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Authority: Craven District Council

Type of consultation: Planning Application

Full details of application/consultation: 2020/21553/OUT - Outline application with some matters reserved for the development of up to 99 lodges, reception cabin with parking, and landscaping including ground modelling and water features (resubmission of previous application 42/2016/17496 refused 28 March 2019) – *additional information*

At land at: The East of Waterside Lane, Hellifield, Skipton, North Yorkshire, BD23 4HJ

Type of response: Objection

Date of Submission: 1st December 2020

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

Please note that CPRE has nationally rebranded and is now known as 'CPRE The Countryside Charity'. The aims and ethos of the charity remain the same.

All CPRE North Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

External planning and heritage consultants used in this response:



KVA Planning Consultancy
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Comment

CPRE North Yorkshire (CPRENY) welcomes the opportunity to comment on the additional information submitted on behalf of the applicant in relation to the application for outline planning permission at land to the east of Waterside Lane, Hellifield.

CPRENY maintains its strong objection to the proposal as set out in their initial response dated 26th May 2020 as the information submitted recently does not satisfy our concerns as set out. This letter of objection should therefore be read in tandem with that previous detailed response. This representation deals specifically with the additional information.

CPRENY has strongly objected to previous applications on this site promoted by the current applicant and others due to the fact that the proposals would have significantly adverse impacts on the biodiversity of the Flashes, the heritage impact on adjacent Heritage Assets, the landscape setting of the Yorkshire Dales National Park and the amenity of local residents who enjoy safe access to the countryside at this location. In short, it was considered not in conformity with the Local Plan and National Planning Policies at those times.

The Council now benefit from Counsel advice regarding the history of the site and it is acknowledged that principle of development of part of the site exists in relation to the extant planning permission for the rural environment centre. CPRENY, however, believe that despite the numerous failings mentioned in that advice, in order to protect the site moving forward, the Council should require the applicant to produce a full management plan for the site, prior to the determination of the current proposal. This would incorporate the area designated as LGS, so that the Council and consultees, alongside interested members of the local community, can understand how the entire site is proposed to be managed in order to ensure long-term sustainability to the remaining biodiversity and should set out what impact may occur from recreational activities and noise disturbance from visitors to the hotel or lodges and provide information regarding the future management of the site should the current owners sell the development in the future. Should the management plan not deliver sustainable outcomes to the satisfaction of the statutory consultees, the Council should refuse the application.

The revised proposal is acknowledged as being 'outline' therefore many aspects could change at a later Reserved matters' stage if approved. It is, therefore, vital that the Council does not condition various matters alongside a refusal but requests up to date and additional information to address concerns raised prior to the determination of this outline proposal. This will ensure that the proposal is only permitted if all matters considered and weighed in the balance, it is thought appropriate development given the importance of the site in terms of biodiversity value; setting to designated landscapes and heritage asserts; and, residential amenity to the local community.

Planning Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application should be determined in accordance with the development plan unless material planning considerations indicate otherwise. The planning system should contribute to achieving sustainable development. The National Planning Policy Framework (NPPF) (2019) aims to deliver sustainable development through the implementation of its policies. Paragraph 11 states that for decision making this means:

- c) *'approving development proposals that accord with an up-to-date development plan without delay'*

Craven District Council ('CDC' or 'the Council') has an up to date development plan. Therefore, CPRENY believe that the proposals should be determined fully against those policies contained within it.

The applicant has still not submitted a planning statement in support of the application and the design statement does not assess the proposals against planning policy.

Section 7 of the adopted Local Plan sets out the Council's intentions towards economic development for the district outside of the National Park. It includes the rural economy and of particular relevance to the determination of this proposals, tourism development.

As previously stated, paragraph 7.19 goes on to set out that proposals for alternative development may be supported in the future, provided that they promote sustainable tourism and fully address important matters of landscape, heritage, local character and appearance, archaeology, biodiversity, local green space and public rights of way, in accordance with local plan policies ENV1, ENV2, ENV3, ENV10 and ENV12.

Paragraph 7.36 of the Local Plan explains that *'proposals for tourism development that will result in biodiversity and green infrastructure, and better facilities for rural communities, will be particularly welcomed. Wildlife activities or 'nature tourism' will be encouraged and supported...* Paragraph 7.37 then goes on to deal with community benefits setting out that a sustainable approach to growth in tourism will ensure that benefits to the economy, environment and quality of life are felt broadly and by the local community, including by attaching community use agreements to planning permissions.

