



## **Eden Local Development Framework**

### **North Pennines AONB Building Design Guide 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 Building Design Guide SPD and how they were addressed in the adoption version of the North Pennines AONB Building Design Guide 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 Building Design Guide SPD between 10<sup>th</sup> May and 14<sup>th</sup> July 2010. The SPD was amended in light of the comments received.

			<b>Comment</b>	<b>What was done as a result</b>
<b>1</b>	<b>NCC</b>	<b>0</b>	<p>1.In view of the recent revocation of Regional Spatial Strategies on July 6, 2010 references to RSS should be removed throughout the design guide.</p> <p>2.Further reference to safeguard archaeological interests should be included and early pre-application consultation with the County Archaeologist and Conservation Officer is recommended. Potential developments need to be considered for their direct (physical) and indirect (visual) impact on standing and below ground archaeological remains. Where assessment and evaluation work is required, this will need to be completed at a pre-application stage, in line with the new PPS5. Archaeological mitigation work – excavation, watching brief and/or building recording can be carried out as a planning condition.</p>	<p>Noted. We will reflect the loss of RSS wherever it was mentioned. We note the reference to early consultation with archaeologists and acknowledge the different forms of impact (which apply to many other things as well as archaeology). This has been picked up at several points throughout the text.</p>
<b>2</b>	<b>NCC</b>	<b>11</b>	<p>Pages 11-12</p> <p>Page 11 would benefit from minor change to make it clear that PPG7 was replaced by PPS7 and that many sections of PPS7 were deleted and replaced by the new PPS4 in December 2009. In view of the ongoing changes to national policy it might be advisable to simplify this section by being less specific about individual national policy documents and suggest that up to date information is available for example from Government websites or from local authority planning services. However if you wish to continue to list specific planning policy guidance it should be noted that: PPS5 has replaced PPGs 15 and 16; the PPS1 supplement is no longer a draft; and the new PPS4 includes policies amongst others relating to planning for economic development and tourism in rural areas. Given that waste management developments are one of the key developments addressed in the guidelines perhaps the list of relevant national guidance should include reference to PPS10: Planning for Sustainable Waste Management.</p>	<p>Accepted.</p> <p>This section will be redrafted comprehensively to reflect the current situation.</p> <p><b>NOTE TO EDITOR:</b> Replace this entire section: P 11. Legislation and national Policies up to and including Supplementary Planning Documents with the final revised version of the equivalent section in the Planning Guidelines.</p>
<b>3</b>	<b>NCC</b>	<b>24</b>	<p>The longhouse illustration on this page is duplicated with two different titles.</p>	<p>Noted.</p> <p><b>NOTE TO EDITOR:</b> Refer to original document and insert correct</p>

				image.
4	NCC	28	Whilst reference is made to the Tynedale Landscape Character Assessment (LCA) perhaps reference could be made here to the fact that the County Council is currently working on the Northumberland LCA.	Accept. The Northumberland LCA is in advanced stages of preparation and will supersede the Tynedale Assessment. <b>NOTE TO EDITOR:</b> Page 28: last two lines – delete reference to Landscape Character Assessment of Tynedale District and add: <a href="http://www.northumberland.gov.uk">The Northumberland Landscape Character Assessment. www.northumberland.gov.uk</a>
5	NCC	44	PP44, 48, 49 It would be useful to include a cross reference to page 76 of the guide and also to suggest that consideration should be given to the potential impact a proposed extension, large porch, conservatory or sun-room may have to below ground archaeological remains.	Accept. <b>NOTE TO EDITOR:</b> Page 43. Under 'Respecting Character' add new final paragraph – or insert in new tone box <b>(CWS to decide)</b> <a href="#">Alterations and extensions can have impacts on archaeology, protected species, and established vegetation. Refer to the guidance on pages 76, 62, and 87 and consult your local authority archaeologist, ecologist, tree officer or landscape architect at an early stage.</a> <b>Page numbers may change on editing and will need to be checked</b>
6	NCC	53	1.The guide should state that pre-application consultation with the County Archaeologist and Conservation Officer is recommended. It would be useful to include this information in the green box so that the level of potential work is highlighted. 2.Where it is necessary to more fully understand the significance and character of a building, historic building assessment should be required by a suitably qualified specialist. This work will need to be completed at a pre-application stage in line with the new PPS5 policies HE6 and 8. Where there is sufficient understanding of the significance and character of the building, a record of the building may be required prior to its conversion. The recording work can be carried out as part of a planning condition as per PPS5 policy HE12 by a suitably qualified specialist.	1 Accept. <b>NOTE TO EDITOR:</b> Page 53. In tone box add new first bullet point: <a href="#">Consult your County Archaeologist and LPA Conservation Officer at an early stage.</a> Add new final bullet point <a href="#">Conversions can have impacts on protected species. Refer to the guidance on page 62 and consult your local authority ecologist at an early stage.</a> <b>Page numbers may change on editing and will need to be checked</b>

				<p>2. Accept</p> <p><b>NOTE TO EDITOR:</b> Page 53. Second paragraph, Delete second sentence:</p> <p>This will especially be the case for buildings of architectural and historic merit</p> <p>Replace with:</p> <p>Where it is necessary to more fully understand the significance and character of a building, an historic building assessment will be required which needs to be undertaken by a suitably qualified specialist. This work will need to be completed at a pre-application stage in line with PPS5 policies HE6 and 8.</p> <p>Where there is sufficient understanding of the significance and character of the building, a record of the building may be required prior to its conversion. The recording work can be carried out as part of a planning condition as per PPS5 policy HE12 and should be undertaken by a suitably qualified specialist.</p>
7	NCC	63	PP 63 and 70 The guide should state that consideration should be given to the potential impact a proposed new building may have to below ground archaeological remains. Again this might include a cross reference to page 76 of the guide.	<p>Accept. Archaeology is mentioned later in the same section but an early reference could be useful and especially if combined with reference to other resources.</p> <p><b>NOTE TO EDITOR:</b> After the tone box add new sentence:</p> <p>New building can have impacts on archaeology, protected species, and established vegetation. Refer to the guidance on pages 76, 62, and 87 and consult your local authority archaeologist, ecologist, tree officer or landscape architect at an early stage.</p> <p><b>Page numbers may change on editing and will need to be checked</b></p>
8	NCC	76	The guide should state that to comply with the new PPS5, if assessment or evaluation is required, it will need to be carried out by suitably qualified professionals at a pre-application stage as per PPS5 policies HE 6 and 8. Early pre-application consultation with the County Archaeologist is therefore recommended. Mitigation work such as excavation and/or	<p>Accept. This generic section on archaeology falls within the 'new farm buildings' sections and should arguably occur earlier in the section on new building <b>(CWS to confirm)</b>.</p> <p><b>NOTE TO EDITOR:</b> P76, Paragraph1, amend final sentence to read</p>

			<p>watching brief can usually be dealt with by a planning condition as per PPS5 policy HE12.</p>	<p>Where the archaeologist indicates that there are reasonable grounds for assuming that a site has archaeological potential, local planning authorities will require a developer to arrange for <a href="#">an archaeological field evaluation</a> to be carried out before determining the application.</p> <p>Add new sentence following on:</p> <p><a href="#">If assessment or evaluation is required, it will need to be carried out by suitably qualified professionals at a pre-application stage to comply with PPS5 policies HE 6 and 8. Early pre-application consultation with the local authority archaeologist is therefore recommended. Mitigation work such as excavation and/or watching brief can usually be dealt with by a planning condition as per PPS5 policy HE12.</a></p> <p>Move entire archaeology section to P69/70 after <b>Windows and Walls</b> and before <b>New Farm Buildings</b></p> <p>Correct capitalisation of paragraph heading to:</p> <p>Archaeology and <a href="#">Historic Features</a></p>
9	NCC	78	<p>The guide should state that when siting a new building, consideration should be given at a pre-application stage to the indirect (visual) impact the building could have on designated heritage assets such as Scheduled Ancient Monuments and Listed buildings as per PPS5 policies HE1, 6, 8 and 10. Pre-application consultation with the County Archaeologist and Conservation Officer is recommended</p>	<p>Accept.</p> <p><b>NOTE TO EDITOR:</b> Add new paragraph to the newly moved <b>Archaeology and Historic Features</b> section:</p> <p><a href="#">When siting a new building, consideration should be given to the visual impact the building could have on designated heritage assets such as Scheduled Ancient Monuments and Listed buildings (as per PPS5 policies HE1, 6, 8 and 10). Pre-application consultation with the local authority archaeologist and conservation officer is recommended</a></p>
10	NCC	86	<p>The landscape detail section starting on this page could usefully include reference to consideration of soil conservation in line with national guidance from Defra: Safeguarding our soils: a strategy for England, September 2009 and Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, September 2009 both of which reflect the 2006 EC Thematic strategy for Soil Protection Communication.</p>	<p>Accept. More detailed guidance on soils is contained within the planning guidelines. It is proposed to reference that here rather than repeat it.</p> <p><b>NOTE TO EDITOR:</b> Page 86 add new paragraph:</p> <p><b>Soils</b></p> <p><a href="#">Soils are a finite resource and should be conserved carefully and re-used appropriately. Detailed guidance on the</a></p>

