



Eden Local Development Framework

North Pennines AONB Planning Guidelines Supplementary Planning Document (SPD)

**Town and Country Planning (Local Development) (England)
Regulations 2004
Statement made under Regulation 18(4)(b)**

Summary of representations on the Consultation Draft North Pennines AONB Planning Guidelines SPD and how they were addressed in the adoption version of the North Pennines AONB Planning Guidelines SPD

Summary of consultation under Regulation 17

On behalf of all the five local planning authorities within the North Pennines AONB the AONB Partnership prepared and consulted on the Consultation Draft North Pennines AONB Planning Guidelines SPD between 10th May and 14th July 2010. The SPD was amended in light of the comments received.

| No | Res | Page | Edit |
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| 1 | NCC | 0 | Has been picked up throughout document |
| - | - | 6 | <p>Para 2. Replace</p> <p>.....as these are subject to policies in Planning Policy Statements and Regional Spatial Strategies and their successors, but should...</p> <p>with</p> <p>.....as these are subject to policies in Planning Policy Statements, but should...</p> |
| 2 | NCC | 8 | Not an appropriate part of document to flag up archaeology pre-apps – dealt with on page 26 (see comment 5 below) |
| 3 | NCC | 11/12 | <p>P 11, Para 3. Replace</p> <p>... subsequently incorporated in PPS7, was...</p> <p>with</p> <p>...subsequently incorporated in PPS7 (which replaced PPG7), was...</p> <p>P12, Para 2. Replace</p> <p>...the most relevant to development in the North Pennines AONB are...</p> <p>with</p> <p>...the most relevant to development in the North Pennines AONB at the time of publication are...</p> <p>Replace</p> <p>Draft PPS1 (supplement): Planning and Climate Change (2007)</p> <p>with</p> <p>Planning Policy Statement: Planning and Climate Change – Supplement to PPS1</p> <p>Replace</p> <p>PPS15 Planning and the Historic Environment (1994)</p> <p>with</p> <p>PPS5: Planning for the Historic Environment</p> <p>Add to list (in the relevant numerical order)</p> <p>PPS4: Planning for sustainable economic growth</p> |

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| | | | <p>PPS10: Planning for Sustainable Waste Management</p> <p>Para 3. Replace</p> <p>At the time of publication of this consultation draft the Government are consulting on two new PPs:</p> <p>with</p> <p>New PPS are published from time to time which may replace existing PPG and PPS in whole or in part. Up to date information is available from the Government website or from local authority planning services. At the time of publication the Government were consulting on two new PPs:</p> |
| - | - | 13 | <p>Delete paragraphs 1 and 2</p> <p>Regional and Local Policies</p> <p>The Planning and Compulsory Purchase Act 2004 introduced a new system of development plans that abolished structure Plans and replaces regional Planning Guidance (RPG) with regional spatial strategies (RSS). These now inform Local Development frameworks (LDF), which will eventually replace District Local Plans.</p> <p>The north East of England Plan regional spatial strategy to 2021 was formally adopted in July 2008. This covers those parts of the AONB lying within the administrative areas of Durham and Northumberland County Councils. The North West of England Plan regional spatial strategy to 2021 was formally adopted in September 2008. This covers those parts of the AONB lying within the administrative areas of Cumbria County Council, Carlisle City Council and Eden District Council.</p> <p>Para 3. Replace</p> <p>Local planning authorities are now in the final phase of either reviewing their local plans or starting to replace them with new Local Development frameworks (LDF).</p> <p>with</p> <p>The Planning and Compulsory Purchase Act 2004 introduced a new system of development plans that abolished Structure Plans and replaced District Local Plans with Local Development Frameworks (LDF). Local planning authorities are currently engaged in the process of replacing their local plans with LDFs.</p> <p>Para 5. Delete sentence 2 (see also CCC comment 97)</p> <p>Although they have statutory status they do not enjoy development plan status, but still need to be consistent with PPS, and be in general conformity with RSS.</p> |
| 4 | NCC | 19 | <p>Para 5. Add to list of local authority LCAs..</p> <ul style="list-style-type: none"> The Northumberland Landscape Character Assessment (which will supersede the Tynedale District LCA) |
| - | - | 23 | <p>Line 2.</p> <p>Line 2 – after <i>emerging local development frameworks</i> insert sentence:</p> |

