



Campaign to Protect Rural England North Yorkshire Branch

13th December 2016

OBJECTION

Dear Sirs

Application 42/2016/17496 Deadline for comments 13th December 2016

*Land to the West of Hellifield, Skipton North Yorkshire BD23 4HJ
"Outline application for the development of a leisure centre, including swimming pool, hotel and visitor accommodation, including up to 300 lodges, a park & ride facility, pedestrian access to Hellifield Station, parking areas, bus and coach drop off point. Landscaping including ground modelling and water features".*

CPRE has visited the site on numerous occasions, viewed the proposal site from the national trails, open access land and footpaths within the Yorkshire Park, consulted with experts and studied the 1200 page application.

We object to the principle of this development on this site and to the outline planning application. The harm of this proposal far outweighs any benefits.

Such is the level of our concern, we have taken advice from Mr Robert McCracken QC, of Francis Taylor Building, Temple, a leading planning and environmental law specialist, who has structured the expression of our views in accordance with the law and the approach of the Planning Inspectorate.

We consider it essential that the advice of the Environment Agency on a fully informed basis be obtained before a lawful decision can be made.

We endorse the objections made by the Ramblers Association, the Yorkshire Wildlife Trust, the RSPB, Heritage England, Natural England and the objection to the impact on the setting of a national park by the YDNP.

We support the objection by Save OUR Craven Countryside (SOCC) and the large number of Hellifield residents who have taken the time to object.

Our objections to this major mixed development at Hellifield are as follows (for convenience in discussion we have used numbered paragraphs):

1. Firstly, I should emphasise that CPRE does not attempt to set out all the planning objections to the proposed development.
2. Our objections in summary, include the following:
 - (i) The proposal would conflict with the existing statutory development plan. The proposal is not in accordance with the site specific policy EMP11 both because it not, as required by EMP11, both D1 Class use (e.g. museums) and in accordance with the other policies of the plan.
 - (ii) It would conflict with the NPPF

- (iii) It would conflict with the emerging future development plan
- (iv) It would be out of scale with its surroundings and, *inter alia* cause coalescence between Hellifield and Long Preston and unacceptable harm to nationally protected features of natural and cultural heritage and the landscape.
- (v) It would not provide social or economic benefits capable of outweighing the harm.
- (vi) It would be unlawful to grant outline permission for this EIA development without further details of the development and information about its environmental effects.
- (vii) The existing planning permission is not a viable 'fall back' back position. The developer has not considered it in its Environmental Statement (ES). If it were a viable fall back position it would have to be assessed as a main alternative considered by the developer. If the council considered it a viable fall back it would have to require the applicant to assess it in its ES.

First: Statutory Development Plan: Craven District Council Local Plan (Saved Policies)

The development as a whole:

- 3. ENV 1: This is large scale development in the open countryside. It is not intended to meet any of the needs which ENV 1 suggests may override the general prohibition on any such development in the open countryside.
- 4 ENV 2: The development, even when its proposed landscaping is fully mature, would unacceptably change the character of this extensive area of valley floor countryside which is prominent from a number of publicly accessible places in the National Park - such as the Nursery Hill footpaths (shown on 1;50,000 but not 1;25,000 OS map), Newton Moor open access land, Little Newton Farm Paths and The Edge at Long Preston Moor and footpaths to the south of it.
- 5. ENV18:The development would cause significant light pollution. Contrary to the policy's requirement, details of the lighting scheme have not been submitted. This is particularly harmful as one of the attractive features of Craven District is that it is one of the top ten districts in England for 'dark skies'.
- 6. EMP11:The site specific policy EMP11 classifies the site as Tourist Development Opportunity Site. This proposal is not in accordance with the policy.
 - (i) The policy restricts use to D1 (eg museums). This proposal is not for such a use.

- (ii) EMP11 also provides that applications will be assessed against “other relevant policies in the plan” with which the proposal is in clear conflict.

Chalets:

7. The most relevant policy is EMP16 “Static Caravans and Chalets”. The proposal fails the following, among other, criteria:
 - (1) (a) The site is not well screened by landform and existing landscaping from elevated view points and public places:
 - (i) It is clearly visible from footpaths which cross the site.
 - (ii) It is clearly visible from the railway station and Settle-Carlisle railway line.
 - (iii) It is clearly visible from footpaths and open access land in the Yorkshire Dales National Park.
 - (b) Insofar as future growth of landscaping produced extensive areas of woodland, such woodland would not be compatible with the landscape character of the valley floor of this area.
- (2) The development is of a scale which is disproportionate to Hellifield.
- (5) The area has, at present, ‘opportunities for informal countryside recreation’. A well used footpath provides opportunities for both the local population of Hellifield and rail born visitors who use it to gain access to the National Park.
- (6) The development would visually overwhelm the local settlement and adversely affect the visual and recreation amenity of local residents.
- (9) The proposal would have an adverse impact on:
 - (i) Sites of Nature Conservation (see RSPB & YWT objections)
 - (ii) Sites of Historic Importance (including Settle-Carlisle railway line Linear Conservation area, Long Preston Conservation Area and the Hellifield Railway Station.

