



Northumberland

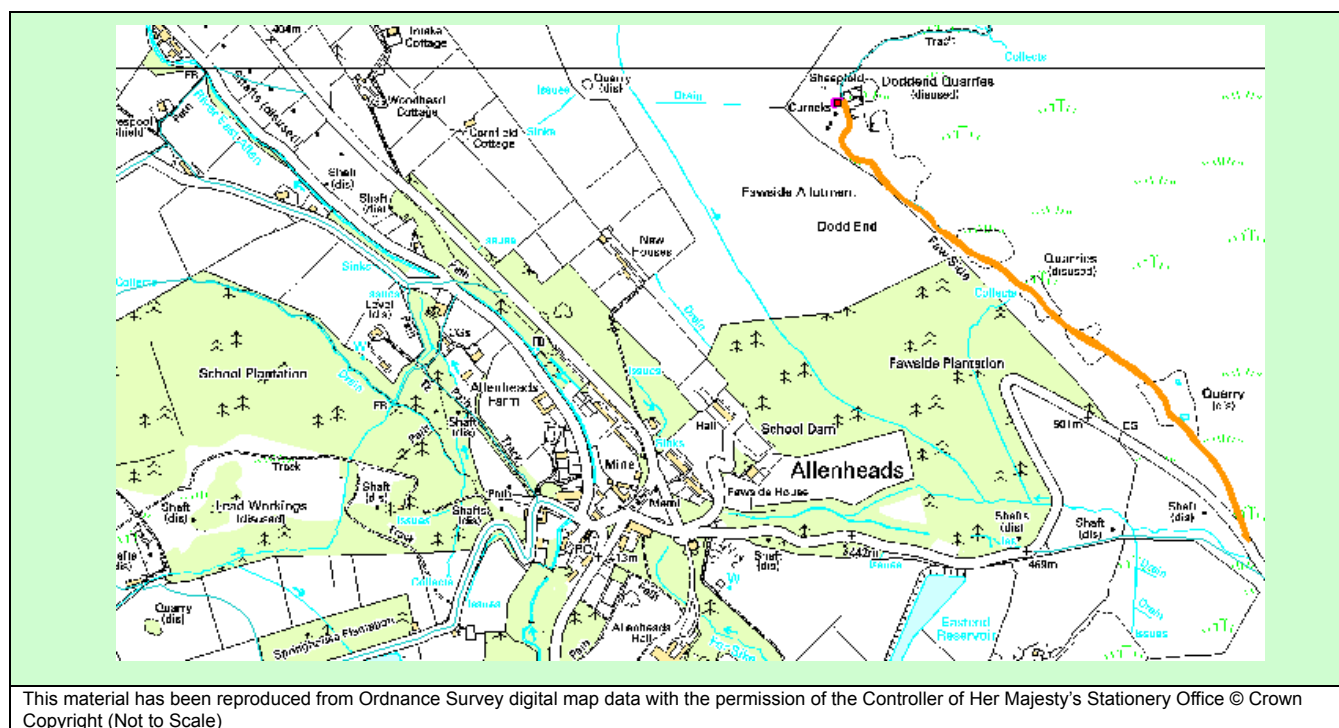
County Council

Tynedale Local Area Council Planning Committee

10 December 2019

Application No:	19/00630/FUL		
Proposal:	Retrospective: Creation of concrete hardstanding for existing helicopter landing area (amended description).		
Site Address	Land West of Doddend Quarry, Allendale, Northumberland		
Applicant:	East Allenheads Estate C/O GSC Grays, 5-6 Bailey Court, Colburn Business Court, Richmond North Yorkshire DL9 4QL	Agent:	Miss Maria Ferguson 14 Gordon Crescent, Richmond, DL10 5AQ
Ward	South Tynedale	Parish	Allendale
Valid Date:	26 March 2019	Expiry Date:	30 August 2019
Case Officer Details:	Name: Miss Rachel Campbell Job Title: Planning Officer Tel No: 01670 625548 Email: Rachel.Campbell02@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright (Not to Scale)

1. Introduction

- 1.1 Under the provisions of the Council's current Scheme of Delegation, the application has been referred to the Senior Planning Manager – Development Management and the Chair of the relevant Planning Committee for consideration to be given as to whether the application should be referred to a Planning Committee for determination. This matter has been duly considered under these provisions and it has been confirmed that the application should be referred to the Committee for determination.