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| | | | The North Pennines Geodiversity Action Plan (see below) identifies a number of North Pennines Geodiversity Sites. These include sites identified by local authorities as Local Sites and additional candidate Local Sites. |
| 5 | NCC | 26 | <p>Add new final paragraph</p> <p>Early pre-application discussions with the County Archaeologist are essential, as where assessment and evaluation work is required this will need to be completed at a pre-application stage, in line with the provisions made in policies HE6 and HE8 of PPS 5. Planning applications will be assessed in terms of both their direct (physical) and indirect (visual) impacts on standing and below-ground archaeological remains. Planning conditions may be used to ensure that mitigation works such as excavation, watching briefs or building recording are carried out as necessary.</p> <p>Replace bullet point 1 with</p> <ul style="list-style-type: none"> • Find out as much as possible about the history and cultural heritage of your site and its surroundings. • Consult the County Archaeologist (see Appendix 1) at an early stage to find out what assessment and evaluation work is required. |
| 6 | NCC | 31 | <p>Para 4 sentence 1 add</p> <p>... sets out the Government's approach to conserving soils in England, and Defra's <i>Construction Code of Practice for the Sustainable Use of Soils on Construction Sites</i> (Defra 2009) gives further guidance.</p> |
| 7 | NCC | 38 | No action required |
| 8 | NCC | 39 | <p>Page 40. Insert new bullet point between points 2 and 3</p> <ul style="list-style-type: none"> • Restore the site progressively and look for opportunities to improve biodiversity, geodiversity and landscape throughout its working life. |
| 9 | NCC | 39 | <p>As qualifications about pre-apps have been added above (comment 5, p26 above) it is unnecessary to repeat it here. It is accepted that it will need to be determined for each site whether preservation in situ or by record is appropriate – but preservation in situ is still the preferred option. Add new bullet point after bullet point 5:</p> <ul style="list-style-type: none"> • Where preservation of archaeological features by record rather than in situ has been agreed, ensure that recording is carried out to a high standard and that results are published. |
| - | - | 44 | <p>Delete paragraphs 5 and 6</p> <p>The two regional spatial strategies covering the AONB both take a similar approach to this issue, NWRSS stating that “small scale developments may be permitted in such areas provided there is no significant environmental detriment” and NERSS stating that “Small scale developments should be considered favourably... if they have minimal impact, individually or cumulatively on the special qualities and purposes of the designation of these areas”.</p> <p>NERSS is more specific about what constitutes small scale development in respect of wind energy stating that “the development of one or more turbines or a turbine with a ground to hub height of 25 metres or more is unlikely to be acceptable”. This criterion is the same as that contained in saved policy R45 of the Cumbria and Lake District Joint structure Plan which states that “wind</p> |

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| | | | <p><i>schemes requiring more than one turbine or a turbine with a ground to hub height of 25 metres or more is unlikely to be acceptable".</i></p> <p>Page 45, paragraph 3, after <i>Smaller scale developments will be supported provided that their impacts on the special qualities of the AONB are not significant.</i> Add</p> <p>In relation to wind energy small scale in this context means development consisting of a single turbine with a ground to hub height of 25 metres or less. This criterion is based on saved policy R45 of the Cumbria and Lake District Joint structure Plan which states that "<i>wind schemes requiring more than one turbine or a turbine with a ground to hub height of 25 metres or more is unlikely to be acceptable</i>".</p> |
| 10 | NCC | 45 | <p>Typo para 2.</p> <p>AAONB's should read NAAONB's</p> |
| - | - | 46 | <p>Bullet point 1 shouldn't be a bullet point – it is an introductory sentence – remove bullet from bullet point 1</p> |
| 11 | NCC | 46 | <p>Page 46. Amend bullet point 5 to read:</p> <ul style="list-style-type: none"> • sensitive habitats or archaeology can be physically damaged by the development, or by construction works or associated infrastructure, as can protected species. <p>.....and amending bullet point 9 to read</p> <ul style="list-style-type: none"> • development can detract visually from the character or setting of listed buildings, conservation areas, scheduled monuments and archaeological features <p>It wouldn't be appropriate to make reference here to the need for pre-application discussions. This is now covered in the revised p 26 and wouldn't be consistent with the document format to mention it here.</p> |
| 12 | NCC | 48 | <p>Bullet 3- Small scale hydroelectric development – should be a sub-header and not a bullet.</p> <p>Remove bullet and format in bold as a sub-header</p> |
| 13 | NCC | 48 | <p>This is now covered in the revised p 26 and wouldn't be consistent with the document format to mention it here.</p> <p>Add to existing bullet point 4:</p> <ul style="list-style-type: none"> • Consult the Environment Agency, Natural England and the County Archaeologist at a very early stage in the process. <p>and bullet point 13:</p> <ul style="list-style-type: none"> • Bury pipelines taking care to avoid damage to important vegetation and archaeological features.... <p>Page P46 – amend bullet point 10 to read:</p> <ul style="list-style-type: none"> • The infrastructure required for energy projects – substations, overhead cables and service poles can add visual clutter to the landscape, or affect sensitive habitats or archaeological features. |

