



Northumberland County Council

Pre-Application Enquiry

Wenda Fabian
Codlaw Dene
Wall
Hexham
Northumberland
NE46 4HG

Planning Ref: 18/00669/PREAPP
Your Ref:
Contact: Mrs Katherine Robbie
Direct Line: 01670 622633
E-Mail: katherine.robby@northumberland.gov.uk
Date: 16th October 2018

Dear Wenda,

Town and Country Planning Act 1990 (as amended) **Pre-application Enquiry**

Proposed landmark monument at:
Land at Cold Law, Kirkwhelpington, Northumberland

Introduction

Thank you for your enquiry. Having taken the time to consider your proposal and assess the history of the site, I am now in the position to provide you with the following response.

Requirement for Planning Permission

The Town and Country Planning (General Permitted Development) Order 2015 refers to permitted development rights for a range of development not requiring planning permission. I have considered the content of your enquiry and conclude that planning permission would be required for the proposed development.

Pre-application Advice

Relevant Planning Policy

As you will be aware, the proposal is within the former Tynedale District area and would currently be assessed against saved policies in the Tynedale District Local Plan (2000) and policies in the Tynedale Local Development Framework Core Strategy (2007). In addition the proposed development would need to be assessed having regard to national guidance contained within the National Planning Policy Framework, which sets out a presumption in favour of sustainable development having regard to social, economic and environmental considerations. Copies of these documents can be viewed through the planning pages of the Council's website.

Development Plan Policy

Tynedale District Local Plan (2000)
GD2 Design Criteria for all Development

GD4 Range of Transport Provision for all Development
GD6 Car Parking Standards Outside Built up Areas
NE19 Protection of Internationally Important Nature Conservation Sites
NE20 Protection of Site of Special Scientific Interest
NE21 Protection of Sites of Nature Conservation Importance
NE26 Protection of Habitats of Special Importance to Wildlife
NE27 Protection of Protected Species
TM4 New tourism development in the open countryside outside the Green Belt and North Pennines AONB
CS33 Impact on Surface Water Runoff from New Development

Tynedale Local Development Framework Core Strategy (2007)

BE1 Principles for the Built Environment
GD1 General Location of Development
GD4 Principles for Transport and accessibility
GD5 Minimising Flood Risk
NE1 Principles for the natural environment
EDT1 Principles for Economic Development and Tourism

National Planning Policy

National Planning Policy Framework (NPPF) (2018)
National Planning Practice Guidance (NPPG) (2014, as amended)

Consultee Responses (Summaries – full responses appended to letter)

Corsenside Parish Council

Strongly object to the proposal which they felt is out of keeping with the local area and local vernacular and will dominate a rural area. The local road infrastructure is insufficient to accommodate the number of visitors the structure would generate. The facilities in the parish are inadequate to accommodate large numbers of visitors.

Countryside/ Rights Of Way

There are no rights of way implications involved in this development, therefore no comments to make.

County Ecologist

Ecological Surveys are required prior to determination of a planning application,

The site lies within areas identified as Habitats of Principal Importance (HPI) (Upland Flushes a, Fens & Swamps and Upland Heathland)

The development is within 5km of a number of designated sites

- Redesdale Ironstone Quarry SSSI
- Northumberland National Park
- Several Local Wildlife Sites (formerly Sites of Nature Conservation Importance) with the Wanneys & Aid Moss LWS adjacent to the west
- Several HPI sites in addition to those within the bounds of the site itself.

An ecological assessment should be undertaken in accordance with the Guidelines for Ecological Impact Assessment produced by the Chartered Institute of Ecology and Environmental Management. Identification of the zone of influence and of the ecological resources that potentially could be affected should include the following

elements:

1. Desk Study
2. Extended Phase One Habitat Survey
3. Assessment

County Archaeologist

The proposed development is located in a wider archaeological landscape containing known archaeological sites of prehistoric and later date.

The site is located c.1.5km north of the scheduled univallate hillfort on Great Wanney Crag, c.2km north-west of the easternmost of three scheduled Romano-British farmsteads and c.1.8km east of Ridsdale Ironworks.

Various known prehistoric sites are located in the wider landscape, a number of which were identified during intrusive archaeological investigation associated with Ray Windfarm to the east of this site or during detailed walkover surveys. These features included Neolithic rock art, Bronze Age possible burial cairns, clearance cairns, Iron Age enclosures, and hut circles.

Localised post-medieval activity is known in the wider area including coal shafts, a limekiln and old quarries surrounding the site, the nearest of which was located at the base of Cold Law. The Second Edition Ordnance Survey (c.1890 onwards) shows the presence of a currick on Cold Law and an old quarry and sheepfold to the west of the site. The disused Wansbeck section of the North British Railway runs across the landscape to the east of the site.

A proposed application of this scale has the potential to have an indirect (visual) impact on the setting of the scheduled monuments in the wider area and a direct (physical) impact on potential below ground archaeological remains.

As a result the future application will require:

- A Visual impact Assessment which demonstrates the indirect (visual) impact of the proposed development on the setting of the scheduled monuments in a 3km radius of the site
- A desk-based assessment including a detailed walkover survey followed by geophysical survey (if appropriate) and trial trenching in order to assess the direct (physical) impact on potential below ground archaeological remains.

