

**CHAPTER 3**

**THE NATURAL ENVIRONMENT**

## **3) THE NATURAL ENVIRONMENT**

### **3.0 INTRODUCTION**

- 3.0.1 The environmental character of Teesdale is predominantly rural covering an area of 84,000 hectares (325 square miles) with a population density of 0.3 persons per hectare. The protection and enhancement of the environment are an important issue both nationally and locally. Locally the high quality environment in Teesdale not only attracts visitors to the area but provides a pleasant living and working environment as well as portraying an acceptable image of County Durham and the North.
- 3.0.2 The designation of the North Pennines as an Area of Outstanding Natural Beauty indicates the national importance of the landscape in the area. Whilst the importance of protecting the countryside is recognised, there is increasing pressure from changes in agricultural policy, increased demand for tourism and recreation, the move of people from towns to more rural locations, the continued pressure from mineral extraction, industrial development, new road links and growing pressure for conservation. That pressure for change needs to be balanced against the desire to preserve the countryside for its own sake, for its amenity and productive value, as an ecological and recreational resource, and as a promotional asset. The duty of the Local Planning Authority should be to protect and enhance the environment for future generations to enjoy.
- 3.0.3 As well as the importance of the landscape of the area, Teesdale is also rich in areas of nature conservation including internationally and nationally designated sites.

### **3.1 LANDSCAPE**

- 3.1.1 The landscape of Teesdale is diverse, from the attractive open heather moorland of the Area of Outstanding Natural Beauty located in the west of the district, the Raby landscape, with its distinctive lime-washed farm buildings in the centre and the former coalfield areas of the north-east which has its own distinctive landscape, resulting from the remains of mining activities.
- 3.1.2 Apart from the Area of Outstanding Natural Beauty, a substantial area of the rest of the district is designated as an Area of High Landscape Value in the Structure Plan. Of particular interest is the River Tees valley with its attractive woodland on the valley sides, the Raby landscape in the central part of the district and Hamsterley Forest in the north. The landscape characteristics of the District have been based upon the Countryside Agency's Countryside Character Initiative.

3.1.3 There are two extensive areas of commercial forestry plantation, Hamsterley and The Stang, that have a significant impact on the landscape character. Four sites within the district have been recognised by English Heritage on their register of Parks and Gardens of Special Historic Interest in England.

3.1.4 The sites recognised are Bowes Museum and grounds, Lartington Hall, Raby Castle and Rokeby Park. These parks and gardens are an essential part of the nation's heritage as well as an important part of the landscape of the district.

### **3.2 NATURE CONSERVATION**

3.2.1 Throughout the district there are areas of importance for nature conservation, a substantial number of which have been nationally designated as "Sites of Special Scientific Interest". The Upper Teesdale area of the Moorhouse and Upper Teesdale National Nature Reserve is one of the few places in Britain where Alpine plants can be found growing naturally. There are parts of three candidate Special Areas for Conservation (cSAC) in the District: Moorhouse and Upper Teesdale cSAC, Pikestone, Eggleston and Woodland Fells cSAC and the North Pennine Meadows cSAC. These will be designated under the EC Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora. Also several extensive SSSIs contribute in part to the North Pennine Moors Special Protection Area (SPA). This would be designated under EC Directive 79/409/EEC on the conservation of wild birds. Together these sites are known as 'Natura 2000' sites and the designation of such are ongoing and further areas may be identified during the life of the Plan. PPG9 requires that cSAC and pSPA sites are treated within the planning system in the same way as designated sites.

3.2.2 Further important sites of local nature conservation interest are defined as areas having locally or regionally important wildlife or geological interest, which are not statutorily protected.

### **3.3 AGRICULTURE**

3.3.1 The landscape of Teesdale, like most rural parts of England and Wales, is experiencing changes. Within Teesdale these changes are significant, as approximately 79% of the district is used for agriculture.

3.3.2 Agricultural support systems now encourage environmental improvements instead of increased production. This has led to particular pressure on farming incomes in the beef/ sheep sector which dominates the agricultural pattern in Teesdale. To compensate for decline in incomes and to maintain the economic potential of smaller

farms and maintain prosperity in the rural economy, the Government encourages farmers to diversify into other activities.

- 3.3.3 Changes in farming techniques, including intensification have an effect on the landscape that is sometimes detrimental. Farmers are being encouraged to farm in environmentally sensitive ways; to this end as a Government agency English Nature is responsible for the Wildlife Enhancement Schemes, other DEFRA agencies promote Environmentally Sensitive Areas and the Countryside Stewardship Scheme.
- 3.3.4 The Environmentally Sensitive Areas in the district cover part of Upper Teesdale, Lunedale and Baldersdale. Farmers in these areas can enter into an agreement to farm using special management techniques to maintain and enhance conservation interest. In return the farmer is compensated for profits foregone using their less intensive traditional farming methods.
- 3.3.5 The Countryside Stewardship Scheme advises farmers on the most suitable methods of farming in specific landscapes such as moorland and wetland. The scheme promotes environmentally sensitive farming and compensates for any loss in production. The scheme targets key areas where it is most needed and is not confined to specially designated areas.
- 3.3.6 The design and location of agricultural buildings can have a dramatic impact on the countryside, even more so in the AONB. As such anyone wishing to erect an agricultural building in the AONB should refer to the 'Agricultural Buildings Design Guide' published by the North Pennines Area of Outstanding Natural Beauty Steering Group. This document has been adopted as Supplementary Planning Guidance.

