

**Our Ref:** DW/JS/EL/99870/014

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Northumberland National Park Authority  
Eastburn  
South Park  
Hexham  
Northumberland  
NE46 1BS

1 Arngrove Court  
Barrack Road  
Newcastle  
NE4 6DB

TEL: 0191 221 0505 FAX: 0844 381 4412

Email: [newcastle@fairhurst.co.uk](mailto:newcastle@fairhurst.co.uk)

Website: [www.fairhurst.co.uk](http://www.fairhurst.co.uk)

Dear Sirs

**99870 – Retrospective Application Submitted Under Section 73A of the Town and Country Planning Act 1990 (Track, North of Cold Law) (Application Ref: 15NP0030)**

This letter is being submitted by Fairhurst, on behalf of Lilburn Estates, alongside a retrospective planning application relating to the construction of a carpark/ turning area within the Northumberland National Park. Please see Drawing Ref: 99870/8005 Rev:C.

**Background**

This application relates to the creation of an additional parking/turning area at the southern end of a track, north of Cold Law.

The track gained planning permission under application Ref: 15NP0030, and was created through the upgrading of a previously informal route that runs from the north of Cold Law to Broadstruther. The construction of this new track was required in order to facilitate pedestrian and vehicular access throughout the year. Specifically, this application gained approval on the 2 July 2015, and works on the project have recently been completed.

Following completion of works a small parking/turning area was constructed just north of Cold Law. These works were not included on the original scheme as the requirement for a turning area was only established by the contractor in the latter stages of the construction process. Therefore, this cover letter has been provided in order to offer transparency on this minor deviation from the approved scheme, and also provide an update to the relevant technical assessments.

**Location & Development Description**

The site in question is located within the Northumberland National Park. Specifically, the parking/turning area is located just north of Cold Law at the end of the recently completed track. As previously mentioned, this track is used as an access for moorland and livestock management/animal husbandry, game keeping, shooting activities and the general public.

The parking/ turning area has been formed using the same soil reversal technique as approved for the main track construction works. The contractor has created this parking/turning area to prevent the need for vehicles to damage further areas of undisturbed habitat, as they manoeuvre once reaching the end of the track.

Please see the Location Plan Ref: 99870:8006 for further details of the location of the parking/turning area.

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MANCHESTER  
NEWCASTLE  
SEVENDOAKS  
SHEFFIELD  
TAUNTON  
THURSO  
WATFORD  
WESTHILL

## Effect of the Change

In line with Planning Practice Guidance, Fairhurst have submitted this retrospective application in order to regularise the construction of an approximately 740 Sqm parking area. The effect of this deviation in context with the wider scheme is best illustrated visually, as shown on the revised Site Plan Ref: 99870/8005 Rev:C.

Fairhurst, deem that as the works covered under this application are so intrinsically linked to the previously approved scheme (Application ref: 15NP0030), the NNPA's decision to grant approval for the original application provides the necessary policy justification in this instance.

Regardless of the minimal nature of works, individual consideration of the main technical constraints has been provided as requested by the LPA.

### Landscape and Visual

As confirmed within the Landscape and Visual Appraisal (March 2015) '*any significant views to the development are restricted to a small number of recreational receptors immediately adjacent to the track*'. Subsequently, consideration in this section has focused on the key views including B, C, and D, as identified on the Landscape Context Plan (Ref: 99870/8003). Evidently key view A (View North East from Cold Law Summit) is an anomaly, as it is based directly above the carpark, thus some evident localised impacts will be present depending on the exact positioning of the receptor.

However, when considering visual impacts from Key Views C, B, and D the local topography ensures that this parking area, when considered in isolation, creates no additional impacts above those previously identified. Specifically, the parking area is elevated 80 meters (minimum) above the aforementioned key views, and located on an area of relatively flat ground. As a result when viewed from the north this area of land will be obscured from view. Fairhurst do recognise that key views, E and F are located on higher ground, however, the distance (outer limits of the 3km radius) from these view points to the parking area, combined with the small scale nature of works (in context with wider scheme), ensures that no tangible impacts have been created.

Fairhurst also consider that the construction of a parking area in this locality creates no further conflicts with the character of the local landscape. As confirmed by the Landscape officer during determination of the previous application, the most pressing concern relates to straight, linear scaring that can occur as a track dissects a hillside. However, this parking area is located on relatively flat land just below Cold Law summit, thus it does not pose a realistic risk of scaring. The parking/turning area is also intrinsically linked to supporting land management, recreation and shooting activities within the National park. As previously mentioned it has been constructed to prevent the need for vehicles to damage further areas of habitat as they manoeuvre once reaching the summit.