Building Conservation

The proposal location is not within proximity to any listed buildings or conservation areas.

There are no conservation areas within the vicinity. Listed buildings that have been identified from a desktop study include: the Grade II listed Furnace House at Ridsdale Iron Works is at least 2.1km west from the proposal site, the Grade II Harewalls which is approximately 1.5km to the north, along with several additional Grade II listed buildings at East Woodburn that are at least 3km north west from the proposal site.

Based on a desktop study of the plans and proposed site location, although the artwork would likely be seen from some distance within the area it is not expected to harm the setting of any of the identified listed buildings.

Highways

Consider that the proposed scheme does not warrant a full transport assessment, however, vehicle trip generation estimates for the site should be provided so it can be determined how many parking spaces would be appropriate for the scheme.

Pedestrian routes, Public Transport and Cycles: The proposed development site is located in a very rural location with no current footpath links or public transport stops. The vast majority of visitors are more than likely to visit the site by car, therefore, requesting such links would be unnecessary.

Road Safety: As part of the proposed development, a new vehicular access point is proposed onto the C195. In principle this is acceptable, however full details will be required as part of any future applications for the proposed development. The proposed access will need to be constructed in accordance with NCC Type C Specification. The access is required to have visibility splays of 2.4m x 215m which will need to be demonstrated on future submitted drawings.

Car Parking: An area for car parking has been identified on the submitted site plan. At this stage, no details have been submitted in regards to the amount of spaces, the size of the spaces, whether disabled spaces will be included and other minor aspects.

Cycle Parking: No details have been submitted in regards to cycle parking. It would be necessary to provide a Sheffield cycle stand somewhere within the site boundary so that the site caters for all sustainable modes of transport.

Refuse Storage and Servicing: Refuse storage will be required to be installed on site so that visitors can utilise such facilities. Collection will need to be handled privately unless the applicant agrees a scheme with NCC Waste Department. If this is considered, there must be sufficient turning within the site for a large service vehicle.

The proposed development is considered acceptable in principle. However, further information and plans are required as part of any future applications.

Lead Local Flood Authority (LLFA)

No comments submitted

Northumberland National Park - Planning Department

The NNPA is satisfied that given the nature of the proposals and the distances involved, there would be minimal pathway for any direct or in-direct impact on the biodiversity, geodiversity, cultural heritage or tranquillity of the Park and these issues are not considered further in this response.

However, would recommend that, if the applicant wishes to bring this pre-application through to a full application, a Landscape Visual Impact Assessment is undertaken and within that would expect to see a zone of theoretical visibility provided. The NNPA suggest that two viewpoints within the National Park ought to be sufficient in order to evaluate the likely effect that the structure might have on views out from the National Park and suggest the following receptor sites in order of importance.

- The A68 at the Corsenside Crossroads (GR NY889877)
- The C201 Bellingham to West Woodburn minor county road west of Hole Farm (GR NY864846)

Other viewpoints - say from the minor county road passing to the south-east of the proposed development site - should be used to ascertain the effect on views looking

back into the National Park’.

Ministry of Defence

No response received.

Newcastle International Airport

The proposed development would be located circa 30km from the runway at Newcastle International Airport (NIA), and therefore falls within the safeguarding zone for the Airport’s aircraft navigation systems. The Airport operates both a primary surveillance radar and a secondary wind turbine mitigating Terma radar. In addition the airport operates a wide area multilateration (WAM) system. This is a cooperative aircraft surveillance technology where several ground receiving stations listen to signals transmitted from an aircraft; then the aircraft's location is mathematically calculated -- typically in two dimensions – with the aircraft then providing its altitude.

The proposed development will be visible to both radar systems at the Airport and therefore will provide a permanent ‘echo’ as a fixed structure. It is not considered that the scheme would impact on the WAM. The site is not however located underneath a frequently used section of airspace, and therefore it is considered that the scheme would not have an unacceptably detrimental impact on the Airport’s radar system and therefore the safe operation of aircraft from Newcastle Airport.

It should be noted that NIAL only safeguards for aircraft operating from Newcastle Airport. The safeguarding of traversing aircraft is undertaken by the National Air Traffic Service (NATS) and MOD safeguards the operation of military aircraft. Given the proximity of the site to Otterburn and Spadeadam they may have a particular interest in the proposal. It is suggested that these bodies are also consulted.

Ofcom

No response received.

Civil Aviation Authority

No response received.

National Air Traffic Services (NATS)

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

The Coal Authority

No response received.

Determination of a Planning Application

The main issues for consideration in the determination of an application would include (but may not be limited to):

- Principle of Development
- Landscape and Visual Impact
- Archaeological Impact
- Ecological Impact
- Highway Safety

- Aviation Safety
- Surface Water Management

Other Advice

Having considered the proposed design of the structure, care should be taken that the surface finish does not appear to be a derivative of the Angel of the North and is read as a completely different type of structure. I would consider that the overall success of the project would come as a result of its innovation and uniqueness and perception that it 'copies' other monuments in the region should be avoided.

The site sits outside of the Northumberland Dark Skies Park designation, although is within 5km of the boundary. Care should therefore be taken with any lighting proposed for the site and the structure (other than that which may be required for aviation safety). Northumberland National Park Authority offer the following guidance in relation to the Dark Skies designation -

<https://www.northumberlandnationalpark.org.uk/wp-content/uploads/2017/05/NNP-outside-lighting-guide.pdf>

Further guidance on light pollution can be found here -

<https://www.gov.uk/guidance/light-pollution>.