2. Description of the Proposals

- 2.1 Retrospective planning permission is sought for the construction of concrete hardstanding for an existing helicopter landing area on land west of Doddend Quarry, near Allenheads.
- 2.2 The concrete hardstanding is square in shape and measures 7.3 metres by 7.3 metres. The area of the concrete hardstanding is 68.9 square metres. The supporting information states that the helicopter landing area is used privately by the applicant, East Allenheads Estate. The application form states that the works were undertaken and completed in July 2018. Additional ecological survey work has been submitted to accompany the application in response to the concerns raised by the Council's Ecology team and Natural England.
- 2.3 The use of the helicopter landing area does not have the benefit of planning permission. However, during the course of this application, additional information and evidence has been submitted to the Local Planning Authority indicating that the helicopter landing area has been in continuous use for over 10 years. Therefore, the Local Planning Authority is satisfied that the use of the helicopter landing area is exempt from planning enforcement action. The evidence provided includes written statements from a helicopter pilot and the Head Gamekeeper of the East Allenheads Estate. In light of the additional information, the description of the application has been amended accordingly. This application will therefore solely assess the physical works (the laying of the concrete) and not the use of the helicopter landing area. As a result, this application has been subject to re-consultation and all consultees have been made aware of the change to the description of the application.
- 2.4 The application site is located within the open countryside to the north east of the small village of Allenheads. The application site is within the North Pennines Area of Outstanding Natural Beauty (AONB), is within an Impact Risk Zone for a nearby Site of Special Scientific Interest (SSSI) and is directly adjacent to a Public Right of Way. The application site is also within a Special Area of Conservation (SAC) and is within a Special Protection Area (SPA).

3. Planning History

- 3.1 No planning history.

4. Consultee Responses

Newcastle International Airport	No objection.
Civil Aviation Authority	No response received.
Ministry Of Defence	No objection.
Ofcom	No response received.
Countryside/ Rights Of Way	Countryside/Rights of Way object to the application on the grounds that the helipad is unacceptably close to the Public Right of Way. The footpath will not be usable when the helipad is in use and no procedure for alerting users to the potential danger is in place nor any indication of how often or for how long on each occasion, the footpath will be out of use. Also, no action should be taken to disturb the path surface, without prior consent from Countryside/Rights of Way, as the Highway Authority, obstruct the path or in any way prevent or deter public use without the necessary temporary closure or Diversion Order having been made, confirmed and an acceptable alternative route provided.
Allendale Parish Council	<p>Allendale Parish Council object to the application and this was unanimously carried by all those Councillors who did not declare an interest. The initial objection from Allendale Parish Council stated that Parish Councillors considered as there does not appear to be any evidence of planning history to the site then no planning permission for the helipad must be in place. The Parish Council unanimously agreed that the Planning Department should take appropriate action and take into account the following comments:</p> <ul style="list-style-type: none"> a) The application should be for the construction of a helipad, not the resurfacing of an existing one. b) The drawings are not to scale and inaccurate with the true area being 66% bigger than shown. c) The ecological survey is comprehensive and well-written although bird monitoring is from 2005. d) There is no indication of how often the helipad would be used in the future. e) There is no information about safety arrangements for walkers that use the footpath that runs right by the helipad. f) There is no mention that the helipad is on common land and so needs consent from the Secretary of State for the Environment. g) There is an unjustified assertion that it is not harmful to the special scenic qualities of the AONB.