Hotel:

8. The hotel would be visually prominent from publicly accessible view points in the National Park. It would be outside existing settlements and likely to have an adverse impact on existing hotels and public houses in the nearby settlements of Hellifield, Long Preston, Gargrave, Malham and Settle.
9. It would exacerbate the existing problems of staff recruitment and retention. The local position is quite different from that in the general region of ‘York, North Yorkshire and East Riding Economic Partnership’ quoted by the applicant at 7.4.21 of its ‘Planning Support Statement’ (Wardell Armstrong).

Hotel & Chalet car parking:

10. It is fanciful to suggest that a significant proportion of those coming to the chalets, hotel or any of the other services would come by train. The quantity of parking demonstrates the unreality of such a suggestion.

Park & Ride:

11. There is no evidence to suggest that there is either a need or demand for the proposed capacity, or any park and ride near the station. The fact that the operator has not thought it worthwhile to charge for parking outside the station suggests low demand. There is car parking at Long Preston Station, one mile from the application site.

Swimming Pool:

12. There are already publicly accessible swimming pools in the settlements of Settle and Skipton. If this proposed pool were in fact provided and remained open to the public it would make less viable those existing pools in nearby settlements. Private Spa/swimming pools already exist at nearby Coniston Hall Hotel, Tosside Caravan site and Gisburn (Ribblesdale Park and Stirk House Hotel).

Effect on Highways:

13. The Tourism Development Opportunity site was driven by the proposed Long Preston Bypass to alleviate traffic in the two villages thus accepting traffic is a recognised existing problem in the area. Any increase on such a highly used 'A' road would exacerbate an existing identified problem.

OTHER MATERIAL CONSIDERATIONS

Second: NPPF

14. The development is not sustainable development as defined in NPPF para 14.
 - (i) There are relevant, clear and up to date policies in the development plan with with the proposal conflicts.
 - (ii) Even if there were not such policies, the harm to acknowledge landscape, nature and cultural heritage interests would significantly and demonstrably outweigh the alleged benefits of the scheme.
15. The development would conflict with the Core Planning Principles of NPPF 17 in that:
 - (i) It would not be genuinely plan led.
 - (ii) It would not be based on a recognition of the 'intrinsic character and beauty of the countryside.
 - (iii) It would not conserve heritage assets so that they can be enjoyed for their contribution to the quality of life and be enjoyed by future generations.

1. The development would be in an area vulnerable to flooding. It would conflict with NPPF 100-103 policies on development in flood vulnerable areas. It would exacerbate risks of flooding elsewhere.
2. The development would also conflict with:
 - (i) NPPF 109 in that it would not (i) recognise the wider benefits of ecosystem services or (ii) minimise the impact on biodiversity.
 - (ii) NPPF 115 in that it would harm the setting of the Yorkshire Dales National Park and the landscape and scenic beauty which can be enjoyed from within it.
 - (iii) NPPF 118 as would have “an adverse effect on a Site of Special Scientific Interest”, namely Long Preston Deeps SSSI and Pan Beck Fen SSSI.
 - (iv) NPPF 132 & 134 as the development would have a substantial adverse effect on the setting of the listed railway station, the Settle Carlisle Linear Conservation Area and the Long Preston Conservation Area.

The alleged benefits do not outweigh the harm.

- (v) NPPF 23-27 in that major town centre uses of leisure and recreation would be located away from centres of existing settlements and not even in edge of centre locations in appropriate existing settlements such as Settle and Skipton (both of which are better served by railway and buses than Hellifield).
3. There is an absence of both demand and need for the development as a whole and for each part of it. The neighbouring Gallaber Park site has unimplemented planning permission for 280 static homes (application 52/2001/1221 & 52/2002/2318).

Third: Informal (pre Publication) Draft of Craven Local Plan (2016)

4 Draft ENV2: The proposal conflicts the policy of:

‘(a) paying particular attention to the conservation of those elements which contribute most to the District’s distinctive character and sense of place.

... including (ii) the building and structures associated with the Settle-Carlisle Railway.’

