



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/14/03416/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Temporary use of land for five year period as film set including siting of associated temporary structures
<b>NAME OF APPLICANT:</b>	ITV Beowulf Ltd
<b>ADDRESS:</b>	Former Eastgate Quarry, Eastgate
<b>ELECTORAL DIVISION:</b>	Weardale
<b>CASE OFFICER:</b>	Claire Teasdale, Principal Planning Officer, 03000 261390, <a href="mailto:claire.teasdale@durham.gov.uk">claire.teasdale@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. Eastgate Quarry is a restored carboniferous limestone quarry situated at Eastgate, approximately 2 miles west of Stanhope. The quarry covered an area of approximately 138 ha and is located on a hillside to the south of the River Wear. The cement works was located on the valley floor between the A689 and the River Wear. Both sites closed in October 2002 with restoration of the quarry being completed in 2007.
2. The North Pennines Area of Outstanding Natural Beauty (AONB) and UNESCO European and Global Geopark generally encircles the boundary of the former quarry the exception being where the designation encroaches into the application site along the north western boundary and onto part of the access. The remainder of the site lies within an Area of High Landscape Value. Public rights of way surround the quarry but are not located within the application site.
3. There are a number of European designated nature conservation sites within the immediate vicinity of the site. These being the Fairy Holes Cave Site of Special Scientific Interest (SSSI) and Westernhope Burn Wood SSSI. More distant are the Bollinope, Pikestone, Eggleston & Woodland Fells SSSI, North Pennine Moors Special Protection Area (SPA) and North Pennine Moors Special Area of Conservation (SAC) with other international and local ecological designations beyond.

## The proposal

4. Planning permission is sought for the use of land within the southern part of the former quarry (approximately 12 hectares) for five years as a film set, including the siting of associated temporary structures. The set is required for the filming of an ITV drama entitled 'Beowulf' set in the Dark Ages and would serve as the town around which life revolves. The set would be used for outdoor filming with internal filming of the Mead Hall being at an off-site studio set.
5. Structures to be erected would seek to reflect those of the time it would portray, and would include a Mead Hall, some twenty houses, a forge and mining walkways, jetties and other associated features. The heights of the structures would vary between 12.19m and 3.35m.
6. The structures would be located either side of a waterbody within the southern part of the quarry. To the south of the waterbody would be a smelting area with linking walkways (heights from 1.82m – 6.09m and widths from 1.22m – 6.09m). Also in this area would be an arena. The arena would be circular being 18.28m in diameter with a height of 3.65m; a tower would be constructed bringing the height to a total of 6.09m. To the north of the lake would be housing. Houses would either be circular in design with walls of 1.67m in height increasing to 3.35m including the roof. An alternative would be a tent shaped design measuring 3.65m in height, 4.87m in width and 6.09m in length. A further building would be 12.12m in length and 7.31m in width. The Mead Hall (45.72m wide with a height of 12.19m and depth of 15.24m) would be set back from the housing.
7. The structures would be primarily created from a scaffold framework which would be clad with wood and the roofs would be a mixture of thatch, turf and timber. Construction of the set would employ up to 30 people. It is intended that the structures would remain standing through the winter breaks.
8. Filming would take place between mid-March and mid-October. 13 one hour episodes will be shot with the first airing in January 2016. The applicant hopes that the series would run for 5 years with filming taking place at the same time each year. It is anticipated that filming would take place 10 – 12 days per month with a normal filming day being 08:00 to 19:00 hours with the possibility of some night filming.
9. Access to the site would be via a tarmacked track up to the former quarry from the C74 Road. This being the route previously used by traffic accessing the quarry.
10. Security measures including the manning of access gates during filming, night time presence during the building of the set and during filming and signage to deter trespassers on the boundary fence. During the months were filming would not take place security cameras may be used.
11. The development commenced following the submission of the planning application and a number of structures have been erected, and although unfortunate, this has been due to the need to respond to filming schedules. Certain structures have been erected and hardcore tracks have been laid out in response to inclement weather and the need for access to the film set.
12. The application is being reported to the County Planning Committee because it is major development.

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## **PLANNING HISTORY**

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13. Planning permission was originally granted for mineral extraction and cement works at Eastgate in 1963 followed by extensions granted in 1977 and 1984. A number of planning permissions were also granted for the provision and use of buildings and plant at the quarry and works. In January 2006 a new scheme of conditions for the restoration of the site were approved under the requirements of the Environment Act 1995.
14. Following the closure of the quarry and cement works in 2002 the Weardale Task Force was set up to provide a strategic response to the loss of a major employer in the Dale and wider issues of economic decline. The creation of a renewable energy model village on the cement works site was the centre piece of proposals and various leisure and recreation initiatives were also intended.
15. Outline planning permission was granted in June 2010, subject to a Section 106 legal agreement and planning conditions, for the development of a renewable energy village and outdoor recreation, learning and attractions, together with supporting infrastructure and energy generation.
16. In May 2014 and July 2014 non material amendments to extend the time period for the submission the first reserved matters application were approved. The first submission is now due by 28 June 2016. The permission allows a 15 year period for all the reserved matters applications to be submitted and requires that the planning permission is implemented within a time period of 10 years or 5 years from the approval of the last reserved matters application.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

17. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
18. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements are considered relevant to this proposal.
19. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity and to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. Decisions should support existing business sectors, taking account of whether they are expanding or contracting.

