Planning Guidance Note and Position Statement

Moorland Tracks and Access Roads

North Pennines Area of Outstanding Natural Beauty

UNESCO Global Geopark
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Access roads and tracks can have a substantial impact on the species, habitats and landscape of the AONB. Moorland shooting tracks, access tracks to isolated properties, tracks associated with forestry or with telecommunications installations can be visually intrusive, and can damage features of biodiversity, geodiversity or cultural heritage value.

This guidance note clearly sets out the issues associated with track construction and the AONB Partnership’s expectations.

This guidance note deals only with roads/tracks across moorland and not with public rights of way, except where development proposals affect them.

This document should be read in conjunction with the North Pennines AONB Planning Guidelines, and National and Local Planning Policies.

The North Pennines AONB Planning Guidelines can be accessed by following this link:

The North Pennines AONB designation is primarily to conserve and enhance the natural beauty of the area. Within the AONB boundary there is approximately 100,000 ha of deep or blanket peat, which equates to 30% of England’s blanket bog. In a healthy, functioning state, this blanket bog provides habitat for a range of wildlife, helps alleviate flooding, acts as a carbon sink, reduces water colour and preserves the historical and cultural record as well as supporting local agriculture and sporting industries.

The construction, upgrading or repair of access roads and tracks can have a range of impacts on the environment of the AONB.

There are over 900 km of surfaced moorland roads in the AONB.

The impact of access roads and tracks can sometimes be reduced by careful siting and design. Detailed guidance on upland tracks has been produced by Scottish Natural Heritage (SNH): Constructed Tracks in the Scottish Uplands (SNH updated 2013) which is too comprehensive to be repeated here but is highly recommended. A link to the document is provided:


1. Tracks can be conspicuously artificial elements in moorland landscapes that are otherwise generally lacking in man-made features. This can erode the sense of ‘wildness’, ‘remoteness’ and ‘naturalness’ which are fundamental to the purposes of the AONB designation.

2. Tracks and associated cuttings, embankments, small quarries and borrow pits can damage natural topography and features of geodiversity interest.

3. Tracks can be highly visible linear features in open landscapes that otherwise lack focal points, or contrast in colour and form with their surroundings, detracting from the character and appearance of the wider landscape.

4. Sensitive and important habitats can be lost or damaged either directly through the physical impacts of construction or indirectly through changes to their hydrology or bio-chemistry and through fragmentation.

5. Sensitive and important species can be disturbed directly, or can be affected by habitat changes or increased disturbance by vehicular or pedestrian traffic.

6. Deep peats can be severely damaged by vehicle tracking, the construction of the track itself and hydrological changes which can lead to erosion and a dry shadow effect. Scientific research has found that the peat on the ‘downslope’ side of the track is significantly drier than the ‘upslope’ and that this drying affect increases over time.

7. Water quality can be affected by run-off from tracks or the erosion of peat.

8. Features of cultural heritage value, including buried archaeology, can be physically damaged by the construction of tracks and borrow pits. The setting of important features – ancient monuments and listed buildings – can be impaired.

‘Borrow pit’ in this document should be taken to mean an extraction site from which construction material is taken and used as fill material at another location on the same holding. This is distinct from a quarry, which is subject to the Quarries Act (1999) and differs in that levies are paid on material that is extracted and removed from the holding and normally sold.
The construction of *tracks for agriculture or forestry purposes* is likely to be permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015. Borrow pits for the construction and maintenance of such tracks for forestry or agricultural operations are likely to have permitted development rights but *developers should check with the Local Minerals Planning Authority in each case*. Other small quarries and borrow pits will require planning permission.

*The maintenance / re-surfacing* of an existing stone track is likely to have permitted development rights, but the extraction of the mineral to do so may require further planning permission – *developers should check with the relevant planning authority in each case*. Putting down a hard surface on an unsurfaced route that is already used by vehicles does not count as maintaining an existing track – it requires planning permission.

Before undertaking works which have permitted development rights, developers must first provide a Notice of Intention to the local planning authority. Details of how to do this, and the necessary forms are on each Local Planning Authority / Minerals Planning Authority’s website.

