

NORTHUMBERLAND COUNTY COUNCIL

STRATEGIC PLANNING COMMITTEE

At a meeting of the **Strategic Planning Committee** held in the **Council Chamber, County Hall, Morpeth, NE61 2EF** on **Tuesday 2 July 2019** at **4.00 pm**.

PRESENT

Councillor CW Horncastle
(Chair in the Chair)

MEMBERS

Armstrong E
Bowman L
Flux B
Gibson RM
Gobin JJ
Hepple A
Lang J
Ledger D

Moore R
Reid J
Renner-Thompson G
Robinson M
Stewart GM
Swithenbank ICF
Thorne TN

OFFICERS

Feige D
Little L
Masson N
Murfin R
Robbie K

Principal Ecologist and AONB Officer
Democratic Services Officer
Principal Solicitor
Director of Planning
Senior Planning Officer

ALSO PRESENT

Councillor J Riddle
Press/ public: 35

Ward Councillor

7. MINUTES

RESOLVED that the Minutes of the Strategic Planning Committee held on Tuesday 4 June 2019, as circulated, be agreed as a true record and be signed by the Chair with the following amendment:-

Minute number 5, page 6, paragraph 3 ... Councillor Thorn.. should read ...Councillor Thorne...

8. DETERMINATION OF PLANNING APPLICATIONS

The report requested the Committee to decide the planning applications attached to the report using the powers delegated to it. Members were reminded of the principles

which should govern their consideration of the applications, the procedure for handling representations, the requirement of conditions and the need for justifiable reasons for the granting of permission or refusal of planning applications. The procedure at Planning Committees was appended for information.

RESOLVED that the information be noted.

9. 19/00247/FUL

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

Land At Cold Law, Kirkwhelpington, Northumberland

Following the application being deferred at the last meeting a site visit by Members of the Committee had been undertaken and an addendum report published with the agenda papers providing a response from the Council's Tourism, Leisure and Culture Service. Since the publication of the agenda additional advice had been received from the Council's Building Conservation Officer and therefore a change to the recommendation to grant permission subject to a S106 agreement and a number of conditions were now being proposed. Details of these changes were provided and circulated to Members in an update report along with copies of a number of additional objections which had been received. A copy of the update report would be provided on the Council's website and attached to the signed minutes. The Chair advised he would allow up to 20 minutes for Members to read this information and the meeting recommenced at 4.20 pm.

The application was introduced by the Director of Planning and the Senior Planning Officer with the aid of a powerpoint presentation. The Committee was informed that whilst there had been Council wide problems with web-based services during the previous month this had been resolved and an additional 128 objections had been received on the application. It was clarified that the land would be publicly accessible and be designated as CROW land and maintained in perpetuity. Members were advised this was a highly unusual planning application which required them to consider a wide range of issues. The Director of Planning confirmed that consultee responses and the Land Impact Assessment plus additional third party advice received indicated that the development was acceptable on a technical basis, but it was very much a matter for Members to decide if it was appropriate and right for the location.

Ms E Anderson addressed the Committee speaking in objection to the application. Her comments included the following:-

- She was speaking on behalf of Keep the Wannies Wild, which had been formed in the wake of the last meeting to inform the local community about the proposal and oppose it. People had joined the group once they had realised what was being planned in this much loved location and the current membership was 534.
- Public consultation undertaken by the Planning Department had been inadequate. Most of those who had joined the group were either unaware of the proposal or understood little of its scale.
- This design in this location had caused a great deal of ill feeling. Local people would never grow to love or be proud of this monument. Members had written to

Her Majesty The Queen and they believed that Her Majesty, who valued tolerance, respect and understanding, would be horrified that a monument proposed in her name had caused such division.