20. *NPPF Part 3 – Supporting a Prosperous Rural Economy.* States that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, plans should: support the sustainable growth and expansion of all types of business and enterprise in rural areas, promote the development and diversification of agricultural and other land-based rural businesses; support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
21. *NPPF Part 4 – Promoting Sustainable Transport.* States that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
22. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should protect and enhance public rights of way and access.
23. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes including Areas of Outstanding Natural Beauty, recognising the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
24. It is stated that development on land within or outside an SSSI likely to have an adverse effect on an SSSI (either individually or in combination with other developments) should not normally be permitted. Protection to other European sites is given (SPAs and SACs). It is stated that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

[http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf \(NPPF\)](http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf)

25. Accompanying the NPPF the Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This provides planning guidance on a wide range of matters.

<http://planningguidance.planningportal.gov.uk/> (National Planning Practice Guidance)

## **LOCAL PLAN POLICY:**

Wear Valley District Council Local Plan (1997) [WVDLP] policy:

26. *Policy GD1 – General Development Criteria* – sets out the general policy requirements that all new development and redevelopment within the plan area must achieve in terms of mass, design and setting, landscape and environmental impact and highways and transport.
27. *Policy ENV1 – Protection of the Countryside* – 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.
28. *Policy ENV2 – The North Pennines Area of Outstanding Natural Beauty* – Priority will be given to the protection and enhancement of the landscape qualities of the North Pennines Area of Outstanding Natural Beauty. Development which adversely affects the special scenic quality and the nature conservation interest of the AONB will not be permitted.
29. *Policy ENV3 – Area of Landscape Value* – The Policy states that development will not be allowed which adversely affects the special landscape character, nature conservation interests and appearance of the Area of Landscape Value identified on the Proposals Map.
30. *Policy ENV10 – Sites of Special Scientific Interest* – Development which will adversely affect the conservation value of Sites of Special Scientific Interest (SSSI's) either directly or indirectly will only be permitted if the development is of overriding national importance so as to outweigh the special interest of the site; and if the development cannot be located elsewhere.
31. *Policy T1 – General Policy – Highways* – All developments which generate additional traffic will be required to fulfil Policy GD1 and: provide adequate access to the developments; not exceed the capacity of the local road network; and be capable of access by public transport networks.

## **EMERGING POLICY:**

The County Durham Plan

32. The emerging County Durham Plan was submitted in April 2014 and is currently the subject of an ongoing Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been submitted). The following policies

- contained in the Submission Draft are considered relevant to the determination of the application.
33. *Policy 35 – Development in the Countryside.* Planning permission for development in the countryside will only be permitted where it meets certain exceptions including that it demonstrates a viable use that will help to sustain and enhance the local rural economy and would have not significant adverse impact on the users of other land and buildings.
34. *Policy 37 – North Pennines Area of Outstanding Natural Beauty.* The policy seeks to conserve and enhance the AONB and development in or affecting the AONB will only be permitted where it does not, individually or cumulatively, have a significant adverse impact on its special qualities or statutory purposes. Major developments will only be permitted in the AONB in exceptional circumstances where it can be clearly demonstrated to be in the public interest and where the certain matters have been fully considered.

35. *Policy 41 – Biodiversity and Geodiversity.* Proposals for new development will not be permitted if significant harm to biodiversity and geodiversity, resulting from the development, cannot be avoided, or adequately mitigated, or as a last resort, compensated for.
36. *Policy 42 – Internationally Designated Sites.* Development that has the potential to have an adverse effect on an internationally designated site/sites, (including all development within 0.4km), either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so will be subject to an Appropriate Assessment where necessary. Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of ‘no alternatives’ and ‘imperative reasons of overriding public interest’ as set out in the Conservation of Habitats and Species Regulations 2010 (as amended).

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at*  
<http://www.durham.gov.uk/article/3272/Wear-Valley-District-Local-Plan> (Wear Valley Local Plan).  
<http://www.durham.gov.uk/pages/Service.aspx?ServiceId=856> (County Durham Plan)

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

37. *Highway Authority* – raise no objections. Officers are aware that the site previously operated as a quarry and that the overhead conveyor across the C74 public highway carried the bulk of the quarried material ultimately transported off the site via the existing main A689 vehicular access. The C74 therefore served the site in terms of Quarry employees based south of the C74 road, and for associated quarry related commercial vehicle movements. Officers are minded to consider that, due to the overhead conveyor, and typically low relative intensity of manpower at quarry facilities, vehicle movements would have been relatively modest, and less so than via the A689 access. It is noted that the C74 varies in width but in many places two way traffic is not possible without soft verge over-run by drivers.

