

Daniel Childs [via email]

Planning Team

North Yorkshire Council

19 December 2024

Objection to Outline Planning Application: C2020/21553/OUT, with some matters reserved for the development of up to 73 lodges, reception cabin with parking, and landscaping including ground modelling and water features (resubmission of previous application 42/2016/17496 refused 28 March 2019) Land To The East Of Waterside Lane Hellifield Skipton North Yorkshire BD23 4HJ

FURTHER COMMENT

Dear Mr Childs

Friends of the Dales wishes to make a further comment on this application which is in addition to our strong objection submitted on 16 December 2024.

In that objection we referenced (under point 2), the relevance to NYC of their duty under **s245 LURA (2023) to further the purposes of national park**. We noted then that although the Secretary of State had not at that time made regulations about how to comply, the duty still applied.

Fortunately, DEFRA has now published the necessary guidance.

Under this guidance it is clear that North Yorkshire Council is a relevant authority. We would like to draw particular attention the following:

a) Relevance to planning applications

“Relevant authorities will need to apply the duty when undertaking any function in relation to, or so as to affect, land in a Protected Landscape. These may include:

- decision making in respect of development management, **planning applications** and nationally significant infrastructure projects”

b) Understanding the relevant Management Plan

“When seeking to further the purposes, relevant authorities should consider the information contained in a Protected Landscape’s **Management Plan**. Management Plans describe the natural beauty, special qualities and key characteristics of and targets and objectives for the designation.

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Relevant authorities should make efforts to understand the Management Plan and relate their functions to it. Dialogue with the Protected Landscape team (National Park Authority, Conservation Board, National Landscape Partnership, or Joint Advisory Committee) can assist the relevant authority. Relevant authorities should also refer to the [Protected Landscapes Targets and Outcomes Framework](#).”

c) Setting of Protected Landscapes

The new guidance also clarifies the application of the duty with respect to the **setting of Protected Landscapes**, as set out below.

“The duty also applies to functions undertaken outside of the designation boundary which affects land within the Protected Landscape.

Natural beauty, special qualities, and key characteristics can be highly dependent on the contribution provided by the setting of a Protected Landscape. Aspects such as tranquillity, dark skies, a sense of remoteness, wildness, cultural heritage or long views from and into the Protected Landscape may draw upon the landscape character and quality of the setting.

Functional connectivity is also important where there are flows or close interconnection between the Protected Landscape and its setting, for example:

- a shared water catchment and management of water resources
- ecological connectivity where species are able to move across and between the designated and non-designated area
- Rights of Way, Open Access Land and other recreational links joining the designated area to the wider countryside

Development and the management of land, water and estates located in the setting have the potential to adversely affect the natural beauty, special qualities, and key characteristics of a Protected Landscape.”

We specifically referred to many of these aspects – dark skies, long views from and into the national park, water resources, ecological connectivity and rights of way in our objection yesterday.

d) The Sandford Principle

The guidance also specifically references the requirements of relevant authorities to comply with the Sandford Principle.

“For National Parks there are occasionally conflicts between the first statutory purpose of conservation and enhancement of natural beauty, wildlife and cultural heritage, and the second purpose of public enjoyment of the special qualities. If this is the case the **Sandford Principle** is applied.

In complying with the Sandford Principle, if it appears that there is a conflict between those purposes, **a relevant authority must attach greater weight** to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area in the National Park.”

Given these substantial issues we and others have previously raised, and **now that the detailed guidance on s245 is available**, we strongly recommend that that North Yorkshire Council instigates a deep review and, in the meantime, pauses consideration of this application.

Yours sincerely

Chair, Policy and Planning Committee
On behalf of Friends of the Dales

Friends of the Dales is a working name of the Yorkshire Dales Society which was founded in 1981 and is a registered charity and company limited by guarantee. Friends of the Dales is free of political and financial affiliations. We work to ensure that the Government, the Yorkshire Dales National Park Authority, and other relevant agencies deliver their obligations to care for the special qualities of the Yorkshire Dales, an internationally important area. We do this by considering major planning applications and policy development affecting the Yorkshire Dales and adjacent areas. We offer a year round programme of walks and talks so that everyone can enjoy and learn more about this beautiful area and why it needs protection. We have a membership of around 1,300 individuals, families, businesses and organisations.