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| 14 | NCC | 49 | Bullet 1- Small-medium scale biomass development – should be a sub-header and not a bullet. Remove bullet and format in bold as a sub-header |
| 15 | NCC | 54 | The issue of physical and visual impacts is covered in bullet point 8. The need for pre-apps is now covered in the revised p 26 and wouldn't be consistent with the document format to mention it here. |
| 16 | NCC | 57 | Suggest adding to bullet point 2 on Page 56 <ul style="list-style-type: none"> • Insensitive conversions of existing buildings can damage their architectural character and historic significance. <p>Historic building assessment and historic building assessments are better dealt with in the BDG. This section signposts the BDG for dealing in more detail with impacts on buildings - final paragraph, page 56 – so it is proposed to make no change.</p> <p>The need for pre-apps is now covered in the revised p 26 and wouldn't be consistent with the document format to mention it here.</p> |
| 17 | NCC | 59 | As above. The need for pre-apps is now covered in the revised p 26 and wouldn't be consistent with the document format to mention it here. |
| 18 | NCC | 60 | The need for pre-apps is now covered in the revised p 26 and wouldn't be consistent with the document format to mention it here. |
| 19 | NCC | 64 | No action required |
| 20 | NCC | 79 | Para 3. Replace sentence 1 <i>Spatial planning documents that are subject to independent examination, and together with the relevant regional spatial strategy, will form the development plan for a local authority area.</i> with Spatial planning documents which form the development plan for a local authority area and are subject to independent examination . Para 8. Delete phrase ..and review the LDS on an annual basis. Para 10 (PPG) replace Government statements of national planning policy (being superseded by PPss). with Government guidance on national planning policy (being superseded by National Policy Statements and PPSs) |

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| 21 | NCC | 82 | P82 Northumberland County Council – change email address to conservation@northumberland.gov.uk |
| 22 | CPRE | 0 | No action required |
| 23 | CPRE | 60 | Amend bullet point 7 to read: <ul style="list-style-type: none"> • Avoid excessive lighting. Where lighting is required for evening activities design and manage it carefully (see Tranquillity: Light). |
| 24 | EDC | 5 | Page 5. Replace sentence Four of the five planning authorities within the north Pennines (Cumbria County Council, Durham County Council, Northumberland County Council and Carlisle City Council) have collaborated with the north Pennines AONB Partnership in developing these guidelines and intend to either adopt the document as a supplementary Planning Document as part of their Local Development framework or endorse it as supplementary Guidance. For Eden District the Guidelines will represent the basis for the north Pennines AONB Partnership's position when consulted on various planning matters, and the local planning authority will be encouraged to use them in considering planning applications. with The five planning authorities within the north Pennines (Cumbria County Council, Durham County Council, Northumberland County Council, Eden District Council and Carlisle City Council) have collaborated with the North Pennines AONB Partnership in developing these guidelines and intend to either adopt the document as a supplementary Planning Document as part of their Local Development framework or endorse it as supplementary Guidance. |
| 25 | EDC | 13 | Para 5 Supplementary Planning Documents. Delete reference to sustainability appraisal in first sentence As SPDs form part of an LDF they are a material consideration in the determination of planning applications and are subject to a statutory process of preparation, community involvement and sustainability appraisal. And amend to read: As SPDs form part of an LDF they are a material consideration in the determination of planning applications and are subject to a statutory process including community involvement. |
| 26 | EDC | 26 | Replace final bullet point <ul style="list-style-type: none"> • Where possible sympathetically re-use or adapt redundant historic structures to give them a use that will sustain their management in the future. with <ul style="list-style-type: none"> • Look for opportunities to sympathetically re-use or adapt redundant historic structures to give them a use that will sustain their management in the future. Discuss your ideas early with the local authority. |
| 27 | EDC | 45 | As comment 10 - Typo para 2. AAONB's should read NAAONB's |

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| 28 | EDC | 49 | Typo – further information para 2. AAONBs should read NAAONB's |
| 29 | EDC | 60 | Replace bullet point 1 <ul style="list-style-type: none"> re-use existing buildings where possible and convert them sensitively to their new use. with <ul style="list-style-type: none"> Consider re-using existing buildings where this is appropriate and can be done sensitively. |
| 30 | EDC | 0 | General action taken |
| 31 | EDC | 0 | Replace bullets with numbers (guidelines only) prefixed with the capital letters of the topic TR1, TR2, TR3 etc for Tourism and Recreation for example. |
| 32 | EDC | 0 | Reference to PPG15 will be replaced by PPS5 in response to comment 3 |
| 33 | EDC | 0 | Page 8. Para 1 sentence 1 - Delete ...and the timetable for its preparation and adoption. |
| 34 | RSPB | 18 | No action proposed. |
| 35 | RSPB | 22 | No action required. |
| 36 | RSPB | 24 | Bullet point 11 (look for opportunities to create...) Add sentence. Incorporate these into the submitted proposals. |
| 37 | RSPB | 36 | No action required |
| 38 | RSPB | 39 | Add bullet point after existing BP2 on page 39 <ul style="list-style-type: none"> Avoid secondary or indirect impacts on species and habitats of nature conservation value in neighbouring areas. |
| 39 | RSPB | 40 | Replace existing BP4 on page 40 <ul style="list-style-type: none"> Restore the site in a manner which maximizes its biodiversity. Create new BAP priority habitats and cater for BAP priority species. With <ul style="list-style-type: none"> Restore the site in a manner which maximizes its biodiversity. Ensure that habitat creation proposals are deliverable and based on sound techniques. Create new BAP priority habitats and cater for BAP priority species. Focus on those most relevant to the area. |
| 40 | RSPB | 47 | No action required |