### **3.4 RECLAMATION AND LANDSCAPE IMPROVEMENT**

- 3.4.1 The appearance of the district is important to residents as well as visitors and those seeking to invest in the district.
- 3.4.2 Historic activities have left a legacy of derelict land consisting of former quarries, spoil heaps, disused railway lines and military dereliction. In certain circumstances industrial dereliction may be seen as a heritage asset and as such any redevelopment may be subject to the provisions of BENV11. Mining and quarrying can also contribute to nature conservation which should be recognised and its management for nature conservation should be acknowledged as a valid land use.
- 3.4.3 The Derelict Land Survey found that at 1 April 1993, there was some 200 hectares of derelict land in the district, of which 190 hectares is defined as justifying restoration.



### **3.5 POLICY OBJECTIVES**

3.5.1 The policies of the plan will seek to secure the following objectives:

- ◆ To protect and enhance the areas of landscape interest, including those of national and local importance.
- ◆ To protect and enhance areas of nature conservation interest, including wildlife habitats, species and earth science interests, and in particular, to protect from adverse development any sites of designated importance.
- ◆ To protect areas of high agricultural value.
- ◆ To encourage the conservation, maintenance and planting of trees, hedgerows and other vegetation and the creation of wetlands and open water features for the purposes of nature conservation and the enhancement of the landscape.
- ◆ To identify and encourage the improvement or development of sites of dereliction that will improve the appearance of the district.
- ◆ To promote non-agricultural diversification providing it is line with the other policies in the plan.
- ◆ To encourage people to experience, enjoy and understand the natural environment.

## **3.6 POLICIES**

### **3.6.1 PROTECTION OF THE COUNTRYSIDE**

- 3.6.2 Central Government places a duty on local authorities through the implementation of the planning process to protect the countryside from inappropriate development, not primarily for its productive value but for its own sake. The protection of the countryside needs to be balanced against the need to facilitate development and economic activity that provides jobs.
- 3.6.3 The countryside for the purposes of the Plan is defined as land outside development limits for settlements as shown on the Inset Maps. The countryside is a finite resource that provides employment as well as leisure and recreational opportunities. Once development has occurred, that resource is lost for future generations.
- 3.6.4 Development will be largely restricted to the defined limits of towns and villages. The countryside will be protected for its own sake from unnecessary and harmful development. Some development is, however, needed to sustain rural communities, and some forms of development may require a specific location in the countryside. Where such a need is established, permission will be subject to detailed criteria reflecting, inter alia, environmental impact being satisfied.
- 3.6.5 The plan proposes sufficient industrial land within rural areas to satisfy the needs of the district. It is therefore unnecessary to allow further development within the countryside to facilitate industrial development other than those approved under Policies ECON5 and BENV13.

#### **POLICY ENV1**

**WITHIN THE COUNTRYSIDE DEVELOPMENT WILL BE PERMITTED FOR THE PURPOSES OF AGRICULTURE, RURAL DIVERSIFICATION PROJECTS, FORESTRY, NATURE CONSERVATION, TOURISM, RECREATION, LOCAL INFRASTRUCTURE NEEDS AND AN EXISTING COUNTRYSIDE USE WHERE THERE IS A NEED ON THE PARTICULAR SITE INVOLVED AND WHERE A PROPOSAL CONFORMS WITH OTHER POLICIES OF THE PLAN. TO BE ACCEPTABLE PROPOSALS WILL NEED TO SHOW THAT THEY DO NOT UNREASONABLY HARM THE LANDSCAPE AND WILDLIFE RESOURCES OF THE AREA.**

### **3.7 THE NORTH PENNINES AREA OF OUTSTANDING NATURAL BEAUTY**

- 3.7.1 The land in the west of the district is designated as an Area of Outstanding Natural Beauty, it comprises about 50% of the area of the district. Areas of Outstanding Natural Beauty are statutory designations, comprising areas where the landscape quality, flora, fauna and geological features are considered to be of national importance. The farmed landscape has a distinctive pattern of dry stone walls, vernacular buildings and hay meadows. The small size of farms is characteristic of the landscape and derives from the previous co-existence of a dual farming, lead mining economy. The whole area is of outstanding nature conservation value, particularly for plants and birds associated with the moorland and hay meadows.
- 3.7.2. The plan aims to protect the North Pennines Area of Outstanding Beauty from development that would detract from its unique scenic quality, AONB's having the highest status of protection in relation to landscape and natural beauty alongside National Parks. When determining applications for development the Authority will have regard to the economic and social well-being of local communities as well as protecting the landscape by ensuring that development contributes to that economic or social well-being and that special care and attention is taken to prevent such areas being spoilt by inappropriate development. Development that occurs in the Area of Outstanding Natural Beauty should be designed and sited to ensure that no unnecessary damage is caused to the landscape.

