

CD J.2.1



**Northumberland
County Council**

APPENDICES

Gordon Halliday MA MPhil MRTPI

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY DEVONPORT ESTATES

**CONSTRUCTION OF A PUBLICLY ACCESSIBLE LANDMARK AND
ASSOCIATED DEVELOPMENT**

ON

**LAND AT COLD LAW, STIDDLEHILL COMMON, NEAR RIDSDALE,
RAY ESTATE, NORTHUMBERLAND**

PLANNING INSPECTORATE REF: APP/P2935/W/20/3244389

LOCAL PLANNING AUTHORITY REF: 19/00247/FUL

A. Appendix 1

- 1. Appendix 1

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A. Appendix 1

Appendix 1

Letters of Representation

- 1.1 Redesdale with Byrness Parish Council
- 1.2 The Redesdale Society
- 1.3 The British Mountaineering Council

19/00247/FUL - Construction of a publicly accessible landmark

1 message

Martin Chilvers <rochesterwithbyrnesspc@gmail.com>

1 July 2019 at 22:32

To: Katherine Robbie <Katherine.robby@northumberland.gov.uk>

Dear Katherine

I have been asked by the Councillors of Rochester with Byrness Parish Council to submit an objection to the application reference 19/00247/FUL for the Construction of a publicly accessible landmark at Cold Law, Kirkwhelpington.

It is appreciated the original timescale for comments may have passed and that the Parish Council were not originally approached however there is strong feeling that the proposed landmark would have a detrimental effect of the landscape as well as the infrastructure within the local area.

Regards

Martin Chilvers

Parish Clerk**Rochester with Byrness Parish Council**

**From: Dr Ian Roberts,
Redewater View, Rochester, Northumberland, NE19 1RH**

To: Ms Katherine Robbie, NCC Planning Dept, and Committee

Dear Ms Robbie and Councillors,

Reference: 19/00247/FUL – Construction of landmark on Cold Law (Objection)

I write as Chair of The Redesdale Society, concerning the above application and wish to register the Society's strong objection to this proposed structure, details of which we have only recently become aware. As a local history society founded in 1970, whose main aim is to conserve and protect Redesdale and the surrounding areas for the benefit of future generations, our members are very familiar with the site in question.

The statement in the application that the proposed structure is located at Kirkwhelpington is highly misleading, as no doubt your committee will see when you visit the site on 2 July. We are also extremely alarmed at the apparent lack of adequate consultation with local communities, who will have to bear the brunt of all ensuing problems should planning permission be given.

We have concerns about many issues, not least of which is that this would appear to be purely a vanity project, causing extreme division in local communities for years to come. The proposed structure looks ridiculous and brings no benefits to surrounding areas. The design means that this 55m structure will tower above the surrounding landscape and be visible from far afield and from all points of the compass, thus sully major areas of remarkable natural beauty.

Moreover, we note that the MOD will require that the structure be fitted with a '25 candela omni-directional flashing red light or equivalent infra-red light' at its highest practicable point, which will further accentuate its intrusiveness in the night sky. There is no doubt that this will have an unwelcome impact on our pristine, dark skies environment, proudly listed by the NNPA's website as 'Europe's largest area of protected night sky'.

The fact that the *National Planning Policy Framework*, to which the NCC supposedly adheres, states clearly its policy of conserving and enhancing natural environments should surely be an important reason for rejecting this application. The existing natural habitats and ecosystems of Cold Law would be destroyed forever in this rapacious development, despite any assurances made by the applicant to effect future repairs.

The fact that the existing infrastructure of roads and lanes is insufficient to cope with the extra traffic generated by such a project should be grounds enough to reject this application. The fact that there are no local amenities such as public toilets to support any future footfall wishing to visit this erection is surely also of significance.

In conclusion, we earnestly hope that common sense will prevail amongst councillors after their site visit and that this vanity project will be firmly rejected.

Best wishes,

Dr Ian Roberts, Chair of The Redesdale Society on behalf of Society Members

Comments for Planning Application 19/00247/FUL

Application Summary

Application Number: 19/00247/FUL

Address: Land At Cold Law Kirkwhelpington Northumberland

Proposal: Construction of a publicly accessible landmark, commissioned to commemorate Queen Elizabeth II and the Commonwealth.