Dumfries and Galloway Council have produced some useful guidance on lighting which you may find helpful- https://www.dumgal.gov.uk/media/19750/LDP2-Draft-Supplementary-Guidance-Dark-Skies-Friendly-Lighting/pdf/Draft_Dark_Skies_Friendly_Lighting_SG_January_2018.pdf

It should be noted that none of the comments provided by consultees took lighting into consideration as this was not part of the proposal as submitted.

Validation Requirements

If you wish to apply for planning permission based on the above advice, you can apply online by using the Planning Portal website. The following plans and documents will be required as a minimum to accompany your application:

Fee based on a calculation of the site area of the application site at the following rate: £234 per 0.1ha (or part thereof) up to a maximum of £2,028

Completed application form

Site Location Plan (1:1250)

Existing and Proposed Site (Block) Plans showing details of access, parking (including cycle parking) and refuse storage

Existing and Proposed Plans

Existing and Proposed Section Plans

Ecology Report

Archeological Assessment

Landscape and Visual Impact Assessment

A report detailing vehicle trip generation estimates for the site.

Full access details including construction details and visibility splays.

Supporting Planning Statement

Please ensure that you read the Council's Validation Checklist before you submit an application. Additional documents may be requested over and above those listed above.

All plans and drawings must be drawn to a recognised scale (1:100, 1:200, 1:1250, etc). It may be advisable to acquire the services of an architect or planning agent to assist in the drawing of these plans and submission of the application. The site location plan should show the direction of north, the land to which the application relates edged in red and any other land in your ownership edged in blue. All other plans should include an appropriate level of detail to allow Officers and members of the public to understand the development and any changes being proposed.

Please note, this response is based entirely on the information submitted with your enquiry, and is applicable only at the current time. The response does not constitute a certificate of lawful proposed development, nor is it to be considered binding upon the Council. The advice given relates to current planning policy and legislation, which may change over time, and is given without prejudice to any Officer's recommendation or decision in relation to any future proposals.

The works may require approval under the current Buildings Regulations and in this respect, you are therefore advised to make appropriate contact with the Council's Building Control Department by calling 0345 600 6400.

For further information on the planning process, including more detail of how to apply for planning permission, please visit the Planning section of the Council's website at www.northumberland.gov.uk/planning

I trust the information within this response is clear. If you have any comments or wish to discuss this with me any further please do not hesitate to contact me using the details provided at the top of the page.

Yours sincerely,



Mrs Katherine Robbie
Senior Planning Officer
Development Management Team

Corsenside Parish Clerk <corsensideparishclerk@hotmail.com> 12 September 2018 at 12:15

To: "planningcomments@northumberland.gov.uk"
planningcomments@northumberland.gov.uk

Planning ref: 18/00669/PREAPP - Proposed landmark monument

Corsenside Parish Councillors discussed, at length, the proposed application and felt that they needed to strongly object based on a variety of issues.

It was felt that the proposed monument was very much out of keeping with the local area and the local vernacular. The proposed building material, steel, which will be left to rust, does not fit in to this landscape and will appear as alien to its surroundings.

Its size is also of great concern being a very large overbearing industrial feature which would dominate a now rural area. The proposed location is very close to Northumberland National Park, from many points of which this monument would be visible as it would be presumably from sections of Hadrian's Wall a World Heritage Site. The proposed monument would impose itself on people rather than be a structure that can be sought out by choice.

It was also felt that the existing road infrastructure was insufficient to cope with the extra traffic which visitors to this structure would generate. The route leading to the proposed monument is narrow and twisting with blind summits and tight bends, is of poor condition and has a very narrow single track bridge and dangerous junctions at either end where it joins with the A68 and the A696. There is also the additional hazards and safety considerations associated with slow moving agricultural traffic on this road and also occasional escapee livestock.

Furthermore, Corsenside Parish is a small rural location with no car parks in the villages or facilities such as public toilets, to accommodate larger numbers of visitors.

Corsenside Parish Council have been made aware of substantial negative opinions regarding this proposed application. Residents have shown concern that they specifically chosen to live in the Corsenside area as they want the peace, quiet and undisturbed rural landscape.

Regards

Karen Traill

Corsenside Parish Clerk

Tel: 01434 270 722

Consultee Comments for Planning Application 18/00669/PREAPP

Application Summary

Application Number: 18/00669/PREAPP

Address: Land At Cold Law Kirkwhelpington Northumberland

Proposal: Proposed landmark monument

Case Officer: Mrs Katherine Robbie

Consultee Details

Name: Ms Helen Lamb

Address: Northumberland County Council, County Hall, Morpeth, Northumberland
NE61 2EF

Email: Helen.lamb@northumberland.gov.uk

On Behalf Of: Countryside/ Rights Of Way

Comments

Public Rights of Way

Parish of Corsenside

Planning Application No.18/00669/PREAPP

Thank you for your consultation regarding the above planning application for the Proposed landmark monument at Land At Cold Law Kirkwhelpington, Northumberland.

There are no rights of way implications involved in this development, therefore I have no comments to make on the application.