#### **POLICY ENV2**

**WITHIN AND ADJACENT TO THE NORTH PENNINES AREA OF OUTSTANDING NATURAL BEAUTY, AS INDICATED ON THE PROPOSALS MAP, DEVELOPMENT WILL ONLY BE PERMITTED WHERE IT PROTECTS THE LANDSCAPE QUALITY AND NATURAL BEAUTY OF THE DESIGNATED AREA. LARGE SCALE DEVELOPMENT WILL NOT BE PERMITTED WITHIN THE AONB UNLESS DEMONSTRATED TO BE IN THE PUBLIC INTEREST, HAVING REGARD TO ENVIRONMENTAL AND LANDSCAPE IMPACT, NEED FOR THE DEVELOPMENT IN TERMS OF NATIONAL CONSIDERATIONS AND THE IMPACT ON THE LOCAL ECONOMY AND THE COST OF AND SCOPE FOR MEETING THE NEED IN SOME OTHER WAY. SUCH DEVELOPMENT PROPOSALS SHOULD ACCORD WITH POLICY GD1.**





### **3.8 AREA OF HIGH LANDSCAPE VALUE**

3.8.1 The character of the English countryside has been mapped and described at a regional level by the Countryside Agency as part of the Countryside Character Initiative. Countryside Character. The character of England's natural and man-made landscape. Volume 1: North East (Countryside Commission 1998 CCP535) shows the district as containing four Countryside Character Areas:

CA 10 - North Pennines  
CA 16 - Durham Coalfield Pennine Fringe  
CA 22 - Pennine Dales Fringe  
CA23 – Tees Lowlands

Each of these landscapes has a distinctive character arising from differences in geology, soils, climate, flora and fauna together with human influences such as settlement patterns, farming practices and industrial development

3.8.2 Countryside Character contains information on the character of these landscapes. More detailed information on the character of local landscapes and refinement of Countryside Character Area boundaries will be provided by the County Durham Landscape Assessment currently being prepared by Durham County Council in partnership with the Countryside Agency.

3.8.3 Outside of the North Pennines Area of Outstanding Natural Beauty there are substantial areas in the district which are considered to be of countywide importance in respect of the character and quality of the landscape. These are designated as Areas of High Landscape Value. They include areas of intact, mature and unspoilt rural landscape in the lower dales of the North Pennines, much of the Pennine Dales Fringe, part of the Durham Coalfield Pennine Fringe and the Tees Lowlands.

3.8.4 Policy ENV3 builds upon the overall provisions of ENV1 for the special character and quality of its landscape. ENV1 remains applicable to the AHLV. The landscape character of the area defines as AHLV should be conserved and enhanced. It should be protected by resisting development that would detract from its special character and taking particular care in the siting and design of development considered to be appropriate. Designation as an Areas of High Landscape Value does not exclude all development and the operational need of agriculture will be take into account when determining applications for farm buildings.

3.8.5 Further information on the character and quality of these landscapes will be provided by the County Durham Landscape Assessment which will provide guidance for developers and land managers and assist in determining applications. The inner boundaries of the AHLV with

settlements will be subject to reassessment at a review of the plan in the light of the detailed findings.

**POLICY ENV3**

**THE PROPOSALS MAP DEFINES AN AREA OF HIGH LANDSCAPE VALUE WHERE THE DISTINCTIVE QUALITIES OF THE COUNTRYSIDE ARE WORTHY OF SPECIAL RECOGNITION. DEVELOPMENT WILL BE PERMITTED WHERE IT DOES NOT DETRACT FROM THE AREA'S SPECIAL CHARACTER, AND PAYS PARTICULAR ATTENTION TO THE LANDSCAPE QUALITIES OF THE AREA IN SITING AND DESIGN OF BUILDINGS AND THE CONTEXT OF ANY LANDSCAPING PROPOSALS SUCH DEVELOPMENT PROPOSALS SHOULD ACCORD WITH POLICY GD1.**

**3.9 HISTORIC PARKS AND GARDENS**

- 3.9.1 Within Teesdale there are four parks or gardens identified by English Heritage as of national importance. The areas identified all form the setting for large important buildings and are important for the setting of those buildings as well as for their own intrinsic value. Inappropriate development in these areas would detract from the important building as well as spoil a distinctive landscape.