It should also be noted that a large proportion of the AONB is within European sites (SPAs and SACs) and so permitted development rights may be curtailed or withdrawn as explained below.
Tracks requiring planning permission

*It should be noted that the creation of new made-up stone tracks across moorland for grouse moor management is not an agricultural or forestry development and it requires planning permission in all cases.*

The fact that farmers may also use these routes in stock management etc. is incidental. Access tracks to properties also require planning permission.

Local Planning Authorities (LPAs) should always ensure that landowners seek planning permission for non-agricultural track construction, including any widening of existing routes.

Local Plans rarely contain specific policies on tracks. Planning applications will generally be assessed against policies on the conservation and enhancement of environmental resources including biodiversity, geodiversity, landscape and cultural heritage. In determining such applications LPAs must have regard to the requirements of the National Planning Policy Framework paragraph 115, which states that ‘great weight’ should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.

Existing measures provide additional protection for nationally and internationally important nature conservation sites. European sites (Special Protection Areas and Special Areas of Conservation) are subject to protection under the Conservation of Habitats and Species Regulations 2017 to ensure compliance with the requirements of the Habitats Directive. If an operation which otherwise benefits from permitted development rights is likely to have a significant effect on a European site, and is not directly connected with agreed management arrangements, the person proposing the operation must apply to the planning authority for approval.
In effect, permitted development rights are suspended. The regulations also provide that the view of Natural England should be sought as to whether development is likely to have a significant effect.

Following receipt of an application for written approval, the planning authority will undertake an assessment of the implications of the proposal for the site in view of that site’s conservation objectives (an ‘appropriate assessment’). For Sites of Special Scientific Interest (SSSIs) a list of operations requiring consent forms part of the notification. If a land manager wishes to carry out any of the listed operations they must obtain consent from Natural England. If a public body proposes to carry out an operation likely to damage the protected natural features of a SSSI they must consult Natural England, whether or not the operation is listed as an operation requiring consent. This requirement on public bodies includes proposals outside the boundary of a SSSI but which are likely to damage the protected natural features of an SSSI. In effect, permitted development rights are removed, as with European sites.

Many nationally and internationally important geodiversity sites are protected by SSSI status, though some are not. Earth heritage SSSIs are subject to the same controls as those listed above in relation to sites designated for their biodiversity interest.

It should be assumed that track construction could affect species that are protected under domestic or international legislation (the Wildlife and Countryside Act 1981 (as amended), the EU Habitats Directive, the Conservation Regulations, habitats and species notified under section 41 of the Natural Environment and Rural Communities Act 2006, the EU Wild Birds Directive and the Protection of Badgers Act 1992) independent of planning legislation. Development can also have impacts on Scheduled Ancient Monuments which have statutory protection. Consents and licences may be required in addition to planning consent, although impacts on such features will also be a material planning consideration. Therefore the same processes should be adhered to when seeking planning permission for tracks whether on designated sites or not.
Temporary tracks, eg. plastic mesh tracks, across peatland may not require planning permission (proposers of such tracks should check with their Local Planning Authority in each case); they will still require consent from Natural England on SSSI / Natura 2000 sites. Developers in agri-environment schemes will also need to check that their proposals are compatible with the provisions in their agreement. A change from a mesh track to a stone track will require planning permission; the presence of a mesh track should not be seen as presenting an ‘open door’ to approval for a stone track.

The Moorland Association, Natural England and the North Pennines AONB Partnership sponsored a PhD through the University of Leeds to investigate novel track technology, including wooden and mesh surfaces, to help prevent damage. The results of this work can be found at (http://www.northpennines.org.uk/our-work/peatland-programme/research/tracks-on-blanket-peat-experiment/).

The conclusions of this trial were that the wooden structures designed for 4x4 use and the plastic mesh had minimal effect on the physical and hydrological properties of the peatland on which they were constructed, within the timescale of the trial. Hydrological properties remained intact even with increased driving frequency and loading of vehicles. Driving seemed to have little negative impact on blanket bog vegetation community on both types of track surface, which showed signs of recovery since site preparation, even with frequent use. Whilst there may be other specific issues to resolve in each case, eg. the potential for rutting, these track solutions have proven to be viable options for crossing deep peat in a variety of vehicles used in moorland management.
Content of Planning Applications and the role of the AONB Partnership

In order for the effects of proposals for the construction or up-grading of access tracks to be properly evaluated, planning applications will generally need to include all of the following information:

- A concise Design and Access Statement, clearly setting out the case for the development and the process leading to the application.