Case Officer: Mrs Katherine Robbie

Customer Details

Name: Mr Simon Litchfield

Address: 27 Tynemouth Close, Newcastle upon Tyne NE6 1XR

Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The British Mountaineering Council (BMC) is the national representative body that champions the interests of climbers, hill walkers, mountaineers and ski mountaineers in England and Wales. We are committed to working with conservation bodies and land managers, to ensure climbers, hill walkers and mountaineers respect protected species and habitats and are aware of best practice for their protection. In addition, climbers, hill walkers and mountaineers have a responsibility to minimise their impact on the natural environment, to follow the Countryside Code, and to leave as little trace as possible in their visits to the cliffs and mountains. The BMC thus work to encourage all climbers, hill walkers and mountaineers to be aware of this responsibility.

The proposed structure will affect climbers visiting regionally and historically important major crags, such as Great Wanney, and a number of smaller crags, such as Little Wanney, Aid Crag and East Woodburn, all within 2.5km of the site. In addition, the site is visible to a number of footpaths between the Pennine Way to the west and the St Oswald's way to the east.

Once the North East BMC Committee became aware of the proposals in late June, it sought the views of the local members via an online poll. Each local member received the following email, which intended not to display a bias towards a particular outcome:

"A local landowner submitted plans to Northumberland County Council, to erect a 55m-high structure dedicated to Her Majesty Queen Elizabeth II and the Commonwealth on Cold Law (close to Great Wanney crag). Photos of Cold Law as it is now and more artist's impressions of the proposed monument can be seen [in the email's attachments].

More details can be found here: <https://www.elizabethlandmark.co.uk>.

Are you in favour of the proposed development? (please select one response): Yes / No/ Not sure"

On behalf of the local area, I hereby write to convey the results of the local BMC area survey:

- Total votes: 268
- Against of the proposals: 65.8%
- In favour of the proposals: 26.9%
- Not sure: 7.3%

On the basis of this consultation with our members the BMC North East Area writes in opposition to the proposals.

B. Appendix 2

Appendix 2

Position Statement concerning the Northumberland Local Plan

- 1 Emerging Development Plan policy is the Northumberland Local Plan Submission Draft Plan (NLP) February 2019 (CD G.4) and Schedule of Proposed Minor Modifications (May 2019). The NLP was submitted to the Secretary of State in May 2019 and has been the subject of Examination in Public. A number of examination hearings have been held since 2019, a Phase 1 between October 2019 and February 2020 and a Phase 2 in October and November 2020.
- 2 At the conclusion of the Phase 2 hearing sessions, the Inspector set out the next steps of the Examination process. Following receipt of information in relation to a number of actions and a complete set of draft proposed modifications following the hearings, the Inspector will write to the Council to indicate if she considers the plan is sound, or could be made sound subject to these modifications, or whether additional work is required.
3. The Inspector's letter is awaited. However, given the detailed discussions regarding modifications at the hearing sessions, and that the Inspector indicated that she did not envisage needing to hold additional hearing sessions, the Council is hopeful, and confident, that the plan can be made sound subject to modifications. If this is confirmed in the Inspector's letter, or the elements of the plan that are relevant to the determination of this appeal are not subject to additional work or significant change, it is considered that substantial weight could be afforded to the draft Plan.
4. At this stage, awaiting the Inspector's letter, whilst the weight the NLP can be given has increased since the planning application was determined, it is still limited.
5. Main Modifications will be consulted upon in due course. As a rule, these were put forward by the Council at the hearings or were suggested by the Inspector. Following each phase of the Examination, the Council sent the Inspector a set of modifications that reflected what had been agreed and, at the Inspector's request, these were placed in the Examination Library at

<https://northumberland-consult.objective.co.uk/file/5718346> and <https://northumberland-consult.objective.co.uk/file/5786531>. While these draft modifications are in the public arena, they may yet change and will be part of the Main Modifications consultation to come.

