



## **DELEGATED DECISION REPORT**

<b>Application Reference Number</b>	15NP0048
<b>Description / Site Address</b>	Construction of 10 no. sunken grouse butts at Land above Hawsden Burn, Langleeford House, Wooler, Northumberland, NE71 6RG
<b>Applicant</b>	Lilburn Estates Farming Partnership
<b>Agent</b>	Lilburn Estates Farming Partnership
<b>Expiry date of publicity / consultations</b>	8 July 2015
<b>Last date for decision</b>	11 August 2015

### **Details of Proposal**

Planning permission is sought for the construction of 10no. sunken grouse butts on land above Hawsden Burn, Langleeford, nr. Wooler, Northumberland.

The proposed sunken butts would be positioned approximately 35-45m apart, spanning a total distance of approximately 400m, and would be sited in an area which is used for recreational grouse shooting. Two spans of 10no. wooden panel grouse butts (totalling 20.no butts) currently occupy land directly adjacent to the application site, which are proposed to be removed in conjunction with the proposed works. These would be dismantled by hand and removed by rubber-tracked dumper.

The proposed butts would be constructed to a maximum depth of 1.8m, each proposing a footprint of 1.8m x 1.8m. Materials would be excavated from the butts, retaining the top layer of vegetation for landscaping; this would be followed by the installation of coil piping projecting up to a maximum of 3m from the butts, in order to allow for drainage and to prevent pooling water. The base of each butt would be covered with hoggin gravel, lined to the sides with wooden panelling constructed off-site. It is proposed that these timber panels would be completely sunken into the butts; however any panels projecting above ground level would be dressed with re-instated soil and vegetation, with any other areas of ground disturbed by the works treated similarly.

The application site falls wholly within Northumberland National Park, and is located approximately 200m from the Cheviot Site of Special Scientific Interest (SSSI) and Harthope Burn, later joining the Tweed Rivers Special Area of Conservation (SAC). The application site is also located approximately 2km from the Harthope Burn SSSI.

### **Planning Policy**

**National Planning Policy Framework (NPPF) (2012)**

**National Planning Policy Guidance**



## Northumberland National Park Authority Core Strategy and Development Policies

Policy 1: *Delivering Sustainable Development*  
Policy 3: *General Development Principles*  
Policy 4: *Major Development in the National Park*  
Policy 5: *General Location of New Development*  
Policy 12: *Transport and Accessibility*  
Policy 15: *Sustainable Tourism & Recreation Development*  
Policy 17: *Biodiversity and Geodiversity*  
Policy 18: *Cultural Heritage*  
Policy 19: *Tranquillity*  
Policy 20: *Landscape Quality and Character*

## NNPA Landscape Supplementary Planning Document (SPD)

6. *Rounded Hills: Cheviot*

### Relevant Planning History

None relevant to this application

### Consultations/Representations

#### **Natural England: No objection**

*The proposal is unlikely to affect any statutorily protected sites. The Authority is referred to Standing Advice published on protected species for further information.*

#### **NNPA Landscape and Forestry Officer: No objection**

*The application site is set within the open moorland landscape of the Cheviot National Character Area. The sunken nature of the proposed grouse butts is welcomed, thereby reducing their visibility within the landscape; the removal of the existing butts is further welcomed, and would impact beneficially upon the landscape character and views of this part of the National Park. Further comments provided seeking the encouragement of Lilburn Estates to development and implement a sustainable track maintenance plan in order to protect the surrounding landscape from harmful impacts resulting from the use of the nearby access track (marked green on the proposed location/site plan).*

#### **NNPA Ecologist: No objection**

*Based on the information submitted, the proposed development is unlikely to impact significantly upon the features of the surrounding Tweed Rivers SAC; as such, a full Appropriate Assessment is not required.*



*On the basis that the working practices, access and drainage methodologies set out within the Method Statement submitted are adhered to, the proposals are unlikely to cause any pollution, soil erosion and run-off that would affect the SAC or surrounding areas and would not impact detrimentally to ground nesting birds on the site.*