				conservation of soils can be found in the North Pennines AONB Planning Guidelines.
11	NCC	88	This should include a recommendation for early consultation with the relevant County Archaeologist.	<p>Accept. The reference to taking advice on archaeology could be amplified.</p> <p><b>NOTE TO EDITOR:</b> Page 88. Centre column, first paragraph: after ...and avoid planting on sensitive areas"</p> <p>add new sentence.</p> <p>Consult your local authority ecologist and archaeologist at an early stage.</p>
12	NCC	110	PP110 and 111 W The guide should state that consideration should be given to the potential indirect (visual) impact that renewable energy may have on designated heritage assets including Scheduled Ancient Monuments and listed buildings as per PPS5 policies HE1, 6, 8 and 10. Early pre-application consultation with the County Archaeologist and Conservation Officer is recommended.	<p>Accept. The potential impacts of renewables technologies is not dealt with in this section and should be. More detail is contained in the Planning Guidelines which should be referenced.</p> <p><b>NOTE TO EDITOR:</b> Page 109, <b>Renewable Energy</b>, add new final paragraph:</p> <p>Renewable energy installations can have physical or visual impacts on other environmental resources including heritage assets such as Scheduled Ancient Monuments and listed buildings, or on protected species or established vegetation. Refer to the guidance on pages 76, 62, and 87 and consult your local authority archaeologist, conservation officer, ecologist, tree officer or landscape architect at an early stage. Further guidance on these technologies can be found in the North Pennines AONB Planning Guidelines.</p> <p>Page 111. Delete sub-header <b>Alternative technologies with minimal visual impact include:</b> and put sub-headers Biomass, Geothermal and Micro-hydro in capitals for consistency with earlier sub-headers.</p> <p><b>NOTE to CWS</b> we haven't got a section here dealing with air-source heat pumps. We probably should as they are increasingly popular &amp; typically bolted to the side of buildings</p>
13	CPRE	0	There are clear guidelines as to what is considered acceptable and what is not. Clarity permits consistency and fairness. It also ensures applications received are sensible ones. The	All comments noted. No amendments sought.

			document clearly takes account of modern farming needs and is pragmatic in its response. The offering of suggestions is commendable. The best way to preserve the uniqueness of the area is to ensure it is a desirable place for people to live and work. Adapting to changing conditions is essential. The countryside cannot be fossilised, it must be allowed to evolve in a sensible manner and the plan's looking to the future is essential. The flexibility included in the plan is a major assistance in this looking to the future; It is noted the document is generally indicative and only occasionally prescriptive. This gives opportunity for imaginative designs to come forward which are still within acceptable guidelines; We are pleased to find consideration of trees throughout the document; We are delighted to find consideration of light pollution a matter of importance to C.P.R.E for many years; It is noted the document goes beyond pure design and includes items such as the recycling of building materials. Good design is a complex subject and consideration of wider issues at the design stage is positive way of encouraging the best of design	
14	CPRE	60	Wind turbines – It is noted that there is consideration of small turbines, but what of the large ones? If there is no policy there is a danger wind developers will consider then acceptable. It is noted the “Planning Guidelines” includes wind turbines so if this is the policy that will cover large turbines and wind farms it will be acceptable. What matters is that wind turbines are satisfactorily covered somewhere in the Local Development Framework policies. Wind turbines – It is noted that whilst consideration is given to efficiency there is no reference to the effect they can have on residential amenity, e.g. noise, flicker. These issues can make turbines unhealthy companions and need consideration. The cumulative effect of a number of turbines also needs consideration.	The Planning Guidelines deal with small scale wind energy development. They do not deal with commercial scale development as it is set out in the text that these are not considered appropriate in the AONB. The Building design guide only deals with micro-renewables that might be closely associated with buildings. No change proposed.
15	EDC		Eden intends to adopt the document as SPD so the final paragraph needs amending.	<b>NOTE TO CWS</b> No page number given so I'm not sure which page this relates to. As far as I can tell the reference to Eden was only in the PG but not the BDG? Could you double check to see if I've missed it?
16	EDC		SPDs are no longer required to be the subject of a sustainability appraisal so the reference should be deleted.	Accept.

				This section will be redrafted comprehensively to reflect the current situation. See response to comment 2
17	EDC		Timetable for SPDs no longer has to be shown in LDSs	Accept. This section will be redrafted comprehensively to reflect the current situation. See response to comment 2
18	EDC		Reference to PPG15 should be replaced by PPS5 Planning for the Historic Environment	Accept. This section will be redrafted comprehensively to reflect the current situation. See response to comment 2
19	EDC	17	'T' missing from title	<b>NOTE TO EDITOR:</b> Correct title to read: The Derwent valley
20	EDC	19	Term appears twice, and on P26. Use Eden Valley. Additional blank line in para 2.	<b>NOTE TO CWS:</b> The term Vale of Eden is used in this document rather than Eden Valley which EDC suggest. The term Vale of Eden has been used in the past in the AONB – for example in the North Pennines Landscape LCA by LUC – and is more descriptive of the topography – which is a vale rather than a valley. If you want to go with EDC's request – and it is their patch so presumably they have good reason – then do the following:  <b>NOTE TO EDITOR:</b> Page 26: header <b>and</b> Para 1 Sentence 2, <b>and</b> Page 26 Para 2 final sentence : replace phrase <b>Vale of Eden</b> with <b>Eden Valley</b> .  Page 19, Para 2 – formatting error: delete <b>blank line</b> between "...patchwork of fields of." and "...varying size.
21	EDC	24	Same longhouse pic used twice	Noted: see response to comment 3
22	EDC	26	para 2 - 'should'	<b>NOTE TO CWS:</b> can't find what this refers to. Check source?
23	EDC	35	PP35 and 37 Mortar and render mixes. Rations should not be specified as the appropriate mix will vary and, in many cases, it may be inappropriate to include any cement in the mix.	<b>NOTE TO CWS: You might want to have a think on this.</b> The most appropriate mix for a given situation does vary but it would be useful to give some guidance on mixes. While in an ideal world people would seek advice from specialists and architects before re-pointing, they rarely do. As a result they often use inappropriate over-strong and often lime-free mixes. The guidance here is copied from the Northumberland National Park Re-pointing guide. Stronger advocacy of hydraulic and



non-hydraulic lime mortars may be the best approach, although lime mortars with cement will continue to have applications.

If we decide to stay away from mixes altogether we should say:

**NOTE TO EDITOR:** Page 35. Amend Bullet Point 3 to read:

Choose a mortar mix to suit the walling material and the degree of exposure. Take advice from a specialist or your local authority Conservation Officer.

Or we can go with what we've got but remove the typo.

**NOTE TO EDITOR:** Page 35. Amend typo in Bullet point 3

Advice from an architect or building specialist will be helpful in selecting an appropriate mortar mix. In many instances re-pointing using a mortar consisting of 1 part of moderately hydraulic lime to 3 parts of sand or one part cement to 2 parts of hydrated lime putty and 9 parts of sand should prove satisfactory.

Or we can simply come down in favour of lime mortars – as most specialists do these days:

**NOTE TO EDITOR:** Page 35. Amend Bullet point 3 to read

Advice from an architect or building specialist will be helpful in selecting an appropriate mortar mix. For most traditional buildings non-hydraulic or hydraulic lime mortars are preferred. Mixes of 1 part of 'moderately hydraulic' lime (NHL3.5) to 3 parts of sand are often recommended for general pointing work and stronger mixes (2:5) or 'eminently hydraulic' lime (NHL5) for exposed areas.