A fundamental element of the station’s character is that it is a junction and was a motive power depot in the middle of nowhere. From the valley floor, the station floats above the fields and from it there run lines of terraced cottages housing railway workers.

The proposal would not be in accordance with criterion (c) as it would not preserve the character of the station or line.

5 Draft EC4: The proposal conflicts with criterion (l) for tourism developments as (a) it does not accord with all relevant local plan policies and (b) is not sustainable.

6 **Draft ENV10:** The proposal is inconsistent with the draft designation as a Local Green Space

7 The key diagram on p 27 identifies Skipton/Embsay/Settle & Ingleton for tourism development opportunities but does not so identify Hellifield

Fourth:

8 It would be out of scale with its surroundings and, *inter alia*, cause coalescence between Hellifield and Long Preston and unacceptable harm to important nationally protected features of natural and cultural heritage and the landscape.

9 These harms in general are set out above. The proposal would be inconsistent with the CDC 'Vision for Craven in 2032' which call for development which:

“respects the distinctive character and heritage of their surroundings, reinforcing a sense of place”

This development would undermine the sense of place of both Hellifield and Long Preston.

10 Publicly accessible places in the National Park are recognised to be highly sensitive receptors and impact on them is acknowledged to be important.

see PI decision: 52/2009/9332 APP/C2708/A/10/2121326/NWF at (17).

11 It should be noted that ZTVs in the ES do not show the extent to which the site of the chalet development is now and will in the future after development, be visible. They appear to be confined to the hotel which is on one small part of the site close to the railway embankment.

12 The ES acknowledges that the site is important *inter alia* for rare and protected birds and for strictly protected great crested newts (see JBA table 4.3 p22 Ecological Appraisal). The ES underplays however, the effect of the development.

13 The harm to important nature conservation interests is described in the objections of RSPB, YWT and Natural England. It would be impossible for the development to take place without serious long term harm to birds protected by the Birds Directive and UK Law and policy. Even if some of their habitat were retained or compensation habitat provided, the level of disturbance on nearby land (including from trees because they may hide predators, would be substantial.

14. Important off site wetlands Pan Beck Fen SSSI would also be jeopardised. The Flashes at Hellifield play an integral part in supporting the national designation of the Long Preston Deeps SSSI. in respect of wildlife.

Fifth:

15 It would not provide social or economic benefits capable of outweighing the harm

16. The local community would suffer loss of a valued footpath much used for informal recreation such as dog walking. It would suffer major harm to the visual amenity of the surrounding of the village.

17. The facilities of the village and nearby settlements such as Settle and Skipton (both of which are better served by railway and other forms of public transport) would be exposed to loss of viability and vitality from the out of settlement facilities (if successful and open to local people).

18. The vision for Mid Area CDC emerging local plan identifies Settle as the focal point of a well connected hub for “shops, services, cultural facilities, creative businesses and industry”. Places such as Hellifield are identified only for some local growth (“to sustain communities and maintain local services”). This proposal flies in the face of that strategy. The key diagram on page 27 identifies Skipton, Embsay, Settle and Ingleton for tourism opportunities but does not so identify Hellifield.

19. The alleged benefits of employment are illusory as there is a shortage of workers rather than jobs in this area which is far different from the generality of York, North Yorkshire and East Riding Area on which the developers Planning Statement relies (7.4.21)

20. There is no need for additional tourist accommodation in the area. It is well supplied with hotels, pubs, B&B's chalets and caravan sites and holiday cottages. These range from luxury hotels(eg Coniston Hall Hotels, and Devonshire Arms Bolton Abbey) boutique hotels (Hellifield, Settle) to budget accommodation at Premier Inn, Gargrave.

Long Preston (also served by the Settle-Carlisle Line and Skipton Lancaster/ Morecambe line) alone has accommodation including: The Boars Head, The Post Office, The Barn and Eldon Country House and a supply of holiday cottages for rental.

Settle (also served by the Settle Carlisle line) includes: The Falcon Hotel, the Golden Lion, No.3 and King William IV Guest house as well as a large supply of holiday cottages and smaller B&B's.

21. This does not include large number of rooms available within Skipton area nor the large number of Inns and small hotels and holiday cottage rentals within the area around the site in the Yorkshire Dales National Park.

22 Caravan/Lodge park accommodation in the vicinity includes:

Gallaber adjoining the site.

