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Our Ref: CC/DW/99870/007
Date: 09 February 2015

Northumberland National Park

10 FEB 2015

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Dear Chris

99870 – Proposed Track Improvements North of Cold Law

In advance of a formal planning application being submitted, Fairhurst on behalf of Lilburn Estates, write to request that Northumberland National Park Authority (NNPA) provide a formal Screening Opinion in order to establish whether or not the development proposal, outlined below, constitutes an Environmental Impact Assessment (EIA) development.

A Screening Letter was previously submitted in regards to the proposed development at Cold Law on the 8th July 2013. This Screening Letter (dated 8th July 2013) summarised that the proposed development would not have a significant impact upon the special character / special qualities of the National Park and that therefore, the proposed development would not require an EIA. NNPA replied (to the Screening Letter) on the 30th July 2013, stating that more information should be submitted alongside the planning application; particularly in respect of ecological and landscape issues. Therefore, this Screening Letter is being submitted due to there being further information in regards to the landscape and ecological issues.

In accordance with Paragraph 5(2) of the Town and Country Planning (EIA) Regulations 2011, this Screening Request is accompanied by the following:

- A plan sufficient to identify the land;
- A brief description of the nature and purpose of the development and of its possible effects on the environment; and
- Such other information or representations as the person making the request may wish to provide or make.

You will be aware that Lilburn Estates are proposing to improve the following track:

- **Cold Law.** Track to Broadstruther to the north side of Cold Law – NT96022507 to NT95402404. The length of the track is 1,335m.

Any potential cumulative impact of improving track has been considered in the appropriate section of this Screening Request.

A Plan Sufficient to Identify the Land

Please find enclosed Drawing Number 99870/8005 which shows the indicative location of the track to be improved.

(Continued...)

A Brief Description of the Nature and Purpose of the Development

The existing track is predominantly grass and takes a natural line from the Broadstruther track up a relatively steep slope, passing to the west of a 'field' that has been planted with trees in the past. There is an area of relatively wet ground with soft rush *Juncus Effusus*, just to the south of the 'field' which would suggest a possible spring line. The remaining line of the track is relatively dry. The maximum width of the existing track is 4m, although historic disturbance is at least 26m in one section. The track is used for access for moorland and livestock management, gamekeeping, shooting activities and access for the general public. Due to the current condition of the track, pedestrian and vehicular access is limited to certain times of the year (weather permitting) which has an impact on moorland and livestock management, gamekeeping and shooting activities. The proposed improvements are required to facilitate pedestrian and vehicular access throughout the year.

The proposed improvements will be carried out using a soil reversal technique which Fairhurst understand has been used on a similar project within the National Park at Salter's Road. The proposed method is as follows:

1. Remove turf / vegetation from line of the existing track using excavator bucket. Turn excavator through 180 degrees and set aside turf / vegetation clear of the track. Remove any exposed organic matter or subsoil from the line of the track to provide a sound foundation;
2. Excavate a ditch upslope of the track to find suitable hard material to form the new track. When sufficient hard material has been removed from the ditch, this will be deposited onto the route of the track until the track is returned to the same level prior to the commencement of works;
3. Form camber to shed surface water to ditch;
4. Replace remaining excavated subsoil into ditch and re-lay previously removed turf / vegetation on top of subsoil in ditch;
5. Track machine forward and repeat operation until the improvement works are complete.

Drainage will be installed via 22mm diameter twin-wall upvc drainage pipes in 6m lengths at 50m intervals¹ along the entire length of the track. Drainage pipes will be laid level to reduce the flow rate, conveying surface water from the ditch, below the newly formed track and discharging onto the surface of the existing terrain.

Possible Effects on the Environment

Due to the nature of the application Fairhurst consider that the possible effects on the environment will be limited to the following:

Landscape and Visual

The review for the development proposals (as described above) and subsequent base line assessment has informed the identification of representative sensitive landscape and visual receptors within the Zone of Visual Influence (ZTVI - See Drawing No. 99870/8002). The illustration has been generated to provide a 'worse case' scenario during the construction phase of the project. Any likely effects will be limited in nature and duration with regard to

¹ Spacing of pipes is likely to be determined by the exact gradient of the path and topography. However, the intention at this stage is to install the pipes at 50m intervals.

any changes in landform and land cover, including any construction vehicles to a maximum height of 4m AOD. The track exists already and seasonal in use, so any associated visual effects are limited to the construction phase only and any recreational users of tracks/ PROW within 1 km of the development.

The sensitive landscape context is shown within Drawing No 99870/8003 – Landscape Context Plan. Following a detailed site visit Key Views will be added to illustrate typical visual envelopes towards the short term development from PROW/ recreational access routes/ roads within approximately 1km of the development taking into consideration any intervening landform/ built form/ significant vegetation which would limit inter-visibility.