This is my preferred approach but you may want to run it past others. Most people will not fanny about with non-hydraulic lime mortars. Hydraulic lime mortars are straight forward and practical. Adding cement to a hydraulic lime mortar gives it no great advantage over a lime mortar – but it does have a faster set time which extends the season of work slightly (a consideration in the frosty NP). An HL mortar with cement at

				<p>1:1:6 is suitable for severe exposure but is prone to hairline cracking &amp;, so the argument goes, it's better to use a pure HL mortar and live with the shorter maintenance interval.</p> <p>Or we could produce more detailed guidance on mortar mixes....which would mean a page to itself?</p>
24	EDC	57	Windows - Suggest altering 'will' to 'may'. "In historic buildings multi-pane windows may need to be single glazed to retain traditional slim glazing bars"	<p>Accept.</p> <p><b>NOTE TO EDITOR:</b> Page 57: Windows paragraph – amend final sentence to read:</p> <p>In historic buildings multi pane windows <b>may</b> need to be single glazed to retain traditional slim glazing bars.</p>
25	EDC	95	para 4 Hedgerow Regulations should have cap H	<p>Accept.</p> <p><b>NOTE TO EDITOR:</b> Page 95: Para 2. Sentence 1. Capitalise the word <b>Hedgerow</b> in Hedgerow Regulations.</p>
26	EDC	87	<p>1 TREES In general this section is too detailed and overly prescriptive. Whilst many of these matters are valid considerations, all of these matters are aspects that an arboriculturist or landscape architect can advise on with regard to the specific constraints and issues relating to individual schemes.</p> <p>2 The advice being given regarding species and future potential issues, such as tree heights and proximity to dwellings and structure, honeydew from limes and sycamores, trees near walls and drains etc should be reviewed. There has to be an acceptance that any trees near structures or paths can ultimately cause damage or disruption but this can often be repaired without the need for tree removal. It may also be the case that the removal and replacement of the tree is a planned process. Similarly, the advice regarding trees with heavy leaf fall - in particular Horse Chestnuts - (leaves on the road and in gutters) can easily be misinterpreted, whilst it is a valid consideration it is not a reason not to plant them.</p> <p>3. The 2/3 mature tree height rule for new planting is misguided</p>	<p>1. It is the purpose of this design guide to give detailed advice where possible rather than referring readers to the need to get expert advice from other parties. Landscape design and arboriculture are not noticeably more technical subjects than architecture and it would be unbalanced for the document to hold back from giving detailed guidance on these issues where it can.</p> <p>2. The guidance here is taken directly from the published guidance of a partner authority (DCC). Some of the issues raised may be as much a product of the brevity of the guidance – too little qualifying detail rather than too much. It is not therefore proposed to remove detail but to qualify it further, or to change the tenor of any advice that sounds too prescriptive.</p> <p><b>NOTE TO EDITOR:</b> Page 88, Column 2 Para 2. Add new sentence after "...drains, if adequate space is not allowed.</p> <p><b>Well constructed modern foundations and drains should not be affected but older features may be more vulnerable.</b></p> <p>Amend followings sentence to read:</p>

		<p>and, although based on NHBC, it is too formulaic. Many trees in the AONB will only achieve half the potential height for the species due to the climatic conditions. It would be better to list the potential issues but steer clear of too many specifics.</p> <p>4 The section covering the proximity of certain species to typical domestic dwellings and drains is also too prescriptive. Well constructed drains should have nothing to fear from tree roots and building foundations which are very unlikely to be affected unless situated on shrinkable clays.</p> <p>5 The section relating to existing trees could be amended. It says the right things about BS5837 surveys but later mentions "the design of any features within the rooting area of the tree - including any changes in levels, surfacing or drainage - should also have regard to effects on the tree". The Root Protection Area should be considered off limits for any work unless as a last resort and then only if it can be done without any effect to tree roots.</p> <p>6 It also doesn't mention there may be a need for an Arboricultural Implications Assessment for different design options to support the final submitted design.</p> <p>7 The advice for trees in Conservation Areas is too narrow. Not only is permission required for any work to a tree over the designated size, damage to trees is also an offence and this should be made clearer. The document should also state most works to trees in conservation areas require notification rather than certain work. It does this in the appendix but not in the main text.</p> <p>8 Appendix 4 should make a reference to seeking further guidance from the local planning authority tree officers for Tree Preservation Orders, trees in conservation areas etc.</p> <p>9. There is a balance to be struck in the redrafting of this section between providing a basic level of useful information without providing excessive and restrictive detail. If Eden is going to adopt this as an SPD these matters all need to be addressed so that this policy document is consistent with the approach taken by the Council.</p>	<p>Taking specialist advice from a landscape architect, <a href="#">arboriculturalist</a> or forester will help you avoid these pitfalls and deliver a well designed and cost-effective scheme.</p> <p>Page 91. Amend bullet points 4 and 5 to read:</p> <ul style="list-style-type: none"> <li>• <a href="#">Some species, such as horse chestnuts, can produce heavy leaf fall. This should be a consideration when planting close to roads and paths or drainage gullies.</a></li> <li>• <a href="#">Trees such as limes and sycamores are affected by sugar secreting aphids which can cause mildew below them. This should be a consideration when planting close to car parks or seating areas.</a></li> </ul> <p>Page 91 Column 2, Para 2. after "...to be moved or distorted." Add new sentence.</p> <p><a href="#">This is unavoidable in some situations and usually best dealt with through minor repairs to the structures. For many people this is a small price to pay for the pleasure of living with a tree and shouldn't lead to overly conservative planting practices.</a></p> <p>3. The 2/3 mature height rule is reasonable 'rule of thumb' for new planting and certainly for larger species. As it is expressed as a fraction of anticipated mature height it can apply equally to any area. There is a risk that readers may go to national data for mature tree heights and therefore be overly conservative about planting distances:</p> <p><b>NOTE TO EDITOR:</b> Page 91 Column 2 Para 1. Change second sentence to read:</p> <p><a href="#">As a rule of thumb, larger species should be planted no nearer to a dwelling than two thirds of their expected mature height. This will depend on soil and situation: on many sites in the North Pennines trees will never attain the potential heights quoted for them in national data. Take advice from your local Tree Officer who will have local knowledge.</a></p> <p>4. The guidance here again is taken directly from the published guidance of a partner authority (DCC). While modern building foundations and drains are less susceptible to these impacts those of existing buildings and older drains may not be. As this</p>
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				<p>guidance deals as much with conversion / extension as new build this remains a pertinent issue. We have seen listed structures damaged by un-informed tree planting.</p> <p><b>NOTE TO EDITOR:</b> Page 91 Column 2 Para 1. Create new paragraph break before phrase "Roots are opportunistic...etc</p> <p>After '...and joints in drains.'" Add new sentence:</p> <p>This is not an issue for new buildings where well-designed and properly constructed modern drains and foundations should be impervious to the effects of tree roots, but may be a consideration when planting close to older buildings and structures.</p> <p>The list of the more aggressively rooting species may be misleading as in the DCC guidance it is backed up by a table of high water demanding species. Rather than having readers think that all varieties of those species are problematic it should be simplified</p> <p><b>NOTE TO EDITOR:</b> Page 91 Column 3. Amend sentence 2 to read:</p> <p>Larger varieties of willow, poplar and coniferous species should be used with caution.</p> <p>5. Accept.</p> <p><b>NOTE TO EDITOR:</b> Page 87, Column 3 Para 2. Delete second sentence.</p> <p>The design of any features within the rooting area of the tree – including any changes in levels, surfacing or drainage - should also have regard to effects on the tree.</p> <p>Replace with new sentence.</p> <p>The design of ancillary features such as paving and paths, garden walls, changes in level or drainage should have regard to the rooting area of the tree which should be avoided entirely unless there are no practical alternatives, and then only if the works can be carried out without any adverse affect on</p>
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tree roots.

6. Accept

**NOTE TO EDITOR:** Page 87: Column 2 – end of column after ....Planning Application. Add new para.

The local planning authority may request an Arboricultural Implication Assessment (AIA) where they need to satisfy themselves that all factors have been duly considered in the design process and that the development will not prove detrimental to the retained trees and hedges. The AIA will also address issues such as the long term effects of changes to surface levels or the future need to prune or remove trees and hedges because they cast shade or encroach upon property. The Arboricultural Implication Assessment must be carried out by a suitably qualified arboriculturalist with experience of trees on development sites.

7 Accept.

**NOTE TO EDITOR:** Page 87 Para 3: amend to read:

Trees are protected by law in many circumstances. They may be covered by a Tree Preservation order, a planning condition or a restrictive covenant. In Conservation Areas **most** works to trees, including felling, require notification to the local planning authority. **Damage to trees is an offence.**

8 Accept.

**NOTE TO EDITOR:** Appendix 4 Page 121: Insert new opening paragraph:

Many trees and hedges are protected by law. Before doing any works that would affect trees or hedges on or around your development site you should consult your local authority tree officer.

8. The section as re-drafted should meet those criteria. It should be noted that much of the material in the guidance is taken from the published guidance of a partner authority (DCC) and