*The construction of the proposed butts is unlikely to impact upon the Cheviot SSSI heathland (approximately 200m from the site). Any subsequent change to burning regimes may impact upon the SSSI; however this is separately controlled by Natural England. The proposals are unlikely to impact upon the Harthope Burn SSSI, 2km away.*

*The proposed butt line would be sited on the edge of an area of blanket bog and wet heath, and in this respect, the peat depths and photographs provided are helpful. No butts are proposed in areas of over 50cm peat depth (describing blanket bog). The area of wet heath affected by this development is small compared to the total surrounding area; therefore no objections are raised regarding loss of habitat.*

#### **NNPA Access and Recreation Officer: No objection**

*The proposed works are unlikely to impact upon use of the adjacent public footpath; however the works must protect this right of way, and must not impact upon access to this existing route, disturb the path surface or prevent or deter public use of the path without necessary legal diversion or closure.*

*No objection is raised; however concerns are expressed in terms of visitor safety in respect of the dimensions (in particular, the depth) of the proposed butts and the designation of the surrounding land as 'Open Country', through which the public have a legal right to pass. Clarification regarding how the butts will be identified in this open landscape by users would be useful.*

#### **NNPA Historic Environment Officer: No objection**

*There are no scheduled monuments or known significant non-designated nationally important archaeological remains which might be affected by these proposals.*

#### **NNPA Farming Officer (North): No response received**

### **Assessment**

The key issues to be taken into consideration in the assessment of this application are:-

- The Principle of the Development
- Impacts upon Landscape Character and Tranquillity
- Ecological Impacts
- Impacts upon Cultural Heritage



## **The Principle of the Development**

### *General Location of Development*

The proposed development would take place within an open countryside location; however, as this is viewed as 'recreational development', rather than 'local needs development', this does not need to be directed towards a Local Centre, as identified by Core Strategy Policy 5.

New development is permitted within the open countryside where this cannot be located within an identified settlement, or fulfilled through the re-use of an existing building; however due to the nature of the proposed development, it is clear that this could not be accommodated elsewhere.

Open countryside development must further conserve or enhance the special qualities of the National Park, and provide opportunities for public enjoyment and understanding of these special qualities without negatively impacting upon them. These aspects of the proposal will be assessed throughout this report. As such, subject to the acceptable safeguarding of these special qualities, the proposal would accord with Policy 5 in principle and the NPPF.

### *Major Development Test & Environment Impact Assessment*

Due to the overall size of the development, comprising 10no. 3.2m<sup>2</sup> grouse butts (5.8m<sup>3</sup>; 1.8m x 1.8m x 1.8m), this would fall below the nationally defined threshold for major development. Core Strategy Policy 4 provides a definition of major development within the National Park, establishing that this should not merely be defined in terms of size; rather the potential for significant impacts upon the special qualities of the Park. Due to the sensitivity of the surrounding landscape, there is potential for the proposal to affect the special qualities of the National Park; however on the basis that the development is undertaken in accordance with the detailed method statement submitted, it is not considered that the proposal would significantly impact upon these qualities. The proposal would therefore not constitute major development (as defined by Core Strategy Policy 4). The development would also not constitute EIA development, as assessed through appropriate EIA screening.

### *Recreational and Economic Impacts*

Core Strategy Policy 15 details the support for sustainable tourism and recreational developments which provide opportunities for public enjoyment and understanding of the National Park's special qualities, without adversely impacting upon them. Whilst not detailed on supporting information provided alongside the application, it is understood that the proposed development would support the renewal of existing recreational grouse shooting infrastructure on the site, and in this way, subject to the acceptable safeguarding of the special qualities of the Park, would accord with Policy 15 in principle and the NPPF.