6. The relevant NLP policies identified in the SOCG for the appeal are ECN 15, QOP 1, TRA 4, ENV 2, ENV 3, ENV 4, ENV 7 and WAT 3. The Council considers that with the exception of ENV 4 the vast bulk of the Publication version of the Policy remains intact, even after the modifications that have been proposed to the Inspector, based on the Hearing sessions, are made.
7. The NLP policies most relevant for the appeal are ECN 15, QOP 1, ENV 3 and ENV 4. Taking these in turn the following comments can be made.
8. **Policy ECN 15** on tourism development is subject to very little change from the publication draft version. The only significant changes will be a proposed new part specifically on tourism development at Kielder and a new reference to key tourist routes through the area. On the latter, it can be noted that these routes will not be shown but can reasonably be assumed to include the main signposted cycle and walking routes through the County, (e.g. Pennine Way and Rievers Route). These are in the public arena as a draft – see <https://northumberland-consult.objective.co.uk/file/5718346>.
9. **Policy QOP 1** on principles of design will be modified to add some detail as to what constitutes a ‘sense of place’. Otherwise, despite the rejigging of the whole policy, many of the key ‘quality of place’ principles remain unchanged from the publication draft. The document containing these as a draft can be seen at <https://northumberland-consult.objective.co.uk/file/5786531>.
10. **Policy ENV 3** on landscape character is largely unchanged. The modifications being suggested to the Inspector are primarily to ensure that the wording of the Policy aligns with the NPPF as a whole, and that the policy clarifies what will be required from developers. The document containing these as a draft can be seen at <https://northumberland-consult.objective.co.uk/file/5786531>.

11. More significant changes are being proposed to **Policy ENV 4** on tranquillity and dark skies, firstly to be more specific on the geographical areas in which the policy will be applied; secondly to have an approach on dark skies that overlays the more general approach on wider aspects of tranquillity; and thirdly to refer to more detailed dark sky lighting guidance. The document containing these as a draft can be seen at <https://northumberland-consult.objective.co.uk/file/5786531>.
12. As regards the other four policies the following comments can be made.
13. **Policy TRA 4** on parking is little changed. The main change is to ensure that variations from parking standards can occur for good planning reasons and are necessarily limited to 'exceptional circumstances'. The document containing these as a draft can be seen at <https://northumberland-consult.objective.co.uk/file/5786531>.
14. **Policy ENV 2** on Biodiversity and geodiversity is proposed for some changes to better reflect the NPPF and to put species on an equal footing with habitats. The document containing these as a draft can be seen at <https://northumberland-consult.objective.co.uk/file/5786531>.
15. **Policy ENV 7** on the Historic Environment is also proposed for some changes to better reflect the NPPF, to give greater clarity to developers and to reflect advice from Historic England. The document containing these as a draft can be seen at <https://northumberland-consult.objective.co.uk/file/5786531>.
16. **Policy WAT 3** on flooding includes modifications to the structure, and much of wording in part 2 to ensure consistency with the NPPF, with other, specific modifications to the wording reflecting guidance and in response to a recommendation from the Lead Local Flood Authority. The document containing these as a draft can be seen at <https://northumberland-consult.objective.co.uk/file/5786531>.

C. Appendix 3

Appendix 3

Ecological Benefits arising from the Proposed Development

The Section 106 Agreement offered by the appellants identifies an area of 60ha of land around the proposed monument, for which a Conservation Management Plan will be submitted to and approved by the LPA, and implemented for the lifetime of the development. The contents of the Conservation Management Plan are defined in Section 1.1 of the S.106 Agreement in the following terms:

- (a) proposals for the future conservation management of the Land including reducing the extent of grazing on the Land;
- (b) proposals to re-wet areas of degraded bog habitat within the Land; and
- (c) a programme for implementing the plan.

This potentially offers a range of ecological benefits. The Ecological Appraisal submitted with the planning application shows that the vegetation on the site is dominated by acid grassland, with areas of wet heath, dry heath and marshy grassland. Peat depths are typically 250-300mm, but rising to 750mm in places. Drainage grips are present over significant areas of the site. Given the peat depths across the site and the presence within the acid grassland of species more typical of heaths and mires including hare's-tail cottongrass *Eriophorum vaginatum*, cross-leaved heath *Erica tetralix*, bilberry *Vaccinium myrtillus* and bogmosses *Sphagnum capillifolium* and *S. papillosum*, it is likely that the proposed reduction in grazing levels and rewetting of drained areas will facilitate a recovery of ecologically valuable wet heath and mire habitats.

However, the potential benefits of the proposed Conservation Management Plan have to be compared to what might happen anyway in the absence of the development. Examination of Defra's Magic Map Application (<https://magic.defra.gov.uk/magicmap.aspx>) shows that the whole of the proposed Management Plan area is within an Entry Level plus Higher Level Environmental Stewardship Agreement, in the name of Devonport Farms. The details of this agreement area given as follows.