It was confirmed during the determination of the previous application that '*there will be a negligible effect on views from the wider landscape within the National Park. In addition, due to the limited nature of the land cover, landform, drainage and vegetation, there will also not be any residual effect on the character of the local landscape within the National Park*'. Considering the negligible nature of the additional visual impacts associated with the construction of this parking area (localised key view A), Fairhurst deem that the above standpoint reached is still valid. Especially bearing in mind that the construction techniques and materials used for this carpark/turning area are the same proven methods as used on the wider scheme.

### Ecology

Although this parking/ turning area did not form part of the original application it was in fact assessed as part of the NVC Habitat Survey & Evaluation (2015). The reasons for this stem from the necessity for a close working relationship between Eco North (ecologist) and the contractor on account of the sensitive nature of the National Park.

As section 1.2 of Eco North's report (Site Context and Proposed Works) stated "a small area below the summit of Cold Law at NT 95402 24044 comprises of short grass dominated vegetation, located at the head of the existing track route and will be used as a car park/turning area".

The assessment of the ecological features present in the parking/ turning area identified that these habitats tend to be of a lower quality and value than other sections of the track. Therefore, although the parameters of the parking area were not explicitly defined during the original ecological assessment commissioned by Eco North, its potential ecological impacts, above those previously assessed are deemed to be negligible.

Henceforth, as this area was assessed to an appropriate standard during the original application (minus exact proportions), the ecological impacts associated with its construction are considered acceptable. Subsequently, Fairhurst consider that no additional survey works are necessary in this instance.

*'Photo 14: Top of track below Cold Law summit showing vehicle parking area with short grass vegetation'*



**Figure 1: NVC Habitat Survey, 2015.**

### Drainage

During the previous application, Fairhurst established that there will be a negligible effect on the surrounding areas as the discharge of water from the site will be appropriately managed. Henceforth, as the management strategy previously agreed encompasses the modifications covered within this application, Fairhurst consider that no further impacts will be created in relation to flood risk and drainage.

### **Validation Requirements**

- Forms and Notices: The forms have been submitted electronically through the Planning Portal. Notices are not required in this instance as the applicant owns the land.
- Fee: The corresponding fee of £195.00 was provided to the LPA under application Ref: PP-05621573. This application related to the same development, however, the application was submitted through the planning portal as a non-material amendment. Following correspondence with Chris Stanworth (case officer) it has been agreed that rather than validating application Ref: PP-05621573 a retrospective planning application would be more appropriate. Subsequently, Fairhurst request that the fee paid under PP-05621573 be transferred to this application.

- Site Location Plan: Please see the accompanying drawing 'Site Location' (99870/8006). Please note that the remote nature of the application site (Northumberland National Park) prevents the use of a recognised scale.
- Existing and Proposed Site Plans: As this is a retrospective application relating to the construction of a carpark/turning area, the Site Plan (99870/8005 Rev: C) simply illustrates the parking area in isolation from the approved scheme. However, the drawing also includes an insert window showing the parking area in more detail so that the boundaries are explicitly clear.
- Parking Area Proposals Plan: As requested by the LPA an updated landscape plan has been provided complete with photographs, and a cross section design illustration Ref:99870/8018.
- This Cover Letter: This cover letter provides context to this application, and also acts as a refresh to the Landscape, Ecology, and Drainage statements submitted alongside the original application (Application Ref: 15NP0030).

A number of additional documents have been submitted alongside those required for validation. Please note that these documents should be read in conjunction with this cover letter:

- NVC Habitat Survey & Evaluation: Clarification has been provided on the fact that Eco North included the parking area within their original assessment.
- Landscape and Visual Appraisal: Further clarification has been provided with regards to the potential for additional visual impacts, focusing on the key views identified within the original assessment.
- Drainage & Flood Risk Statement- A brief update has been provided with regards to the potential for an increase in flood risk & drainage issues, above those previously assessed.

## Conclusion


The NNPA confirmed during the original application that:

*"Having regard to the scale, location and characteristics of the track, including the proposed methodology of construction, it is considered that the proposal would not have an unacceptable impact on the special qualities of the National Park".*

Subsequently, this letter confirms that the contractor's decision to provide an appropriate turning/parking area does not conflict with the standpoint of the authority's original decision. This conclusion has been explored through the assessment of relevant technical issues, and consideration of the development's modest scale.

Therefore, Fairhurst respectfully request that the NNPA grant approval for this retrospective planning application.

Yours faithfully



**Dominic Waugh MRTPI**  
**Technical Director**  
**Planning and Development**

Email [dominic.waugh@fairhurst.co.uk](mailto:dominic.waugh@fairhurst.co.uk)  
Mob 07909 531 379  
Tel 0191 221 0505