**POLICY ENV4**

**THE COUNCIL WILL SEEK TO PROTECT THE HISTORIC CHARACTER AND APPEARANCE OF HISTORIC PARKS AND GARDENS AS DESIGNATED BY ENGLISH HERITAGE, INCLUDING THE FOLLOWING WHICH ARE IDENTIFIED ON THE PROPOSALS MAP;**

**BOWES MUSEUM GARDENS  
LARTINGTON PARK  
RABY PARK  
ROKEBY PARK**

**WITHIN THESE AREAS ONLY NEW DEVELOPMENT PROPOSALS THAT ARE COMPATIBLE WITH EXISTING USES ALREADY WITHIN THE AREA AND MEET THE FOLLOWING CRITERIA WILL BE GRANTED PLANNING PERMISSION:**

- A) THE PROPOSAL DOES NOT UNACCEPTABLY HARM THE HISTORIC LANDSCAPE OF THE AREA; AND**
- B) ANY BUILDING OR SIGNIFICANT EXTENSIONS ARE SITED AND OF A DESIGN, SCALE AND MATERIALS THAT ARE SYMPATHETIC TO THE EXISTING CHARACTER OF THE AREA.**

**SUCH DEVELOPMENT PROPOSALS SHOULD ACCORD WITH POLICY GD1.**

**3.10 NATURE CONSERVATION**

3.10.1 Within the district there are a number of Sites of Special Scientific Interest (SSSIs). There is also a large area centred on Cow Green Reservoir that is designated as a National Nature Reserve, as well as a Special Area of Conservation and a proposed Special Protection Area and Ramsar site.

3.10.2 The SSSIs are established under The Wildlife and Countryside Act 1981 in order to afford protection to flora, fauna, geological or physiographical features of special interest.

3.10.3 The most likely threats of damage stem from modern land management practices and recreational uses that may be outside planning control, but there are potential threats from various forms of development that give rise to a need for strengthened protection for such important areas and features. Potential detrimental effects could arise in a number of different ways, either through the destruction of an

important feature, or indirectly by, for example, introducing large numbers of visitors to a sensitive site. The District Council consider that development damaging to the National Nature Reserve or an SSSI should be permitted only in the most exceptional circumstances or for overriding national need for which there is no alternative solution, and that development damaging to the Moorhouse – Upper Teesdale SAC or North Pennine Moors pSPA/Ramsar site should not be permitted unless there are the most exceptional circumstances, with overriding international need, for which there is no alternative solution.

3.10.4 The “international” importance of some sites is now being examined. The European Union has developed the Habitats Directive to meet the commitments made at the Rio Earth Summit. The directive is European law which gives protection to certain rare and endangered habitats, plants and animals and provides for the creation of a network of protected areas across the European Union. Known as “Natura 2000”, this network will represent the best nature conservation sites in Europe. In England, most of these sites are already protected as SSSI’s. They will be given additional protection by being designated Special Areas of Conservation (SAC’s) or Special Protection Areas (SPA’s). Following advice from English Nature the Government has consulted on which sites are potentially suitable for SAC designation – a list of “candidate” SAC’s has now been forwarded to the European Commission. English Nature will be consulted in instances where development could affect a designated SAC or SPA. Proposals likely to affect these features will be carefully assessed taking account of the advice of English Nature. Planning permission will only be granted if no alternative solution is available and the development has to be carried out for imperative reasons of overriding public interest. Such reasons would have to be sufficient to override the ecological importance of the designation.

#### **POLICY ENV5**

**PROPOSALS FOR DEVELOPMENT OR LAND USE, WHICH MAY AFFECT A NATURE CONSERVATION SITE OF INTERNATIONAL IMPORTANCE, WILL BE SUBJECT TO THE MOST RIGOROUS EXAMINATION. SUCH PROPOSALS NOT CONNECTED TO AND RELATED TO THE MANAGEMENT OF THE SITE WILL NOT BE PERMITTED IF THEY HAVE SIGNIFICANT EFFECTS ON THE SITE, UNLESS THE COUNCIL IS SATISFIED THAT THERE IS NO ALTERNATIVE SOLUTION AND THERE ARE IMPERATIVE REASONS OF OVERRIDING PUBLIC INTEREST FOR THE PROPOSAL.**

**WHERE SUCH DEVELOPMENT DOES PROCEED, IT WILL BE SUBJECT TO PLANNING CONDITIONS AND OBLIGATIONS TO SECURE MITIGATION OR COMPENSATORY MEASURES, INCLUDING THOSE NECESSARY TO ENSURE THAT THE OVERALL COHERENCE OF NATURA 2000 IS PROTECTED. WHERE SUCH DEVELOPMENT DOES**

**PROCEED, IT MAY BE SUBJECT TO PLANNING CONDITIONS AND OBLIGATIONS TO SECURE MITIGATION OR COMPENSATORY MEASURES, INCLUDING THOSE NECESSARY TO ENSURE THAT THE OVERALL COHERENCE OF NATURA 2000 IS PROTECTED.**

- 3.10.5 SSSI's include National Nature Reserves, Nature Conservation Review Sites and Geological Conservation Review Sites. National Nature Reserves are areas of national, and sometimes international, importance owned or leased by English Nature, or by bodies approved by them, or are managed in accordance with Nature Reserve Agreements. Nature Conservation Review Sites are key sites selected nationally for their habitat importance whilst Geological Conservation Review Sites are selected as nationally essential for education and research into earth sciences. Jointly they form a framework of nationally important nature conservation sites where development proposals which may affect them will be subject to special scrutiny.