Consultee Comments for Planning Application 18/00669/PREAPP

Application Summary

Application Number: 18/00669/PREAPP
Address: Land At Cold Law Kirkwhelpington Northumberland
Proposal: Proposed landmark monument
Case Officer: Mrs Katherine Robbie

Consultee Details

Name: Mr Colin Marlee
Address: Northumberland County Council, County Hall, Morpeth, Northumberland
NE61 2EF
Email: colin.marlee@northumberland.gov.uk
On Behalf Of: County Ecologist

Comments

Email: colin.marlee@northumberland.gov.uk
Re: Proposed Landmark Monument on Land At Cold Law Kirkwhelpington

Stance: Comment - ecology surveys required prior to determination of planning application.

Information:

The site lies entirely within areas identified as Habitats of Principal Importance (HPI) (Upland Flushes, Fens & Swamps and Upland Heathland) under the Countryside & Rights of Way (CROW) Act 2000 and identified as Priority Habitat in both the UK and Northumberland Biodiversity Action Plans.

The development site is within 5km of a number of designated sites including;
Redesdale Ironstone Quarry SSSI
Northumberland National Park
Several Local Wildlife Sites (formerly Sites of Nature Conservation Importance) with the Wanneys & Aid Moss LWS adjacent to the west
Several HPI sites in addition to those within the bounds of the site itself
Natural England have adopted SSSI Impact Risk Zones (IRZs) which highlight the types of development likely to impact on protected sites and part of the site is included in the IRZ for Mill & Whiskershiel Burns SSSI (approx. 7km north). It is, however, unlikely to require a direct consultation with Natural England on the grounds of the IRZ alone.

Whilst publicly available ecological records for the site itself are sparse, there are local records of a range of protected, threatened and notable species, including barn owl, red squirrel, otter, badger, several bat species, common lizard, adder, white clawed crayfish, snipe, long-eared owl, woodcock, peregrine falcon, goshawk, raven, osprey, nightjar, hedgehog and a range of other species include in s.41 of the Natural Environment and Rural Communities Act 2006.

Legislation / Policy:

Conservation of Habitats and Species Regulations, 2010.
Countryside and Rights of Way Act, 2000.
Hedgerow Regulations, 1997.
Natural Environment and Rural Communities Act, 2006.
Protection of Badgers Act, 1992.

Wildlife & Countryside Act, 1981 (as amended).

Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System, Circular 06/2005: Office of the Deputy Prime Minister.

National Planning Policy Framework, Department for Communities & Local Government 2018

Applicants and contractors should note that the protected species legislation operates independently of the planning system, planning consent does not override the legislation relating to protected species and that they should be aware that there is a small chance of encountering protected species during works.

Assessment:

Accordingly a comprehensive ecological assessment of the development should be undertaken as detailed below. This is a standard list of requirements, and all may not be required depending on the size of the development, the findings of the preliminary assessment and the nature, timing and scope of the development. The ecological consultant should assess the risk to protected habitats and species against the development proposed.

Ecological Assessment

The ecological assessment should be undertaken in accordance with the Guidelines for Ecological Impact Assessment produced by the Chartered Institute of Ecology and Environmental Management. Identification of the zone of influence and of the ecological resources that potentially could be affected should include the following elements:

1. Desk Study

Work should commence with a desk-top study, gathering and analysing existing data about the site. The Environmental Records and Information Centre (ERIC) and any relevant local wildlife groups should be consulted.

2. Extended Phase One Habitat Survey

An extended phase one habitat survey should be undertaken between April and early September. It is important that this survey is carried out in an iterative manner, so that important features discovered in the course of the survey are then subject to further assessment as appropriate. Target notes should be prepared describing all features of particular ecological interest or which are too small or complex to map, including all features that fit into any of the following categories:

a) All habitats and species included in the List of Habitats and Species of Principal Importance in England under Section 41 of the Natural Environment and Rural Communities Act 2006. Key habitats in Working for Wildlife; the Northumberland Biodiversity Action Plan species listed in the Red Data Book for Northumberland (Kerslake, 1998) species included on Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 as amended vascular plants listed as localised or rare in the Flora of Northumberland (Swan, 1993). The survey should include a thorough search for plant species listed on Schedule 9 of the Wildlife and Countryside Act. The extended phase 1 habitat survey should then inform the requirements for additional survey work as is detailed below.

b) Protected Species and Other Species of Conservation Concern It should be noted that many species, not just those receiving legislative protection, are considered as

valued ecological receptors, and so may require further survey work. These include Species of Principal Importance in England and key species in Working for Wildlife; the Northumberland Biodiversity Action Plan, as paragraph 84 of ODPM Circular 06/2005 make it clear that these species can be material considerations in planning decisions. Once survey requirements for protected species and other species of conservation concern have been identified (informed by the extended phase one habitat survey), surveys should be undertaken using recognised methodologies at appropriate times of year. Bat surveys should follow the guidance on survey effort, timing and methodology presented in Bat Surveys for Professional Ecologists Good Practice Guidelines published by the Bat Conservation Trust. Bats may be present on the site, therefore, details of commuting routes and foraging areas should be supplied, as well as roosts. If great crested newt surveys are required they should conform to the standards included in Natural England's Great Crested Newt Mitigation Guidelines.

c) Ornithology

Breeding bird surveys should comprise at least 3 morning visits and at least 1 evening visit. The morning visits should commence within 2 hours of dawn and be undertaken in mid-April, mid May and mid June, and the evening visit should be undertaken in May, commencing 1 hour prior to sunset and finishing 1 hour after sunset. Surveys should not be undertaken in heavy rain, poor visibility or strong winds.

d). Vulnerable Species Information which includes the location of any species vulnerable to criminal activity should be presented to decision-makers and conservation organisations in a confidential appendix, rather than being included in the main documents.

