

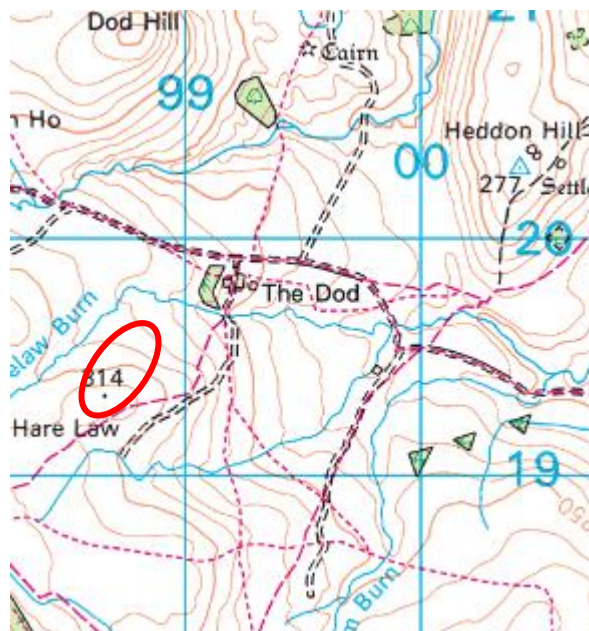


## DELEGATED DECISION REPORT

<b>Application Reference Number</b>	21NP0032
<b>Description / Site Address</b>	Construction of 2no. Grouse Butts at The Dod, Hare Law, Ilderton, NE66, 4JL
<b>Expiry date of publicity / consultations</b>	8 June 2021
<b>Last date for decision</b>	8 July 2021

### Details of Proposal

This proposal seeks permission for the installation of 2no. grouse butts to be located along the hillside of Hare Law. Hare Law is located within the Cheviot Hills and is situated directly to the east of Threestoneburn Woods. The site is within an isolated, open landscape with the National Park boundary located to the east of the site.



*Figure 1: Site location*

The applicant seeks permission to construct 2no. grouse butts in close proximity to the summit of Hare Law. 10no. existing grouse butts are already in place on Hare Law which follow a linear pattern leading from south to north.

The proposed butts would be 1.8m in width, 1.8m in depth and would be sunken 1.2m into the existing ground level. A small staircase would provide access to the butts from the existing ground level. The butts would be constructed in black painted timber with a gravel base. Timber boards would form the walls of the sunken grouse butt. The butts would be located 40m apart in line with the existing arrangement.



## Planning Policy & Guidance

### National Policies

National Planning Policy Framework (NPPF) (2019)  
National Planning Practice Guidance

### Northumberland National Park Local Plan

Policy ST1	<i>Sustainable Development</i>
Policy ST2	<i>General Development Principles</i>
Policy ST4	<i>Spatial Strategy</i>
Policy DM7	<i>Rural Economy and Diversification</i>
Policy DM10	<i>Habitats, Biodiversity and Geodiversity</i>
Policy DM11	<i>Landscape, Tranquillity and Dark Night Skies</i>

### Supplementary Planning Guidance

NNPA Building Design Guide Supplementary Planning Document (Design Guide SPD)  
NNPA Landscape Supplementary Planning Document (Landscape SPD)

### Relevant Planning History

No relevant planning history associated with the site.

### Consultation/Representations

**NNPA Ecologist: No Objection:** The specific development of two additional butts is not likely to cause a negative impact on the protected sites in the vicinity of the application site. A small amount of acid grassland/heathland will be lost, but this is not significant considering the extent of the surrounding habitat. The recommendations regarding timing and working methodology given in section 6 of the report should however be made a condition to prevent damage to surrounding habitats. A condition should be attached to any potential decision notice limiting the track to its current use.

**NNPA Landscape and Forestry Officer: No Objection:** The application site is set within an actively managed grouse moor and as such this development is considered in keeping with the current land management for the area concerned. As a result of this, the landscape officer has confirmed the effect upon the landscape character would be negligible.