Tosside Caravan and Lodge Park (swimming pool) 4.5 miles distance from site

Paythorne Caravan and lodge Park 6.5 miles distance from site

Ribblesdale Park, Gisburn (luxury site with swimming pool) at 5.00 miles from site

Rimmington Caravan Park

Todber Caravan Park, Gisburn

Dalesway Park, Gargrave

Langcliffe caravan park, Settle
Knight Stainforth Caravan/Lodge Park Settle.
All of which are large scale caravan sites . This does not include small sites or touring sites.

Sixth:

23 It would be contrary to Government policy PPG 056) and unlawful to grant outline planning permission for EIA development without further details of the development and information about its environmental effects. Permission would be justiciable under the principles of C-201/02 R v. London Borough of Bromley ex parte Barker and C-508/03 Commission v UK , R v Rochdale ex p Tew [1999] 3 PLR 74 and R v Rochdale MBC ex parte Tew and Milne [2001 81 PCR 27]. The Developers' Planning Statement ('DPS') makes clear that many details have not been determined or assessed yet. The Council cannot know whether acceptable details could be devised or what conditions to impose to ensure that the parameters of developments were lawfully circumscribed.
see for example:

DPS 9.1.1 'all details reserved apart from access
'DPS 8.4.3 on lighting

Note: Information about effects, mitigation and compensation measures on important protected nature conservation interests is notably seriously deficient

Seventh

16. The existing planning permission is not a viable 'fall back' position. It cannot lawfully be regarded as a material consideration. This is because, *inter alia*, the developer has not even considered it as an alternative in its Environmental Statement ('ES'). If it were a viable fall back position, it would, as a matter of law, have to be assessed as a main alternative considered by the developer. (EIA Directive 2011/92/EU Article 5 (3) (d) & TCP EIA Regulations 2011 Reg 2 (1) and Schedule 4 Part 1 (2) and Part 2 (4). If the Council considered it a viable fall back position it would have to require the applicant to assess it in its ES (TCP EIA Regs 2011 reg 22 (1) before it could make a lawful decision on the application (TCP EIA Regs 2011 (Reg 2 (1) and 3 (1)).

Therefore we feel that the council is wholly justified in refusing this application and ask that it be refused.

Yours Sincerely

JM W Marley
Chair CPRE North Yorkshire &
Regional Chair CPRE Yorkshire & The Humber

Campaign to Protect Rural England North Yorkshire Branch
registered charity number 500333
President The Lord Crathorne KCVO
Chairman Mrs JMW Marley Hon Secretary Ms C Gregory Hon Treasurer Mr P Whitaker
cprecraven@me.com www.cprenorthyorkshire.co.uk tel 01729850567
Bendgate House, Long Preston Skipton BD23 4QR

All images taken from open access or public footpath areas.





Image 3 View across the Flashes land towards Hellifield Flash and Conservation Area



image 4 view from public footpath towards Hellifield row of station cottages

Image 5 view of Dunbars 2 Flash, Railways Station, Settle Carlisle Conservation Area and Nursery Hill (YDNP) in rear of photograph.



image 6 view FROM Nursery Hill footpath in YDNP to station and application site



image 7 further view from Nursery Hill footpath in YDNP towards linear Conservation area and application site with LPCA in background.



image 8 Dunbars Flash with Settle Carlisle linear conservation area and YDNP in background AND Little