3. Assessment The ecological assessment process for this proposed scheme should be undertaken in accordance with the IEEM Guidelines, including identification of impacts on valued ecological resources, options for avoiding such impacts, mitigating those that cannot be avoided, and compensation measures for residual impacts.

4. NPPF and Bio-diversity The National Planning Policy Framework (NPPF) makes it clear that aside from purely mitigating against the harm that a development may cause to biodiversity the definition of sustainable development includes biodiversity enhancement. Paragraph 9 of the NPPF states, Pursuing sustainable development involves seeking positive improvements in the natural environment, including moving from a net loss of bio-diversity to achieving net gains for nature. Accordingly biodiversity enhancement over and above mitigation should be clearly proposed. A Biodiversity Enhancement plan, including the provision of in-built bat and bird roost/nest opportunities in the new buildings plus locally native/pollinator friendly landscape planting, will be required.

I hope that these comments are of assistance but if you require any further information or assistance regarding this matter please contact me at this office.

Colin Marlee,
Ecologist,
Northumberland County Council.

**ARCHAEOLOGY
PRE-APPLICATION ENQUIRY RESPONSE**

Planning Ref: 18/00669/PREAPP
Name: Karen Derham
Department: NCC Conservation Team
Tel: 01670 622655
Email: karen.derham@northumberland.gov.uk

Date: 25/9/18

Proposed landmark monument. Land At Cold Law Kirkwhelpington

Stance: Comment

Archaeological Background:

The proposed development is located in a wider archaeological landscape containing known archaeological sites of prehistoric and later date.

The site is located c.1.5km north of the scheduled univallate hillfort on Great Wanney Crag, c.2km north-west of the easternmost of three scheduled Romano-British farmsteads and c.1.8km east of Ridsdale Ironworks.

Various known prehistoric sites are located in the wider landscape, a number of which were identified during intrusive archaeological investigation associated with Ray Windfarm to the east of this site or during detailed walkover surveys. These features included Neolithic rock art, Bronze Age possible burial cairns, clearance cairns, Iron Age enclosures, and hut circles.

Localised post-medieval activity is known in the wider area including coal shafts, a limekiln and old quarries surrounding the site, the nearest of which was located at the base of Cold Law. The Second Edition Ordnance Survey (c.1890 onwards) shows the presence of a currick on Cold Law and an old quarry and sheepfold to the west of the site. The disused Wansbeck section of the North British Railway runs across the landscape to the east of the site.

The proposed landmark is located on the top of Cold Law which is a prominent landform in the landscape. Raised ground such as this has been known to be utilised archaeologically due to its prominence and visibility within the landscape, however this particular site has not been subject to detailed archaeological investigation to establish if it has been previously utilised.

Legislation / Policy:

- The National Planning Policy Framework states that achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways. The environmental objective is to contribute to protecting and enhancing our natural, built and historic environment (paragraph 8).
- Heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 184).
- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any

contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. (paragraph 189).

- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (paragraph 190).

- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 193).

- Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional

- Footnote 63 indicates that Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets

- Paragraph 195 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and

- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use.

- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. (paragraph 196)

- The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced

judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 197).

- LPAs should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible (footnote 64). However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted (paragraph 199).

Assessment:

A proposed application of this scale has the potential to have an indirect (visual) impact on the setting of the scheduled monuments in the wider area and a direct (physical) impact on potential below ground archaeological remains. I will deal with each of these issues in turn.

Indirect (visual) impact

The pre-application consultation has provided various viewpoints of the site and visualisations/photomontages showing the proposed landmark monument.

The future application will need to provide a Visual Impact Assessment in order to assess the potential visual impact of a landmark monument of this scale in this location on the scheduled monuments in at least a 3km radius of the site (in line with paragraphs 189 and 193-196 of the NPPF. This will need to assess the visibility of the proposed landmark monument rather than the site in:

- Key views from the scheduled monuments towards the proposed landmark monument
- Key views towards the scheduled monuments in which the proposed landmark monument would be visible

Direct (physical) impact

The proposal involves substantial groundworks through and around Cold Law which could have a significant impact on any archaeological remains that may be present in this location.

In line with paragraph 189 of the NPPF, I would strongly recommend that the future application will need to provide a detailed desk-based assessment including a comprehensive walkover survey assessing the potential for archaeological remains from Neolithic rock art into the industrial period.

Further evaluation may be required which could include geophysical survey if it is likely to provide useful results and trial trenching, where appropriate. This will provide evidence of the extent, age and significance of the archaeological resource within the application site and the archaeological impact of the proposed development (paragraphs 190 and 197 of the NPPF).

The results of the visual impact assessment and the archaeological assessment and evaluation on this site will inform the decision-making on the archaeological impact of the proposed development. As a result, the assessment and evaluation should be submitted in support of the future application and the application should not be determined until that work has been completed.