38. Officers consider that during periods of filming the number of vehicles related to filming needs (crew and catering commercial vehicles and cast/crew vehicles) will likely be greater than during periods of quarry activity (up to 100 cast and crew will be on site). While noting that filming is not proposed continuously throughout the year, between the C74 vehicular access, east along the C74 to the unnamed road incorporating Hag Bridge, there are approximately four locations where additional two way vehicle movements are likely to cause additional vehicular over-run of the C74 public highway verge, with resultant damage/churning/muddying of these soft areas. While it is considered that these locations are fairly modest in size they would benefit from prior agreement by the applicant to fund temporary hardening of the same, via DCC Neighbourhoods.
39. *Natural England* – raises no objections to the proposal. Natural England (NE) notes that the application site is in close proximity to the North Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) which are European sites. NE advises that the Council, as a competent authority under the provisions of the Conservation of Habitats and Species Regulations 2010 (as amended), should have regard for any potential impacts that a plan or project may have. Advice is provided relating to the screening for the likelihood of significant effects. The SPA and SAC are underlain by the Bollihope, Pikestone, Eggleston and Woodland Fells Site of Special Scientific Interest (SSSI). The proposal site is also in close proximity to Fairy Holes Cave SSSI. NE is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the sites have been notified. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application.
40. Other advice is provided including the expectation that the Council would assess and consider the other possible impacts resulting from the proposal from on local sites (biodiversity and geodiversity); local landscape character and local or national biodiversity priority habitats and species. Advice is also provided in respect of protected species and biodiversity enhancements.
41. *North Pennines AONB Partnership* – does not object to the proposal. Should permission be granted it is suggested that it may prove sensible to identify where the inevitable vehicles will be parked on site, being especially mindful of impact on views across the dale towards the quarry heading south on the road from Westgate Heights to Westgate. In addition, the impact of lighting associated with security and night filming should be considered to ensure that there is no significant light pollution and reference is made to the Pennines AONB Planning Guidelines.

#### **INTERNAL CONSULTEE RESPONSES:**

42. *Landscape* – It is noted that the site is within the North Pennines AONB and is in part designated as access land. Officers expect the structures within the site to be visible in views from the north and north west at distances of about 3km. There may be some closer visibility of parts of the taller buildings such as the Mead Hall, though they do not generally expect there to be visibility from either the main road in the valley bottom or the minor Brotherlee road. At distances of 3km officers do not expect there to be significant landscape or visual effects from the structures, however, insufficient details are given on the extent or timing of lighting to enable officers to assess this. Subject to further consideration of the lighting, and taking

account of the temporary nature of the development, officers do not see any conflict with policy on landscape or visual grounds.

43. *Design and Conservation* – raise no objections noting that the value of the site principally relates to its special landscape character. The site is not within the setting of any heritage assets and there are none on the site. The site is in a very remote location generally only accessible on foot or by 4x4 vehicles. The proposed structures would have a minimal visual impact and would be in situ for a temporary period. It is recommended a condition is attached to any approval requiring the land to be reinstated to its existing condition when the film set is removed.
44. *Access & Public Rights of Way* – Officers have no objections to the proposal, confirming that there are no recorded public rights of way within the development area. Public Footpath No 21 (Eastgate) runs along a section of the access track to the site, but as this is wide tarmac road and officers would anticipate no issues between path users and vehicles accessing the site.
45. *Arts Officer (Filming Friendly), Culture and Sport* – has advised that the Council is committed to encouraging and supporting film and television production in County Durham and works in partnership with Northern Film & Media as part of the Filming Friendly network in the region. It is recognised that film and television production aligns closely with the Council's corporate priority *Altogether Wealthier*, both in terms of inward investment through direct production spend and indirectly through its wider impact on tourism. Less tangible, though not necessarily of lesser importance, it is also recognised that film and television being filmed here in the County benefits our communities by strengthening peoples' sense of pride and belonging, which indirectly contributes to other corporate priorities such as *Altogether Healthier* and *Altogether Greener*. In the particular case of Beowulf, the scale of the proposed production combined with the 5 year commitment made by ITV Studios has sparked discussions between ITV Studios and the Council's Education Service to explore the opportunity of having the production based here in the county as a providing a means to inspire and raise attainment and aspiration as is aligned to corporate priority *Altogether Better for Children and Young People*.
46. *Visit County Durham* – has considered the principle of the application and feel the development could become an important economic driver for the Durham Dales and do not object to the proposal. Although the project doesn't present itself as a tourism development, visitor economy businesses will be keen to learn how the development could benefit their businesses i.e. through increasing visitor accommodation business occupancy by providing accommodation for the production crew/contractors. Local visitor-facing businesses such as restaurants, cafes and retailers will also been keen to maximise the opportunity. Visit County Durham suggests that the tourism businesses in and around the proposed site will be keen to ensure that reasonable measures would be taken to protect the natural environment enjoyed by the area's visitors and how any potential disruption would be proactively managed. It is suggested that it may be worth the developer exploring whether the development could include visitor facilities or tours which could potentially attract visitors to the area. Visit County Durham would be pleased to have an exploratory discussion with the developers to consider tourism potential.