North Pennines AONB	No response received.
County Ecologist	<p data-bbox="528 259 1430 629">Regarding the description of the application as the resurfacing of an existing helipad and the claims in the Planning Statement that this is an established use, the Council's Ecology team are not aware of any planning history granting permission for the creation of a helipad and do not know if Natural England gave SSSI consent for the surfacing of the area in stone when it first started to be used for the landing of helicopters. Accordingly, this retrospective application may effectively represent an application for a new helipad rather than an upgrading of an existing facility.</p> <p data-bbox="528 674 1410 891">Further information will be required before it is possible to undertake a Habitat Regulations Assessment or to provide advice to the applicant concerning the implication of the proposal for the Hexhamshire Moors SSSI and for the Council's legal duties in relation to this. This needs to address the following points:</p> <ol data-bbox="579 936 1422 1989" style="list-style-type: none"> <li data-bbox="579 936 1422 1574">1. It is stated in the ecology report submitted with the application that there are no dwarf shrubs within 20m of the helipad with acid grassland being the only habitat present within that distance. However, when visiting the site, heathland was found to be within 8-9m of the helipad, and scattered heather and bilberry plants within 2m. Blanket bog was present to within about 30m. Accordingly, it is important that an NVC survey is undertaken of the vegetation within 30m of the helipad, with species lists and photographs for the communities found. A peat depth survey should also be submitted, identifying the locations at which peat depths have been measured with the peat depths found. A mitigation and enhancement plan should also be included, to address impacts caused by the creation of the helipad and to secure a degree of enhancement over and above this, as required by the NPPF. <li data-bbox="579 1619 1422 1989">2. The most effective way to address disturbance to SPA and SSSI bird species caused by the operational use of the helipad would be to impose a planning condition prohibiting its use during the breeding season (the beginning of April until the end of July). If the applicant wishes to try to avoid this restriction, they will need to provide detailed evidence identifying the zone likely to be disturbed by helicopters using the landing site, the habitats present within that zone and relevant ornithological survey work for that area, focussed on

	waders and raptors and using recognised survey techniques for those species.
Natural England	<p>Further information is required to determine the impacts on designated sites. As submitted, the application could have potential significant effects on:</p> <ul style="list-style-type: none"> • North Pennine Moors Special Area of Conservation (SAC) • North Pennine Moors Special Protection Area • Hexhamshire Moors Site of Special Scientific Interest (SSSI) <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:</p> <ul style="list-style-type: none"> • Completed Habitat Regulations Assessment <p>Without this information, Natural England may need to object to the proposal.</p>
Highways	No objection.
Royal Society Of Protection Of Birds (RSPB)	<p>The RSPB are concerned about the potential for the proposal to result in adverse impacts on the European Protected Sites and Site of Special Scientific Interest which it is located within and the lack of supporting information to support the claims of no adverse impact.</p> <p>Additional information has been provided by the applicant which the RSPB have read in detail; however, the RSPB do not consider the additional information to be sufficient in its extent to allow for the adequate assessment of impact to the protected sites within which the development lies. The RSPB therefore maintains their objection to the planning application as it currently stands based on lack of sufficient information and assessment to support a Habitat Regulations Assessment.</p> <p>The RSPB's specific concerns are as follows:</p> <ul style="list-style-type: none"> • The extra information is inadequate to support the completion of a Habitat Regulations Assessment. In fact, the report appears to be incomplete as it lacks a concluding section. • There is no consideration of the potential to restore primary habitats in the adjacent area despite some deep peat measurements and indications of priority habitat vegetation being present. • Bird data is wholly lacking and appears anecdotal rather than based on survey. It is unclear why an 80 metre

	<p>buffer has been selected and there is no assessment of potential impact relating to helipad usage.</p> <ul style="list-style-type: none"> • There is complete absence of a mitigation and enhancement plan to address impacts caused by the creation of the helipad (regardless of how long the site has been operational without planning permission). The applicant should seek to secure a 'net gain' in terms of enhancement as required by the NPPF. • A planning condition should set out a restriction for the use of the helipad during the bird breeding season as a precautionary measure against disturbance. Given the primary use for transporting clients to grouse shoots from August 12th, this should not present a problem for the applicant. Clearly this should exclude emergency scenarios.
--	--

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	0
Number of Objections	1
Number of Support	0
Number of General Comments	0

Notices

Site notice affecting Public Right of Way – Displayed on 10th April 2019
Press notice in Hexham Courant – Published on 11th April 2019

Summary of Responses:

One representation objecting to the application has been received from the National Open Spaces Society and has been summarised below:

- The description of the application is incorrect.
- The helipad would be on registered common land, on which the public has the right to walk. The proposal would require consent from the Secretary of State for Environment, Food and Rural Affairs under S38 of the Commons Act 2006.
- The proposal would be an interference with public rights, as well as a severe safety risk, and an eyesore on the landscape.
- The adjacent Public Right of Way would be severely inconvenienced and put at risk.
- The proposal would constitute inappropriate development in the North Pennines Area of Outstanding Natural Beauty.