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| 41 | RSPB | 49 | <p>Add bullet point on p49</p> <ul style="list-style-type: none"> • Ensure that feedstocks are from sustainable sources. Look for opportunities to use or develop local wood fuel sources which also deliver biodiversity benefits. |
| 42 | RSPB | 50 | No action required |
| 43 | RSPB | 56 | <p>Add bullet points to Impacts on P 56</p> <ul style="list-style-type: none"> • The management of associated farmland may change to more intensive uses (pony paddocks) or extensive uses (ranching) leading to impacts on character and biodiversity. • Farmland may pass into the control of new owners/managers who lack the knowledge and expertise of farmers. <p>Add bullet point to guidelines on P 57</p> <ul style="list-style-type: none"> • Consider how changes in land management may affect character or biodiversity and mitigate potential impacts where possible. |
| 44 | RSPB | 57 | <p>Add bullet point to guidelines on P 57</p> <ul style="list-style-type: none"> • Identify opportunities to provide alternative nesting sites for birds that may be affected by renovations or demolitions and include them within submitted proposals. |
| 45 | RSPB | 60 | <p>Add to bullet point 6 on page 59</p> <ul style="list-style-type: none"> • Pressures of visitor numbers can lead to damage to footpaths and fragile habitats, or disturbance to sensitive species. <p>Add bullet point to guidelines on P 60</p> <ul style="list-style-type: none"> • Assess the potential impacts of increased recreational activity on fragile habitats and sensitive species. Identify appropriate visitor management measures to minimise impacts. |
| 46 | RSPB | 70 | <p>Page 70 paragraph 2 change final sentence to read:</p> <p>Always take advice on the existing biodiversity or archaeological value of potential planting sites, including the potential to cause adverse effects on adjacent land, and avoid planting in sensitive locations.</p> |
| 47 | RSPB | 71 | <p>Add to the end of existing para 3 (...value of their flowers and berries.):</p> <p>Consideration should be given to biodiversity priorities in the area: for example planting berry-bearing species as a seasonal food source for Black Grouse.</p> |
| 48 | RSPB | 77 | <p>Paragraph 1 (Fences gates and barriers) add sentence at end of paragraph.</p> <p>In some sensitive locations wire fences may need to be marked to reduce the incidence of bird strike, particularly for black grouse and waders. The least visually intrusive method is to use reflective metal plates between the top wires, one between each post.</p> |

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| | | | <p>Page 78 add sentence to bottom of Further Information</p> <p>Guidance on marking fences to avoid bird strike can be found on the Black Grouse Recovery Project website: www.blackgrouse.info.</p> |
| 49 | CCC | | <p>Accept need for further guidance on Access. New Access section proposed</p> <p>Page 7: Add to the end of paragraph 2</p> <p>Works affecting public rights of way or public highways may require consents from the highway authority which are separate from the planning system.</p> |
| 50 | CCC | | <p>Page 78. Add sentence to main body text (before Further Information).</p> <p>Where new fences or gates would affect a public highway or public right of way you should contact your Highway Authority (your County Council or unitary authority) for advice. Public highways and rights of way are subject to regulatory systems that are independent of the planning system.</p> <p>New Access section proposed.</p> |
| 51 | CCC | | <p>Accept. New access section proposed.</p> <p>Add to Appendix 1: Contacts</p> <p>Access</p> <p>Cumbria County Council: Rights of Way, Cumbria County Council, The Courts, Carlisle, Cumbria, CA3 8NA. email: david.gibson@cumbriacc.gov.uk. Tel 01288 226558</p> <p>Durham County Council: Access and Rights of Way, Regeneration and Economic Development, Durham County Council, County Hall, Durham, DH1 5UQ. Email prow@durham.gov.uk Tel 0191 383 3239</p> <p>Northumberland County Council: County Hall, Morpeth, Northumberland. NE61 2EF email: DBrooks@northumberland.gov.uk tel:0845 600 6400</p> |
| 52 | NE | 2 | No action required |
| 53 | NE | 7 | <p>Page 7 paragraph 2 insert sentence after sentence 2 (ending 1990 etc.) and before sentence 3 (starting Before considering)</p> <p>In all development there will be a need to consider protected species legislation and requirements.</p> |
| 54 | NE | 8 | No action required |
| 55 | NE | 9 | <p>Page 9 paragraph 2 sentence 1 amend figures to read:</p> <p>There are 38 AONBs covering 16% of England and Wales (33 wholly in England, 4 wholly in Wales and 1 which straddles the border).</p> |
| 56 | NE | 9 | Page 9 paragraph 2 replace sentence |