The proposed aesthetic treatment of the track would look to replicate the natural 'informal' character of other improved tracks within the National Park. It is anticipated that there will be no significant effects upon the National Park's landscape character or visual amenity in the long term. Any effects would be very much localised and limited in nature to the associated construction activities which will be short term (temporary). The more detailed landscape and visual assessment will provide more comprehensive summary of the broad effects of the development and will be informed by the final proposals.

The assessment work and illustrations will be undertaken in line with current assessment guidance (GLVIA3 LI Advice Note 01/11: *photography and photomontage in landscape and visual impact assessment*).

Ecology

As shown in the attached ecology assessment, provided by EcoNorth (February 2015), the proposed development will have very little impact on the ecology of the area. To this end, the assessment establishes an initial view of the ecological impacts the proposed development might have on the area. As such, the assessment found that it is likely that the permanent effects of the works are likely to represent a negligible level of ecological loss to the area.

Schedule 2 of the EIA Regulations / Sensitive Areas

It is considered that the maximum width of the development (including drainage ditches) will be approximately 5m. The length of the track to be improved is approximately 1,335m, thus resulting in a development area / application area of approximately 0.65 hectares (approximately 6,675m²). It is, therefore, considered that the proposed development does not fall within any of the set criteria within Schedule 2 of the EIA Regulations. Nevertheless, it is important to note Paragraph 32 of the Planning Practice Guidance (PPG) which states that '*Certain designated sites are defined in Regulation 2(1) as 'sensitive areas' and the thresholds / criteria in the second column of Schedule 2 do not apply there. All developments must be screened for EIA. These are:*

- a) *Sites of Special Scientific Interest, any consultation areas around them, land to which Nature Conservation Orders apply and international conservation sites; and*
- b) *National Parks, the Broads, Areas of Outstanding Natural Beauty, World Heritage Sites and scheduled monuments.'*

Paragraph 32 of the goes on to state that '*For any Schedule 2 development, EIA is more likely to be required if it would be likely to have significant effects on the special character of any of the other types of 'sensitive area'...However, it does not follow that every Schedule 2 development in (or affecting) these areas will automatically require EIA. In*

each case, it will be necessary to judge whether the likely effects on the environment of that particular development will be significant in that particular location...' (Emphasis added).

As the proposed development does not exceed the 1ha threshold in Schedule 2 of the EIA Regulations, Fairhurst have followed guidance set out in the Planning Practice Guidance and have considered below the impact of the proposed development on the special character² of the National Park as follows:

- A landscape rich in biodiversity and geodiversity;
- A rich cultural heritage;
- True sense of tranquillity; and
- Distinctive landscape character.

As the proposed development involves the upgrade an existing track, Fairhurst do not consider that the proposed development is likely to have significant effects on the special character / qualities of the National Park.

Cumulative Impact

Fairhurst are not aware of any other developments which could result in a cumulative impact associated with the proposed development.

Conclusion

The size of the proposed development does not exceed the criteria contained within Schedule 2 of the EIA Regulations. Nevertheless, as the application site falls within a sensitive area, the proposed development has been considered against the special character / special qualities of the National Park. Fairhurst consider that the proposed development will not have a significant impact upon the special character / special qualities of the National Park and, therefore, the proposed development should not require an EIA.

Scope of Future Planning Application

Notwithstanding the Screening Request above which Fairhurst consider sets out all information required in accordance with the EIA Regulations for the NNPA to provide a Screening Opinion, Fairhurst consider it appropriate to outline the information which will accompany any future planning application. Based on what Fairhurst consider to be the possible effects on the environment (as identified above), any subsequent planning application will be accompanied by the following:

- A detailed Sustainability Statement in accordance with the SNH document 'Constructed Tracks in the Scottish Uplands;'
- An Ecological Impact Assessment to consider both the on and off site impacts associated with the physical improvement works and use of the improved tracks; and
- A Landscape and Visual Appraisal to consider any short and long term impacts associated with the physical improvement works and use of the improved tracks.

Fairhurst would be grateful if NNPA would review this letter and:

² The NNPA Core Strategy and Development Policies outline the 'special qualities' of the National Park as opposed to the 'special character'. Therefore, the 'special qualities' have been addressed in this Screening Request.

- (a) Make a formal determination as to whether or not an Environmental Statement is required in this instance; and
- (b) Formally record this decision on the statutory planning register.

In accordance with Part 2 Section 5(4) of the EIA Regulations, if the NNPA considers that it has not been provided with sufficient information to adopt a Screening Opinion, please notify Fairhurst in writing of the points on which additional information is required.

In accordance with Part 2 Section 5(5) the NNPA should adopt a Screening Opinion within 3 weeks of receipt of this letter, unless otherwise agreed in writing with Fairhurst.

Yours sincerely



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