The above is a summary of the comments. The full written text is available on our website at:

6. Planning Policy

6.1 Development Plan Policy

Allendale Neighbourhood Development Plan (2015)

Policy ANDP 1 – General Development Principles

North Pennines AONB Building Design Guide (2011)

North Pennines AONB Planning Guidelines (2011)

Tynedale LDF Core Strategy (2007)

Policy BE1 – Principles for the Built Environment

Policy GD1 – The General Location of Development

Policy GD4 – Principles for Transport and Accessibility

Policy NE1 – Principles for the Natural Environment

Tynedale District Local Plan (2000)

Policy GD2 – Design Criteria for Development

Policy GD4 – Range of Transport Provision for all Development

Policy LR19 – Safeguard Existing and Promotion of New Public Rights of Way

Policy NE15 – Development in the North Pennines AONB

Policy NE19 – Protection of Internationally Important Nature Conservation Sites

Policy NE26 – Protection of Habitats of Special Importance to Wildlife

Policy NE27 – Protection of Protected Species

Policy TP27 – Development affecting Public Rights of Way

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2019)

National Planning Practice Guidance (NPPG) (2018, as updated)

6.3 Other Documents/Strategies

Northumberland Local Plan (Publication Draft Plan) (Regulation 19) and Proposed Minor Modifications, as submitted on 29 May 2019

Policy ENV 2 – Biodiversity and Geodiversity

Policy ENV 3 – Landscape

Policy ENV 6 – North Pennines Area of Outstanding Natural Beauty

Policy QOP 1 – Design Principles (Strategic Policy)

Policy QOP 2 – Good Design and Amenity

Policy STP 1 – Spatial Strategy (Strategic Policy)

Policy STP 2 – Presumption in Favour of Sustainable Development (Strategic Policy)

Policy STP 3 – Principles of Sustainable Development (Strategic Policy)

North Pennines AONB Building Design Guide (2011)
North Pennines AONB Planning Guidelines (2011)

7. Appraisal

7.1 The main considerations in the determination of this application are:

- Principle of the development;
- Design and impact on the North Pennines AONB;
- Impact upon residential amenity;
- Highway safety;
- Ecology;
- Impact on the Public Right of Way; and
- Other matters.

Principle of the Development

7.2 The National Planning Policy Framework (NPPF) maintains that the starting point for the determination of planning applications remains with the development plan, unless material considerations indicate otherwise. As a starting point, Policy GD1 of the Tynedale LDF Core Strategy refers to the principles for the general location of development. This policy states development should be limited to the re-use of existing buildings within the open countryside unless otherwise allowed under alternative policies in the development plan.

7.3 The application site is located in the open countryside and is to the north east of the small village of Allenheads. There are no policies within the development plan which relate specifically to the type of development proposed. Therefore the proposed development would not accord with Policy GD1 of the Tynedale LDF Core Strategy. The application will therefore be assessed against other relevant policies within the development plan relating to issues such as design and impact on the North Pennines AONB. These issues will be discussed further below.

Design and Impact on the North Pennines AONB

7.4 Policy ANDP 1 of the Allendale Neighbourhood Development Plan sets out the general principles for development. This policy states that *“all development shall be designed and located having regard to the principles and advice set out in the North Pennines AONB Building Design Guide (2011) and the North Pennines AONB Planning Guidelines (2011) and any other relevant design guidance for AONB areas extant at time the application is determined”*. This policy also states that *“development that significantly and adversely affects the landscape character, appearance, tranquility and dark skies of the North Pennines Area of Outstanding Natural Beauty will not be permitted”*.

7.5 Policy BE1 of the Tynedale LDF Core Strategy sets out the principles for the built environment. One of the principles set out within Policy BE1 seeks to *“ensure*

that development is of a high quality design that will maintain and enhance the distinctive local character of the District's towns, villages and countryside".