In some instances the archaeology may be of such significance that it may require preservation in situ or the developer may wish to preserve the archaeology in situ

rather than excavating it. Where preservation in situ is not required, the results of the evaluation will establish the level of archaeological mitigation work which is required. This work may range from full open-area excavation and publication to strip, map and record to a watching brief during construction. The assessment and evaluation will also establish whether there are parts of the site which are unlikely to contain archaeological remains and where no further archaeological work is required. It is likely that different parts of the site may have different mitigation requirements which would be outlined in a detailed brief which would be tied into a planning condition.

Conclusion:

A proposed application of this scale has the potential to have an indirect (visual) impact on the setting of the scheduled monuments in the wider area and a direct (physical) impact on potential below ground archaeological remains.

As a result the future application will require:

- A Visual impact Assessment which demonstrates the indirect (visual) impact of the proposed development on the setting of the scheduled monuments in a 3km radius of the site
- A desk-based assessment including a detailed walkover survey followed by geophysical survey (if appropriate) and trial trenching in order to assess the direct (physical) impact on potential below ground archaeological remains.

The results of these assessments will enable an informed decision to be made on the archaeological impact of the proposed development (in line with paragraphs 189, 190 and 193-197 of the NPPF). As a result, these documents will need to be submitted in support of the future application and the application should not be determined until that information has been provided and a decision is made based on the information within those reports.

Application Documents Required:

- Visual Impact Assessment relating to the potential impact on the scheduled monuments in a 3km radius of the site
- Desk-based assessment
- Potentially geophysical survey
- Trial trenching

Notes:

Northumberland Conservation would be happy to discuss the scope of an assessment programme with the applicant, to provide assessment briefs or to approve specifications for archaeological work consistent with Para 128 of the NPPF. Please note that this may be a chargeable service. A copy of the Conservation Team's charging policy is available to view on the Council's website at: <http://www.northumberland.gov.uk/default.aspx?page=614>

Please note that the above advice relates only to the assessment and mitigation of impacts to the archaeological resource. Please contact the relevant Conservation Officer for advice in relation to the built historic environment.

Engaging an archaeologist

Northumberland Conservation is part of the Planning Service within Northumberland County Council. The role of the Conservation Team is to advise the LPA regarding the need for and scope of archaeological work to inform the planning process and to mitigate development impacts to the historic environment. Northumberland Conservation is an advisory service only and does not undertake archaeological fieldwork but can provide a list of archaeological contractors who work within the county. Directories of archaeological contractors and consultants are also hosted by independent organisations, including:

- Chartered Institute for Archaeologists:
<http://www.archaeologists.net/regulation/organisations>
- British Archaeological Jobs and Resources:
<http://www.bajr.org/RACSmapp/default.asp>

The above advice is based on the information you have provided so far and is a preliminary assessment of your proposal.

PRE-APPLICATION ENQUIRY RESPONSE

Planning Ref: 18/00669/PREAPP

Name: Glenn Shaw

Department: Building Conservation

Tel: 01670 622621

Email: glenn.shaw@northumberland.gov.uk

Stance

Building Conservation supports the proposal subject to the advice contained below.

Background

The proposal is for pre-application advice for a proposed landmark monument.

Heritage Significance

The proposal location is not within proximity to any listed buildings or conservation areas.

Legislation / Policy

The National Planning Policy Framework, 2018 (NPPF) is a significant material consideration and cognisance has been given to Chapter 16 'Conserving and Enhancing the Historic Environment'.

Paragraph 189 of the NPPF requires an applicant to describe the significance of any heritage assets affected, including any visual contribution made by their setting. This should be in the form of a heritage statement. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 192 of the NPPF directs local planning authorities to take account of 'the desirability of sustaining and enhancing the significance of heritage assets' in the determination of planning applications. Paragraphs 193-196 of the NPPF introduce the concept that harm can be caused by development that affects the setting and significance of heritage assets. The degrees of harm are defined as 'total loss', 'substantial harm', or 'less than substantial harm' and introduces the need to balance any harm against the benefits of the development.

Historic England's Historic Environment Good Practice Advice in Planning: 3 The Setting of Heritage Assets 2017 should also be taken into consideration in the assessment of this proposal.

Assessment of Proposal

The objective of the proposal is to produce a contemporary landmark and cultural tourism destination at Cold Law hill on the Ray Estate in Northumberland, celebrating Queen Elizabeth II's services to the country and her lifelong dedication to the Commonwealth. It is understood from the supporting statement that the angled form will be 55m high overall from the hill top, to equal the summit of the adjacent Hepple Heugh crag. Its upper curved surface will match the topographical form of the hill, precisely following its curved profile. The under surface will be flat. Angled lateral fins, between the upper and lower flanges, will change in pitch and frequency as they rise up the wing form, accentuating the sense of perspective and movement.

There are no conservation areas within the vicinity. Listed buildings that have been identified from a desktop study include: the Grade II listed Furnace House at Risdale Iron Works is at least 2.1 kms west from the proposal site, the Grade II Harewalls which is approximately 1.5 kms to the north, along with several additional Grade II listed buildings at East Woodburn that are at least 3 kms north west from the proposal site.