#### **POLICY ENV6**

**PROPOSALS FOR DEVELOPMENT IN OR LIKELY TO AFFECT SITES OF SPECIAL SCIENTIFIC INTEREST (INCLUDING NATIONAL NATURE RESERVES) WILL BE SUBJECT TO SPECIAL SCRUTINY. WHERE SUCH DEVELOPMENT MAY HAVE AN ADVERSE EFFECT ON THE SSSI, DIRECTLY OR INDIRECTLY, IT WILL NOT BE PERMITTED UNLESS THE REASONS FOR THE DEVELOPMENT, INCLUDING THE LACK OF ALTERNATIVE SOLUTIONS TO THAT BEING PROPOSED, CLEARLY OUTWEIGH THE NATURE CONSERVATION VALUE OF THE SITE ITSELF AND THE NATIONAL POLICY TO SAFEGUARD THE NATIONAL NETWORK OF SUCH SITES.**

**WHERE SUCH DEVELOPMENT DOES PROCEED, IT MAY BE SUBJECT TO PLANNING CONDITIONS AND OBLIGATIONS TO SECURE MITIGATION OR COMPENSATORY MEASURES.**

### **3.11. SITES OF LOCAL NATURE CONSERVATION INTEREST**

- 3.11.1 Sites of local nature conservation interest are defined as areas having locally or regionally important wildlife or geological interest, which are not statutorily protected. During the plan period the council will take advice from relevant agencies on the designation of sites of local nature conservation interest. Such sites need to be preserved in order to provide a wide variety of areas that are important for education, research, amenity and recreation.
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### **POLICY ENV7**

**DEVELOPMENT PROPOSALS, WHICH ARE LIABLE TO DAMAGE THE NATURE CONSERVATION VALUE OF SITES, NOTIFIED TO THE DISTRICT COUNCIL AS BEING OF LOCAL NATURE CONSERVATION IMPORTANCE WILL NOT BE APPROVED UNLESS:**

- A) THE CASE FOR DEVELOPMENT CLEARLY OUTWEIGHS THE NEED TO SAFEGUARD THE INTRINSIC VALUE OF THE SITE, AND**
- B) THE RESULTING DAMAGE IS KEPT TO A MINIMUM THROUGH CAREFUL DESIGN, SITING AND COMPENSATORY MEASURES.**

### **3.12 WILDLIFE**

3.12.1 Certain plant and animal species, including all wild birds, are protected under the 1981 Wildlife and Countryside Act as amended. The schedules to the Act relating to such protected species are reviewed regularly and changes notified to the Council. Some other animals are protected under their own legislation (e.g. the Protection of Badgers Act 1992). Similarly, the EC Habitats Directive also lists protected species. It is an offence to deliberately kill or injure such species or destroy their resting places or breeding sites. Listed plant species are also protected. The Conservation (Natural Habitats) Regulations 1994 provide protection to the habitats of protected species and impose a duty on the government to designate special areas of conservation (SACs) and special protection areas (SPAs).

3.12.2 PPG9 states that the presence of a protected species is a material consideration when considering a development proposal which, if carried out, would be likely to result in harm to the species or its habitat. English Nature will be consulted on applications affecting such features. Consideration will be given to attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the protection of the species. This could include a requirement for monitoring to ensure that any mitigatory works are successful in the longer term.

3.12.3 Bats and great crested newts can be encountered fairly frequently so developers are advised to ensure that a specialist survey and evaluation is carried out in the appropriate season, preferably before an application is submitted, to allow proper consideration.

3.12.4 Wildlife corridors provide an inter-connecting network of habitats allowing for the movement of species that would otherwise be isolated and many species cannot survive within the limits of designated sites. Wildlife corridors therefore have an important role to play in maintaining the current range and diversity of flora and fauna. Wildlife corridors



have been identified along the Rivers Tees and Gaunless in Teesdale and a range of policies exist in this plan (policies ENV7, ENV8, ENV9, ENV10, ENV13, ENV14 and ENV16) to provide protection to relevant habitats in line with Policy 68 of the Durham County Structure Plan and to enable the enhancement of their integrity.