- Others who also opposed the application included Corsenside and surrounding Parish Councils, Councillor Riddle, Guy Opperman MP, who stated “This would be an inappropriate development considering the location & lack of community support, which should be a prerequisite for such a project”. The Redesdale Society, an eminent archaeologist, a local publisher, writers, artists, musicians, craft workers, brewers, ramblers, horse riders and businesses who depend upon tourism who were happy to set aside profit for principle. The British Mountaineering Council polled its regional members and gathered 176 objections. 87 Further public objections had been added to the Council’s website since 18 June.
- The Council had provided a list of 90 neighbours consulted in a 2.5km radius of Cold Law. Many residents in that area insisted they had not been consulted. Initially, only three objections had been received from within that area. A further 28 had been received from surrounding locations.
- Only the applicant, his advisers, the artist, one resident of Ridsdale, the National Park Authority and almost all departments of the County Council appeared to support the proposal.
- In respect of the report from the Tourism and Visitor Economy Manager, which Councillors had requested, members of the group were both incredulous and angry at the subjectivity and audacity of the closing paragraphs which stated “It is believed that the structure will be a sensitive asset in relation to the landscape and the environment; It is noted that it will not be an isolated structure in an area already populated with wind turbines ...; and It is questionable that the landmark will attract substantial numbers of visitors”. She stated there was nothing of the “sensitive asset” about this proposal. It would impose a massive industrial structure into an unspoilt upland setting. Cold Law would be cut in half with the structure anchored in tons of concrete. This would be desecration promoted as sensitivity in the name of doubtful art.
- In response to questions as to why they had objected to this when the neighbouring countryside was already populated with wind turbines, she stated other communities might never agree to have a wind farm on their local hillside because if they did, their local landowner might decide to erect a giant tourist attraction nearby and this would undermine the nation’s renewable energy policy.
- If the officer believed the structure would have very few visitors, why suggest it should still be built? The report was silent as to how the structure would perform as a tourist attraction. There were no projections of visitor numbers and no sense of how the meagre local facilities would cope.
- Considering the considerable weight of public opinion demonstrated against this proposal, the inadequacy of the consultation and the dubious benefits for tourism, Keep the Wannies Wild respectfully asks for your support in rejecting this application.

Councillor Riddle addressed the Committee speaking as the Local Ward Member. His comments included the following:-

- He was a strong supporter of the Monarchy and the Queen and had 18 months ago received an OBE from the Queen for services to the community, environment and business. He felt that the proposal was not the way to honour the Queen.
- Just because a wind farm had been granted by the Government on the Ray Estate, to which Tynedale Councillors had objected and their decision had been overturned, was not a reason to allow this development in this location.
- He personally liked the design but felt it was not acceptable in that location.
- The turbines had a purpose and he highlighted the Council's recently declared Climate Change Emergency. This proposal was not environmentally friendly with tonnes of concrete and steel being used. The detailed plans showed that four large holes filled with concrete would be used to anchor the structure.
- Many people had written and sung over the years about the wonderful Wilds of Wannie.
- He had been a Councillor for over 30 years, and never, even when the wind turbines had been proposed, had he received as many letters and emails from concerned residents.
- There had been a large number of complaints regarding the planning portal and he considered there could be more objectors who had just given up trying to register their objection. The Facebook group had more than 500 people.
- This was a finely balanced decision and should be judged on whether it was believed that the public good would outweigh the harm the development would have on the countryside, and he urged that Members vote to reject the application.
- The size, scale, visual impact, unsuitable roads and narrow Ray Bridge along with the impact of the car park and scar of the footpath across the land were all quite severe impacts and Members would be justified in refusing the application.

Matthew Jarrett and Ros Southern addressed the Committee speaking in support of the application. Their comments included the following:-

- The site visit undertaken by Members of the Committee had been welcomed and it was hoped that Members had taken note that the monument would only be seen from very few properties and those who did have a view would be from 3km - 4km away and it would therefore be seen as a small silhouette on the horizon.
- The 16 wind turbines on the site contributed £275,000 per year to the local community.
- Discover Northumberland had been launched a few months ago and to have successful tourism across a large area a chain was required linking destinations such as Hadrians Wall, Belsay and Tyneside along with Alnwick and Kielder and this would be another place to visit.
- Consultation had been undertaken with exhibitions provided over 34 days across 5 venues, and the model of the sculpture had been viewed at the Cheeseburn Sculpture Park.
- He had been commissioning public art for 25 years and his experience with big art projects such as the Angel of the North, The Couples in Newbiggin, Kielder

and Northumberlandia was that all had initially caused concerns but were now sustainable and well visited tourist destinations.