				consistency with their approach is also a consideration.
27	EDC	0	Bullets should perhaps be numbers instead, for ease of reference.	There is some merit in this as it will make it easier to quote in responses to planning applications. <b>NOTE TO EDITOR:</b> replace all guidelines bullets with numbers pre-fixed by letters relating to the relevant section. NB1, NB2 etc for New Building etc.
28	EDC	0	Reference to PPG15 should be replaced by PPS5 Planning for the Historic Environment	Accept. See response to comment 2.
29	EDC	0	Timetable for SPDs no longer has to be shown in LDSs	Accept. See response to comment 2.
30	EA	75	Watercourse: Further guidance can be found on the Code of Good Agricultural Practice for the Protection of Water published by Defra  Suggest: Further guidance can be found in the 'A Code of Good Agricultural Practice for farmers, growers and land managers – Protecting out Water, Soil and Air' produced by defra or by contacting the Environment Agency directly.	Accept. <b>NOTE TO EDITOR:</b> Page 75: body text: add new sentence: <a href="#">Further guidance can be found in the 'A Code of Good Agricultural Practice for farmers, growers and land managers – Protecting out Water, Soil and Air' produced by Defra, or by contacting the Environment Agency directly.</a>
31	EA	75	Any new buildings should be sited carefully to avoid accidental spillage or seepage from entering a watercourse, either directly or through existing drainage systems. Actual distances of buildings away from watercourses will vary according to the type of building, the bedding system used and method of waste disposal. However, the Environment Agency will object to applications for buildings on known areas of flooding.  SUGGEST • It is good practice to leave an 8 metre easement between a new building and any watercourse, this reduces the chances of potential pollution from spillages and seepage entering the watercourses either directly or through existing drainage systems and can reduce flood risk.  • Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9) states 'Networks of natural habitats provide a valuable resource. They link sites of biodiversity importance and provide routes or stepping stones for the migration, dispersal and genetic exchange of species in the	Accept. This section is thin and needs comprehensive re-write <b>NOTE TO EDITOR:</b> Page 75: Watercourses: replace entire text with the following. <a href="#">Watercourses are of great importance for water resources, water quality, nature conservation, fisheries and recreation, and often make a significant contribution to the character of the landscape. Adverse impacts on watercourses, including both direct physical impacts and impacts through pollution or changes to their hydrology, should be avoided.</a> <a href="#">It is good practice to leave an 8 metre easement between a new building and any watercourse. This reduces the chances of potential pollution from spillages and seepage entering the watercourse either directly or through existing drainage systems and can reduce flood risk. Any works within 8 metres of a watercourse may be subject to byelaws and may require the prior written consent of the Environment Agency (EA).</a> <a href="#">Culverting of watercourses should be avoided. The consent of the Environment Agency is required for the culverting and/or</a>

		<p>wider environment.'</p> <ul style="list-style-type: none"> <li>• Policy LE4 River Corridors of the Carlisle District Local Plan 2001 – 2016 states: 'that river corridors are a great importance for water resources, water quality, nature conservation, fisheries and recreation and that they often make a significant contribution to the character of the landscape.' This Policy also states 'Permission will not be granted for developments which are likely to have a detrimental impact on nature conservation, public access, the quality of the landscape or recreation facilities found within the river corridors'.</li> <li>• Any works within 8 metres of a watercourse may be subject to byelaws and may require the prior written consent of the Environment Agency (EA).</li> <li>• The consent of the Environment Agency is required for the culverting and/or diversion of any watercourse however, there is a presumption against culverting therefore the EA would be likely to object.</li> <li>• The Environment Agency encourage any opportunities to remove an existing culvert as this reduces potential flood risk and increases biodiversity.</li> <li>• National Planning Policy recommends avoiding any development in areas at risk of flooding. Table D2 of Planning Policy Statement 25: Development and Flood Risk (PPS25) states that land and buildings used for agricultural use is classed as 'less vulnerable' development . Less vulnerable development is not permitted in Flood Zone 3b, functional floodplain but is permitted in Flood Zones 3a high probability, Flood Zone 2 medium probability and Flood Zone 1 Low probability. All development proposal in these zones should be accompanied by a Flood Risk Assessment (FRA), the minimum requirement for the FRA can be found in Annex E of PPS25.</li> </ul>	<p>diversion of any watercourse. There is, however, a presumption against culverting, and the EA would be likely to object in most circumstances. Opportunities should be taken to remove existing culverts where possible as this reduces potential flood risk and increases biodiversity.</p> <p>National Planning Policy recommends avoiding any development in areas at risk of flooding. Table D2 of Planning PPS 25: Development and Flood Risk states that land and buildings used for agricultural use are classed as 'less vulnerable' development. Less vulnerable development is not permitted in Flood Zone 3b (the functional floodplain) but is permitted in Flood Zones 3a (high probability) Flood Zone 2 (medium probability) and Flood Zone 1 (low probability). All development proposals in these zones should be accompanied by a Flood Risk Assessment (FRA), the minimum requirement for the FRA can be found in Annex E of PPS25.</p> <p>Pollution of watercourses by agricultural waste, even where accidental, is a serious offence and can cause enormous damage to the water environment. When constructing new facilities or enlarging existing ones it is a requirement to notify the Environment Agency and also to seek their approval following construction. If a new surface water outfall is to be constructed to a watercourse the full details must be sent to the Environment Agency for comment. Formal consent may be required. Further guidance can be found in the <a href="#">Code of Good Agricultural Practice for the Protection of Water</a> published by Defra.</p> <p>Any new buildings should be sited carefully to avoid accidental spillage or seepage from entering a watercourse, either directly or through existing drainage systems. Any farm in England and Wales that makes or stores silage or stores slurry or stores more than 1,500 litres of fuel used for agricultural purposes and has storage facilities that were constructed or subsequently altered after 1991 will need to conform to the 'Control of Pollution (Silage, slurry and Agricultural Fuel Oil) Regulations 1991. A summary of requirements can be found on the Environment Agency's website:</p>
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				<a href="http://www.environmentagency.gov.uk">www.environmentagency.gov.uk</a> <b>NOTE TO EDITOR:</b> all of the above text is now body text – no tone boxes or bullet points.
32	EA	75	<p>Waste by-products such as slurry, dirty yard water, dairy washings, silage liquor, as well as oil and diesel, should be stored carefully in accordance with the Control of Pollution (silage, slurry and Agricultural fuel oil) regulations 1991.</p> <p>SUGGEST • Any farm in England and Wales that makes or stores silage or stores slurry or stores more than 1,500 litres of fuel used for agricultural purposes and has storage facilities that were constructed or subsequently altered after 1991 will need to conform to the 'Control of Pollution (Silage, slurry and Agricultural Fuel Oil) Regulations 1991. A summary of requirements can be found on the Environment Agency's website: <a href="http://www.environment-agency.gov.uk/netregs/businesses/agriculture/61889.aspx">http://www.environment-agency.gov.uk/netregs/businesses/agriculture/61889.aspx</a></p>	Accept: Changes made above.
33	EA	83	Change title to Silage Stores and Effluent Handling (this is so that all silage stores are covered not just clamps)	Accept. This section will be comprehensively redrafted: see changes proposed below in response to comment 37
33	EA	83	Change the The design and construction of silage stores must ...to 'The design, construction and use of silage stores must ....	Accept. This section will be comprehensively redrafted: see changes proposed below in response to comment 37
35	EA	83	Change 'siting of the clamp should be considered carefully in respect of the surrounding landscape' to 'The siting of the silage store must be considered carefully in respect of the surrounding landscape'	Accept. This section will be comprehensively redrafted: see changes proposed below in response to comment 37
36	EA	83	Add additional paragraph. Livestock slurry, silage effluent or manure must not enter rivers, streams or other watercourses. A pollution offence will have been committed if polluting effluent enters surface waters or groundwater	Accept. This section will be comprehensively redrafted: see changes proposed below in response to comment 37
37	EA	84	Change 'the Environment Agency will need to be consulted on proposals and it is essential that silage liquor is properly collected and stored. TO 'Advice should be sought from the Environment Agency if you intend to construct a new , reconstructed or enlarged agricultural structure (silage effluent tank, slurry store, reception pit) as stated in Section 11 of the Control of Pollution (Silage, slurry and Agricultural Fuel Oil)	<p>Accept. This section will be redrafted to make a clearer distinction between guidance and regulatory matters. It is proposed to integrate silage storage and waste storage due to the similar regulatory issues.</p> <p><b>NOTE TO EDITOR:</b> Page 83: <b>Silage clamps.</b> Change subheading to <b>Silage clamps, effluent and waste handling</b></p>