## **PUBLIC RESPONSES:**

47. The application was advertised by site notice in a number of locations in the vicinity of the site and in the local press. Notification letters were sent to properties within 2km of the application site.
48. One representation has been received from the occupant of a nearby property stating that there does not seem to be any information on rights of access to their fell, which is the neighbouring land. The occupant would be supportive of the application as long as its access rights from the quarry gate, through the woodland and onto its fell are respected.

## **APPLICANTS STATEMENT:**

49. ITV Beowulf Ltd. will film a major new TV drama entitled "Beowulf" in County Durham and Northumberland in 2015. The filming will take place from mid-March until mid-October: 13 one hour episodes will be shot. The first series will air in January 2016 and it is hoped that the series will run for 5 years.
50. It is proposed to use the former Eastgate Cement Works Quarry as the location for the main town in the story to be sited and it is here that we plan to have the main set. The site is owned by Lafarge Tarmac.
51. We expect the production to benefit the local community considerably over the five year period:
  - Cast and crew will require accommodation and food during the set build and when filming takes place.
  - The production will use local suppliers to provide plant, timber and stone to build the set.
  - Figures compiled over the past few years by Northern Film and Media, the north east's media and creative development agency, would indicate a local spend of around £25,000 a day on a production of this scale.
52. We would expect there to be a large boost to the region's tourism figures once the show has aired on national television. The public often like to visit places they have seen on screen and shows such as "Vera" and "Inspector George Gently" have proved this over the past few years. It is hoped that the show will also be broadcast in Europe and the USA. In the future, there is also the possibility of setting up tours to the set.
53. There are also potential benefits in connection with education. We understand that "Beowulf" is being studied as part of the curriculum in many Durham schools this year and we would hope that links could be forged between the production and schools to benefit the students.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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54. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase act 2004, the relevant Development Plan policies, relevant guidance and all other material considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, residential amenity, landscape and visual impact, biodiversity interests, recreational issues, Development within the AONB and access and traffic.

## Principle of the development

55. Eastgate Quarry is a former mineral site located in open countryside and is not allocated in the WVLP for any specific use. The proposal is for a film set comprising temporary structures for a temporary period up to 5 years. The proposed temporary change of use is not one of the developments listed within WVLP Policy ENV1 related to specific and compatible uses in within the countryside. However, the purpose of the change of use is one which is unusual and although within the countryside the application site is within a former quarry where intensive mineral activity and subsequent reclamation took place in recent years. WVLP Policy ENV1 is restrictive and the approach is not intended to be taken forward within the emerging DLP, and therefore, in compliance with the NPPF, less weight is attributed to this Policy.
56. DLP Policy 35 does not seek to limit development in the countryside to such an extent as WVLP Policy ENV1 instead giving consideration to exceptions, provided they accord with other relevant policies in the Plan, that include if a development demonstrates a viable use that will help to sustain and enhance the local rural economy and would have not significant adverse impact on the users of other land and buildings. Where development is acceptable it is expected to respect the form, scale and character of the landscape through careful siting and use of materials and buildings and structures should, wherever possible, be sited adjacent to existing buildings or building groups, rather than isolated in the landscape.
57. Although not wholly in accordance with WVLP Policy ENV1 there is policy support from the emerging DLP Policy 35. The specific impacts of the proposal are set out within this report.

## Residential amenity

58. Several isolated dwellings lie within the general vicinity of the quarry. The nearest houses are approximately 1.4km away. Filming with up to 100 cast and crew each filming day in the void of such a large quarry would not raise concerns relating to residential amenity. When operational the quarry would have had a greater impact. Filming would be for some eight months per year and limited to 10 to 12 days each month, which is substantially less than the working hours of the former quarry. There would be an increase in traffic accessing the site and this is considered in detail below.
59. It is considered that the proposal would not be contrary to WVLP Policy GD1, Paragraphs 109 and 123 of the NPPF intended to protect amenity.

## Landscape and visual impact

60. Eastgate Quarry lies within attractive moorland. Restoration of the quarry was completed in 2007 and was generally based upon minimum earthworks consistent with safety requirements, natural re-colonisation and bio diversity, retention of important geological features and the creation of an interim permissive public right of way. The majority of the site was restored to acid grassland with natural regeneration and scrub areas. A number of waterbodies are contained within the quarry. The restored quarry is not a particularly prominent feature in views from the wider landscape. The area is remote but there are public rights of way in the vicinity

with a route created as part of the restoration of the quarry running along the western boundary of the application site.

