

DELEGATED DECISION REPORT

Application Reference Number	16NP0107
Description / Site Address	Retrospective - Construction of a parking/turning area located north of Cold Law, Northumberland
Expiry date of publicity / consultations	29 December 2016
Last date for decision	20 January 2017

Details of Proposal & Site

This application seeks retrospective planning permission for the creation of a vehicular parking/turning area located at the southern end of a soil reversed track that was granted conditional planning approval¹ in 2015.



Photo of the site prior to development

As with the approved track, a soil reversal method would also be used to create a cambered stone track surface using natural material from on the site, with a topside ditch created upslope of the track surface. The additional area is again proposed in order to help enable vehicle movement across this site, for recreational shooting

¹ Application reference 15NP0030

purposes and land management. The proposed parking turning area is similar to a rectangular/oblong shaped area measuring approximately 25 metres by 35 metres, although this varies slightly across the area of the development.



Photo of the site following construction

The application is accompanied by documents confirming the track specification in detail, as well as seeding measures that the application confirms have already been carried out. An ongoing management plan, which includes details of maintenance, has also been provided.

Relevant Planning Policy

National Policies

- *National Planning Policy Framework (NPPF) (2012)*
- *Planning Practice Guidance*

Local Policies

- *Northumberland National Park Authority Core Strategy and Development Policies Document (Core Strategy) (2009)*

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 14 – A Sustainable Local Economy
Policy 15 – Sustainable Tourism & Recreation Development
Policy 17 – Biodiversity & Geodiversity
Policy 18 – Cultural Heritage
Policy 19 – Tranquillity
Policy 20 – Landscape Character
Policy 21 – Farming
Policy 22 – Trees, Woodlands and Forests
Policy 27 – Flood Risk

Supplementary Planning Guidance

- *NNPA Landscape Supplementary Planning Document (Landscape SPD)*

Relevant Planning History

- 15NP0073 – Approval of conditions 3 & 4 of planning permission 15NP0030
- 15NP0030 – Construction of new track from north of Cold Law to Broadstruther (Approved with conditions).
- 15NP0010EIA – EIA Screening Opinion for a proposed track (Not likely to be EIA development, based on the information submitted)
- 13NP0046EIA – EIA Screening Opinion for a proposed track (Potentially likely to be EIA development, based on the information submitted)
- 12NP0056 – Planning application for two proposed moorland tracks (Withdrawn)

Consultation/Representations

NNPA Ecologist: No objection. The response notes that the parking/turning area was considered in her response to 15NP0030 (including the Habitats Regulations Assessment) as reference to this area was included in the surveyed area in the ecological survey. The response refers back to comments from 15NP0030 and 15NP0073, noting that there are no further comments to make, other than requesting a condition for seeding/vegetation to take place (similar to the one provided in 15NP0073) and apply to this area to ensure that the area re-vegetates.

Natural England: No objection. The response states that the proposal is unlikely to affect any statutorily protected sites and notes that Natural England has not considered protected species, referring to its standing advice.

NNPA Landscape and Forestry Officer: No objection, subject to the specified mitigation seeding & re-vegetative work taking place and an appropriate maintenance programme being implemented. Water management issues were raised, including a need to mitigate these.

NNPA Historic Environment Officer: No objection.

NNPA Access Officer: No objection.

Assessment

The key material planning considerations are:

- The principle of the development;
- Impacts on landscape character and tranquillity;
- Ecological impacts;
- Cultural heritage impacts.

Other material planning considerations will be considered and referred to where relevant.

Principle of Development

General Location of Development

The proposal is not local needs development and therefore does not need to be focused towards the local centres identified in Core Strategy (CS) Policy 5. New development is permitted in the open countryside where it cannot be located within an identified settlement or through re-use of other buildings. It is clear that the nature of this proposal to provide a turning and parking area at the end of an existing track means that it cannot be accommodated elsewhere.

Major Development Test & Environmental Impact Assessment

The proposal would not be considered to be a major development when assessed against the Core Strategy Policy 4. An EIA screening exercise has also been carried out, which has concluded that the proposal would not be EIA development.

Recreational & Economic Functions

The development is required in connection with the track approved under reference 15NP0030 and the recreational and land management functions, for which that track has been installed. Subject to the proposal safeguarding the Park's special qualities, the development accords with Core Strategy policies 14 and 15 and would be regarded as sustainable development in line with the NPPF, supporting a prosperous rural economy in line with paragraph 28 of the NPPF.

Landscape Character & Tranquillity

The proposed site of the track lies within the *Cheviot Rounded Hills* Landscape Character Area, defined by the Landscape SPD. The key landscape characteristics within the area of the proposed development are the extensive rolling plateau of heather and grass moorland.