Based on a desktop study of the plans and proposed site location, although the artwork would likely be seen from some distance within the area it is not expected to harm the setting of any of the identified listed buildings.

In summary, building conservation consider that the current development proposal as outlined in the application would not result in any significant harm to the setting of any listed buildings within the area. However, this would remain subject to final plans included in a future planning application, which should also include an analysis that addresses any potential for impact to the setting of listed buildings.

The above advice is based on the information you have provided so far and is a preliminary assessment of your proposal.

**Highway Development Management
PRE-APPLICATION ENQUIRY RESPONSE**

Planning Ref: 18/00669/PREAPP

Name: Daniel Abberline

Department: Highways Development Management

Tel: (01670) 620295

Email: Daniel.Abberline@northumberland.gov.uk

Date: 7th September 2018

Proposal: Proposed landmark monument

Location: Land At Cold Law Kirkwhelpington Northumberland

Stance: Comment

Legislation/Policy: Revised NPPF, NCC Parking Standards 1996, Manual for Streets, Tynedale District Local Plan.

Assessment:

● **Transport Statement or Assessment** - Whilst we do not think the proposed scheme warrants a full transport assessment, we believe that vehicle trip generation estimates for the site should be provided so it can be determined how many parking spaces would be appropriate for the scheme.

● **Pedestrian routes, Public Transport and Cycles** - The proposed development site is located in a very rural location with no current footpath links or public transport stops. The vast majority of visitors are more than likely to visit the site by car, therefore, requesting such links would be unnecessary.

● **Road Safety** - As part of the proposed development, a new vehicular access point is proposed onto the C195. In principle this is acceptable, however full details will be required as part of any future applications for the proposed development. The proposed access will need to be constructed in accordance with NCC Type C Specification. The access is required to have visibility splays of 2.4m x 215m which will need to be demonstrated on future submitted drawings.

● **Travel Plan** - Not required for this development type.

● **Car Parking** - An area for car parking has been identified on the submitted site plan. At this stage, no details have been submitted in regards to the amount of spaces, the size of the spaces, whether disabled spaces will be included and other minor aspects. I will bullet-point standard requirements for car parking for easement and clarity;

→ The amount of spaces may be determined by the figures that are required which detail vehicle trip generations to the site.

→ All spaces except disabled spaces must be at least 4.8m x 2.4m. If a space abuts a hedge or wall the space will be required to be 4.8m x 3m.

→ Disabled spaces must be 5m x 3m

→ A layout plan based on a topographical survey shall be submitted showing the access, car parking and manoeuvring areas.

→ Each space must have 6m reversing distance.

→ The access to the car park must be constructed in accordance with NCC Specifications but the internal material used can be more appropriate for the location.

- **Cycle Parking** - No details have been submitted in regards to cycle parking. It would be necessary to provide a Sheffield cycle stand somewhere within the site boundary so that the site caters for all sustainable modes of transport.

- **Highway Works** - Any proposed vehicular access will need to be constructed in accordance with NCC Type C Specifications. The proposed access will need to have visibility splays of 2.4m x 215m and this will need to be demonstrated on any proposed layout plan submitted in any future applications.

- **Highway Land and Property issues** - At this stage, there are no issues overall. Various bits of information and plans will be required at future stages.

- **Refuse Storage and Servicing** - Refuse storage will be required to be installed on site so that visitors can utilise such facilities. Collection will need to be handled privately unless the applicant agrees a scheme with NCC Waste Department. If this is considered, there must be sufficient turning within the site for a large service vehicle.

- **Lighting** - Not required considering the location.

Conclusion: The proposed development is considered acceptable in principle. However, further information and plans are required as part of any future applications.

Application Documents Required:

- Full site layout plan detailing access, car parking, cycle parking, refuse storage.
- A report detailing vehicle trip generation estimates for the site.
- Full access details including construction details and visibility splays.
- Full details and plan regarding car parking, as detailed in the section above.
- Cycle parking details and location.
- Refuse storage and collection arrangements details.

The above advice is based on the information you have provided so far and is a preliminary assessment of your proposal

Consultee Comments for Planning Application 18/00669/PREAPP

Application Summary

Application Number: 18/00669/PREAPP

Address: Land At Cold Law Kirkwhelpington Northumberland

Proposal: Proposed landmark monument

Case Officer: Mrs Katherine Robbie

Consultee Details

Name: Mr Lead Local Flood Authority

Address: Northumberland County Council, County Hall, Morpeth, Northumberland
NE61 2EF

Email: llfa@northumberland.gov.uk

On Behalf Of: Lead Local Flood Authority (LLFA)

Comments

The Lead Local Flood Authority (LLFA) is a statutory consultee on major planning applications.

Major development being:

1. Residential Development: 10 dwellings or more or residential development with a site area of 0.5 hectares or more where the number of dwellings is not yet known.
2. Non Residential Development: Provision of a building or buildings where the total floor space to be created is 1000 square metres or more or where the floor area is not yet known, a site area of 1 hectare or more.

Any application submitted based on the definition within the pre-application enquiry will see the development classed as a minor development. The LLFA are not a statutory consultee on minor applications and as such we have not reviewed this pre-app enquiry and make no comment.