- 7.6 Policy NE1 of the Tynedale LDF Core Strategy relates to the principles for the natural environment. One of the criteria set out within Policy NE1 seeks to *"protect and enhance the character and quality of the landscape, biodiversity and geological interest of the District and give particular protection to areas and sites recognised for their environmental and scientific interest"*.
- 7.7 Policy ENV 3 of the Northumberland Local Plan (Publication Draft Plan) relates to landscape. This policy advises that proposals affecting the character of the landscape will be expected to conserve and enhance important elements of that character.
- 7.8 Policy GD2 of the Tynedale District Local Plan sets out the design criteria which must be met by all types of development. One of the criteria set out within Policy GD2 states the design of proposed development *"should be appropriate to the character of the site and its surroundings, existing buildings and their setting, in terms of scale, proportions, massing, positioning and appearance of buildings, use of materials, structures and landscaped and hard surfaced areas"*.
- 7.9 Policy QOP 1 of the Northumberland Local Plan (Publication Draft Plan) sets out the design principles for all types of development to follow. Criterion (a) states that design will be supported where it *"makes a positive contribution to local character and distinctiveness and contributes to a positive relationship between built and natural features, including landform and topography"*.
- 7.10 Policy NE15 of the Tynedale District Local Plan relates to development in the North Pennines AONB. Policy NE15 states that *"development within or adjacent to the AONB which adversely affects the scenic quality of the AONB will not be permitted"*.
- 7.11 Policy ENV 6 of the Northumberland Local Plan (Publication Draft Plan) relates to development within the North Pennines AONB. This policy states *"the special qualities of the North Pennines Area of Outstanding Natural Beauty will be conserved and enhanced, having regard to the current AONB Management Plan and locally specific guidance"*.
- 7.12 The North Pennines AONB Building Design Guide does not specifically relate to the type of development proposed. The North Pennines AONB Building Design Guide does provide advice on hardstanding however this is specifically in relation to car parking and driveways.
- 7.13 The application site is located within the open countryside to the north east of the small village of Allenheads. The application site is open moorland with a Public Right of Way running across the land. The retrospective concrete hardstanding is highly visible from the Public Right of Way, which is approximately 3-4 metres from the development. The retrospective concrete hardstanding is 7.3 metres by 7.3 metres and is therefore considered to be small in scale.

7.14 The laying of the hardstanding would not have an intrusive effect on the countryside and would respect the traditional, rural character of the countryside setting of the application site. The proposal would not result in the urbanisation of the open countryside due to the nature and scale of the retrospective development. Thus, the retrospective development would be in accordance with Policies NE1 and BE1 of the Tynedale LDF Core Strategy, Policies GD2 and NE15 of the Tynedale District Local Plan, Policies ENV 3, ENV 6, QOP 1, STP 2 and STP 3 of the Northumberland Local Plan (Publication Draft Plan), Policy ANDP 1 of the Allendale Neighbourhood Development Plan and the principles of the NPPF in relation to design and impact on the North Pennines AONB.

Impact upon Residential Amenity

7.15 The application site is located within the open countryside to the north east of the small village of Allenheads. The application site has no immediate neighbouring properties and is surrounded by open land with Doddend Quarry to the east. Therefore, the proposed development would not directly impact upon residential amenity. The proposals are considered to be in accordance with Policy GD2 of the Tynedale District Local Plan and Policy QOP 2 of the Northumberland Local Plan (Publication Draft Plan) in relation to impact upon residential amenity.

Highway Safety

7.16 Policy GD4 of the Tynedale LDF Core Strategy sets out the principles for transport and accessibility. Policy GD4 of the Tynedale District Local Plan sets out the criteria relating to transport for all types of development. Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan) relates to promoting sustainable connections.

7.17 The Council's Highway Development Management team has been consulted on this application and raises no objection. The Council's Highway Development Management team consider that the retrospective development would not result in an adverse impact on highway safety. Therefore, the proposals are considered to be in accordance with Policy GD4 of the Tynedale LDF Core Strategy, Policy GD4 of the Tynedale District Local Plan, Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan) and the aims of Paragraph 109 of the NPPF in relation to highway safety.

Ecology

7.18 Policy NE1 of the Tynedale LDF Core Strategy relates to the principles for the natural environment. One of the criteria set out within Policy NE1 seeks to *"protect and enhance the character and quality of the landscape, biodiversity and geological interest of the District and give particular protection to areas and sites recognised for their environmental and scientific interest"*.

7.19 Policy NE19 of the Tynedale District Local Plan relates to the protection of internationally important nature conservation sites. This policy states *"potential and listed RAMSAR sites, existing and classified Special Protection Areas (SPAs) and candidate and designated Special Areas of Conservation (SACs) will be protected from adverse impact of development. Proposals for development on*

a potential or listed RAMSAR site or an existing or classified SPA or a candidate or designated SAC which are not connected with or necessary to the management of the site and which would adversely affect the site, either directly or indirectly will only be permitted where the developer can demonstrate that there are imperative reasons of overriding public interest for the development and there is no alternative solution”.