image 10 flooding at the Peel Terrace end of the application site in 2016

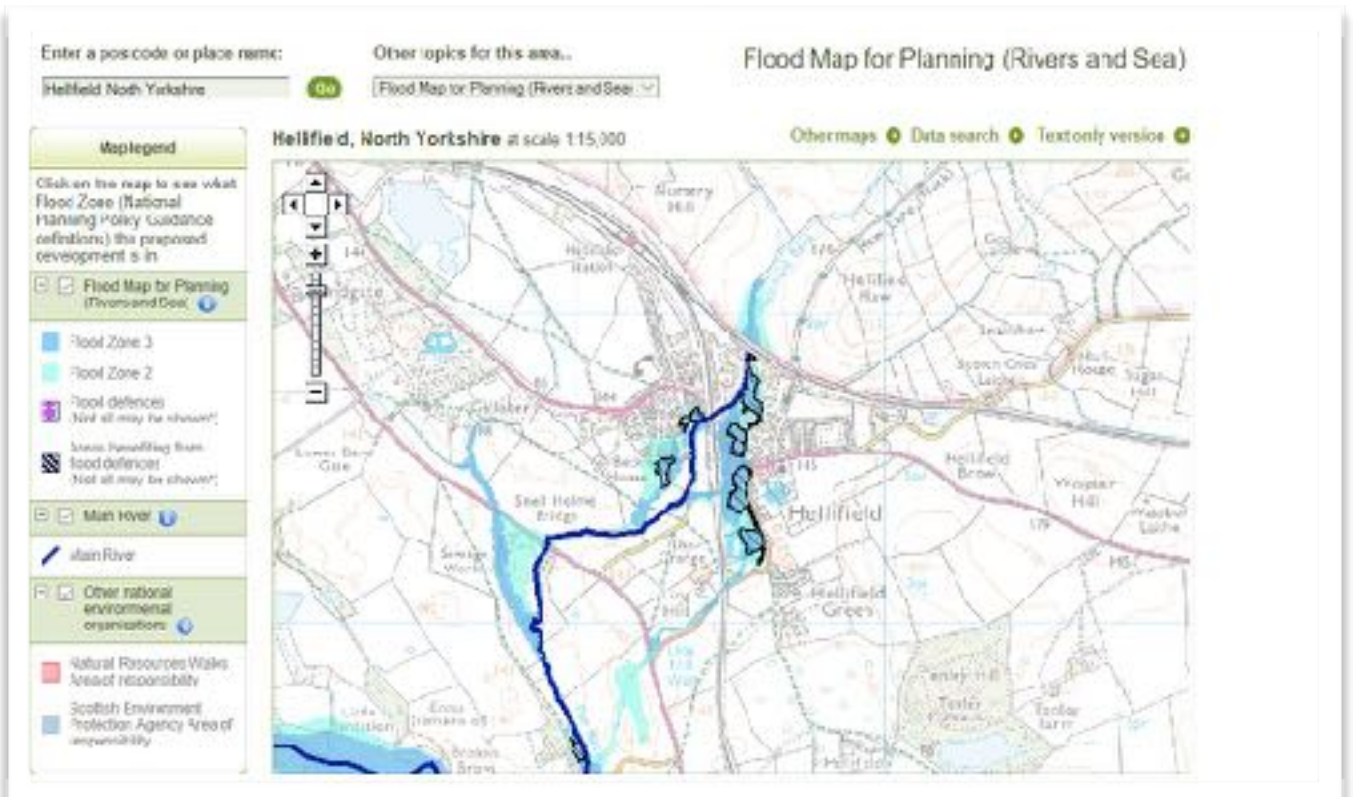
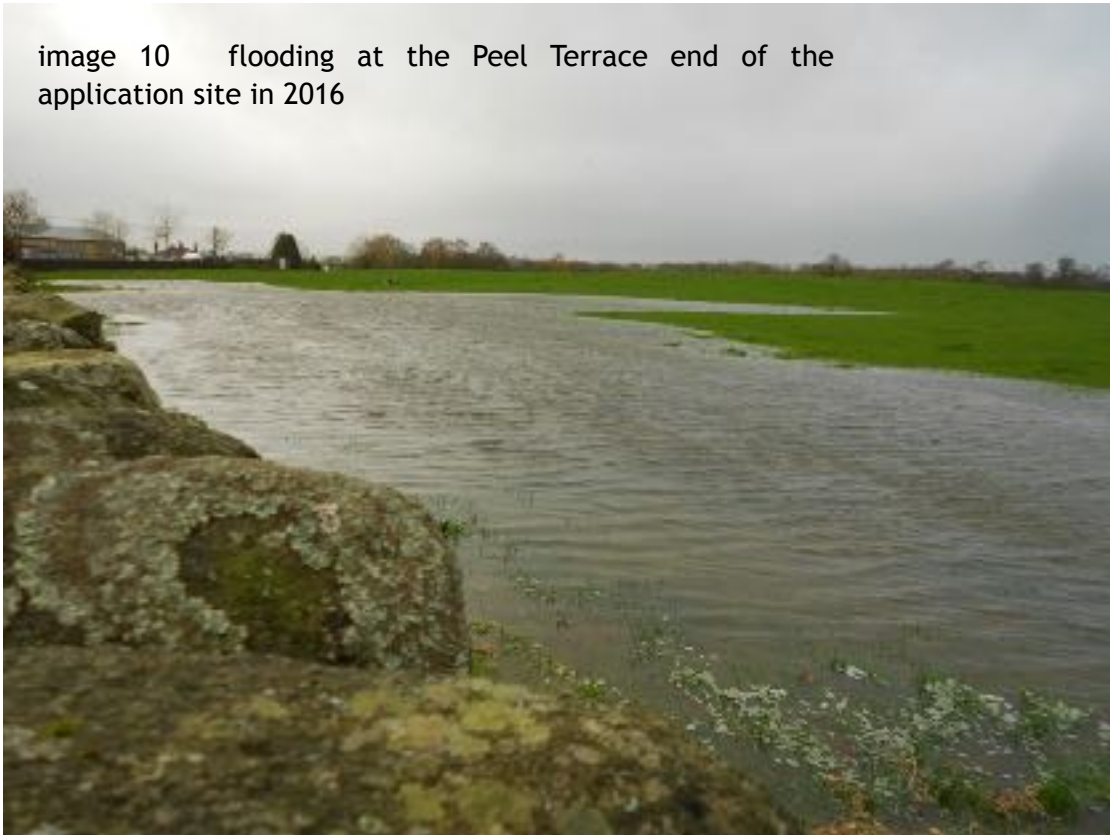