		<p>Regulations 1991:</p> <p>Notice of construction etc.</p> <p>11. A person who proposes to have custody or control of any relevant substance which is to be kept or stored on a farm in a silo, slurry storage system or, as the case may be, fuel storage area constructed, substantially enlarged or substantially reconstructed on or after 1st September 1991 shall serve notice on the Authority specifying the type of structure to be used and its location at least 14 days before it is to be used for such keeping or storage.</p>	<p>Replace paragraph with.</p> <p>The design, construction and use of silage stores, and facilities for slurry and dirty water, is heavily constrained by the need to avoid pollution from effluent.</p> <p>Anyone proposing to construct a new, reconstructed, or enlarged agricultural structure (silage effluent tank, slurry store, reception pit) must notify the Environment Agency under Section 11 of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991.</p> <p>Manure stores are outside of the scope of the Regulations but liquid seepage is considered to be dirty water and therefore should be channelled to suitable storage.</p> <p>Livestock slurry, silage effluent or manure must not enter rivers, streams or other watercourses. A pollution offence will have been committed if polluting effluent enters surface waters or groundwater (see also Watercourses above).</p> <p>The siting of the silage and other stores must be considered carefully in respect of the surrounding landscape. The construction of clamps, tanks and pits can affect important habitats or species, landscape or archaeological features. Care should be taken to avoid sensitive sites.</p> <p>Add new first three bullets:</p> <ul style="list-style-type: none"> <li>• Take advice from the Environment Agency at an early stage in planning your proposals</li> <li>• Avoid sensitive locations: consult your local authority archaeologist, ecologist, tree officer or landscape architect.</li> <li>• Where possible select sites that are screened from sensitive view points (roads, footpaths, other properties) by topography, vegetation or existing farm buildings</li> </ul> <p>Delete final bullet point</p> <p>The Environment Agency will need to be consulted on proposals and it is essential that silage liquor is properly collected and stored.</p>
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				<p>Delete <b>Waste Storage</b> sub-header and the <b>paragraph that follows it</b>.</p> <p>Merge bullet points with those on page 84.</p>
38	EA	84	<p>Change 'As with silage liquor, it is essential that liquid run off is contained and subsequently disposed of without getting into a watercourse or rainwater drainage system' TO • As with silage liquor, it is essential that liquid run-off is detained and subsequently disposed of without the run-off entering a watercourse or rainwater drainage system.</p> <ul style="list-style-type: none"> <li>• The base of any store should be sloped so that any liquid runs off into a collection channel.</li> <li>• Such liquids should be collected in a suitably sized tank and be directed to a slurry store.</li> <li>• A clean and dirty water separation system will minimise the volume of polluting liquids.</li> </ul>	<p>Accept.</p> <p><b>NOTE TO EDITOR:</b> Page 84. Amend final bullet point to read:</p> <ul style="list-style-type: none"> <li>• As with silage liquor, it is essential that liquid run-off is <b>detained</b> and subsequently disposed of without the run-off entering a watercourse or rainwater drainage system.</li> </ul> <p>Add new final bullet points:</p> <ul style="list-style-type: none"> <li>• <b>The base of any store should be sloped so that any liquid runs off into a collection channel. Such liquids should be collected in a suitably sized tank and be directed to a slurry store.</b></li> <li>• <b>A clean and dirty water separation system will minimise the volume of polluting liquids.</b></li> </ul>
39	EA	101	<p>Change 'night time tranquillity and dark skies and also reduce harmful effects on ecology (i.e. bat roosts),' TO ..... to help maintain night time tranquillity and dark skies. The negative influence of the excess of light affects organisms which are active at night e.g. insects, mammals and invertebrates. Birds also suffer from excess light.</p>	<p>Accept.</p> <p><b>NOTE TO EDITOR:</b> Page 101. Para 2 after "...commercial premises." And before "There are..." insert:</p> <p><b>The negative influence of the excess of light affects organisms which are active at night e.g. insects, mammals and invertebrates. Birds also suffer from excess light.</b></p> <p>Amend final sentence to read:</p> <p><b>There are a number of basic steps that can be taken to reduce artificial light pollution to help maintain night time tranquillity and dark skies and reduce harmful effects on ecology whilst reducing energy consumption.</b></p>
40	EA	101	<p>Change 'Direct light only where it is needed, downward rather than upward, or focused on the particular task.' TO Direct light only where it is needed, downward rather than upward, or focused on the particular task and wherever possible trees should not be directly illuminated.</p>	<p>Accept.</p> <p><b>NOTE TO EDITOR:</b> Page 101. Add new third bullet point:</p> <ul style="list-style-type: none"> <li>• <b>Avoid the direct illumination of trees.</b></li> </ul>

41	EA	104	<p>Overall section titled 'waste' with two subheadings:</p> <ul style="list-style-type: none"> <li>Minimising Waste – content of which the EA support</li> </ul>	<p>Accept. It is proposed to create a new subheading <b>Handling waste responsibly</b></p>
42	EA	104	<p>Change section on movement of waste.</p> <ul style="list-style-type: none"> <li>If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.</li> <li>The Duty of Care regulation for dealing with waste materials are applicable for any off-site movement of wastes. The developer as producer therefore has a duty of care to ensure all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with regulations.</li> <li>If any controlled waste is to be used on site, the applicant will be required to obtain the appropriate exemption or authorisation from the Environment Agency.</li> </ul> <p>More specific advice on waste movement can be found on the Environment Agency's website using the following link:  <a href="http://www.environment-agency.gov.uk/business/topics/waste/default.aspx">http://www.environment-agency.gov.uk/business/topics/waste/default.aspx</a></p> <ul style="list-style-type: none"> <li>In England it is a legal requirement to have a Site Waste Management Plan (SWMP) for all new construction projects worth more than £300,000. Further information on the SWMP can be found at <a href="http://www.netregs-swmp.co.uk">www.netregs-swmp.co.uk</a></li> </ul>	<p>Accept. There is currently no section on movement of waste. It is proposed to create a new sub-heading <b>Handling waste responsibly</b>.</p> <p><b>NOTE TO EDITOR:</b> Page 105</p> <p>Create new sub-header: <b>Handling Waste Responsibly</b></p> <p>Add new text</p> <p><i>The Duty of Care regulations for dealing with waste materials are applicable for any off-site movement of wastes. The developer as producer therefore has a duty of care to ensure all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with regulations.</i></p> <p><i>If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If any controlled waste is to be used on site, the applicant will be required to obtain the appropriate exemption or authorisation from the Environment Agency.</i></p> <p><i>In England it is a legal requirement to have a Site Waste Management Plan (SWMP) for all new construction projects worth more than £300,000. Further information on the SWMP can be found at <a href="http://www.netregs-swmp.co.uk">www.netregs-swmp.co.uk</a></i></p> <p><i>More advice on waste movement can be found on the Environment Agency's website: <a href="http://www.environment-agency.gov.uk">www.environment-agency.gov.uk</a></i></p> <p><i>Note: when giving web-links, the home page is preferred as the urls of individual pages changes more frequently.</i></p>
43	EA	113	<p>Connect to municipal sewage system for foul drainage, if possible. SUGGEST • The proposed means of foul drainage should be in accordance with Circular 03/99 'Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development'.</p>	<p>Accept. We would consider the suggested paragraph would be better as an amplification of the first sentence rather than a replacement.</p> <p><b>NOTE TO EDITOR:</b> Page 113</p>

				<p>Under <b>Drainage</b>, remove bullet points from all of the paragraphs and replace paragraphs 1 and 2 with the following text:</p> <p>The proposed means of foul drainage should be in accordance with Circular 03/99 'Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development'.</p> <p>The presumption must always be to provide a system of foul drainage discharging into a public sewer. If this is not possible taking into account all the factors in Circular 03/99 a package treatment plant may be considered (there are circumstances where a package treatment plants are unsuitable owing to sporadic occupation) and only when it is proved that the above two options are not feasible should a septic tank be considered.</p> <p>Some non-mains drainage systems may require an environmental permit from the EA, although certain activities are exempt from the requirements. In order to qualify for an exemption, your discharge or activity must meet certain criteria. If you can not meet these criteria you will need to apply for a permit. For more information on small discharges of domestic sewage effluent, permits and exemptions can be found on the Environment Agency's website:  <a href="http://www.environment-agency.gov.uk">www.environment-agency.gov.uk</a></p> <p>To help you choose the correct sewage disposal option. Pollution Prevention Guidelines – Treatment and disposal of sewage where no foul sewer is available: PPG4 includes information about the treatment and disposal methods available, maintenance and legal requirements, a copy of which can be found on the Environment Agency's website.</p> <p><i>Note: when giving web-links, the home page is preferred as the urls of individual pages changes more frequently</i></p>
44	EA	114	Change • if there is no available public drainage system, a package treatment plant would be the next consideration. septic tanks should be considered only as a last resort TO • The	Accept. See changes proposed above in response to comment 43.

			<p>proposed means of foul drainage should be in accordance with Circular 03/99 'Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development'.</p> <ul style="list-style-type: none"> <li>• The presumption must always be to provide a system of foul drainage discharging into a public sewer. If this is not possible taking into account all the factors in Circular 03/99 a package treatment plant may be considered (there are circumstances where a package treatment plants are unsuitable owing to sporadic occupation) and only when it is proved that the above two options are not feasible should a septic tank be considered.</li> <li>• Some non-mains drainage systems may require an environmental permit from the EA however, certain activities are exempt from the requirements. In order to qualify for an exemption, your discharge or activity must meet certain criteria. If you can not meet these criteria you will need to apply for a permit. For more information on small discharges of domestic sewage effluent, permits and exemptions please see the following link to the Environment Agency's website: <a href="http://www.environment-agency.gov.uk/business/topics/water/117481.aspx">http://www.environment-agency.gov.uk/business/topics/water/117481.aspx</a></li> </ul>	
<b>45</b>	<b>EA</b>	<b>113</b>	<p>ADD To help you choose the correct sewage disposal option. Pollution Prevention Guidelines – Treatment and disposal of sewage where no foul sewer is available: PPG4 includes information about the treatment and disposal methods available, maintenance and legal requirements, a copy of which can be found at: <a href="http://publications.environment-agency.gov.uk/pdf/PMHO0706BJGL-E-E.pdf?lang=_e">http://publications.environment-agency.gov.uk/pdf/PMHO0706BJGL-E-E.pdf?lang=_e</a></p>	Accept. See changes proposed above in response to comment 43.
<b>46</b>	<b>NE</b>	<b>6</b>	<p>2nd paragraph There is also a need to consider protected species legislation and requirements.</p>	Accept. Changes reflecting this are proposed in both BDG and PG documents.
<b>47</b>	<b>NE</b>	<b>7</b>	<p>Adopting this guidance as a Supplementary Planning Document The local planning authorities who wish to follow this route will need to ensure compliance with any required Strategic Environmental Assessment /Habitats Regulations Assessment processes (screening stage), prior to the document</p>	Accepted.