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| | | | <p>The purposes of designation were restated by the then Countryside Agency in 2011 as follows:</p> <p>with</p> <p>The purposes of AONB designation were reaffirmed by the Countryside and Rights of Way Act 2000 and are as follows.</p> <p>Delete the sentence</p> <p>These purposes have since been endorsed by natural England.</p> |
| 56 (2) | NE | 16 | No action required |
| 57 | NE | 17 | <p>Pressures Paragraph 1. Add sentence to end of para.</p> <p>Climate change is likely to bring many new pressures to bear on the landscape, some of which are difficult to quantify at this stage.</p> |
| 58 | NE | 19 | <p>Add to sentence 1 on page 20:</p> <p>...those parts of the landscape lying in Northumberland. The AONB Partnership is currently working on an integrated landscape character assessment and landscape guidelines for the North Pennines.</p> |
| 59 | NE | 20 | <p>To Further Information</p> <p>Add at line 1</p> <p>Countryside Character: Volume 1: North East. www.naturalengland.org.uk</p> <p>replace:</p> <p>Landscape Character Assessment of Tynedale District and Northumberland National Park. www.northumberland.gov.uk</p> <p>with</p> <p>Northumberland Landscape Character Assessment. www.northumberland.gov.uk</p> <p>Add to bottom of list</p> <p>Guidelines for Landscape and Visual Impact Assessment (2nd Edition 2002): Landscape Institute and Institute of Environmental Management and Assessment. ISBN 0 419 20380 X</p> |
| 60 | NE | 22 | No action required |
| 61 | NE | 23 | <p>Typo on para 1 page 23</p> <p>Natural England Website is naturalengland.org.uk</p> <p>Para 2 sentence 1: amend to read:</p> |

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| | | | Information on species protection and survey and licence requirement for protected species can be found on... |
| 62 | NE | 24 | <p>Page 24 bullet 3: Add sentence to end ...for advice (see Appendix 1). Avoid adverse effects (direct or indirect) on protected species.</p> <p>Amend Bullet 17 (Develop a code of conduct....) to read: Adopt careful working practices detailed in a method statement, including a code of conduct for your workforce and subcontractors, to ensure that they don't inadvertently damage habitats or disturb important species.</p> <p>Opportunities to enhance biodiversity through design are covered by Bullet Point 13.</p> |
| 63 | NE | 25 | <p>Green Infrastructure as a concept has more usefulness in urban and urban fringe landscapes. In the AONB 99% of the landscape is effectively GI which then becomes simply another term for 'the environment'. To introduce it as an environmental resource alongside landscape biodiversity etc would be confusing.</p> <p>If we take it in its narrow sense to mean only 'multi-functional green-space' we are not convinced that is a particular relevant concept for the AONB. The whole of the AONB environment is multi-functional in varying degrees. We are not anticipating any large developments in the AONB where the provision of multi-functional green space would be a requirement. The multi-functionality of green space is only an important issue if you don't have much of it – if your landscape is comprised entirely of it, separating out functions can be as sensible.</p> |
| 64 | NE | 28 | <p>Page 28 At the start of para2 (before These impacts can often be avoided etc...) insert: Introducing lighting into unlit areas can be detrimental to nocturnal species like bats, and disturbance-sensitive species like otters.</p> <p>Page 29 Add final bullet point</p> <ul style="list-style-type: none"> • Avoid introducing external lighting into important foraging areas for bats. Avoid wildlife corridors and particularly watercourses. |
| 65 | NE | 39 | <p>Page 39. Add bullet point after bp2: • Avoid adverse impacts (direct or indirect) on protected species.</p> |
| 66 | NE | 42 | <p>Page 42 Change Bullet Point 5 (Construction can impact upon...) to</p> <ul style="list-style-type: none"> • Construction works can have adverse impacts on sensitive habitats, species or archaeology <p>Typo – Final bullet point should not be a bullet point and should be reformatted as standard text</p> |
| 67 | NE | 43 | <p>To page 42 add final bullet point under Impacts</p> <ul style="list-style-type: none"> • Guyed structures can cause collision fatalities in some bird species and particularly if poorly designed or located. |