image 11 map illustrating flood risk 3 at Pan Beck Fen courtesy Environment Agency



image 12 Hellifield Railways Station Grade II Listed Heritage Asset and current



image 13 Row of station cottages on Midland Terrace/Station Road & YDNP in background.



image 14 view from Newton Moor



view towards the site from YDNP Pendle Hill sits in the background, image 15

view from Little Newton Footpath (YDNP) towards site image 16



from Little Newton footpath (YDNP) towards site showing Flashes

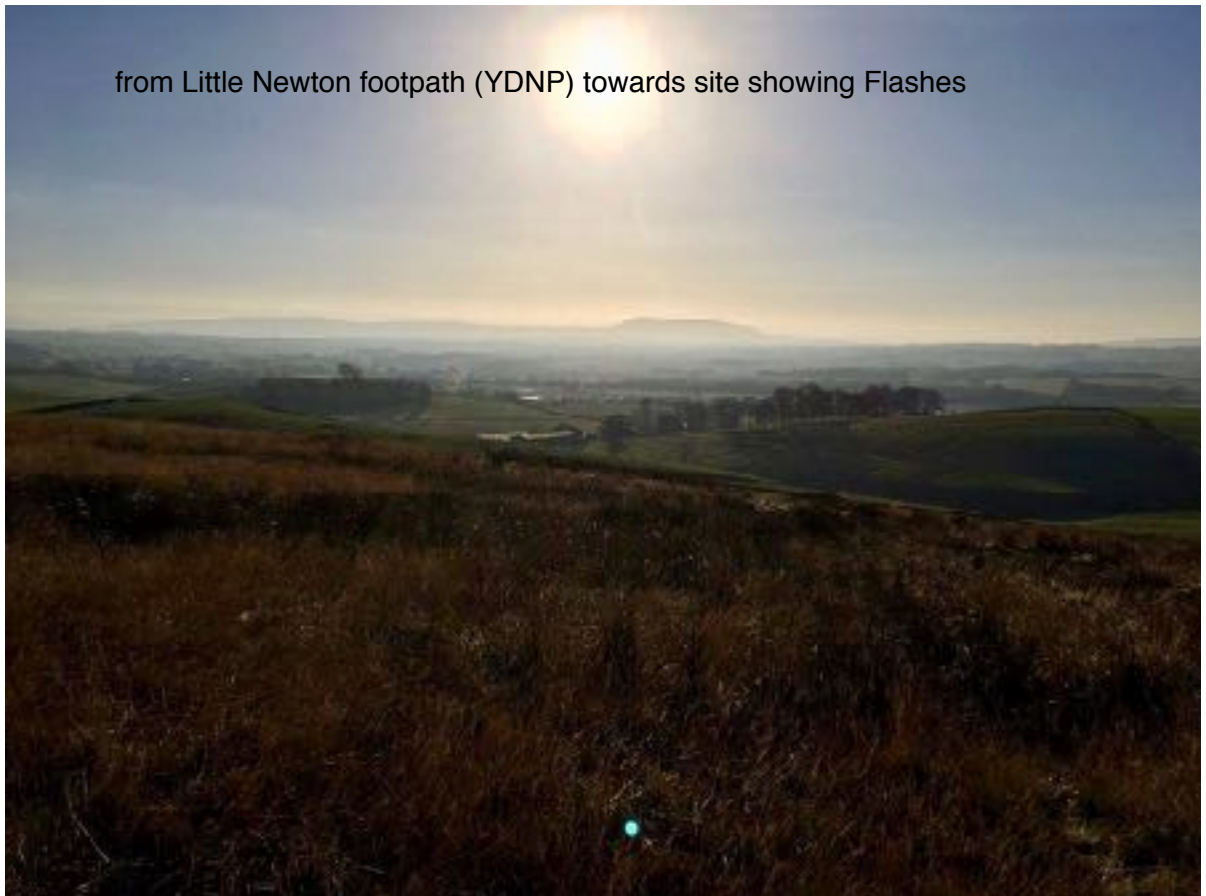




image 18 from Nursery Hill (YDNP) showing the site and the row of railway cottages