7.20 Policy NE26 of the Tynedale District Local Plan relates to the protection of habitats of special importance to wildlife. This policy states *“Wherever possible, habitats of special importance to wildlife such as semi-natural woodlands, peatlands and wetlands, species-rich grasslands and heather moorlands will be protected against any development which may destroy or adversely affect their value for nature conservation”.*

7.21 Policy NE27 of the Tynedale District Local Plan relates to the protection of protected species. This policy states *“development which would be likely to adversely affect badgers or other protected species including those listed on Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 (as amended) will only be permitted, if harm to the species can be avoided”.*

7.22 Policy ENV 2 of the Northumberland Local Plan (Publication Draft Plan) relates to biodiversity and geodiversity.

7.23 The application site is located within the North Pennine Moors Special Area of Conservation (SAC) and the North Pennine Moors Special Protection Area (SPA). An Ecological Report and additional ecological survey work has been submitted to accompany the application.

7.24 Natural England, the Royal Society for the Protection of Birds (RSPB) and the Council’s Ecology team have been consulted on this application. The RSPB acknowledge that additional information has been submitted to accompany the application, however, the RSPB do not consider the additional information to be sufficient in its extent to allow for the adequate assessment of impact to the protected sites within which the retrospective development lies. The RSPB therefore objects to the application based on a lack of sufficient information and assessment to support a Habitat Regulations Assessment.

7.25 Natural England has requested that a Habitat Regulations Assessment should be completed in order to determine the significance of the impacts of the retrospective development upon the North Pennine Moors SPA, the North Pennine Moors SAC and the Hexhamshire Moors Site of Special Scientific Interest (SSSI) and the scope for mitigation.

7.26 The Local Planning Authority is required to undertake a Habitat Regulations Assessment of the proposal under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, and can only grant permission if that assessment shows that the proposal would not have an adverse effect on the North Pennines Moors SPA and the North Pennines Moors SAC. A Habitat Regulations Assessment has been undertaken by the Local Planning Authority and has been submitted to Natural England for consideration. Therefore, members of the Planning Committee will be updated on this matter at the committee meeting.

7.27 Throughout the course of this application, additional information and evidence has been provided, and it has been established that the use of the helicopter landing area is lawful and exempt from planning enforcement action. Therefore, this application should solely assess the physical works (the laying of the concrete) and not the use of the helicopter landing area. All consultees were re-consulted following the change to the description. The Council's Ecology team have not provided further comments following re-consultation. The Council's Ecology team initially queried the planning history of the application site and raised concerns regarding the description of the application. These issues have been resolved throughout the course of the application. The Council's Ecology team requested that additional ecological survey work should be submitted and detailed exactly what was required.

7.28 Additional ecological survey work has been submitted to accompany the application in response to the initial concerns raised by the Council's Ecology team and Natural England. This additional information has then subsequently aided the completion of the Habitat Regulations Assessment by the Local Planning Authority. As aforementioned, the Habitat Regulations Assessment has been submitted to Natural England for consideration and members of the Planning Committee will be updated on this matter at the committee meeting. The retrospective laying of the concrete hardstanding is assessed within the Habitat Regulations Assessment.

Impact on the Public Right of Way

7.29 Policies LR19 and TP27 of the Tynedale District Local Plan relate to safeguarding public rights of way and limiting any potential adverse impacts from proposed development. Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan) relates to the promotion of sustainable connections and seeks to protect, enhance and support Public Rights of Way.

7.30 A Public Right of Way (Parish of Allendale Public Footpath No. 118) runs directly to the east of the helicopter landing area, at a distance of approximately 3-4 metres. The Council's Countryside Rights of Way team have been consulted on this application and object on the grounds that the helicopter landing area is unacceptably close to the Public Right of Way. The Council's Countryside Rights of Way team also consider that the Public Right of Way footpath is not usable when the helicopter landing area is in use and no procedure for alerting users to the potential danger is in place, nor is there any indication of how often or for how long on each occasion the Public Right of Way footpath is to be out of use.