**NNPA Farming Officer: No Objection:** From a perspective of impact of the proposals on land management interest of the site in question, I have no objection to the planning application, given that an appropriate ecological assessment has been undertaken (including checking of peat depths



at the proposed locations), and mitigation proposed to negate impacts on valuable habitats and species, which will be considered in greater depth via the consultation with the NP ecologist.

**Public response:** The application has been advertised by means of a site notice displayed on the 18 May 2021. No representations have been received in response.

### **Assessment**

The key material planning considerations are:

- The principle of the development;
- Design and amenity;
- Impact Upon National Park special qualities

### **The principle of the development**

#### **Sustainable Development**

The National Planning Policy Framework (NPPF) places emphasis on a presumption in favour of sustainable development to guide decision making. Policy ST1 of the Local Plan adopts a similar assumption in favour of sustainable development and defines the qualities and criteria which are deemed to represent 'sustainable development'. The following paragraphs are relevant to this proposal.

*d) protects or enhances the landscape character of the National Park through the use of high quality design*

The proposed grouse butts are designed to have the most minimal impact on the landscape of the surrounding area. The majority of the grouse butt is subterranean in nature and is not clearly visible from a landscape level. As a result of this, it is not considered that the proposals would negatively affect the surrounding landscape. This is discussed in detail within the landscape section below.

*e) Improves biodiversity by protecting existing priority habitats and species or creates new priority habitats*

The application is supported by a Construction, Environmental Management Plan which details the mitigation measures which will be used during the construction phase. Mitigation measures include;

- Commence works during June/July when the majority of birds will have finished nesting and reptiles are active.
- Works will be undertaken by hand and only if necessary due to difficult ground conditions, with a rubber tracked excavator
- Materials will be taken to the site using a rubber tracked dumper on existing tracks
- The top layer of vegetation will be carefully removed and replaced once works are complete



- Hoggins will be used to create soakaways limiting the requirement for engineered underground drainage
- As with the existing butts, the completed butts will be used a maximum of 12 times per year, with vehicles utilising existing tracks, and Argo Cats moving the guns over the more vulnerable habitats utilising ATV tracks.

As is mentioned in detail in the ecology section of the report, the proposed mitigation measures would ensure the proposal protects existing priority habitats within the surrounding area.

*f) Conserves the quality and quantity of natural resources, including water, air, soils and geodiversity*

Due to the small-scale nature of the development, it is not considered that the proposal would cause any significant impact to the quantity or quality of natural resources in the surrounding area.

*J) Protects and enhances habitats that provide important carbon sinks, including peat habitats and woodlands*

The application has been supported by an Ecological Appraisal conducted by OS Ecology. As part of the Ecological Appraisal, peat depth measurements were undertaken. The appraisal identified that while peat was identified within the area of works and at the access track, it was at a level that was less than 40cm. The loss of peat habitats of a depth of this scale is not considered significant enough to warrant a reason for refusal.

In addition, the CEMP states that the track and butts would be used 12 times a year to prevent significant damage to the surrounding peat habitats.

#### Location of Development

Strategic policy ST4 seeks to direct new development to a series of settlements named within the policy. As Ilderton Dod is not located within one of the named settlements, it would be considered to fall within the open countryside. In the open countryside, amongst others, policy ST4 states that development will only be permitted in the Open Countryside '*Where there is an essential need for development to meet the needs of farming, forestry, tourism, recreation and other rural enterprises or land management activities.*'

The supporting statement has provided evidence to justify the '*essential need*' of the proposal. They explain that the proposal is to add to and improve the existing facilities to maintain the attraction of the estate. In terms of an economic benefit the additional grouse butts will provide further sporting opportunities, in particular enhanced shooting opportunities which will ensure individuals return annually to further support other Estate activities. The additional revenue will help to maintain employment for gamekeepers, beaters and catering staff alongside enhancing income into the local economy.