image 19 clearly showing three flash ponds, the listed heritage asset, conservation areas from Nursery Hill footpath (YDNP)

image 20 - the GII Listed building and setting from Nursery Hill within the YDNP

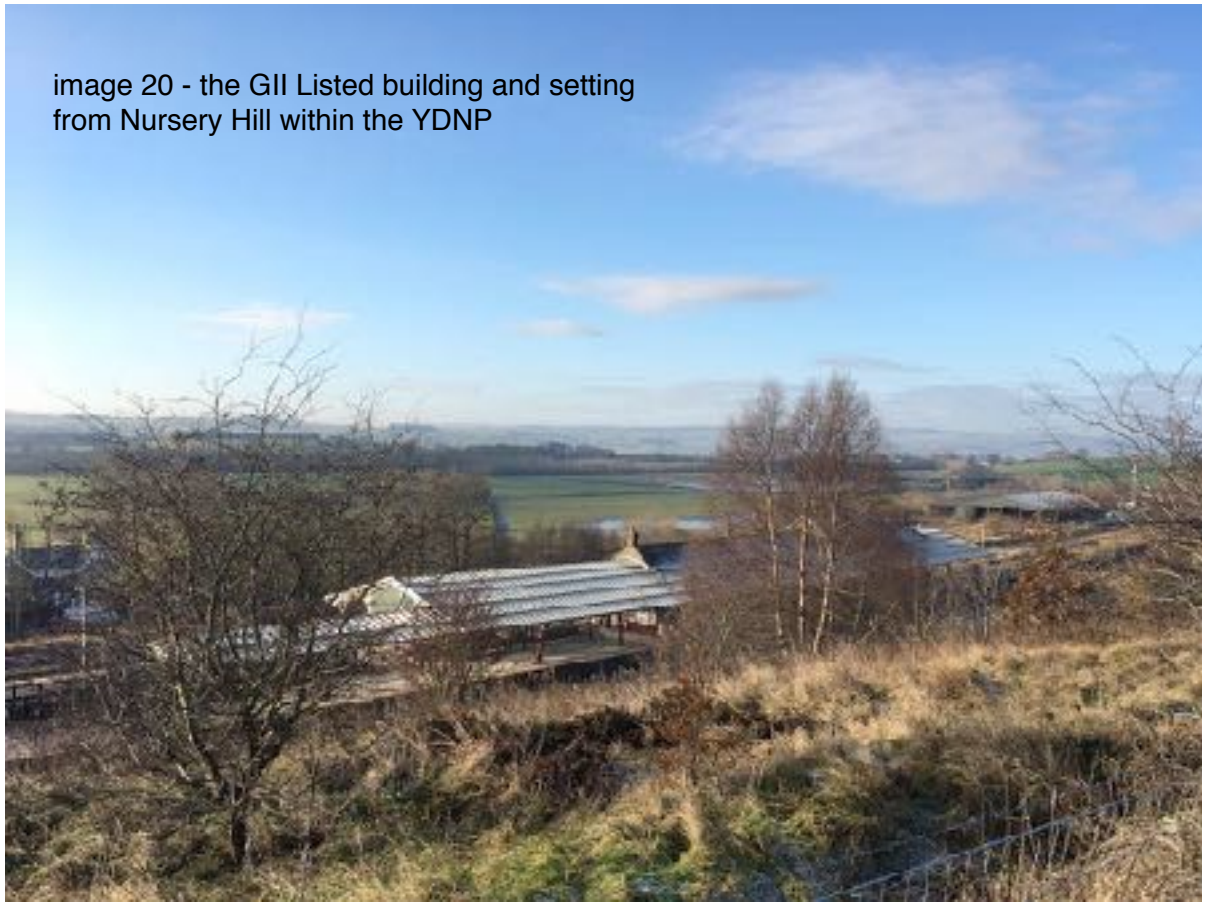
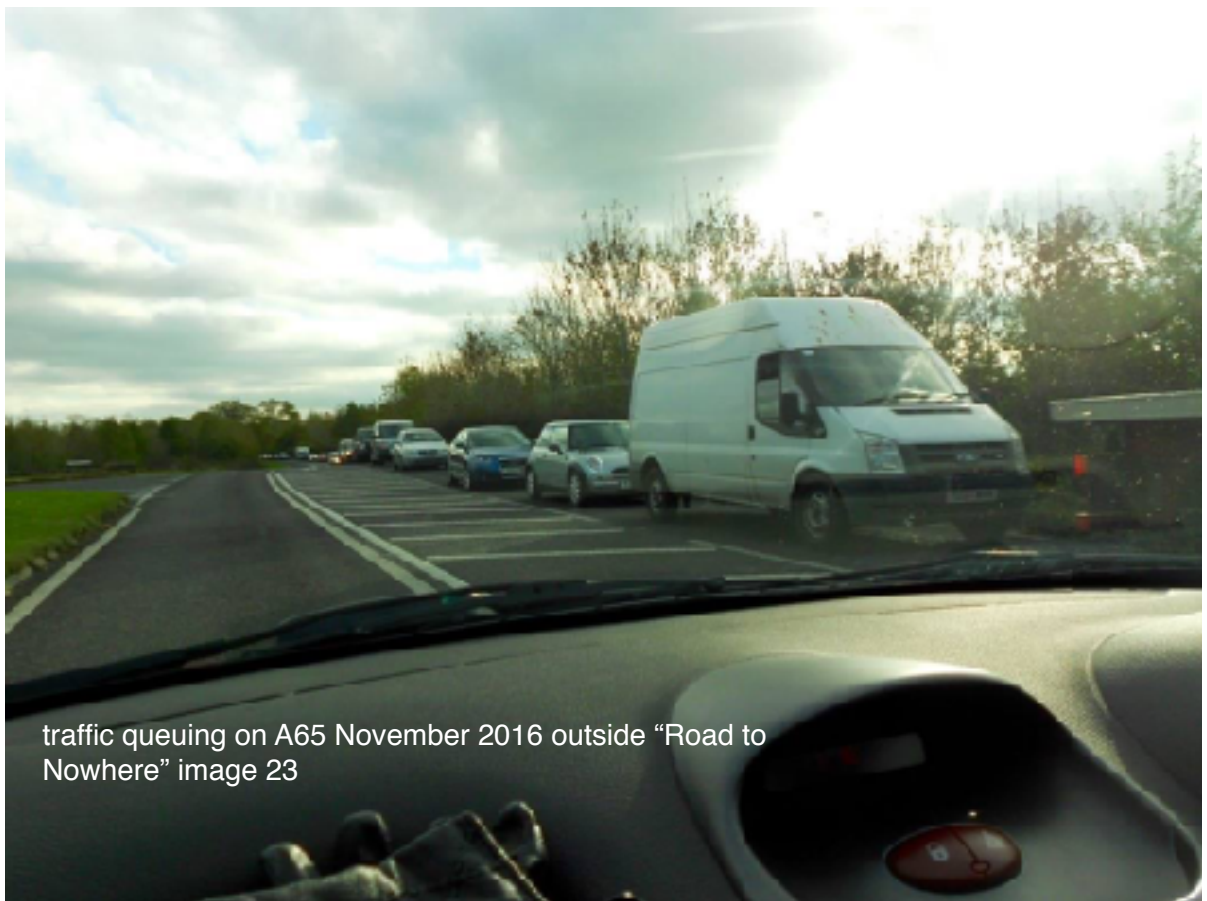