7.31 As aforementioned, the Local Planning Authority consider that the use of the helicopter landing area is lawful and is exempt from enforcement action following the submission of additional information and evidence throughout the course of this application. The Council's Countryside Rights of Way objection relates to the use of the helicopter landing area in close proximity to the Public Right of Way. This application is solely assessing the physical works (the laying of the concrete) and not the use of the helicopter landing area. All consultees, including the Council's Countryside Rights of Way team, were re-consulted following the change to the description. It is acknowledged that the Countryside Rights of Way team have not specifically commented on the physical laying of the concrete within their re-consultation response. The use of the helicopter landing area,

which the Council's Countryside Rights of Way team object to, is not being assessed as part of this application. Therefore it is considered that the retrospective laying of the concrete hardstanding would not interfere with the footpath and would not disrupt its use. Overall, it is considered that the retrospective development would not adversely affect the Public Right of Way and would accord with Policies LR19 and TP27 of the Tynedale District Local Plan and Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan).

Other Matters

7.32 One representation objecting to the application has been received from the National Society of Open Spaces and has been summarised above (Section 5). This representation comments on issues such as design, the impact upon the adjacent Public Right of Way and the impact upon the North Pennines AONB. These issues have been addressed in the above paragraphs of this report (Section 7). The objection states that the description of the application is incorrect. During the course of this application, additional information and evidence has been submitted to the Local Planning Authority indicating that the helicopter landing area has been in use for over 10 years. Therefore, the Local Planning Authority is satisfied that the use of the helicopter landing area is lawful and is exempt from planning enforcement action. In light of the additional information, the description of the application has been amended accordingly and is considered to be correct and accurate.

Equality Duty

7.33 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

7.34 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

7.35 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.36 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.37 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 National and local planning policies have been taken into consideration when assessing this application. Although the retrospective development is not specifically covered by any development plan policies and would not accord with Policy GD1 of the Tynedale LDF Core Strategy, the application has been assessed against other relevant policies within the development plan. The proposal would accord with Policies BE1, GD4 and NE1 of the Tynedale LDF Core Strategy, Policies GD2, GD4, LR19, NE15 and TP27 of the Tynedale District Local Plan, Policies ENV 3, ENV 6, QOP 1, QOP 2, STP 2, STP 3 and TRA 1 of the Northumberland Local Plan (Publication Draft Plan), Policy ANDP 1 of the Allendale Neighbourhood Development Plan and the principles of the National Planning Policy Framework.

8.2 A Habitat Regulations Assessment has been undertaken by the Local Planning Authority and has been submitted to Natural England for consideration. Therefore, members of the Planning Committee shall be updated on the matter of ecology at the committee meeting.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The development hereby permitted shall be maintained in complete accordance with the approved plans. The approved plans for this development are:

1. Untitled - Aerial View Location (No Date) (Received on: 20/02/2019)
2. CROSS SECTIONAL PLAN OF HELIPAD LOCATED AT DISSUSED DODD END QUARRY, ALLENHEADS, NE47 9HD (No Date) (Received on: 20/02/2019)

3. ECOLOGICAL DATA SEARCH – STATUTORY & NON STATUTORY SITES (Date: 19 February 2019) (Received on: 20/02/2019)
4. ECOLOGICAL DATA SEARCH – PRIORITY HABITATS (Date: 19 February 2019) (Received on: 20/02/2019)
5. Helipad Location Plan (Date: 13/02/2019) (Received on: 20/02/2019)
6. HELIPAD – DODDEND QUARRY ECOLOGICAL REPORT prepared by DJC Environmental Consultants (Date: 20th February 2019) (Received on: 20/02/2019)
7. PLANNING STATEMENT, Ref: MF/19/003 (Date: February 2019) (Received on: 20/02/2019)
8. Existing & Proposed PLAN OF BIRDS EYE VIEW OF HELIPAD LOCATED AT DISSUED DODD END QUARRY, ALLENHEADS, NE47 9HD (No Date) (Received on: 11/03/2019)
9. Doddend Helipad – Site location plan (No Date) (Received on: 26/03/2019)
10. Aerial Plan with Habitats Overlaid (No Date) (Received on: 28/06/2019)
11. Letter from MB Air Limited (Date: 22nd May 2019) (Received on: 02/07/2019)
12. Letter from S.Colmer (No Date) (Received on: 02/07/2019)
13. Additional Survey Work (No Date) (Received on: 01/08/2019)

Reason: To ensure that the approved development is maintained in complete accordance with the approved plans.

Date of Report: 22.11.2019

Background Papers: Planning application file(s) 19/00630/FUL