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| | | | <p>Page 43 Change bullet point 6 (Locating masts within etc) to read:</p> <ul style="list-style-type: none"> Locating masts within or adjacent to existing woodland or tree groups can help assimilate the mast and screen low-level clutter: avoid damage to ancient or semi-natural woodlands and avoid sites where sensitive bird species are present. <p>Add bullet point after 'Use monopoles....' bp and before 'Use non reflective surface treatments...' bp</p> <ul style="list-style-type: none"> Use reflectors on support wires to reduce bird strike where a specific risk has been identified. |
| 68 | NE | 46 | <p>Typo – bullet point 1 is not a bullet point and should be reformatted to normal text</p> <p>Change bullet point 5 to read:</p> <ul style="list-style-type: none"> Sensitive habitats or archaeology can be damaged by the development, or by construction works or associated infrastructure, as can protected species such as wading birds. <p>Change bullet point 6 to read:</p> <ul style="list-style-type: none"> The natural quality, and biodiversity, of watercourses can be eroded by the development of artificial river engineering, generating plant or associated infrastructure. <p>Change bullet point 10 to read:</p> <ul style="list-style-type: none"> The infrastructure required for energy projects – tracks, service areas, substations, fences, overhead cables and service poles can add visual clutter to the landscape and detract from its rural character. <p>Change bullet point 11 to read:</p> <ul style="list-style-type: none"> Increased traffic associated with biomass may affect the character, condition or recreational value of rural roads and affect air quality. <p>Add new bullet around 6/7</p> <ul style="list-style-type: none"> Turbine and track construction can damage peatland, releasing carbon and impairing future carbon storage. <p>Typo – final bullet point is not a bullet point and should be reformatted to normal text and changed to Some of the adverse impacts can be avoided or reduced by sensitive siting and design.</p> |
| 69 | NE | 47 | <p>NE guidance in TIN051 and TIN059 does not rule out development within 50m of buildings (particularly those that have little potential for bats in very open landscapes) etc but does recommend a general buffer of min 50m to turbine tip from hedges and trees for commercial turbines. The guidelines specifically do not cover micro wind (which is what this guidance covers) although we might expect similar principles to apply.</p> <p>Page 47. Change bullet point 4 to read as follows:</p> <ul style="list-style-type: none"> Avoid open locations for wind turbines. In open landscapes associate them visually with existing features - farm buildings or tree groups – while maintaining adequate stand-off distances for bats where necessary. |

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| | | | <p>Page 49 add to Further Information</p> <p>Further information on wind turbines and bats can be found in Natural England Technical Information Notes TIN051 and TIN059, both available from the Natural England website: www.naturalengland.org.uk</p> |
| 70 | NE | 48 | <p>This is a list of potential impacts of small hydro rather than suggestions of what the guidelines should say. The impacts they detail are covered by the amended impacts bullet point:</p> <ul style="list-style-type: none"> The natural quality and biodiversity of watercourses can be eroded by the development of artificial river engineering, generating plant or associated infrastructure. <p>Some of these issues are effectively covered by individual bullet points. Change as follows:</p> <p>Page 48 add new bullet point after 'Avoid sites that would entail damage to....' And before 'Keep the footprint of....'</p> <ul style="list-style-type: none"> Avoid sites or designs that would entail significant alterations to in-stream flow regimes, or reduce biological connectivity and particularly the passage of fish and invertebrates. <p>Change bullet point 13 to read as follows:</p> <ul style="list-style-type: none"> Bury pipelines taking care to avoid damage to important vegetation, protected species and archaeological features. Restore the route as quickly as possible using existing soil resources. |
| 71 | NE | 49 | No action required |
| 72 | NE | 51 | <p>Change Paragraph 4, sentence 2 (Natura 2000 sites...) to read as follows</p> <p>Natura 2000 sites (special Protection Areas and special Areas of Conservation) are subject to protection under the Conservation of Habitats and Species Regulations 2010 to ensure compliance with the requirements of the Habitats Directive.</p> |
| 73 | NE | 52 | <p>Page 52 paragraph2 sentence 2 change to read</p> <p>If a land manager wishes to carry out any of the listed operations they must obtain consent from Natural England</p> <p>Paragraph 2 sentence 3 change to read</p> <p>If a public body proposes to carry out an operation likely to damage the protected natural features of an SSSI they must consult Natural England, whether or not the operation is listed as an operation requiring assent.</p> |
| 74 | NE | 57 | <p>Page 57. Add bullet point</p> <ul style="list-style-type: none"> Be aware of the potential presence of protected species such as barn owls and bats, and understand the procedures required. |
| 75 | NE | 59 | <p>Page 59. Add bullet point</p> <ul style="list-style-type: none"> The conversion of buildings can lead to disturbance of protected species such as barn owls and bats. |
| 76 | NE | 61 | This section deals with impacts on the AONB from a range of development – not just EIA development where LVIA would always |