			being adopted as SPD.	
48	NE	9	“nd paragraph There are now 33 AONBs wholly in England (The East Hampshire and Sussex Downs AONB designations were revoked on the 31 March 2010 when the South Downs National Park Designation Order can into effect) . As a result there may be a need to check the 18% figure covering England and Wales.	Accept. Changes reflecting this are proposed in both BDG and PG documents.
49	NE	9	The purposes of AONB designation were reaffirmed by the Countryside and Rights of Way Act 2000.  In CA23 AONB Management Plans A Guide the Countryside Agency (now Natural England) stated the purposes of AONB as .....  Can delete sentence 'these purposes have since been endorsed by Natural England'	Accept. Changes reflecting this are proposed in both BDG and PG documents in response to NE comments on PG.
50	NE	10	Suggest add ' careful stewardship of the land and buildings'.	Accept.  <b>NOTE TO EDITOR:</b> Page 10: Body text paragraph1 – amend end of sentence to read  ...careful stewardship of the land <b>and buildings'</b>
51	NE	28	The following could be added:  Countryside Character Volume 1 North East Region Northumberland LCA (to be published).  Historic Landscape Character Assessment – Northumberland (published ?)  Historic Landscape Character Assessment – Durham (on-going)  Historic Landscape Character Assessment – Cumbria (?)	Accept.  <b>NOTE TO EDITOR:</b> Page 28: add to top of list:  <a href="#">Countryside Character: Volume 1: North East. naturalengland.org.uk</a>  Add new subheading  <b>Historic Landscape Character</b>  Under which add sentence.  <a href="#">Northumberland, Cumbria and County Durham councils have prepared, or are preparing, Historic Landscape Character Assessments. For further information contact the relevant county archaeologist.</a>
52	NE	29	Point 2 We suggest the following wording changes ' Survey your site or building and its setting to assess what features are worth keeping or protecting, and to identify any opportunities	Accept.  <b>NOTE TO EDITOR:</b> Page 29, Point 2: Amend to read:

			<p>for enhancement measures, and take advice from others.....with knowledge of .....historic environment, landscape, and biodiversity.</p> <p>Early consultation with the local planning authority on the need for biodiversity/protected species surveys may help prevent delays in the planning application process.</p>	<p>Survey your site or building <b>and its setting</b> to assess what features are worth keeping or protecting, <b>and to identify any opportunities for enhancement measures</b>, and take advice from others with knowledge of design, building conservation, the historic environment, <b>landscape</b> and biodiversity as it relates to your proposals; and</p>
53	NE	34	<p>Re-pointing. Our regional historic environment advisor (Tom Gledhill) has suggested that you may wish to consider changing the illustration A and B, as in some areas in the North Pennines type B is actually more traditional for lime pointing. The text could perhaps suggest that the method chosen for pointing should relate to the most local 'traditional' method used for that particular area.</p>	<p>Our advice, and that of partner authorities and other agencies, is that pointing type B is bad practice. It is certainly a widespread practice and can be difficult to avoid on heavily weathered stone, but in most instances type A is to be preferred. It is hard to determine the extent to which type B is 'traditional' in that pointing is by its nature ephemeral &amp; type B tends to creep in as buildings become more weathered. We would be reluctant to promote it as good practice. <b>NOTE TO CWS:</b> you'll need to make a decision about this – it would mean standing this section on its head contrary to conventional wisdom....much as I respect Tom.</p>
54	NE	35	<p>1. There is a need to include information in this box which highlights that bats and nesting birds often use such crevices in buildings, and there may be a need to maintain crevices in finished buildings, in line with the relevant protected species legislation.</p> <p>2. 3rd point Our regional historic environment advisor suggests omitting the last section which refers to the part cement mix. Cement mix should be avoided wherever possible, due to the problems it can create with water ingress in the North Pennines.</p>	<p>1. Accept</p> <p><b>NOTE TO EDITOR:</b> Page 35: Add bullet point.</p> <ul style="list-style-type: none"> <li>Bats and nesting birds often use crevices in buildings and there may be a need to retain some crevices to comply with the relevant protected species legislation. Re-pointing should be avoided between November and March to prevent entombing bats when they are most vulnerable, and crevices where the bottom cannot be seen should not be re-pointed.</li> </ul> <p>2. Accept. Hydraulic lime mortars using cement have their place but the guidance presents an opportunity to extol the virtues of lime mortars. See changes proposed above in response to comment 23.</p>
55	NE	37	<p>2nd point in box Our regional historic environment advisor suggests that lime render is more appropriate in the North Pennines, and suggests deletion of reference to cement lime sand.</p>	<p>Accept. <b>NOTE TO CWS</b> This is a matter of philosophy as much as anything. For historic buildings pure lime mortars are the right thing. They're also arguably the best thing for traditional buildings or buildings generally in terms of flexibility &amp;</p>

				<p>breathability. Lots of folk still use a mortar with some cement content – including most of the contractors – and arguably a 1:1:6 (or minimum 1:2:9) isn't too bad &amp; doesn't need so much mollycoddling while it cures (which adds to costs). I'm suggesting we agree with Tom so that we act as advocates for the lime render – which is traditional and still the best – without explicitly discouraging the use of perfectly reasonable alternatives.</p> <p><b>NOTE TO EDITOR:</b> Page 35. Replace Bullet point 2</p> <p>If a wall is being completely rendered, or all of the render is being replaced, the best option is usually an un-gauged non-hydraulic lime mortar using well-matured lime putty and sharp and well-graded aggregate in a 1:5 ratio.</p>
56	NE	37	<p>Page 37-39/Page 68 Roofs/Page 109 Renewable Energy The requirements of protected species, particularly bats and nesting birds with regard to roof repairs and maintenance, and micro renewable energy installations should be referenced in these sections. A useful website on green roofs can be found at <a href="http://www.livingroofs.org/">http://www.livingroofs.org/</a></p>	<p>Accept. Suggest no change in relation to bats to page 68 which deals with the character of new roofs rather than repair. Page 109: see changes proposed in response to comment 12.</p> <p><b>NOTE TO EDITOR:</b> Page 39: Add final bullet point.</p> <ul style="list-style-type: none"> <li>Repair works to roofs can disturb bats or nesting birds and you will need to comply with the relevant legislation (see page 62).</li> </ul> <p>Page 68. Add final sentence:</p> <p>Further information can be found on the Living Roofs website <a href="http://www.livingroofs.org">www.livingroofs.org</a></p>
57	NE	47	<p>There is a need to consider the requirements of protected species (particularly bat roost sites) with respect to the alteration of loft spaces and the implications of increased lighting and this issue again needs to be referenced in this section.</p>	<p>Accept.</p> <p><b>NOTE TO EDITOR:</b> Page 46: Column 3: add final bullet point:</p> <ul style="list-style-type: none"> <li>Alterations to loft spaces can affect bats and you will need to comply with the relevant legislation (see page 62).</li> </ul>
58	NE	53	<p>1st paragraph We would also suggest that the local planning authorities should also be looking for opportunities for enhancement where appropriate when considering change of use applications.</p>	
59	NE	55	<p>PP55-57 The requirements of protected species, particularly bat roosts needs careful consideration with regards to introducing</p>	<p>Accept.</p>



			daylight into roof spaces, this should be referenced in this section.	<p><b>NOTE TO EDITOR:</b> Page 55: Add final sentence.</p> <p>Alterations to roof spaces can affect bats and you will need to comply with the relevant legislation (see page 62).</p> <p>Remove extra line space in final paragraph if not already picked up.</p>
60	NE	62	Page 62/Page 101 Lighting – again in particular lighting should avoid bat roost access points and flyways.	<p>Accept</p> <p><b>NOTE TO EDITOR:</b> Page 101: Add final bullet point:</p> <ul style="list-style-type: none"> <li>• Lighting should avoid bat-roost access points and flyways.</li> </ul>
61	NE	62	Do the location and positioning of satellite dishes need a mention ?	<p><b>NOTE TO CWS:</b> What do you think? Should we have a section on satellite dishes?</p>
62	NE	62	<p>Please note this should now refer to The Conservation of Habitats and Species Regulations 2010 which consolidates all previous legislation. It should be made clear that even minor repairs can kill/destroy bat roosts/bird nests. Further details on good practice with regards to survey work could be included in the suggested Appendix on Biodiversity and Protected Species (see below).</p> <p>Box point 2 Mitigation measures will be dependent on the species involved and the proposed use of the building.</p> <p>Repairs to traditional buildings may also require consideration of protected species.</p> <p>We have suggested that where protected species pose issues with regards to particular features such as roofs/lighting, trees etc, then this needs to be highlighted in those individual sections.</p> <p>Further useful information on biodiversity and protected species could be included in an</p> <p>Appendix, which we would willing to develop in partnership with you, please contact my colleagues Deborah Hall/Pip Kirkham to assist with this if required. We are also at an early stage of preparing draft standing advice on protected species which again would be an importance information source for a range of species.</p>	