Dear Sir or Madam,

Pre-application enquiry in respect of a Proposed landmark monument at Land at Cold Law, Kirkwhelpington, Northumberland

Thank you for consulting the Northumberland National Park Authority (NNPA) on the above pre-application enquiry.

The National Park Authority has two statutory purposes;

- *'Conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park'; and*
- *'Promoting opportunities for the understanding and enjoyment of the special qualities of (the) areas by the public'*

The NNPA comments relate solely to the potential impacts upon the Park's special qualities, specifically landscape character, views into and out of the Park, and any impacts upon the Park's tranquility.

The NNPA is satisfied that given the nature of the proposals and the distances involved, there would be minimal pathway for any direct or in-direct impact on the biodiversity, geodiversity, cultural heritage or tranquillity of the Park and these issues are not considered further in this response.

Landscape

The proposed development is located at a distance of approximately 5km from the boundary with the National Park. Any future application will need to thoroughly assess potential impacts relating to views into and out of the Park.

The National Park Landscape and Forestry Officer has been consulted on the proposals and I provide his comments in full below. Please note that his comments have been provided on the basis that the height of structure would be 66m. If there is any increase in the height / mass of the structure then I would recommend that the NNPA is reconsulted.

'Having reviewed the initial information provided I can confirm that due to the presence of two approved major developments in the vicinity of the chosen site in question, namely the Green Rigg Wind Farm (Turbines approximately 100 metres in height), and Ray Wind Farm, (Turbines approximately 125 metres in height), I do not believe at this stage that this proposal for a single landmark monument is likely to have a significant effect upon the landscape character or views (in to or out from) the National Park.

However, I welcome the initial photo montages provided and would recommend that, if the applicant wishes to bring this pre-application through to a full application, a Landscape Visual Impact Assessment is undertaken and within that I would expect to see a zone of theoretical visibility provided.

I would suggest that two viewpoints within the National Park ought to be sufficient in order to evaluate the likely effect that the structure might have on views out from the National Park.

I would suggest the following receptor sites in order of importance.

- *The A68 at the Corsenside Crossroads (GR NY889877)*
- *The C201 Bellingham to West Woodburn minor county road west of Hole Farm (GR NY864846)*

Other viewpoints - say from the minor county road passing to the south-east of the proposed development site - should be used to ascertain the effect on views looking back into the National Park'.

Subject to the comments of the Landscape and Forestry Officer being fully addressed within any future application, then, based on the information submitted to date the NNPA has no fundamental concerns in relation to the proposed scheme.

I hope the above is of assistance but please get in contact if you require any further information or clarification of the points raised. I would also request that the NNPA are afforded the opportunity to provide further comment as the scheme develops.

Yours sincerely,
Colin Godfrey
Planning Officer
e-mail: planning@nnpa.org.uk

Dear Katherine,

RE: 18/00669/PREAPP

Thank you for consulting Newcastle International Airport (NIA) on the above pre-application.

The proposed development would be located circa 30km from the runway at Newcastle International Airport (NIA), and therefore falls within the safeguarding zone for the Airport's aircraft navigation systems. The Airport operates both a primary surveillance radar and a secondary wind turbine mitigating Terma radar. In addition the airport operates a wide area multilateration (WAM) system. This is a cooperative aircraft surveillance technology where several ground receiving stations listen to signals transmitted from an aircraft; then the aircraft's location is mathematically calculated -- typically in two dimensions -- with the aircraft then providing its altitude.

The proposed development will be visible to both radar systems at the Airport and therefore will provide a permanent 'echo' as a fixed structure. It is not considered that the scheme would impact on the WAM. The site is not however located underneath a frequently used section of airspace, and therefore it is considered that the scheme would not have a unacceptably detrimental impact on the Airport's radar system and therefore the safe operation of aircraft from Newcastle Airport.

It should be noted that NIAL only safeguards for aircraft operating from Newcastle Airport. The safeguarding of traversing aircraft is undertaken by the National Air Traffic Service (NATS) and MOD safeguards the operation of military aircraft. Given the proximity of the site to Otterburn and Spadeadam they may have a particular interest in the proposal. It is suggested that these bodies are also consulted.

Although not a planning issue the applicant would need to apply to have the development marked on aeronautical charts as a hazard.

There is no mandatory requirement for a structure of 55m to have obstacle lighting. However, when the applicant applies for the structure to be marked on aeronautical charts the CAA/MOD will provide their own advice in relation to the operation of helicopters and military aircraft.

I trust the above clarifies the Airport's position but please do not hesitate to contact me should you require anything in addition.

Best regards,

James Cowen MRTPI | Airport Planner | Newcastle International
DDI: +44 (0)191 2143279 | Mob: 07714457638 |

From: **NATS Safeguarding** <NATSSafeguarding@nats.co.uk>

Date: 6 September 2018 at 13:23

Subject: RE: Planning Consultation 18/00669/PREAPP Land At Cold Law
Kirkwhelpington Northumberland [Our Ref: SG26809]

To: "planning@northumberland.gov.uk" <planning@northumberland.gov.uk>

Cc: Katherine Robbie <katherine.robby@northumberland.gov.uk>

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours Faithfully

NATS Safeguarding

D: 01489 444687

E: NATSSafeguarding@nats.co.uk

4000 Parkway, Whiteley,

Fareham, Hants PO15 7F L

www.nats.co.uk