Site Check Report generated on Wed Jan 13 2021
You selected the location: Centroid Grid Ref: NY93178508
The following features have been found in your search area:

Environmental Stewardship Agreements (England)

Agreement Reference	AG00567451
Business Name	Devonport Farms
Town	Newcastle upon Tyne
Scheme Strand	Entry Level plus Higher Level Stewardship
Agreement Start Date	01/10/2014
Total Cost (£)	275104.87
Amount Paid to Date (£)	133154.13

ARUAGR	394.17
STATUS	Live
ACCESS	NA
ESMOL	http://esmol.naturalengland.org.uk/sot.aspx?id=AG00567451

(<https://magic.defra.gov.uk/magicmap.aspx> accessed 13/01/21 at 14:25)

Accordingly, it is apparent that the land referred to in the S.106 Agreement is part of an area of land that Devonport Farms are being paid to manage under an Entry Level plus Higher Level Environmental Stewardship Agreement, entered into on 01/10/14. This site check report does not include details of the management options that make up this agreement; however the options available for moorland such as this are limited. Page four of the Options Directory for Agreements entered into between 01/01/13 and 01/12/14 (<http://publications.naturalengland.org.uk/publication/2827091?category=45001>) lists the following options:

Options for moorland and upland rough grazing				
HL9	Maintenance of moorland	£40	ha	36
HL10	Restoration of moorland	£40	ha	36
HL11	Creation of upland heathland	£60	ha	36
HL7	Maintenance of rough grazing for birds	£80	ha	37
HL8	Restoration of rough grazing for birds	£80	ha	37
Supplements				
HL12	Supplement for management of heather, gorse and grass by burning, cutting or swiping	£7	ha	37
HL13	Moorland re-wetting supplement	£10	ha	38
HL15	Seasonal livestock exclusion supplement	£10	ha	38

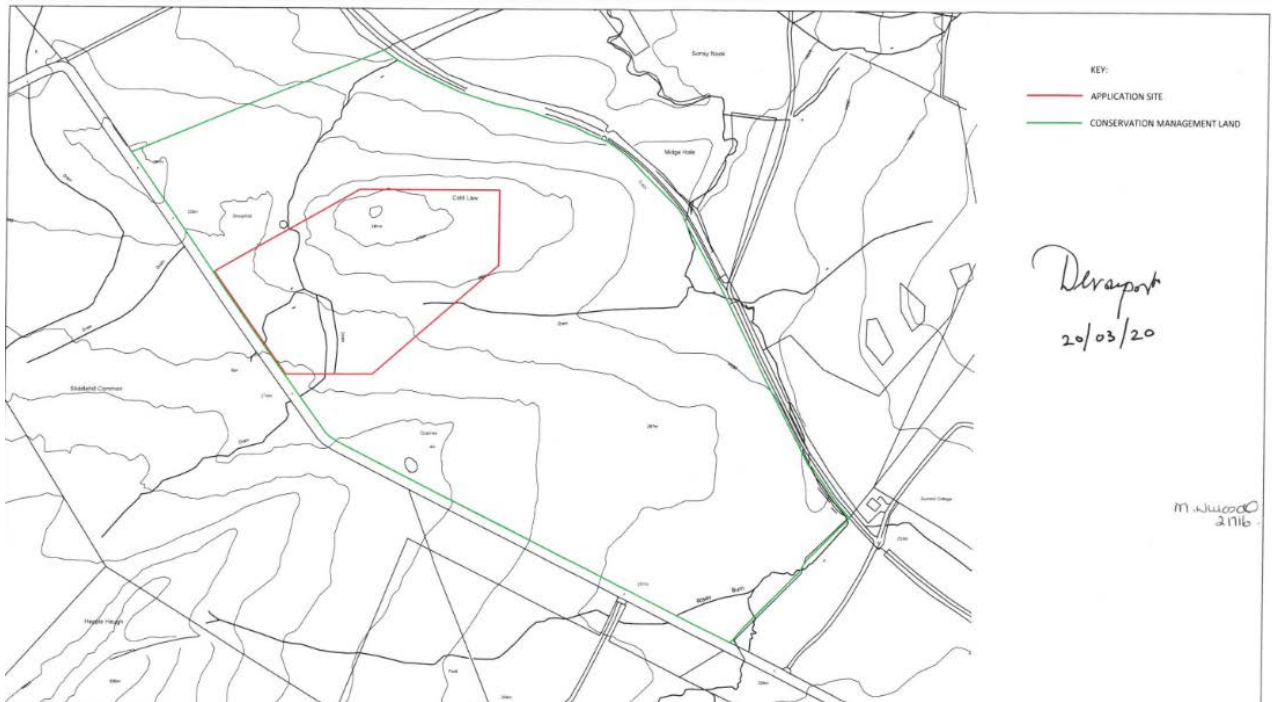
The details of these options set out on pages 36-38 of the Higher Level Stewardship Handbook

(<http://publications.naturalengland.org.uk/publication/2827091?category=45001>) show that these options largely revolve around controlling grazing pressure on Agreement areas, and re-wetting these areas where drainage grips have been installed in the past.