- Map(s) of the proposed route of the track onto an Ordnance Survey base at an appropriate scale, providing waypoints for any features.

- A thorough assessment of impacts on the historic and natural environment and hydrology of the site.

- An accurate recording of any geology, habitats and species potentially affected by the development.

- The type and depth of any soils, especially blanket peat.

- A survey and map of all watercourses, however minor.

- A Landscape and Visual Impact Assessment undertaken in accordance with the latest Guidance for LVIA produced by the Landscape Institute, identifying the Zone of Visual Influence.

- A public access assessment.

The AONB Partnership will consider all applications for access roads and tracks within the AONB. The role of the AONB Partnership is to work with others to ensure that all development within the Protected Landscape is not contrary to the purpose of AONB designation – the conservation and enhancement of natural beauty (as broadly defined by the NERC Act 2006). Our assessment of applications is made against relevant policy and informed by current research and practice. We will object to, and recommend that LPAs refuse, applications that will have a significantly adverse impact on the landscape, biodiversity, geodiversity, historic environment or communities of the AONB. **We will object to, and recommend that LPAs refuse, planning applications for stone tracks on deep peat (over 40cm); we will still reserve the right to object to applications where mitigation is offered if the initial damage is felt to be significant and adverse, on its own or cumulatively with other tracks in the area.**

We will recommend to the LPA that an application be refused should we conclude that the information necessary to make a full determination is absent. The final decision rests with the relevant Planning Authority.

Applicants are strongly advised to seek pre-application advice from the LPA at the earliest stage. This will ensure that key issues that will need to be addressed in the planning submission can be identified, and therefore that adequate and appropriate information can be submitted with the planning application.
Guidelines – Access Roads and Tracks

1. Avoid the construction of new stone tracks in moorland landscapes wherever possible and particularly in areas currently free from surfaced tracks. There should be no further stone track building on deep peat (over 40 cm) which either is, or has the potential to be, blanket bog.

2. Rigorously assess the need for any new track, or significant upgrading of an existing track.

3. Develop any track proposals in consultation with the relevant LPA / Natural England and the AONB Partnership team. Natural England consent in relation to protected sites does not constitute a ‘green light’ for track building – there are wider considerations.

4. Develop any track proposal which would alter the surface of a public right of way in consultation with the local Highway Authority.

5. Scope alternative means of access, or the use of smaller or lower-impact vehicles.

6. Scope alternative routes involving shorter tracks, track sharing, or lower-impact solutions, including the mesh or wooden tracks highlighted in this document.

7. Scope alternatives that involve the removal, restoration or reduction in scale of existing higher impact tracks.

8. Identify routes and borrow pit locations that avoid direct or indirect impacts on sensitive habitats or species.

9. Carry out a detailed topographical survey of the preferred route corridor.

10. Identify routes that minimise impacts on topography, avoiding damage to locally important features and minimising the need for conspicuous cuttings, embankments and deep culverts.
11. Thoroughly assess the environmental sensitivities of the route and surrounding area: seek the advice of ecology, landscape, geodiversity and heritage specialists.

12. Avoid routes that cross deep peats, mires and flushes. This includes any peat deeper than 40 cm as this is likely to have the potential to be blanket bog, regardless of current vegetation.

13. Identify alignments that fit the character of the landscape. Avoid straight lines in unenclosed landscapes. Exploit the potential of the landform or existing woodlands, hedges and walls to screen the track in important views.

14. Minimise the impacts of the track on the natural hydrology of the site and design drainage systems to accommodate future climatic changes.

15. Choose specifications and construction methods with the lowest environmental and landscape impact.

16. Conserve and translocate existing vegetation where possible. Restore disturbed areas using natural regeneration or the use of native species of local provenance.

17. Carefully consider the potential recreational use of the track including positive and negative attributes. Consider links to existing rights of way where appropriate, and the scope for dedication of the track as a public right of way, particularly as a bridleway.

18. Refer to SNH guidance for detailed design advice.
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