The supporting statement confirms the additional grouse butts would also have a direct impact on surrounding businesses. Hotels, restaurants and pubs could benefit from an increase in trade as a result of the development. The agent explains that the demand for sporting activities such as grouse shooting is on the rise and the development would be considered essential to meet the rising demand. The increased activities, as a core commodity of Lilburn Estates would help to support the rural business across the board.

Whilst this proposal only relates to 2 further butts it is considered that the proposal will relate to the existing line of butts and overall the gaming use of the estate which supports the local tourism industry in a sensitive manner. As a result of this, it is considered that the proposal demonstrates an *'essential need for development to meet the needs of farming, forestry, tourism and recreation'* and therefore complies with the requirements of Policy DM7 of the Local Plan. The principle of development is therefore considered acceptable.

## **Design and Amenity**

### Design

Amongst others, strategic policy ST2 requires proposals to be of a *'high quality design that will make a positive contribution to the National Park's special qualities and the local environment incorporating high quality construction materials and design details that reflect or complement the local vernacular'*.

The applicant proposes the construction of two grouse butts to be located within the same linear format as 10 existing grouse butts on Hare Law. The grouse butts would be 1.8m in width, 1.8m in depth and would be sunken 1.2m into the existing ground level. A small staircase would provide access to the butts from the existing ground level. The butts would be constructed in black painted timber with a gravel base. Timber boards would form the walls of the sunken grouse butt.

The overall shape, scale and design of the grouse butts is designed to ensure the most minimum impact in terms of design. As the butts are largely subterranean in nature, it is not considered that the proposals would lead to any significant impact in terms of design. The subtle colours alongside the replacement and relaying of vegetation would ensure the proposal harmonises with its surrounds.



*Figure 2: Application site highlighting existing grouse butts*

10no. grouse butts are already located in close proximity to the site. This would ensure that the provision of two additional grouse butts would not appear uncharacteristic to their surrounds. The proposal will merely elongate the existing linear format of grouse butts that are each separated 40m apart.



*Figure 3: Existing Trackway to provide access to butts*

The submitted information has confirmed that the two butts would be accessed by an extension to the existing tracks and pathways that serve the 10 existing butts. The existing tracks are discretely



located and are not clearly visible from the public vantage point of the neighbouring bridleway. Therefore, it is not considered that an extension to this line would result in any significant impacts in terms of design.

The proposals would not lead to any significant impacts in terms of design and as a result would satisfy the aims and objectives of Policy ST2 of the Local Plan.

### Amenity

Amongst others, Policy ST2 states that development will be permitted where '*The proposal will not have an unacceptable adverse impact upon the amenities of occupiers*'.

In terms of amenity, the proposal would be located approximately 750m from the nearest residential property 'The Dod'. The location has historically been used for the purpose of shooting activities. It is not considered that the introduction of 2 additional grouse butts would lead to an unacceptable material amenity impact to the area.

### **Impact upon National Park Special Qualities**

#### Biodiversity

Local Plan policy DM10 states that the conservation and enhancement of wildlife, habitats and sites of geological interest within the National Park will be given great weight with all development aiming to '*maintain and where appropriate enhance ecological features and recognised geodiversity assets*'.

The application was supported by an Ecological Appraisal conducted by OS Ecology. As a result of this, the Authority's Ecologist was consulted on the proposals.

The application site is located within The Cheviots SSSI and is adjacent to The Allers and Lilburn Valley Junipers SSSI and Tweed Rivers SAC. NNPA's Ecologist confirmed that the specific development of two additional grouse butts would not be likely to cause a negative impact on the protected sites in the vicinity of the application site.

The submitted Ecological Appraisal identified acid grassland and dry heath with potentially dry modified bog present within the application site. Peat depth measurements were recorded on the site as part of the ecological appraisal. The measurements ranged between 34-38cm around the proposed site of the two grouse butts. Although this area is considered peatland habitat, the measurements are below the depth of 40cm considered to be deep peat and would therefore constitute blanket bog.

A small area of acid grassland/ heathland will be lost as a result of the development, but this is not considered significant considering the extent of the surrounding habitat.