61. Some 3ha of the application site lies within the AONB with the remaining 9ha being within an Area of High Landscape Value (AHLV) as defined in the WVLP. Given its location, the application site is generally well screened being located within the southern part of the former quarry which is characterised by a central waterbody, steep quarry faces and engineered overburden mounds. To the north west there are views across to Northgate Fell and Hangingwells Common where there are a number of Public Rights of Way and isolated dwellings.
62. The structures are likely to be visible in views from the north and north west at distances of about 3km. It is possible that certain structures such as the Mead Hall may be seen from closer views. It is not expected the structures would be visible from the A689 Road in the valley bottom or the C74 Road. Landscape officers do not expect there to be significant landscape or visual effects from the structures from distances of 3km but would require details of any proposed lighting to assess this and also taking account of the temporary nature of the development, officers do not see any conflict with policy on landscape or visual grounds.
63. The proposals would entail the erection of temporary structures primarily created from a scaffold framework which would be clad with wood. There would be welfare facilities provided and these along with parking would be located away from the film set to the north of the application site and be screened from view by existing mounds. This is a matter that could be controlled through condition should planning permission be granted. There may be a need for lighting the details of which could be agreed through condition should planning permission be granted
64. It is unlikely that there would be significant impacts on the visual amenity of local residents given the location of the proposed development. Although there may be views of the structures from certain locations, which may be more prominent if lighting is used it is considered that this would not be unacceptable taking into account the temporary nature of the proposal. Given that filming would only take place in certain months the need for lighting is likely to be limited. Landscape officers raise no objection to the proposals subject to further details in relation to lighting. Design and Conservation officers raise no objections. The AONB Partnership does not object to the proposal noting that car parking and lighting can be controlled.
65. The proposal would not adversely affect the special landscape and appearance of the AHLV nor would it have a detrimental impact on the landscape quality of the surrounding area. If lighting was required then this would likely be directional and the details of which could be agreed through condition. The proposal would not conflict with WVLP Policies ENV3 and GD1. Although the site is located within an AHLV, this designation is not intended to be taken forward within the emerging DLP which proposes a criterial based approach as opposed to specific designations, and therefore, in compliance with the NPPF, less weight is attributed to this Policy.

#### Biodiversity interests

66. The application site is not affected by statutory nature conservation designations but there are a number of designated nature conservation sites within the immediate vicinity of the site. These being the Fairy Holes Cave SSSI along the eastern

boundary of the site, Westernhope Burn Wood SSSI some 380m to the north, and 1.6km to the east is the Bollihope, Pikestone, Eggleston & Woodland Fells SSSI and North Pennine Moors SPA and SAC. Other international and local ecological designations being further distant. A Geological Park area is identified containing geological exposures such as the Fairy Hole Caves SSSI and Frosterley Band. Natural England has raised no objections to the proposed development with regard to designated sites.

67. Durham County Council is the competent authority who must decide whether the application requires an appropriate assessment under The Conservation of Habitats and Species Regulations 2010 (as amended) given the close proximity to the North Pennine Moors SPA and SAC. A judgement of the likely significant effects of the proposal has been undertaken through a screening exercise. Natural England provided advice relating to the screening for the likelihood of significant effects. Natural England notes that the proposal is not necessary for the management of the European site, however, the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment. Natural England advised that to justify the Council's conclusions regarding the likelihood of significant effects it is noted that the set construction will take place outside of the bird breeding season, thereby removing the possibility of breeding birds being disturbed. Natural England advise that the Council should seek assurances that filming will not take place within the SPA during the bird breeding season (end of March to end of July inclusive) so as to remove the potential for disturbance to SPA species. The application site is outside of the SPA and it is not proposed that filming would take place within the designated area, and it is not therefore necessary to impose controls in this regard.
68. The judgement has taken in account advice provided by Natural England. It concludes that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.
69. It is considered unlikely that the temporary development would endanger or damage important national local wildlife habitats or have detrimental impact on the existing ecology of the area. The proposal would therefore accord with WVLP Policy GD1 in this respect and Paragraph 118 of the NPPF. Natural England does not object to the development and it is considered that there would not be adverse effects upon designated nature conservation designations, nor would it damage or destroy the interest features for which the sites have been notified
70. Emerging DLP Policy 35 seeks to enhance biodiversity assets. Policies 41, 42 and 43 also set out guidance in respect of biodiversity, internationally designated sites, protected species and locally protected sites. These policies are supported by Paragraphs 109, 118 and 119 of the NPPF. The proposal would not be contrary to these policies.