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| | | | <p>be required and the LVIA guidelines routinely applied.</p> <p>Page 64 Add to end of main body text.</p> <p>For development requiring an EIA outside of the AONB a Landscape and Visual Impact Assessment would be carried out in accordance with Guidelines for Landscape and Visual Impact Assessment produced by the Landscape Institute and the Institute of Environmental Management and Assessment. It would be normally expected that in assigning sensitivity values to the landscape as part of that process that all of the landscapes of the AONB would all be treated as being of the highest level of sensitivity.</p> <p>There are circumstances where proximity to the AONB may trigger the need for an EIA for development which in another location might not require one. A key consideration will be whether the development could give rise to significant impacts on the AONB. This is something that needs to be assessed on a case-by-case basis.</p> |
| 77 | NE | 65 | <p>Page 66 Paragraph 4. After '<i>It is essential therefore for all developers to not only mitigate adverse impacts, but to look for opportunities to enhance the environment wherever they can.</i>' Add</p> <p>It is also a requirement of the NERC ACT and PPS9 that local authorities seek opportunities to improve and enhance biodiversity.</p> |
| 78 | NE | 67 | <p>Page 67 bullet point 2 amend to read:</p> <ul style="list-style-type: none"> • Take ownership of your impacts. Ensure you have 'no net harm' on the environment and aspire to enhance it. |
| 79 | NE | 69 | No action required |
| 80 | NE | 79 | No action required |
| 81 | NE | 82 | <p>Page 83</p> <p>Under Landscape contacts add</p> <p>Natural England North East, the Quadrant, Newburn riverside, Newcastle upon Tyne, NE15 8NZ. Tel: 0300 060 2219 email: northeast@naturalengland.org.uk</p> <p>Natural England North West, Juniper House, Murley Moss, Oxenholme Rd, Kendal, Cumbria, LA9 7RL. Tel: 0300 060 2122 email: northwest@naturalengland.org.uk</p> |
| 82 | EA | 49 | <p>Page 48. Add as a second bullet point after the 'Consult the Environment Agency...' bullet point:</p> <ul style="list-style-type: none"> • Follow the Environment Agency Good Practice Guidelines <p>Page 49. To further information add:</p> <p>Further advice on hydro power schemes can be found on the Environment Agency website – www.environmentagency.gov.uk - including Good Practice Guidelines on assessing environmental impacts.</p> |

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| 83 | DCC | - | Comprehensive and coherent document. | Noted |
| 84 | DCC | 51 | <p>Opportunity to re-inforce issues regarding rights of way and development.</p> <p>Mention need to consult ROW officers at an early stage on both PROW and routes with long-standing public use.</p> <p>Important to stress PROW separate legal process.</p> <p>Existing patterns of paths can conflict with privacy ideals – early consultation with PROW officers.</p> <p>Mention mitigation – diversion to suitable alternative routes, enhancement of network, PROW as asset to development, need for equestrian development to give regard to bridleways, capacity of network etc.</p> <p>Mention PROW features as historical assets & need to consult PROW officers.</p> <p>Roads and tracks mention need to consult PROW officer on changes to surface.</p> | <p>Accept all. New Chapter on Access proposed.</p> <p>Page 51 paragraph 2. After 'Other borrow pits will require planning permission' add sentence:</p> <p>When a new or improved track is proposed on the route of an existing public right of way, even if it is permitted development, any proposal to change the surface of the right of way needs the consent of the Rights of Way Officer at the Highway Authority (your County or Unitary authority).</p> |
| 85 | CCC | 5 | Change reference in relation to Eden District Council | Accept. Changes proposed (see response to comment 24). |
| 86 | CCC | 6 | <p>Change 'guidelines' to 'policies' in paragraph 1?</p> <p>Remove reference to RSS</p> | <p>Reference should be to guidelines (as written) as policies vary between authorities. No change proposed.</p> <p>RSS: Accept. Changes proposed (see response to comment 1a).</p> |
| 87 | CCC | 8 | Amend sentence 1 to reflect fact that reference to SPD in LDS no longer a requirement. | <p>Accept. Delete first sentence:</p> <p>Although the North Pennines AONB Partnership has prepared this document, authorities intending to adopt it as an SPD have to set out details in their Local Development scheme to indicate which Development Plan Document (DPD) or saved policy it is supplementing and the timetable for its preparation and adoption.</p> <p>Amend second sentence to read</p> <p>As an SPD this document will relate to a policy within the LPA's Core strategy DPD or saved policy from a Local Plan dealing with landscape protection within the AONBB, its quality and</p> |

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| | | | | character. |
| 88 | CCC | 9 | Question reference to Govt Office Regions as these are to be abolished. | Page 9 Paragraph 2. Delete sentence 2: The North Pennines AONB is in the both the North East and North West Government Office Regions. Amend second sentence to read: The North Pennines AONB is in the both the North East and North West of England. |
| 89 | CCC | 9 | Final paragraph on the statutory definition of AONBs would have more impact if put in a highlighted box. | CWS to decide |
| 90 | CCC | 10 | Paragraph 1. Sentence 2 / 3 should be highlighted or in bigger text. | Might read as too strident. CWS to decide |
| 91 | CCC | 11 | Suggest amendment to paragraph 4 on PPS and MPS | Accept. P11, paragraph 4, sentence 1, delete section "...prepared by.....the operation of the planning system." And amend sentence to read: Planning Policy Statements (PPS) and Minerals Policy Statements (MPS) set out the Government's national policies on different aspects of spatial planning. Policies in PPSs must be taken into account in the formulation of planning policies and are a material consideration in development management decisions where relevant. |
| 92 | CCC | 12 | Delete sentence "They were introduced under the provisions of.....still relevant" | This sentence covers the fact that at the time of writing PPG8 was still the relevant guidance. CWS to discuss with CCC and decide |
| 93 | CCC | 12 | Delete sentence "Local authorities take PPS into account....planning applications" | Accept. Now covered by new text on p11 suggested by CCC – comment 91. P 12, paragraph 2, delete sentence: Local authorities take PPS into account in preparing their development plans and making decisions on individual planning applications. Append sentence "The most relevant to development in...etc" |