It is noted that the National Park's Access and Recreation Officer has advised that the proposed development should not impact upon the use of the nearby public footpath, subject to the protection of the Public Right of Way throughout the development period. The development thus accords with Policies 3 and 12 and additionally the NPPF in this respect. An Informative to this effect would be added to any grant of planning permission.

It is further noted from the Access and Recreation Officer's comments that concern is raised regarding visitor safety with respect of the designation of the surrounding land as 'Open Country' and the proposed dimensions of the grouse butts, particularly their 1.8m depth. This issue does not constitute a planning matter and therefore cannot be considered as part of this application. The applicant has nevertheless been invited to comment upon this issue, in order that any such response could be included as part of this report, however no such comments have been received within the course of the application.

## **Impacts upon Landscape Character and Tranquillity**

### *Impact upon Landscape Character*

The site of the proposed grouse butts lies within the open moorland landscape of the Cheviot National Character Area, locally defined as the *Cheviot Rounded Hills* Landscape Character Area, as identified by the Authority's Landscape Supplementary Planning Document (SPD). The key landscape characteristics within this area are the extensive rolling plateaus of heather and grasses, contributing to a visually simplistic landscape, due to the topography and uniformity of vegetation. The simplicity and openness of the landscape, with little to no settlement and access in the area, creates a great sense of openness and tranquillity.

In addition to key landscape characteristics, the Landscape SPD offers guidelines for development; relevant to this case is considered to be advice pertaining to the recommended avoidance of man-made vertical structures, identified to detract from open and rounded landform.

The design of the proposed grouse butts is welcomed by the National Park's Landscape and Forestry Officer, their sunken nature thus reducing the visibility of the structures within the simple, open Cheviots landscape, further reduced through the proposed dressing and landscaping of any protruding timbers in order to camouflage the butts. The conjunctive removal of the 20no. existing wooden panel grouse butts is further identified to impact positively upon the surrounding landscape character and views of the National Park, according with advice set out within the Landscape SPD, and would be Conditioned as part of any grant of planning permission. In these respects, the proposal thus accords with Policies 3 and 20 of the Core Strategy.

### *Impact upon Tranquillity*

As identified by the Landscape SPD, the area boasts a great sense of tranquillity owing to its remoteness and landscape features. It is anticipated that this would be impacted upon



during construction, however it is recognised that any disturbance pertaining to this would be temporary.

The area is currently used for recreational grouse shooting, as evidenced through the presence of existing timber butts. Bearing in mind this existing use, it is therefore considered unlikely that there would be any significant increase in the level of noise or vehicular movements presently experienced, thus limiting the impact upon the tranquillity of the National Park. The removal of the 20no. existing panel butts and replacement with 10no. sunken butts is furthermore considered to increase the sense of openness of the National Park through a reduction in visible infrastructure, which would enhance the sense of tranquillity to some degree. In this respect, the proposal therefore is considered to accord with Core Strategy Policy 19 and the NPPF.

## **Ecological Impacts**

### *European Protected Sites*

The existing and proposed grouse butts do not fall within a designated Ecological area. The site of the proposed butts does however lie approximately 200m from the Hawsden Burn, running into the Harthope Burn, which forms part of the Tweed Rivers SAC. The impact of the development upon the SAC must therefore be considered as part of this application, including determination as to whether an Appropriate Assessment is required.

Having considered this aspect of the proposal, based on the information submitted, the National Park's Ecologist has advised that an Appropriate Assessment is not required in this case. In reaching this conclusion, the potential impacts resulting from this development (pollution, sedimentation and eutrophication) upon the SAC have been considered; particularly its habitats (water course characteristics), species (Atlantic salmon, Otter) and other qualifying features (Lamprey species). If the working practices, access and drainage methodologies set out within the Method Statement are adhered to, it is considered unlikely that the proposal would cause any pollution, soil erosion or run-off that would affect the SAC or surrounding areas.

### *Other Protected Sites*

The site additionally lies immediately adjacent (approximately 200m away) from the Cheviot SSSI, located a further 2km from the Harthope Burn SSSI.