#### Recreational issues

71. Footpaths surround the quarry and the Enclosure Act of 1815 created certain rights of way across the quarry. These have been quarried away although never legally closed. Footpath No. 21 (Stanhope Parish Eastgate Ward) crosses the entrance to the quarry but is outside of the application boundary.

72. As part of the restoration of the quarry a new bridleway was constructed. This runs along the western boundary of the quarry running parallel with the western boundary of the application site to the access and then in an easterly direction. The legal agreement to formally make them public rights of way has not yet been completed, but the route is open and available for the public to use. There does not appear to be any conflict with the proposed activity and the bridleway, other than some sections where vehicular access to the site is shared with the existing public footpath and the new bridleway. Site security would be in place and measures to ensure that the public can be safely accommodated without the need for any path closures would be ensured.
73. Part of the application site is mapped as open access land as defined in the Countryside and Rights of Way Act 2000, being a very small part of a considerably larger area covering the majority of the AONB designation, which itself extends to some 2000 square kilometres. Given the temporary nature of the use and the associated structures, it is considered that the proposals would not prejudice open access to the land.
74. Adequate arrangements appear to be in place for the continued use of public rights of way for the duration of the development with the new route created as part of the quarry restoration likely to allow opportunities for public viewing into the site. It is not expected that there would be conflict between the proposed development and the right of the adjacent landowner to access his land.
75. Part 8 of the NPPF requires the protection and enhancement of public rights of way and access and this is reflected in emerging Policy 35 of the DLP. The proposed development would not be in conflict with development plan policies.

#### Development within the AONB

76. A small part of the application site, part of the access to it and an area to the west, is located within the North Pennines AONB. The AONB boundary runs south, up the hill along the western side of Ludwell Wood Plantation, then follows the track to the application site and roughly encircles the western end of the worked quarry floor (to which the proposal relates). The AONB Partnership considers the development in this location to be appropriate.
77. Paragraph 115 of the NPPF and DLP Policy 37 advise that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads. Paragraph 116 advises that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. WVLP Policy ENV2 gives priority to the protection and enhancement of the landscape qualities of the AONB.
78. Exceptional circumstances are set out in the NPPF. These being: the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in

some other ways; any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.

79. Although the application is major development for the purposes of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (being some 12 ha with only approximately 3.2ha being within the AONB designation), what constitutes major development for the purposes of paragraph 116 of the NPPF is not defined. Given the scale, nature and duration of the proposal and its potential impacts, it is considered unlikely to be major development requiring exceptional circumstances to be applied. Nevertheless, it is considered that there are exceptional circumstances and where it can be demonstrated they are in the public interest.
80. The site has been selected because the applicant considers that it best represents the environment of the era it is seeking to recreate. There would be a number of benefits to the local and regional economy as a result of the proposed development. These would include the provision of direct and indirect employment during the construction period and during filming from the purchase of goods and services. In addition, there is the tourism potential generated by the filming of a major television drama with knock on effects for the wider County and region, which is of importance given the current economic climate. If not permitted, then an alternative site would need to be found, which would likely be outside of the County. Since the closure of Eastgate Quarry and associated Weardale Cement Works there have been proposals to seek to contribute to rural regeneration in County Durham and specifically in Weardale but planning permissions have not yet been implemented. The current application would provide an economic boost for the area and is supported by Visit County Durham.
81. The proposal is supported by Part 1 of the NPPF, in that the Government is clear in its commitment to securing economic growth in order to create jobs, prosperity and sustainable economic growth. Paragraph 28 of the NPPF specifically supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. WVDLP Policies to support economic growth and potential tourism.
82. It is considered that local businesses would be positively affected by the proposed development. The applicant is already making use of local businesses during the construction phase. Local accommodation is being used along with local amenities such as shops and eateries. A local timber merchant is supplying direct along with plant hire companies.
83. Figures compiled over the past few years by Northern Film and Media, the north east's media and creative development agency, would indicate a local spend of around £25,000 a day on a production of this scale. The proposal is supported by the Council's Culture and Sport Service which encourages and supports film and television production in County Durham, with the Service highlighting the links with the Council's corporate priorities. Potential educational benefits could also arise.
84. The majority of the application site is outside of the AONB with those areas within the designation being limited to the access to the film set. The temporary structures themselves would be outside of the designation. Elsewhere within the quarry and within the region would not meet the specifications for the proposed drama.

85. The impact upon the environment, the landscape and recreational opportunities and the extent to which that could be moderated are considered within this report. It is considered that the proposal would not have a detrimental effect on the environment and the impact upon the AONB would not be unacceptable, being moderated by the temporary nature of the proposal, as well as the duration in each year that filming would take place.
86. In accordance with WVLP Policy ENV2 it is considered that the proposal would not adversely affect the special scenic quality of the AONB. Whilst it is considered that the proposal does not constitute major development for the purposes of paragraph 116 of the NPPF, it is nonetheless considered that the exceptional circumstances required are in any event met, and the proposal would be in the public interest.