- The landscape and visual impact assessment was highlighted.
- There were other man made elements in the vicinity such as the Wansbeck Valley Railway and two wind farms.
- Digital mapping of views from a number of different locations had been analysed and had shown that the slender form of the structure would not disrupt views over the landscape and its curved form derived from the topography of Cold Law would help the feature to sit well in the landscape context. It would be a modern landmark but the area would remain open in character and the history of the area open to interpretation.
- The site was 5km from the National Park with no objection received from them.
- Dry stone walling would be provided around the car park with no concrete kerbs provided within the car parking area in line with the National Park style.

In response to questions from Members of the Committee the following information was provided:-

- The structure would be 7m at its widest and 5m in depth. The blade of a wind turbine was approximately 3.5m. The met mast was approximately 73m in height.
- The operation of the infra-red light was a matter for the applicant. The condition stated it needed to be maintained and if this was not done a breach of condition notice could be issued.
- The public consultation undertaken had been over and above statutory requirements. A notice had been placed in the press and three site notices posted along with notification to properties within a 2.5km radius. The application had also been listed on the Council's website and public access system. Letters had been handed to Royal Mail for delivery at the end of January beginning of February addressed to "The Occupier" with none having been returned as undeliverable. Site notices were removed after 21 days.
- Legal advice was provided that Officers had a duty to report all the facts to the Committee at the time they considered an application therefore any additional responses by consultees or additional objections received if an application had been deferred should be reported to Members so that all the relevant information was able to be considered.
- Public art on this site had not been identified as part of a strategy or as part of negotiations on another application as was sometimes the case with public art, nor was it required to be. This was a private initiative and like all applications, the applicant was entitled to say how it would fit in with a relevant strategy even if the strategy did not identify it as a requirement and should be decided on its merits.
- From a technical point of view if an application had been found to be acceptable the default position would be that there would be no clear reason to refuse the application and therefore it would be recommended for approval. In this instance whilst the proposal was technically acceptable it would be the Committee's decision as to whether they agreed that the development was in the right location or whether they wished to propose refusal of the application because of that reason.

- It was clarified that the Planning Inspectorate could also decide an application taking other issues into consideration.
- All planning decisions were a matter of the balance of harm versus benefit; and applications with no public objections could be refused and applications with many objections could be approved as it would depend on the material issues raised. As examples - visual impact was a material consideration, however who was paying for something or their motivation was not. Refusing an application because it was in the fundamentally “wrong” location would be based upon a material consideration.

Councillor Flux proposed refusal of the application as he considered that the proposed development was in an inappropriate location and would have an unacceptable impact on the qualities of the area. This was seconded by Councillor Reid.

A number of Members expressed support for the recommendation to refuse stating that they did not feel that the proposal either protected or enhanced the natural environment as was required by the NPPF. They considered it an inappropriate setting for the monument which would spoil the beauty of the wild and natural environment. They also had concerns regarding the road network in the area but recognised that this could not be used as a reason for refusal.

Councillor Thorne advised that following his proposal to approve the application at the last meeting he still considered that it should be approved as it would add to the landscape and provide another tourist asset in the County.

The Director of Planning requested that should Members be minded to refuse the application, then delegated authority be given to himself and the Chair of the Strategic Planning Committee to agree the final wording of the reason for refusal.

Councillor Flux concluded by acknowledging the work undertaken by residents in raising public awareness of the application and stated the Wannies should remain wild.

A vote was taken on the proposal to refuse the application due to the inappropriate location as follows:- FOR 13; AGAINST 3.

RESOLVED that the application be **REFUSED** due to the inappropriate location and delegated authority be given to the Director of Planning and Chair of the Strategic Planning Committee to provide the final wording of the refusal reason.

10. PLANNING APPEALS

RESOLVED that the information be noted.

The meeting closed at 5.30 pm.

CHAIR _____

DATE _____