The Ecological Appraisal includes a number of recommendations in order to ensure mitigation measures are in place to limit the potential harm to surrounding habitats. The recommendations include a requirement to follow the methodology set out in the Construction, Environmental Management Plan. In addition, works should not take place during the nesting bird season unless the site is checked by an appropriately experienced ecologist and nests are considered to be absent. Both of these recommendations will be secured by conditions attached to the final decision notice.

Turning to the proposed track which will provide access to the grouse butts, the Authority's Ecologist requested the provision of peat depth measurements along the area of the proposed track as part of previous pre-application advice. The peat depth measurements confirmed that the peat was 30cm in depth along the area of the proposed track. This ensures the peat around the track would not be considered as deep peat. The submitted documents also clarify that no additional works are proposed to the track and no additional movements over and above the track would occur as a result of the development. As a result of this, NNPA's Ecologist raised no objection to the extension of the driven route to accommodate these two butts.

The application is supported by a Construction, Environmental Management Plan which details the mitigation measures which will be used during the construction phase. The following measures are proposed;

- Commence works during June/July when the majority of birds will have finished nesting and reptiles are active.
- Works will be undertaken by hand and only if necessary due to difficult ground conditions, with a rubber tracked excavator
- Materials will be taken to the site using a rubber tracked dumper on existing tracks
- The top layer of vegetation will be carefully removed and replaced once works are complete
- Hoggins will be used to create soakaways limiting the requirement for engineered underground drainage
- A nesting bird checking survey will be undertaken by an appropriately qualified ecologist prior to commencement of works
- Any excavations left open overnight will have a means of escape for mammals that may have become trapped in the form of a ramp at least 300mm in width and angled no greater than 45 degrees
- As with the existing butts, the completed butts will be used a maximum of 12 times per year, with vehicles utilising existing tracks, and Argo Cats moving the guns over the more vulnerable habitats utilising ATV tracks.

The provision of this plan and the appropriate mitigation measures set forward, ensures that care has been taken to cause the most minimal impact to the surrounding ecology during the construction phase. The provision of the Construction Environmental Management Plan will be secured by an appropriately worded planning condition.





As described in detail above, it is not considered that the proposal would result in any significant harm to the surrounding ecological habitats subject to the use of appropriate conditions. As a result of this, the proposal satisfies the requirements of Policy DM10 of the Local Plan.

### Landscape

Policy DM11 states that the natural beauty and heritage of the National Park will be conserved and enhanced whilst being responsive to landscape change. To achieve this, new development will need to ensure that *'the visual impact of the development in its immediate and wider setting is minimised through high quality design that reflects local landscape character with particular regard to scale, siting, materials and colour'* and *'the cumulative and/or sequential landscape and visual effect of development do not detract from the natural beauty of the National Park'*.



*Figure 4: Site of proposed additional butts*

Due to the open nature of the surrounding landscape, the Authority's Landscape and Forestry Officer has been consulted on the proposals.

The landscape officer confirmed that the main points of consideration include the effect of both the grouse butts as themselves alongside the track that would need to service the butts. The main publicly accessible receptor points in the immediate area are the Ilderton Public Bridleway no.10 which runs south of the line of existing butts and the surrounding access land that the butts are located within.

The application site is set within an actively managed grouse moor and as such this development is considered in keeping with the current land management for the area concerned. As a result of this, the landscape officer has confirmed the effect upon the landscape character would be negligible.



As the proposal is of a sunken design with the construction materials flush with the ground level, the landscape officer confirmed that the visual effect of the two additional butts would be negligible even when viewed from higher elevations to both the south and west of the application site.

As can be seen in figure 3, the service track to the existing line of grouse butts on Hare Law is serviced by a formalised but un-made ATV track. It is also noted that the two new butts would be serviced by the existing track on site. Given that the intended use of these new butts would be in line with that of the existing and the existing service track has a vegetative cover exceeding 95% of its surface area, it can be deduced that the ATV track is likely to have the same visual appearance within the landscape setting.