### **POLICY ENV8**

**DEVELOPMENT WHICH WOULD SIGNIFICANTLY HARM ANY ANIMAL OR PLANT SPECIES AFFORDED SPECIAL PROTECTION BY LAW, OR ITS HABITAT, EITHER DIRECTLY OR INDIRECTLY, WILL NOT BE PERMITTED UNLESS MITIGATING ACTION IS ACHIEVABLE THROUGH THE USE OF PLANNING CONDITIONS AND, WHERE APPROPRIATE, PLANNING OBLIGATIONS, AND THE OVERALL EFFECT WILL NOT BE DETRIMENTAL TO THE SPECIES AND THE OVERALL BIODIVERSITY OF THE DISTRICT.**

### **3.13 ANCIENT WOODLAND**

3.13.1 Woodlands are an important feature in the landscape and ancient woodlands, as recognised by English Nature, are hundreds of years old and therefore virtually irreplaceable. Ancient woodlands have a local impact in supporting wildlife and generating its own particular colonies of flora and fauna. Woodlands also have a global contribution in absorbing pollution in the atmosphere. Due to the importance of these woodlands, the Council will resist large scale felling or development which adversely affects the woodland.

### **POLICY ENV9**

**DEVELOPMENT WHICH WOULD DAMAGE AREAS OF ANCIENT WOODLAND AS IDENTIFIED ON THE PROPOSALS MAP WILL NOT BE PERMITTED UNLESS THERE ARE NO ALTERNATIVE AND AVAILABLE SITES FOR THE PROPOSAL, AND THE RESULTING IMPACT IS MINIMISED THROUGH CAREFUL DESIGN, SITING AND COMPENSATORY MEASURES.**

### **3.14 TREE PRESERVATION ORDERS**

3.14.1 Individual trees and groups of trees have a significant impact on the landscape and townscape. Important trees within the district which have been threatened by felling are covered by Tree Preservation Orders. Many trees within the district are not covered by TPOs but are equally important to the environment both in terms of landscape and nature conservation.

3.14.2 The Council will seek to protect trees covered by a TPO from felling, unless they have become diseased or dangerous. The Council will also give consideration to the designation of further Tree Preservation Orders where the trees are under threat or make a valuable contribution to the local scene.

**POLICY ENV10**

**DEVELOPMENT WILL ONLY BE PERMITTED WHERE IT AVOIDS UNREASONABLE HARM TO OR LOSS OF:**

- ◆ ANY TREE OR HEDGEROW PROTECTED BY A PRESERVATION ORDER; OR
- ◆ A TREE WITHIN A CONSERVATION AREA; OR
- ◆ ANY TREES, TREE BELTS OR HEDGEROWS WHICH DO, OR WILL WHEN MATURE, CONTRIBUTE SIGNIFICANTLY TO ANY OF THE FOLLOWING:

- A. LANDSCAPE DIVERSITY
- B. THE SETTING OF NEARBY EXISTING OR PROPOSED BUILDINGS
- C. A PROTECTED SPECIES HABITAT
- D. VISUAL AMENITY

**WHERE NO OTHER SITE IS AVAILABLE FOR THE PROPOSED DEVELOPMENT AND PERMISSION IS ALLOWED, THE PLANTING OF REPLACEMENT TREES WILL BE REQUIRED ON OR CLOSE TO THE SITE.**

**POLICY ENV11**

**THE COUNCIL WILL MAKE TREE PRESERVATION ORDERS WHERE THERE IS NO ALTERNATIVE MEANS OF EFFECTIVELY SAFEGUARDING THE EXISTENCE AND APPEARANCE OF TREES WHICH ARE VISUALLY IMPORTANT TO THE DISTRICT.**

**3.15. AGRICULTURAL LAND**

3.15.1 The MAFF Agricultural Land Classification System, divides agricultural land into five grades based on its physical limitation to agriculture. Grades 1, 2 and 3a are defined as 'best and most versatile', and this represents the highest quality one third of agricultural land in the country.

3.15.2 Agriculture is also important for its impact on the landscape and its ecological importance. Approximately 79% ( 66,360 hectares) of the area of Teesdale is given over to agriculture. This indicates the importance of agriculture, not only for its economic and employment aspects but for its role in the landscape and ecology of the district.

3.15.3 Whilst agriculture will remain the dominant use of the countryside in the foreseeable future, a change of emphasis in Government policy means that it is no longer as important to maximise agricultural output. Most agricultural enterprises are controlled by livestock quotas or set-aside requirements, and farmers are now encouraged to diversify in order to maintain and improve their incomes. The farmers role of maintaining and enhancing the appearance and nature conservation interest of the countryside has become even more important.

3.15.4 It is Government policy to protect the best and most versatile land from irreversible development. Appropriate reversible uses may be considered, for example, golf courses, other open recreational uses, or nature conservation uses. Applications will need to be accompanied by detailed proposals for the handling of soils so that the potential reversibility can be assessed.

3.15.5 All proposals will be subject to the policies on landscape protection, nature conservation and highway considerations.