Having considered this aspect of the proposal, the NNPA Ecologist has advised that it is unlikely that the proposed development would impact upon the Cheviot SSSI heathland, or Harthope Burn SSSI, with any subsequent changes to heather burning regimes in order to accommodate the development separately controlled by Natural England. Natural England have further considered the development and have raised no objections.



### *Other Priority Habitats and Species*

The proposed grouse butt line falls to the edge of an area of blanket bog and wet heath. Following receipt of photographs and information detailing localised peat depths, the NNPA Ecologist has advised that the development would result in the loss of a small amount of wet heath habitat (with no blanket bog lost), however raises no objection on this basis, given the small amount of overall habitat that would be lost, compared to the total amount remaining within the surrounding area.

The Method Statement submitted details the proposed removal of the existing wooden panel butts, indicating that these will only be carried out if there are no nesting birds within the area. No objection has been raised to this, however the NPPA Ecologist has recommended that prior to any works undertaken during breeding season, the area should be checked for ground nesting birds. This recommendation would be attached as an Informative to any planning approval. The proposal is therefore considered to accord with Policy 17 of the Core Strategy and the NPPF.

### **Cultural Heritage**

The National Park's Historic Environment Officer has assessed the proposed development and raises no objections, confirming that there are no scheduled monuments or known significant non-designated nationally important archaeological remains that might be affected by the proposals. The development is thus considered to accord with Policy 18 of the Core Strategy and Chapter 12 of the NPPF.

### **RECOMMENDATION & CONDITIONS**

That planning permission is granted, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To ensure that the development is commenced within a reasonable period of time from the date of this permission and to comply with Section 91 (as amended) of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be maintained in accordance with the following approved plans and documents:

Application form, dated 11<sup>th</sup> June 2015  
Location and Site Plan (as amended) dated 27<sup>th</sup> July 2015  
Method Statement, dated 12<sup>th</sup> June 2015  
Additional information, received by email, dated 16<sup>th</sup> June 2015  
Additional information, received by email, dated 27<sup>th</sup> July 2015



Reason: For the avoidance of doubt and to ensure that the development accords with Policies 1, 3, 5, 12, 15, 17, 18, 19 and 20 of the NNPA Core Strategy and the National Planning Policy Framework.

3. As detailed within the Method Statement submitted (dated 12th June 2015), prior to the first use of the grouse butts hereby permitted, the existing grouse butts shown in blue on the location and site plan (dated 27th July 2015) shall be removed from the site.

Reason: In order to ensure that the proposed development does not impact detrimentally upon the landscape character and tranquillity of the National Park, in accordance with Policies 3, 19 and 20 of the Core Strategy.

### **Informatives**

1. This planning permission is granted in strict accordance with the approved plans. It should be noted however that:
  - a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
  - b) You or your agent or any other person responsible for implementing this permission should inform the local planning authority immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.
2. This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:
  - a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
  - b) In addition if a condition precedent is breached, the development is unauthorised and the only way to rectify the development is the submission of a new application. If any other type of condition is breached then you will be liable to a breach of condition notice.
3. The proposed track runs in close proximity to the route of public footpath 14 in Earle Parish. This Public Right of Way should be protected throughout and following construction. The planned works must have no effect on accessing these routes. No action should be undertaken to disturb the surface of the paths, obstruct the paths or





in any way prevent or deter public use of the paths without the necessary legal diversion or closure order having been made.

4. As outlined within the Method Statement submitted (dated 12th June 2015), prior to the commencement of any works undertaken during bird breeding season, the area should first be checked for ground nesting birds.

### **Background Papers**

Planning Application File 15NP0048  
EIA Screening Opinion

	<b>Signature</b>	<b>Date</b>
<b>Planning Officer</b>	R. Adams	4 <sup>th</sup> August 2015
<b>Head of Development Management or Chief Executive</b>	S. Buylla	4 <sup>th</sup> August 2015