CPRENY believe that the applicant has still not suggested any planning conditions of this nature nor have stated what any community benefits will be. It is somewhat unusual for such an application to have been submitted without a full assessment of sustainable development principles in line with planning policy requirements or any assessment of 'need' for the proposals having been submitted. The applicant seems to be relying on the fact that the Local Plan statement at paragraph 7.19 that *'alternative development may be supported in the future'* without any description as to why the applicant wishes to promote a different use of the site or any further assessment against policy for the important matters set out in the rest of the paragraph and above to enable the Council to justify a permission.

Furthermore, it remains unclear how the local community will benefit from these proposals, given that the PROWs across the site already exist and the site is well used by the community. Given the number of objections to the historic applications and to this new one it seems unlikely that the community will benefit greatly from a proposed holiday park.

Importantly to the determination of these proposals, paragraph 7.40 sets out that the *'Local Plans general support for tourism does not mean support for any tourism-related development proposal that may come forward.'*

CPRENY therefore, believe that their previously stated objections to the proposals assessed against each criterion set out in Policy EC4B remain outstanding for the determination of this application.

It is acknowledged that an up to date Flood Risk Assessment has been submitted and a further Biodiversity Net Gain Report and Woodland Addendum. It is unclear to CPRENY why the applicant has chosen not to submit the full Defra Biodiversity Metric Results which would have provided clarity on the proposed enhancement targets and details of which criteria the habitats have actually been assessed against.

CPRENY have already set out concerns regarding the impact this proposal will have on the existing biodiversity because of the construction of the site and numerous visitors who will attend the holiday park. The proposed new ponds will be sited within the lodge development and, therefore, will not provide the same level of undisturbed habitat as they will be subject to noise, lighting and visitors to the park. Whilst the two small flashes (including Little Dunbar's) are located outside the development boundary, they will also be subjected

to indirect disturbance as a result of the proposed development by increased levels of visitors walking the PROWs and potential pet dogs. The Defra metric does not consider these indirect impacts, which should be taken into account amongst other matters by the case officer, including knowledge of the bird species which use the site and their preferred habitats. CPRENY are concerned that insufficient weight has been attributed to the type of species visiting the site whilst the overall headline figure of 12.38% net biodiversity gain, as stated by the applicant, is relied upon as a trump card.

Furthermore, there is already a reported notable difference in the habitat of the 'flashes site' with the creation of the permanent Gallaber 'Pond' as it is now being referred as. Without the full assessment to consider, it is unclear whether the offsite compensatory mitigation of 22Ha would not be needed and in our opinion, the revised proposal should be assessed on its own merits rather than comparing it to other proposals. The proposal will result in an 8.5Ha loss of important grassland used by protected species of birds and, therefore, we consider an unacceptable loss despite the predicted overall net gain of different types of habitats. Similarly, the proposed woodland planting surrounding the lodge developments will further exacerbate the loss of the open landscape and valued grassland preferred by these birds. It is essential that the current habitats and the protected species which use it are protected.

CPRENY also consider that it would be helpful to be provided with a precise single document setting out baseline ecological survey data and the potential impacts of these proposals as opposed to referring to out of date and superseded documents spanning many years and different schemes. For example, the ornithological data should be updated.

Thus, CPRENY reiterate their view that further evidence should be submitted to the Council relevant to the current proposals in order to determine the full impact upon the character and appearance of the local area, including changes to biodiversity, the change in amenity to local residents and the need and justification for the proposals with regard to sustainable development. Without this information, the Council should refuse the current proposals as an adverse effect simply cannot be ruled out.

Conclusion

In summary, CPRENY maintains its previous strong objection to the revised proposal for additional tourist accommodation at this location.

The applicant has submitted insufficient information to determine the full impact of the revised scheme and whether any proposed mitigation will be effective in:

- preserving and enhancing the landscape and setting of the Yorkshire Dales National Park; and
- the conservation of heritage assets within the vicinity of the site location; and
- conserving the important biodiversity value of the site; and
- the preservation of Local Green Space including its open character, local significance and value to the community; and
- the preservation of the character and appearance of the local area.

As such, CPRENY consider that the revised application is not in conformity with Local Plan Policy EC3, EC4, EC4B, ENV1, ENV2, ENV3, ENV4, ENV10 alongside various paragraphs of the NPPF and that their concerns and objections in the previous response remain outstanding.

The applicant has not attempted to justify a demonstrable 'need' for the proposals at this location, showing that the benefit of which would satisfactorily outweigh the harm caused by the proposals. A specific analysis against adopted planning policy has not been submitted by the applicant by way of a Planning Statement.

Further it is considered a full environment management plan should be presented for the whole site prior to determination.

CPRENY reserve the right to comment further should additional information be submitted in support of this application.