			<p>As an example, in relation to bats, the appendix could refer to some of the information below:</p> <p>Legislation : All species of bat are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 making all species of bat European Protected Species. Details of the legislation can be found at</p> <p>Wildlife and Countryside Act  <a href="http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1981/cukpga_19810069_en_1">http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1981/cukpga_19810069_en_1</a></p> <p>The Countryside and Rights of Way Act:  <a href="http://www.opsi.gov.uk/acts/acts2000/ukpga_20000037_en_7#pt3-pb8-l1g81">http://www.opsi.gov.uk/acts/acts2000/ukpga_20000037_en_7#pt3-pb8-l1g81</a></p> <p>The Conservation of Habitats and Species Regulations 2010  <a href="http://www.opsi.gov.uk/si/si2010/uksi_20100490_en_1">http://www.opsi.gov.uk/si/si2010/uksi_20100490_en_1</a></p>	
<b>63</b>	<b>NE</b>	<b>62</b>	<p>Typical Habitat/Features Used: Bats use a variety of buildings and structures at different times of the year and the type of feature used is often species specific. Buildings are frequently used including churches, traditional timber framed buildings, ice houses, traditional agricultural buildings, stone and flint buildings along with residential dwellings (including modern properties). In addition, mines, caves, disused tunnels and trees also provide important roost sites. Further guidance on the features of dwellings which increase the probability of bats using it can be found within the Bat Mitigation Guidelines</p> <p>Survey Requirements: All surveys should be undertaken by suitably experienced, and where necessary, licensed surveyors. Good practice guidance published by the Bat Conservation Trust (Bat_Surveys-Good_Practice_Guidelines) provides comprehensive advice on how and when to undertake bat surveys and the recommended minimum survey effort and a brief summary is provided below.</p>	

			<p>Bat Mitigation Guidelines :  <a href="http://naturalengland.communisis.com/naturalenglandshop/docs/IN13.6.pdf">http://naturalengland.communisis.com/naturalenglandshop/docs/IN13.6.pdf</a></p> <p>Bats: European Protected Species  <a href="http://naturalengland.communisis.com/naturalenglandshop/docs/SIN006.pdf">http://naturalengland.communisis.com/naturalenglandshop/docs/SIN006.pdf</a></p> <p>Bats in buildings: A guide for building professionals  <a href="http://naturalengland.communisis.com/naturalenglandshop/docs/in152.pdf">http://naturalengland.communisis.com/naturalenglandshop/docs/in152.pdf</a></p> <p>Bat Surveys: Good practice guidelines  <a href="http://www.bats.org.uk/download_info.php?id=379&amp;file=BCT_Survey_Guidelines_web_final_version.pdf&amp;referer=http%3A%2F%2Fwww.bats.org.uk%2Fpublications.php%3Fkeyword%3Dsurveys%26month%3D%26year%3D%26category%3D%26search%3Dsearch">http://www.bats.org.uk/download_info.php?id=379&amp;file=BCT_Survey_Guidelines_web_final_version.pdf&amp;referer=http%3A%2F%2Fwww.bats.org.uk%2Fpublications.php%3Fkeyword%3Dsurveys%26month%3D%26year%3D%26category%3D%26search%3Dsearch</a></p> <p>Habitat Management for Bats  <a href="http://www.jncc.gov.uk/page-2465">http://www.jncc.gov.uk/page-2465</a></p> <p>Appraisal of impact and mitigation reports - The guiding principles of impact assessment and mitigation are sequential considerations as follows:</p> <ul style="list-style-type: none"> <li>i) Avoid significant negative impacts if possible (e.g. consider timing of work, leave roosts/access unaffected)</li> <li>ii) Mitigate (e.g. roof space sectioned off for bats)</li> <li>iii) Compensate (e.g. bat boxes, bat house)</li> <li>iv) Enhance (hedgerow planting to connect with existing hedges/woodland)</li> </ul>	
<b>65</b>	<b>NE</b>	<b>75</b>	<p>This section could mention that some of the watercourses in the Eden Valley sections are part of the River Eden SSSI and SAC and that they all feed into it so, any operations affecting these watercourses could have an impact on the downstream site. Any operations within or near SSSI/SACs may need consent</p>	

			from NE.	
66	NE	85	<p>1. Landscaping Trees can also be important for bats and birds and again it is important to be aware of protected species legislation, and that works involving trees and shrubs may impact on protected species.</p> <p>2. A considerable part of this section is devoted to trees. Consideration also needs to be given as to whether some sites (depending on their size and location) need a phase 1 habitat survey or risk assessment, and/or species survey. We consider that on some development sites there may be opportunities to enhance other BAP habitat such as wetlands, species rich grassland etc appropriate to the local area, and encourage other BAP species through appropriate measures such as roosting boxes etc. Some basic biodiversity principles and examples could be usefully included in this section, to 'balance' the content.</p>	<p>1. Accept. See changes proposed in response to comment 67 below.</p> <p>2. Accept.</p> <p><b>NOTE TO EDITOR:</b> Page 87: Change hierarchy of subheading to read:</p> <p><b>Existing vegetation</b></p> <p><b>Trees and shrubs</b></p> <p>Add new sub-section</p> <p><b>Wetlands and grasslands</b></p> <p>Page 91: At end of page add new sub-section</p> <p><b>Habitat creation</b></p>
67	NE	87	Trees may also be afforded protection because of the species utilising them (same for hedgerows)	<p>Accept.</p> <p><b>NOTE TO EDITOR:</b> Page 87: coumn 1, final para. Add final sentence.</p> <p>Trees and shrubs may also harbour protected species, particularly bats (see Page 62), and nesting birds and you will need to comply with relevant legislation.</p>
68	NE	90	This section should mention that only locally native, disease free plants should be planted near watercourses to avoid spread of invasive species and water borne pathogens.	<p>Accept.</p> <p>Add text on phytopthera</p>
69	NE	100	The use of SUDS should also be recommended in this section (as in Page 113)	
70	NE	102	<p>Further Information The following could be added:</p> <p>Cumbria BAP</p> <p>Durham BAP</p> <p>Northumberland BAP</p>	

			<p>Natural England website for protected species guidance</p> <p>Biodiversity by Design publication TCPA</p> <p>PPS9 Planning for Biodiversity and Geological Conservation A Guide to Good Practice</p> <p>Another good source of biodiversity and planning information in Cumbria is from Cumbrian Biodiversity Data Network; the Virtual Fauna of Lakeland website, <a href="http://www.lakelandwildlife.co.uk/about.htm">http://www.lakelandwildlife.co.uk/about.htm</a></p>	
71	NE	103	<p>Use of Brownfield Land Please also note PPS9 paragraph 13 with regards to significant biodiversity interests on brownfield land.</p>	<p>Accept.</p> <p><b>NOTE TO EDITOR:</b> Page 103. Column 2: at around line 11 amend to read:</p> <p>...preferred option for development. <b>Problems may be encountered such as residual pollution from previous use, and brownfield land often has significant biodiversity interests which may preclude or restrict development.</b> In cases of ...</p>
72	NE	108	<p>Consumer behaviour could also be added to the box concerning pollution.</p>	<p>Accept.</p> <p><b>NOTE TO EDITOR:</b> Page 108. Atmospheric Pollution bullet box : add final bullet:</p> <ul style="list-style-type: none"> <li>• The activities and behaviour of occupants.</li> </ul>
73	NE	110	<p>Box Natural England advice on bats and birds and wind turbines should be added to the box. This advises that turbines should be located at least 50m away from habitat features such as woodland or hedgerows used for foraging/commuting and bat roosts.</p>	<p>Accept.</p> <p><b>NOTE TO EDITOR:</b> Page 110. Micro-wind bullet list: add bullet:</p> <ul style="list-style-type: none"> <li>• <b>Locate turbines with the rotor tip at least 50m away from habitat features such as woodland or hedgerows used for foraging/commuting and bat roosts.</b></li> </ul>
74	NE	112	<p>Micro hydro Turbines can have a fundamental effect on the physical character of a river, altering physical habitat provision for characteristic flora and fauna. This occurs in three main ways.</p> <p>1) Alteration to geomorphology and hydraulics of the river</p>	<p>This is covered in more detail in the Planning Guidelines – it is proposed to make a general reference to the potential impacts of RE proposals and refer readers to the Planning Guidelines for further information – see response to NCC on comment 12.</p>