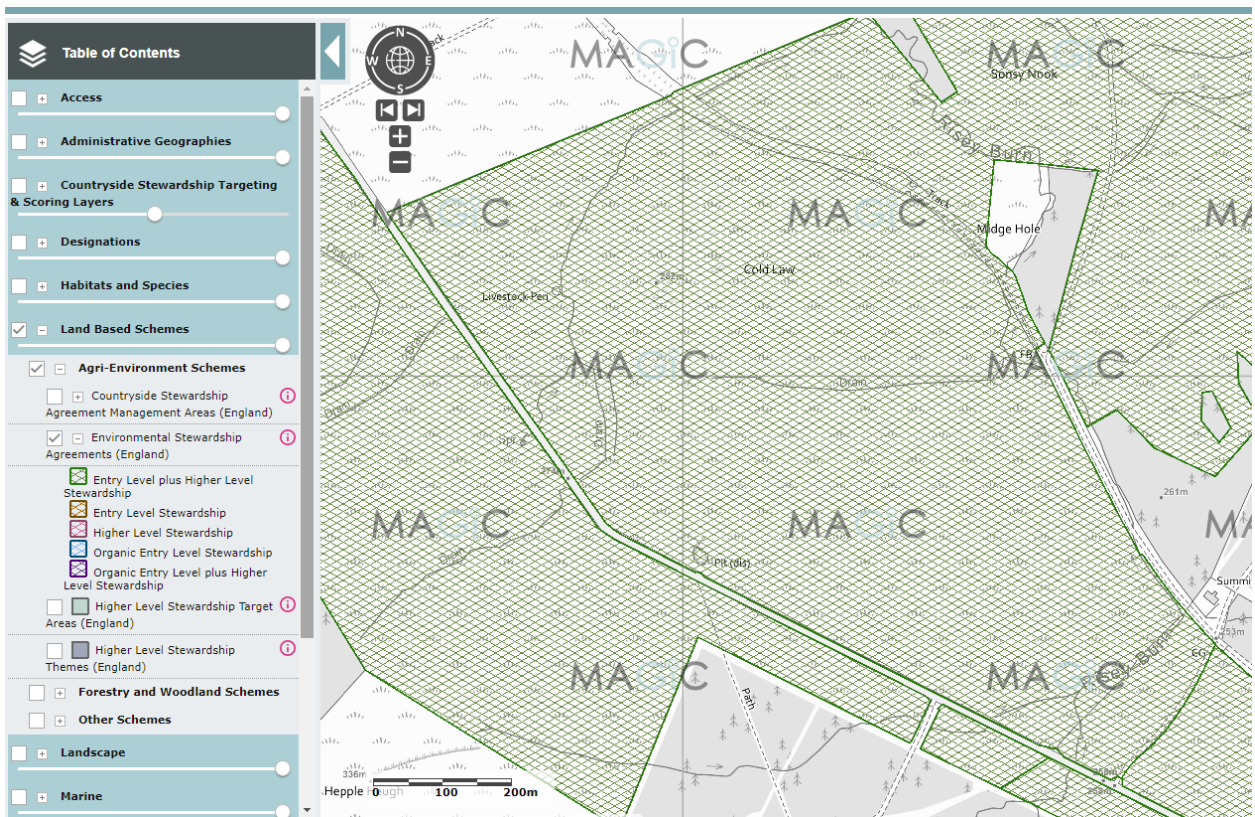
Conclusion

It appears that the land management that the Appellants are offering to implement under the S.106 Agreement offered as part of this Planning Appeal is broadly similar to the work that they are obliged to undertake under their Environmental Stewardship Agreement. Consequently, much of the ecological benefit resulting from the implementation of the Conservation Management Plan may actually be delivered in the absence of the proposed development, through the Environmental Stewardship Agreement. Although this Agreement will be time-limited, further opportunities to receive funding to continue this work are likely to be available through the forthcoming Environmental Land Management Scheme that will replace the current Stewardship schemes.

Appendix – Maps showing the Conservation Management Agreement Area



Plan from the S.106 Agreement showing the Management Plan Area



Plan of the same area from Defra's Magic Map Application, accessed on 13/01/21 at 15:15.

David Feige: County Ecologist