that LA’s or LO’s should be interviewed with the Councillors and/or PO’s so that both the landscape expertise of the LA and the decision-making framework adopted by the PO and/or Councillor can give an overall, more robust idea of how LVIA operates within the UK planning system, something that was not possible to fully achieve in this project due to time and financial constraints.

Furthermore, it must be noted that all except one PO rated EIS quality based on personal perception. Therefore this will ultimately influence the ways in which POs/LOs view the extent to which the EIS helped in the PO’s recommendations. Thus in certain instances, the POs/LOs interviewed regarded the EIS to be of good quality whereas the PO who actually wrote the planning report thought it was of poor quality (refer to section 3.1). Hence it is recommended that to extend or further this research that the POs and/or LOs who were responsible for writing the report are interviewed as far as is feasibly possible.

In terms of how the UK Planning System should become more integral to LVIA, it is suggested that firstly the LVI mitigation measures within the EIS become more focused and targeted, so that the translation of LVI mitigation measures into LVI conditions would increasingly relate to the LV EIS mitigation, rather than the
standard LV planning conditions. Secondly, with respect to LVIs themselves, Supplementary Planning Guidance (SPG) should be extensively introduced so that PO’s are well aware of general landscape methodology and how to rate significance properly. The fact that this advice would be part of the planning process would encourage PO’s to read it and learn as opposed to referring to the Landscape Institute’s 2002 LVIA methodology, which might be seen as an ‘add-on’ and hence not consulted. In this way the experience of all PO’s would increase and potentially, more reliance might be placed on personal opinion, and reduce the time taken for further information to be requested from the developer.
5. Conclusions

It must be noted that the conclusions arrived at could only be tentative in nature as a result of the above limitations identified within the research. Nevertheless, in terms of the LV impacts documented within the EIS and how this influenced the recommendations within the PO’s report as to whether planning permission should be granted or not, the following was found:

- that the better the EIS quality, the more likely it was for the PO to find it a useful tool for his/her planning decision, even with respect to the subjective nature of LVIA.

- that personal perception of quality and what the most significant environmental component is likely to be would influence the reliance placed upon the EIS.

- that regardless of the experience of the POs and especially of the LAs and LOs, personal opinion would not override either the consultations and/or the EIS, although this is not always the case as seen through certain case studies.

- that the site visit would be conducted in conjunction with the EIS and not on its own. For instance, in the case of wind turbines, it was noted that even though developer-bias is paramount, the EIS would still be used when conducting a site visit, and not totally disregarded in favour of the PO’s subjective personal opinion.

In terms of the LV mitigation within the EIS and how this influenced the PO’s recommendations on whether development consent should be granted or not the following was noted:

- that if PO’s, LO’s and/or LA’s do not agree with the LV mitigation measures proposed, that there was scope for negotiation with the developer to amend these and hence the final decision made would not be influenced. This especially holds true for experienced LA’s.
that certain PO’s were content to directly condition the LV mitigation measures into LV planning conditions if the LV mitigation section of the EIS was perceived to be of good quality. However this tended to be more of an exception rather than the rule.
References


Shaw, J., (1999) Norfolk Structure Plan, Director of Planning and Transportation, County Hall, Martineau Lane, Norwich NR1 2SG.


APPENDIX A

Planning applications accompanied by an EIS used in the research

ADAS (1999) *Erection of a new poultry farm at Kenninghall*


Broadland Environmental Services (2002) *Flood defence works including floodbank strengthening and setback, a temporary site compound, associated engineering units and a permanent diversion of a public footpath.*

Broadland Environmental Services (2003) *Flood defence works comprising bank strengthening, floodbank setback, temporary site compound together with Engineering operations.*

Interconnector (1995), *Construction of Natural Gas Compression Facility with Associated Plant and Buildings, New Access and Road Improvements*


Western Windpower (1999) *South Denes Wind Park, Great Yarmouth (4 X E66 wind turbines).*
APPENDIX B

The Semi-structured interview questions

Preamble

Good afternoon! I would like to ask you a number of questions that deal with the issue of landscape and visual appraisal within the UK planning system. Some questions are interrelated to others and form themes so do feel free to elaborate on one or two points I would also like to remind you that we are dealing with planning applications that have been accompanied by EISs solely.

1. How many EISs do you receive on average per year i.e. how experienced do you value yourself to be with regards to dealing with EA’s?

2. a) Based on the number of EISs you receive per year, how would you rate EIS quality? b) Do you use any review packages to help you with your opinion?

3. Does the landscape and visual impact section help you with the recommendations in your report to planning committee concerning ’landscaping’?

4. What weight do you give to the landscape and visual impact section of the EIS when coming to a decision as to whether planning permission should be granted or not? I.e. do you value the ES more than your personal opinion?

5. Have you consulted interested parties/statutory consultees on landscape/visual impacts? Jones 1995 reports that the Countryside Commission (now Agency) is least influential in the recommendations put forward in planners reports. Why do you think this is the case?

6. To what extent have the consultations with certain groups influenced your own personal perceptions of landscape impacts? I.e. do you place more weight on the consultations than your personal opinion?

7. Assuming you go to the proposed site, how does this influence your perception of landscape and visual impacts i.e. do you rely on the site visit more than the EIS?

8. a) In your opinion, do the planning conditions/obligations referring to landscaping imposed on a particular development refer to landscape and visual mitigation in the EIS? I.e. are they based upon them? If not why not? b) Or are your personal perceptions of landscape + visual impacts from site visit for example translated into conditions without giving much regard to what is in the mitigation of the EIS?’

9. ‘Indeed, landscaping conditions are among the most commonly attached conditions to planning permissions for all types of development, irrespective of whether environmental issues are involved’ (Jones, 1995) – so does ‘landscaping’ fall under ‘environmental information’ or not? hence not really interested in the EIS mitigation? So are LVIA EIS mitigation measures treated as an ‘add-on’ if at all?