#### Access and traffic

87. Quarrying operations at the site involved minimal use of the public highway as limestone and other minerals required for cement manufacture were transported by conveyor directly to the Cement Works. Cement was then transported from the Works via lorry to various local and national destinations. The access to the site would, like the quarry, be off the C74 Road accessed from the A689 Road passing a few residential properties.
88. Traffic generation would be limited to the delivery of materials for the construction of the structures and associated workforce, this being some 5 months for construction and eight months filming. During these periods there would be a significant increase in vehicular traffic. The busiest periods being at the start and end of each day. It is envisaged that once vehicles are on site, movements would be minimal. This is aided by the fact that the unit base (make up/costume trailers/artistes trailers/catering kitchens etc.) would be parked on the site. Highways officers have no objections but highlight the possibility of additional vehicle movements causing damage to the highway verge given the narrow width of the C74 Road. Although the funding of temporary hardening is suggested it is considered unnecessary having had regard to the temporary nature of the proposal and also tractors and other heavy vehicles that use the route regularly and are likely to be contributors to ongoing damage to the road verge.
89. Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Traffic generated by the proposal could be accommodated safely and conveniently on the highway network with the impact of traffic generated by the development on local and recreational amenity would be acceptable in accordance with WVLP Policy T1.

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## **CONCLUSION**

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90. Eastgate Quarry is a restored mineral site. The proposed use of part of the site for five year period as a film set including siting of associated temporary structures is unusual but not inappropriate. In an environment where more extensive operations have taken place in the past the current proposal is small scale and less intrusive.
91. The applicant has identified the site as being appropriate for its filming needs being a rugged landscape with features depicting the era in which the production is set. The investment and tourism potential of a project of this importance, both during

construction and filming, are significant and would directly benefit local businesses as well as the economy of the County as a whole. If successful dramas such as that to be filmed are sold worldwide, the production has the potential to be a global phenomenon.

92. Although within the AONB, it is considered that the impact of the temporary use would be acceptable and although considered not to be major development, the proposal would satisfy the exceptional circumstances set out in the NPPF and it has been demonstrated that the development would be in the public interest.
93. The impact on the adjacent national and international ecological designations has been considered. Although there would be activity within the site for approximately 5months during construction and eight months a year during filming it is considered that the proposal would not have an adverse impact upon them nor wildlife in the wider area. Construction work would take place over winter and early spring, therefore outside of the bird breeding period.
94. Given the distance from the application site to the nearest residential properties it is highly unlikely that there would be any adverse impacts upon residential amenity. It is considered that there would be no detriment to the local highway network but is acknowledged that there would be an increase in vehicle movements during the construction period and during filming with some large vehicles being noticeable to roadside properties along the Road C74.
95. The proposal has generated one representation relating to access to land. Access to adjoining land would not be affected but this would be a private matter between the applicant and landowner.
96. The proposed development is considered to broadly accord with the relevant policies of the Wear Valley District Local Plan, the direction of the Submitted County Durham Plan and relevant sections of the NPPF. The proposal is sustainable economic development with economic and potential tourism benefits.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the following conditions;

1. The development hereby approved shall only be carried out in accordance with the following documents.
  - a) Untitled A3 location plan showing the application boundary outlined in red at scale 1: 10,000@A3.

*Reason: To define the permission area.*

2. The use of the site for the use of land for five year period as film set including siting of associated temporary structures shall cease by no later than 5 years from the date of this permission.

*Reason: To accord with the terms of the planning permission and to avoid unnecessary delay in the cessation of the use of the site having regards to Wear Valley Local Plan Policies GD1 and ENV2 and paragraph 116 of the NPPF.*

3. All structures including buildings and any tracks created in association with the development shall be removed within 6 months of the cessation of the use approved by this permission. Within 8 months of the cessation of the use approved by this permission, the land is to be reinstated to a specification to be approved in writing by the Local Planning Authority.

*Reason: To accord with the terms of the planning permission and to ensure structures are removed and the land reinstated having regards to Wear Valley Local Plan Policies GD1 and ENV2 and paragraph 116 of the NPPF.*

4. Prior to the commencement of filming details of the location of parking areas within the site shall be submitted to and approved in writing by the Local Planning Authority and be implemented for the duration of the development:

*Reason: To ensure the development is carried out in accordance with the approved documents and ensure a satisfactory form of development having regards to Wear Valley Local Plan Policies GD1 and ENV2 and paragraph 116 of the NPPF.*

5. Prior to illumination being used on site, details shall be submitted to and approved in writing by the Local Planning Authority and be implemented for the duration of the development. Such illumination to be designed to avoid light spill into the surrounding countryside.