#### **POLICY ENV12**

**DEVELOPMENT OF THE BEST AND MOST VERSATILE AGRICULTURAL LAND WILL NOT BE PERMITTED UNLESS OPPORTUNITIES HAVE BEEN ASSESSED FOR ACCOMMODATING DEVELOPMENT NEED ON PREVIOUSLY DEVELOPED SITES, ON LAND WITHIN THE BOUNDARIES OF EXISTING DEVELOPED AREAS, AND ON POORER QUALITY FARMLAND.**

### **3.16 RECLAMATION AND LANDSCAPE IMPROVEMENT**

3.16.1 Within Teesdale there are areas of dereliction mainly associated with former quarry and mining operations, the railway and former military activities, such as bases or firing ranges. Those areas of dereliction which amount to approximately 200 hectares detract from the natural beauty of the district.

3.16.2 The Council will promote the reclamation of derelict sites and general landscape improvement for the benefit of residents and visitors alike.

3.16.3 The reclamation of derelict sites can often offer opportunities for recreation or leisure, better access to the public and nature conservation.

3.16.4 Reclamation and environmental improvements should take account of nature conservation, archaeological, geological and geomorphological sites of importance, in accordance with the policies ENV2, ENV3, ENV5, ENV6, ENV7, ENV8 and BENV11.

3.16.5 Derelict and disused land often regenerates itself and may contain important habitats and species which are important as nature conservation sites.

### **POLICY ENV13**

**THE COUNCIL WILL SEEK TO IMPROVE THE APPEARANCE OF THE DISTRICT BY THE RECLAMATION OF CURRENTLY DERELICT LAND. DEVELOPMENT PROPOSALS FOR THE AFTER USE OF SITES WITHIN THE COUNTRYSIDE WILL BE REQUIRED TO:**

- A) CONSIST PREDOMINANTLY OF OPEN LAND USES INCLUDING AGRICULTURE, FORESTRY, NATURE CONSERVATION, COUNTRYSIDE RECREATION, SPORT AND LEISURE; AND**
- B) ENHANCE THE AMENITY OF THE SURROUNDING COUNTRYSIDE.**

### **3.17 PROTECTION OF WATER QUALITY**

3.17.1 The water (surface waters and ground water) within Teesdale District is generally of good quality and should be protected.

3.17.2 The quality of surface and ground water is vitally important to a wide range of uses and users within Teesdale District including domestic, agricultural and industrial. It is also important to general amenity, fisheries, nature conservation and water-based recreation.

3.17.3 Inappropriate development can result in both indirect and direct pollution of the water environment, which can be difficult to detect and mitigate. Groundwater is particularly at risk from distributed and diffuse sources of pollution which can accumulate over many years and can be especially difficult to identify and rehabilitate.

3.17.4 The District Council will, in consultation with the Environment Agency, strictly control any development which will have an adverse effect on the quality of surface and/or ground water. Where appropriate the District Council will require appropriate pollution control measures to be incorporated into development proposals to reduce the risks of water pollution.

**POLICY ENV14**

**DEVELOPMENT WILL NOT BE PERMITTED WHICH WOULD UNACCEPTABLY PREJUDICE THE QUALITY OF SURFACE OR GROUND WATER.**

**3.18 PROTECTION FROM FLOODING**

3.18.1 Flooding is an important land use consideration within Teesdale District. There are a number of watercourses in the Plan area which experience localised flooding problems. Unless carefully sited and designed, new development or re-development adjacent to rivers can be at risk from flooding and can exacerbate the risk of flooding elsewhere by reducing flood storage capacity. Land raising in such areas can also reduce flood storage capacity, resulting in flooding problems.

3.18.2 The areas thought to be at risk from flooding are identified on Indicative Flood Plain Maps prepared by the Environment Agency in accordance with the requirements of Department of Environment Circular 30/92. These maps, which are a combination of historical flooding information and the predicted 1 in 100 year flood plain, should be referred to in order to identify areas at risk from flooding, where the above policy shall be applied. However, it should be noted that flood risk information is not a precise science and the information provided on these maps represents the best currently available. For further information, prospective developers should consult the Environment Agency.

3.18.3 New development can also increase the risks of flooding by accelerating surface water run-off. In such cases hydrological/hydraulic surveys may be necessary and works may be required to control/attenuate surface water run-off, such as on-site storage.

3.18.4 In exceptional cases where development in floodplain areas is permitted, it will be expected to include appropriate flood protection and mitigation measures which will be identified and provided at the developer's expense, in consultation with the Environment Agency.