It is not considered that the construction of the parking and turning area would have a harmful impact on these characteristics of the wider landscape, subject to the surface of the track being seeded with an appropriate grass seed mix, and subject to appropriate maintenance programme to be implemented to give re-vegetation of the area as much chance of success as possible.

Specifically, the landscape officer had identified concerns with the existing water management. As a result of these concerns, further discussions were held with the agent and the Parking Area Proposals plan was amended to provide sufficient

assurances that a topside ditch would be dug to a sufficient depth to prevent foreseeable water management issues, and to be maintained as such thereafter. A condition is proposed to ensure that these works are carried out within 6 months of the approval of the application.

An appropriate seeding scheme has been provided, which is considered to be suitable. It is understood that the surface has already been seeded. An appropriate maintenance scheme has also been submitted. The proposals accord with Core Strategy Policy 20, the Landscape SPD and the NPPF.

The development is associated with existing recreational and land management uses on the site and its surroundings. It is not considered that the proposals to create the hard surfaced area would impact upon the tranquillity of the National Park. The development accords with Core Strategy Policy 19 and the NPPF.

Ecological Impacts

The ecological implications of the proposal have been considered, including the ecological report that has been submitted with both 15NP0030 and this application, and which surveys the site of the parking/turning area. Consultation has been carried out with the NNPA ecologist and Natural England in considering the ecological impacts.

The development would not be harmful to designated protected sites, other valuable habitats, or protected species. An Appropriate Assessment under the Habitats Regulations would not be required.

The ecologist has requested that seeding/vegetation of this area is carried out, in a similar fashion to the measures that were made a condition of the permission for the rest of the approved track. The agent has since provided a management plan for this area which includes management, seeding and aftercare measures that will take place. It is considered that the maintenance strategy and design of the track construction will ensure that excessive run-off and impact on the SAC is unlikely. The proposal is considered to accord with the development plan policies relating to ecological impacts, including Core Strategy Policy 17, and the policies set out within the National Planning Policy Framework.

Cultural Heritage

There are no known archaeological deposits on the site of the development, and the potential for harm to any unknown archaeological deposits is low. As there is no evidence or likelihood that heritage assets would be affected by this proposal, the development is considered to accord with Core Strategy Policy 18 and Chapter 12 of the NPPF.

Other

Other rights of way would not be affected by the proposal, which accords with Core Strategy policies 3 and 12 and the NPPF in this respect.

Summary & Recommendation

Subject to the conditions below, the proposal is considered to be sustainable development and in accordance with development plan policies, having regard to all other material planning considerations.

It is recommended 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 implemented and maintained in accordance with the following approved plans and documents:

- Application Form received on 18th November 2016
- Covering Letter DW/JS/EL/99870/014 received on 25th November 2016
- Site Plan 99870/8005 Rev C received on 25th November 2016
- Parking Area Proposals (99870/8018 Rev A) received on 16th January 2017
- Parking Area Management Plan (99870/8019) received on 13th December 2016
- Landscape and Visual Appraisal - March 2015 (D/I/D/99870/801) received on 18th November 2016

- Drainage & Flood Risk Statement April 2015 (including appended Soil Reversal Method Statement) received on 18th November 2016
- 3. The development shall be maintained in accordance with the approved documents, including the Parking Area Management Plan (99870/8019) received on 13th December 2016, and Parking Area Proposals (99870/8018 Rev A) received on 16th January 2017, which set out details of ongoing maintenance for the parking/turning area.

Reason: To ensure that the proposed track does not have an unacceptably damaging effect on the landscape character of the National Park and the proposal does not give rise to unacceptable impacts on the River Tweed SAC, that in accordance with policies 17 and 20 of the NNPA Core Strategy, the NPPF and the Conservation of Habitats and Species Regulations 2010.

- 4. The works to dig a topside ditch to a sufficient depth to prevent water from pooling on the parking/turning area, adjacent to the south of the parking/turning area, shall be carried out within 6 months of the date of this approval.

Reason: To ensure that the proposed track does not have an unacceptably damaging effect on the landscape character of the National Park and the proposal does not give rise to unacceptable impacts on the River Tweed SAC, that in accordance with policies 17 and 20 of the NNPA Core Strategy, the NPPF and the Conservation of Habitats and Species Regulations 2010.

Informative Notes

- 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, may constitute unauthorised development and may be liable to enforcement action.

(b) You, 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 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. Some conditions may require work to be carried out, or details to be approved prior to the commencement of the development.

Where pre-commencement conditions are not complied with, the whole of the development could be unauthorised, and you may be liable to enforcement action. In some circumstances, the only way to rectify the situation may be through the submission of a new application. If any other type of condition is breached then you may be liable to a breach of condition notice.

Background Papers

Planning Application File 15NP0030
Planning Application File 16NP0107
EIA Screening Opinion 16NP0107

	Signature	Date
Planning Officer	C Stanworth	18/1/2017
Head of Development Management	S Buylla	18/1/2017