*Reason: To ensure the development is carried out in accordance with the approved documents and ensure a satisfactory form of development having regards to Wear Valley Local Plan Policies GD1 and ENV2 and paragraph 116 of the NPPF.*

6. Prior to the erection of any fencing on site, details shall be submitted to and approved in writing by the Local Planning Authority and be implemented for the duration of the development.

*Reason: To ensure the development is carried out in accordance with the approved documents and ensure a satisfactory form of development having regards to Wear Valley Local Plan Policies GD1 and ENV2 and paragraph 116 of the NPPF.*

7. No structures shall exceed 12.19m in height.

*Reason: To ensure the development is carried out in accordance with the approved documents and ensure a satisfactory form of development having regards to Wear Valley Local Plan Policies GD1 and ENV2 and paragraph 116 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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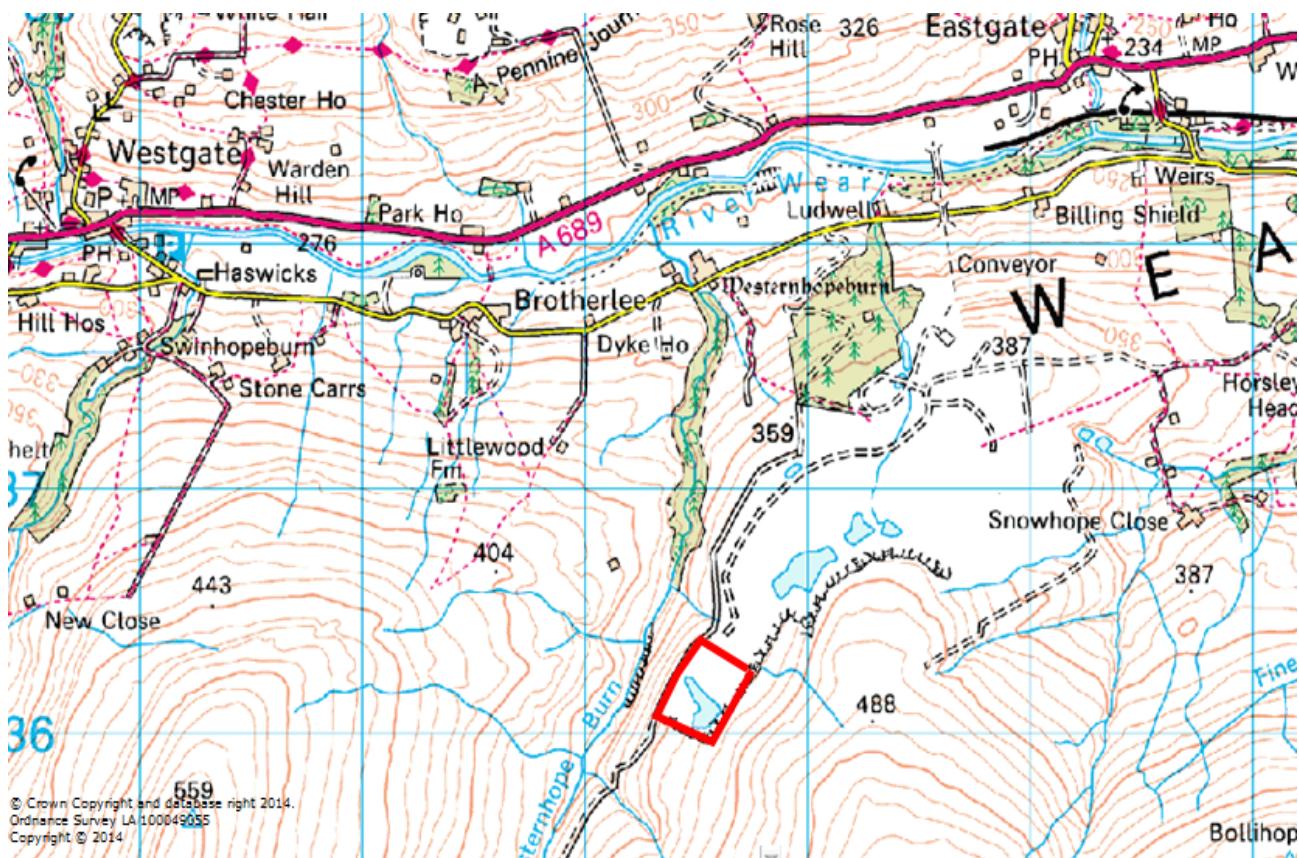
The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (*Statement in accordance with Article 31(1) (CC) of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.*)

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## **BACKGROUND PAPERS**

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- Submitted application form, plans, associated documents provided by the applicant.
- National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- Wear Valley District Local Plan ( 1997)
- Statutory, internal and public consultation responses.



### Planning Services

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DM/14/03416/FPA

Temporary use of land for five year period as film set including siting of associated temporary structures  
At Former Eastgate Quarry, Eastgate

### Comments

Date December 2014

Scale Not to scale