Linear features of this kind are commonplace within a managed grouse moor and due to the fact, the surrounding area is substantially vegetated, the visual effect of the ATV track is likely to have a negligible effect upon the landscape character or views of this part of the National Park.

The landscape and forestry officer raised concerns that if the use of this unsurfaced ATV service track were to increase and this use increases to a level that was not sustainable, i.e. the surface vegetation started to degrade and break up, then the track would become more visually prominent within the landscape and as such would have a greater negative effect upon the views of this part of the National Park. While the authority's Landscape and Forestry Officer has suggested monitoring of this should be secured by a planning condition, the proposal solely relates to the addition of two grouse butts to a line of ten existing grouse butts. The provision of such a condition would be considered unreasonable and disproportionate and would not meet with the six tests required for a planning condition.

As described in detail above, the proposal's impact on the surrounding landscape is considered negligible. As a result of this, it is considered that the proposal would comply with Policy DM11 of the Local Plan.

### Tranquillity

Local Plan Policy DM11 requires amongst others that '*The level of noise, traffic and light generated as a result of the development during construction and thereafter is minimised and dark night skies maintained*' and '*all development proposals should avoid external lighting where possible. Where external lighting is necessary its design should avoid all unacceptable adverse impacts, or as a last resort mitigate them to...avoid adverse impacts on tranquillity, dark skies.*'

The site is located within the Northumberland International Dark Sky Park. As the proposal relates to the provision of two grouse butts, in which the development would only be in use during daylight hours it is not considered that any form of external lighting will form part of the proposal. As a result of this, a condition requiring all external lighting proposals to be submitted to the authority would not be considered relevant.

As previously mentioned, the surrounding area is already in use for shooting purposes. It is not considered that an additional two butts would lead to any significant impacts in terms of noise or traffic that currently occurs through the use of the butts.



The introduction of two grouse butts would not lead to any unacceptable impacts to the tranquility of the surrounding area and as a result, the proposals would satisfy the aims and requirements of Policy DM11 of the Local Plan.

### **Recommendation & Conditions**

Grant conditional permission 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, as required by Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

- Application Form received 11 May 2021
- Location Plan Received 11 May 2021
- Grouse Butt Details Dwg No. 141053/8002 Received 11 May 2021
- Grouse Butts Planning Supporting Statement Produced by Fairhurst received 11 May 2021
- Ecological Appraisal Produced by OS Ecology received 11 May 2021

**Reason:** For the avoidance of doubt, to enable the local planning authority to adequately manage the development and to ensure the proposal accords with policies ST1, ST2, ST4, DM10 and DM11 of the Northumberland National Park Local Plan and the National Planning Policy Framework (NPPF).

3. The development hereby approved shall be carried out in strict accordance with the working practices and mitigation requirements set out in the Ecological Appraisal conducted by OS Ecology received 11 May 2021. In particular, attention is drawn to the need to undertake the development in accordance with the requirements in respect of:

- Works will be undertaken to the submitted Construction, Environmental Management Plan (CEMP)
- The completed butts will be used for a maximum of 12 times per year, with vehicles utilising existing metalled tracks, and Argo Cats moving the guns over the more vulnerable habitats utilising ATV tracks.
- Works will not be undertaken during the nesting bird season (March to August inclusive) unless the site is checked by an appropriately experienced ecologist and nests are confirmed to be absent.



- Any excavations left open overnight will have a means of escape for mammals that may have become trapped in the form of a ramp at least 300mm in width and angled no greater than 45 degrees.

Reason: To ensure the development poses no risk of unacceptable harm to protected species and to ensure the development is in accordance with Northumberland National Park Local Plan policies ST1, ST2, DM10 and Chapter 15 of 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**

Application File 21NP0032  
EIA Screening Report



	<b>Signature</b>	<b>Date</b>
<b>Planning Officer</b>	A Ewart	30.06.2021
<b>Head of Planning and Policy</b>	<i>Susannah Buylla</i>	01/07/2021