Image 21 from Nursery Hill FP towards the station (Hellifield end) showing row of railway cottages, flash and application site





Dunbars Flash next to the Settle Carlisle linear Conservation area with YDNP in background image 22



traffic queuing on A65 November 2016 outside "Road to Nowhere" image 23



image 24 - sun illuminating application site from the Edge above Long Preston, 2016



Flash or ephemeral/vernal pond in summer and land used for agriculture image 25



Wildlife on emphermal pond, Hellifield image 26



image 27 see notes p.22

IMAGE 28



IMAGE 29



Images 28-29 taken December 9th 2016.

images 27-29 From the national park and towards the national park. The ineffectuality of deciduous tree planting to screen a development that is incongruous with its surroundings:

From the National Park illustrates the high visibility of Gallaber caravan site. Nota bene Gallaber Caravan Site is further away from the national park than the proposed Hellifield village.

Toward the National Park from Gallaber caravan site Images 28-9

Effect of screening at Gallaber caravan site 10 years after screening illustrates ineffectuality of deciduous tree planting (on bunding) to screen and protect heritage assets. Images 28-29 show the Yorkshire Dales in the rear and the Long Preston Conservation area in the foreground.

all images shown are with the permission of the owners

Mr R McCracken images 1-21

Mr R Haffield, Mrs C Sharpe, Mr J Marley images 22 onwards

Produced by the Campaign to Protect Rural England, North Yorkshire.

End document