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| | | | | to the previous paragraph. |
| 94 | CCC | 12 | Add PPS4 to list. | Accept. Changes proposed (see response to comment 3). |
| 95 | CCC | 13 | Delete whole para. on Regional and local policies | Accept Changes proposed (see response to NCC comments on text of P 13 above). |
| 95 | CCC | 13 | Amend para 3 to read Local Planning Authorities are now <i>working towards producing</i> Local development Frameworks (LDF). | Prefer changes to text proposed in response to NCC comments on page 13 as this helps explain the current situation which includes both saved policies form District Local Plans and emerging LDFs. CWS to decide. |
| 96 | CCC | 13 | Add (except for SPD) to paragraph 3 final sentence. | Accept. Para 3, amend final sentence to read: The documents being prepared (other than SPDs) are identified in each council's Local Development Scheme. |
| 97 | CCC | 13 | Change SPD para 1 to omit reference to SA in sentence 1 Delete sentence 2. Add 'They amplify existing policy' to sentence 3. | Accept. Changes made in response to EDC comment 25 Accept. Changes made in response to NCC comments. Accept. P 13, Para 3, amend sentence 3 to read: They amplify existing policy and should be in conformity with, and clearly cross-referenced to, the relevant DPD (or 'saved' local plan) policies they support. |
| 98 | CCC | 21 | Bullet point 5 replace 'falling' with 'being located within' | Accept. Page 21, bullet point 5 amend to read: Where trees are likely to be affected find out if they are protected by Tree Preservation Orders or by being located within a Conservation Area. |
| 99 | CCC | 35 | Typo Para. 3, sentence 1 principle should be principal | Noted. Page 35, Para 3 correct spelling to read: The Environment Agency is the principal regulatory body |
| 100 | CCC | 44 | Delete reference to RSS. | Accept. Changes have already been made in response to new policy environment |
| 101 | CCC | 46 | Change Bullet point 9 to read "The character and setting of listed buildings, conservation areas and scheduled monuments is especially sensitive to changes around them" | This would not conform to the tenor of the listed impacts which refer generally to the potential impacts of development rather than the sensitivities of receptors. The latter should be dealt with under Environmental Resources Propose no change to P46, but Page 25 Para 3 add final sentence. All of these designated sites, buildings and areas are |

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| | | | | sensitive to changes in their visual environment. |
| 102 | CCC | 47 | Query – should positive and negative impacts be separated? | The existing approach where the distinction isn't made is preferred as it creates a more neutral tone and caters for some entries where the valency of impact is ambiguous. |
| 103 | CCC | 56 | Add paragraph. PPS4: Planning for Sustainable Economic Growth sets out Government Policy for economic development. With regard to rural areas Policy EC6 states that the countryside should be protected for a range of reasons, and that economic development in the open countryside should be strictly controlled. However, LPAs are encouraged to support diversification for business purposes that are consistent in their scale and environmental impact with their rural location. | Accept. Page 56. Add final paragraph: PPS4: Planning for Sustainable Economic Growth sets out Government Policy for economic development. With regard to rural areas Policy EC6 states that the countryside should be protected for a range of reasons, and that economic development in the open countryside should be strictly controlled. However, LPAs are encouraged to support diversification for business purposes that are consistent in their scale and environmental impact with their rural location. |
| 104 | CCC | 58 | Add sentence: PPS4 sets out Policy EC7: Planning for Tourism in Rural Areas which states that LPAs should support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors. | Accept. Page 58. Final paragraph: amend final sentence to read: In determining such applications LPAs must have regard to the requirements in PPS4 (EC7) that they should support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors, and PPS7 (21) that the conservation of the natural beauty of the landscape and countryside should be given great weight in development control decisions in the AONB. |
| 105 | CCC | 69 | Para 2 sentence 3 remove phrase 'and consented from' | Accept. Page 69, Para 2 sentence 3 delete <i>and consent from</i> In Conservation Areas certain works to trees, including felling, require notification to, and consent from , the local planning authority. |
| 106 | CCC | 79 | DPD delete reference to RSS | Accept: Changes also made in response to NCC comment 20 |
| 107 | CCC | 80 | RSS: delete entry. | Accept. Page 80, Para 2: Delete paragraph 2: Regional Spatial Strategy |
| 108 | CCC | 85 | Update CCC references | Accept. Page 85 amend Carlisle City Council entry to read: Trees and Development SPD 2009. Countryside Design SPD 2010. Designing Out Crime SPD 2009. NP AONB Agricultural Buildings Design Guide (currently under review), NP AONB Design, Maintenance and Adaptation of Rural Buildings |

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