### **POLICY ENV 15**

**DEVELOPMENT (INCLUDING THE INTENSIFICATION OF EXISTING DEVELOPMENT OR LAND RAISING) WHICH MAY BE AT AN UNACCEPTABLE RISK OF FLOODING OR MAY INCREASE THE RISK OF FLOODING ELSEWHERE WILL NOT BE PERMITTED. DEVELOPMENT IN HIGH RISK FLOOD AREAS WILL ONLY BE PERMITTED AS AN EXCEPTION WHERE THERE ARE NO REASONABLE OPPORTUNITIES TO DEVELOP IN A LOWER RISK AREA. APPLICATIONS WILL BE CONSIDERED AGAINST THE CRITERIA IN THE SEQUENTIAL TEST SET OUT IN PARAGRAPH 30 AND TABLE 1 OF PPG25. ALL APPLICATIONS FOR DEVELOPMENT IN FLOOD RISK AREAS AND/OR WHERE THE DEVELOPMENT WOULD RESULT IN AN INCREASED RISK OF FLOODING ELSEWHERE WILL BE ACCOMPANIED BY A FLOOD RISK ASSESSMENT AS OUTLINED IN PPG25, APPENDIX F. DEVELOPERS WILL BE REQUIRED TO FULLY FUND THE PROVISION AND FUTURE MAINTENANCE OF FLOOD MITIGATION AND DEFENCE MEASURES REQUIRED AS A RESULT OF THEIR PROPOSALS, INCLUDING ANY CONSEQUENT WORKS TO PREVENT ADDITIONAL FLOOD RISK TO OTHER LAND/PROPERTIES. WHERE APPROPRIATE, NEW DEVELOPMENT SHOULD INCORPORATE A SUSTAINABLE DRAINAGE SYSTEM IN ORDER TO MANAGE SURFACE WATER RUN-OFF RATES AND SO ASSIST WITH THE PREVENTION OF FLOODING.**

### **3.19 RIVERS AND STREAMS AND THEIR CORRIDORS**

- 3.19.1 Rivers, streams and their corridors are important resources offering conservation, amenity and recreational value. They are important linear features which can form a basis for wildlife corridors, promoting ecological diversity. They can also contribute significantly to the quantity, quality and diversity of recreational opportunities within a local area.
- 3.19.2 The rivers and streams within Teesdale District provide valuable habitats for wildlife as well as areas for recreation and increase the visual quality of the landscape.
- 3.19.3 Development pressures can result in encroachment of built development into river channels and river corridors. This can have an adverse impact on nature conservation and recreation interests, water quality and can also be visually intrusive. Where appropriate, the

District Council will encourage the incorporation of a “buffer strip” between the development site and the edge of the watercourse.

- 3.19.4 Buffer strips potentially have a wide range of benefits. They can create/preserve wildlife habitats, stabilize river banks (thus reducing erosion), reduce the risk of flooding and help to reduce the risk of water pollution as well as improving the visual amenity of the river corridor.
- 3.19.5 The culverting or modification of a watercourse can increase flood risk and can result in a break in the continuity of river corridors, adversely affecting nature conservation interests. The formal consent of the Environment Agency is required for culverting under the terms of the Water Resources Act 1991 and will not normally be granted except for access crossings.
- 3.19.6 Where, in exceptional cases, development which would have an adverse impact on a river or stream corridor is permitted, the District Council will require the developer to provide appropriate mitigation. The District Council will generally encourage initiatives and proposals which result in the conservation or enhancement of natural features or wildlife habitats of rivers and streams and their corridors.

**POLICY ENV16**

**THE DISTRICT COUNCIL WILL RESIST DEVELOPMENT, WHICH WOULD HAVE A SIGNIFICANT DETRIMENTAL IMPACT ON NATURAL FEATURES AND WILDLIFE HABITATS OF RIVERS AND STREAMS OR THEIR CORRIDORS.**

**3.20 SEWERAGE INFRASTRUCTURE AND SEWAGE DISPOSAL**

- 3.20.1 In some parts of Teesdale the sewerage infrastructure is nearing its design capacity. In certain areas, further development could result in severe environmental problems. New development, therefore, will be restricted to locations where adequate infrastructure already exists or where additional provision can be made in time to serve the development.
- 3.20.2 A number of sewage treatment works within the Plan area are due to be upgraded by Northumbrian Water Ltd to meet new demands and the tighter discharge consent standards imposed by the Environment Agency. Where Northumbrian Water’s proposals for the timing and capacity of new infrastructure are not compatible with a developer’s programme, they will be asked to investigate, with the developer, alternative arrangements for the appropriate implementation of the capacity provision.

**POLICY ENV17**

**PROPOSALS FOR DEVELOPMENT WHICH INCREASE THE DEMANDS FOR OFF-SITE SEWERAGE INFRASTRUCTURE, SUCH AS SURFACE WATER DRAINAGE, SEWERAGE AND SEWAGE TREATMENT, WILL BE PERMITTED ONLY WHERE ADEQUATE CAPACITY ALREADY EXISTS OR SATISFACTORY IMPROVEMENTS CAN BE PROVIDED IN TIME TO SERVE THE DEVELOPMENT WITHOUT DETRIMENTAL EFFECTS ON THE ENVIRONMENT. WHERE MAIN DRAINS ARE NOT AVAILABLE TO SERVE A DEVELOPMENT, ALTERNATIVE METHODS OF SEWAGE DISPOSAL WILL BE ASSESSED BY THE DEVELOPER IN LINE WITH THE ADVICE IN CIRCULAR 3/99, PRIOR TO THE DETERMINATION OF THE APPLICATION.**