			<p>channel</p> <p>2) Alterations to the flow regime (via impounding structures to create head of water)</p> <p>3) Interruption of biological connectivity including the passage of fish and invertebrates.</p> <p>These issues need to be considered in any proposed scheme for micro hydro.</p>	
75	NE	App3	<p>1 This could be supplemented by a list of the current Conservation Areas within the North Pennines, and an indication of those which have completed conservation area appraisals/management strategies which provide useful information.</p> <p>2. Missing Appendix A useful addition would be detailed information on the requirements of biodiversity and protected species legislation and a list of good practice guidance, where relevant to building design. Alternatively this information should be included in Appendix 4.</p>	<p>1. <b>NOTE TO CWS</b> either accept and include a list of current conservation areas &amp; list those that have completed appraisals or say This information is best obtained from the relevant local authority. No change proposed.</p> <p>2 <b>NOTE TO CWS. We need to decide on this.</b></p>
76	CCC	5	Column 3 1 <sup>st</sup> paragraph is repetitive.	It is a little repetitive but is a reiteration/ amplification. No change proposed.
77	CCC	5	Column 3. <b>How to use this document</b> paragraph 1: should read This document amplified existing planning policies relating to AONBs contained in Local development Frameworks and Local Plans.	<p>The existing wording is preferred for consistency with the Planning Guidelines. No change proposed.</p> <p><b>NOTE TO EDITOR:</b> Page 6: Para 1: Change AONB Planning Guidelines (2009 consultation draft) to AONB Planning Guidelines.</p>
78	CCC	7	Requirements of SPDs no longer applies	<p>Accept.</p> <p><b>NOTE TO EDITOR:</b> Page 7. First paragraph. Delete first sentence: 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 character.</p> <p>Amend third sentence to read:</p> <p>It <b>is</b> an expression in more detail....</p>
79	CCC	11	Various changes suggested on pages 11 and 12 to reflect changes in PPS and abolition of RSS	Accepted. Changes are proposed – see response to comment 2.
80	CCC	14	There should be a map of the North Pennines showing the areas referred to.	<b>NOTE TO CWS:</b> You'll need to decide if you want a map here.
81	CCC	17	Capital T missing from The Derwent Valley	Noted. Correction is proposed – see response to comment 19.
82	CCC	29	All of the text should be in a box with larger text	<p>Accept.</p> <p><b>NOTE TO EDITOR:</b> Page 29.</p> <p>Put text in tone box - consider larger text for emphasis.</p>
83	CCC	33	<p>1 First paragraph. Can we lose this?</p> <p>2 Second paragraph – replace 'small acts of repair or even replacement' with Repair and maintenance....</p> <p>3 Delete reference to buildings in Conservation Areas</p>	<p>The wording of the text could be improved.</p> <p><b>NOTE TO EDITOR:</b> Page 33. Delete first paragraph: "<b>Much the greatest part....traditional buildings.</b>" Replace with:</p> <p>Repair and maintenance works play an essential role in looking after both the fabric and the character of traditional buildings. Although these works can seem very minor or routine they can have a substantial effect on a building's character over time. Taking care over the detail of relatively minor works – the re-pointing of stonework, the replacement of windows and doors or rainwater goods – will help conserve the character of the building for future generations.</p> <p>Paragraph 2, Sentence 1: Amend to read:</p> <p>Repair and maintenance works do not require planning permission.</p> <p>Sentence 2: Delete reference to Conservation Areas</p> <p>However in the case of listed buildings <b>or of buildings generally in Conservation Areas</b> it will be necessary....</p>

84	CCC	43	Delete sentence 1 and replace with 'When dealing with planning applications in the AONB...extensions and conversions...'	<p>The wording of the text could be improved.</p> <p><b>NOTE TO EDITOR:</b> Page 43. Paragraph 1: replace with:</p> <p>Many buildings will be altered, extended or even converted to a new use at some point during their life. If carried out sensitively this can allow old buildings to be adapted to meet changing needs while retaining their character and meaning. If done badly it can damage both the character of the building and its wider setting. When dealing with planning applications in the AONB, local planning authorities will aim to ensure that alterations and extensions reflect the quality of the original structure, surrounding buildings and setting.</p>
85	CCC	47	Column 3, line 4 – typo – it should be either <i>no strong</i> or <i>little</i>	<p>Accept</p> <p><b>NOTE TO EDITOR:</b> Page 47: Column 3, Sentence 2: Amend to read.</p> <p>In fact <i>there is little evidence</i> of this</p>
86	CCC	48	Delete paragraph 2 sentence 1. Replace 'Many of these' with 'the best of these'.	<p>Accept with modifications.</p> <p><b>NOTE TO EDITOR:</b> Page 48: Column 1, paragraph 2, delete first sentence "<i>Such examples are not a very good start....AONB</i>"</p> <p>Replace with:</p> <p>There are nevertheless a wide variety of attractive porches to be found across the AONB. The best examples often have a stone base with timber-framed windows and door. Robust versions may be built entirely of stone. More decorative porches – often dating from the late C19th – may feature elaborate timber barge boards and finials.</p>
87	CCC	50	Change first sentence to read: the design of windows and doors can have a strong impact on the character of a building.	<p>Accept.</p> <p><b>NOTE TO EDITOR:</b> Page 50: Paragraph 1: amend 1st sentence to read:</p> <p>The design of windows and doors can have a strong impact on the character of a building.</p> <p>Add final sentence to same paragraph:</p> <p><i>This can be achieved with features that are in keeping with the</i></p>



				character of traditional buildings.
88	CCC	52	Do we need Render and Painting sections?	Worth keeping in as it is an issue affecting new build / alterations etc as well as repair and maintenance. Mo change proposed.
89	CCC	53	Replace 'contained in IDFs' with 'and PPS4 (Planning for economic development in Rural Areas) Policy EC6	Accept with modifications. <b>NOTE TO EDITOR:</b> Page 53. Amend 1 <sup>st</sup> sentence to read: National and local planning policies are broadly supportive of new rural enterprise..... Line 4 and Line 7: change The planning authorities to Planning authorities
90	CCC	65	Delete phrase 'Whether the proposed.....affordable housing.	Accept with modifications. <b>NOTE TO EDITOR:</b> Page 65: Sentence 1: Delete phrase – Whether the proposed development is to be a new farm shed or affordable housing Amend Sentence 1 to read: Whatever the type of development, the key to successful...
91	CCC	65	Change para 2 to read ...site analysis plan, which can feed into a Design and Access Statement, which is required to be submitted with most planning applications.	Accept <b>NOTE TO EDITOR:</b> Page 65: Para 2: amend to read: ...site analysis plan, which can feed into a Design and Access Statement, which is required to be submitted with most planning applications.
92	CCC	66	Para 1 after villages, add ' especially those that have local services and facilities.' Delete 'that growth is used to achieve'	Accept with modifications. <b>NOTE TO EDITOR:</b> Page 66: Para 1: amend to read: There is scope for housing development in many villages, and particularly those that have local services and facilities. Planning authorities will wish to ensure that this takes the form of good quality housing which meets local need and helps conserve and enhance the AONB's environment.
93	CCC	70	Sentence 2 paragraph 1 is effectively repeated by sentence 1 paragraph 2.	This is a re-iteration in different words rather that a repetition. No change proposed.

94	CCC	71	Q use of word 'identifying' line 1.	Accept <b>NOTE TO EDITOR:</b> Page 71: amend first line to read: When <a href="#">developing</a> a new farm building...
95	CCC	75	Add EA contact details	Accept. Changes have been made to this section in response to EA comments.
96	CCC	85	Can entire section 'there is much delight.....design' go?	The wording of the text is a bit florid and should be re-worded. <b>NOTE TO EDITOR:</b> Page 85. Delete paragraph 1 ( <i>There is much delight.....planting design</i> ) and replace with:  <a href="#">The way a buildings sits within the landscape is often as important as the design of the building itself. In the vernacular landscapes of the AONB, buildings are often located to take advantage of variations in slope, sunlight and shelter, to respond to the need for access and water, to allow for the supervision of a tract of land or to enjoy a beautiful view. The relationship of any new building to its surroundings needs to be handled with care, and the detailing of any associated landscaping – from the planting of trees to the selection of paving materials - should be informed by what is present in the locality.</a>
97	CCC	87	References should be to local authority tree officers.	Accept. Changes are proposed in response to EDC comments above.
98	CCC	95	Typo at line 14 'advising' should read 'advice'	Accept <b>NOTE TO EDITOR:</b> Page 95. Line 14: change 'advising' to 'advice'
99	CCC	102	Change Trees on development sites SPG to Trees and Development SPD	Accept <b>NOTE TO EDITOR:</b> Page 102. change 'Trees on Development Sites: Supplementary Planning Guidance' to 'Trees and Development: Supplementary Planning Document'
100	CCC	117	Change email address to lpc@carlisle .gov.uk	Accept <b>NOTE TO EDITOR:</b> Page 117. change Carlisle City Council email

				contact to read: <a href="mailto:lpc@carlisle.gov.uk">lpc@carlisle.gov.uk</a>
<b>101</b>	<b>CCC</b>	<b>118</b>	Update references to CCC SPD.	Accept. <b>NOTE TO EDITOR:</b> Page 118 amend Carlisle City Council entry to read: <a href="#">Trees and Development SPD 2009</a> . <a href="#">Countryside Design SPD 2010</a> . <a href="#">Designing Out Crime SPD 2009</a> . <a href="#">Energy Efficiency SPD (Draft)</a>