

Daniel Childs [via email]

Planning Team

North Yorkshire Council

16 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

Dear Mr Childs

Friends of the Dales wishes to strongly object to this application. This objection adds to the objections we have submitted over the years to previous iterations of this proposal.

1. Our position as an independent reviewer

Friends of the Dales has a track record of more than forty years as an independent but informed reviewer of planning applications affecting the Yorkshire Dales National Park. Importantly this includes applications in **the fringe of the designated protected landscape** which are likely to have significant impacts on the national park itself.

The charity is independent and free from financial and political affiliations. Our objective is to promote for the benefit of the public the conservation of the landscape, biodiversity and cultural heritage of the Yorkshire Dales National Park and adjacent areas, and the social and economic well-being of its local communities; and to encourage others to engage with, understand, enjoy and protect these areas. Our aim is to ensure that the government, the National Park Authority and other agencies deliver their promises to care for and improve the Yorkshire Dales and its adjacent areas for future generations.

We respectfully suggest that this status puts us in a strong position to comment on the current (and the previous) planning application for Hellifield Flashes. We are not constrained to having a locus only on the site itself but are able to interrogate the wider implications for nature and communities. We expect North Yorkshire Council to do the same when assessing this application.

2. New legislation impacting on NYC's obligations when determining this application

The Levelling Up and Regeneration Act (LURA) s245 came into force on 26 December 2023. It amends the duty on relevant authorities under the s62 Environment Act 1995 to:

*'In exercising or performing any functions in relation to, or so as to affect, land in any National Park in England, a relevant authority other than a devolved Welsh authority **must seek to further the purposes specified in section 5(1) and if it appears that there is a conflict between those purposes, must attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park**.'*



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Although the Secretary of State has not yet made regulations about how to comply with this new duty, **it still applies in the absence of those regulations**. All the bodies to which this duty applies, including Government Departments, statutory bodies, local authorities, utility providers and the regulators should now be doing more to demonstrate how they are meeting this new duty.

In the meantime, and without prejudicing that guidance, Natural England advises that:

- the duty to ‘seek to further’ is **an active duty**, not a passive one. Any relevant authority must take all reasonable steps to explore how the statutory purposes of the protected landscape (A National Park, the Broads, or an AONB) can be furthered.
- The new duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes but also to seek to further the conservation and enhancement of a protected landscape. That **goes beyond mitigation** and like for like measures and replacement. A relevant authority must be able to demonstrate with **reasoned evidence what measures can be taken to further the statutory purpose**.
- The proposed measures to further the statutory purposes of a protected landscape, should explore what is possible in addition to avoiding and mitigating the effects of the development, and should be appropriate, proportionate to the type and scale of the development and its implications for the area and effectively secured. Natural England’s view is that the proposed measures should align with and help to deliver the aims and objectives of the **designated landscape’s statutory management plan**. The relevant protected landscape team/body should be consulted.

The site of this planning application is **directly adjacent** to the boundary of the Yorkshire Dales National Park. As with applications *prior* to the adoption of this new legislation, the impact of any development on the national park and its setting must be properly assessed. We explore that more fully in the next point.

3. Impact on the Yorkshire Dales National Park (designated protected landscape)

The Yorkshire Dales National Park Authority last commented in October 2023, and a further comment by that authority may reiterate and raise further concerns. However, any assessment of impact on the Yorkshire Dales National Park is naturally not limited solely to those identified by the authority, although these will be important considerations. *All assessments* on the impact must be considered by NYC.

Assessments carried out prior to the introduction of the new s245 LURA (2023) obligations are no longer valid. This is due not least to the passage of time but also to significant concerns previously raised about the validity of impact assessments and the irrelevance of proposed mitigations such as payment by the applicant for future upkeep of public rights of way.

The visual impact on the setting of the Yorkshire Dales National Park will be considerable as the development will be in full view from the national park. In addition, some highly significant impacts such as those on nature, species and landscape are of course not subject to arbitrary boundaries. **We contend that the proposed development impacts on the national park and causes significant harm and that new independent assessment must be undertaken.**

4. Yorkshire Dales National Park Management Plan

Over and above these reasons for new assessments outlined in the previous section, is the clear advice from Natural England (see point 2) that a key consideration in meeting the new obligation under s245 LURA (2023) is how the proposed application and any mitigation will **further the designated landscape's statutory management plan**. If NYC does not provide appropriate evidence to show they have done all they can to further those purposes, beyond merely mitigating harm, **any decision may be open to legal challenge**.

The new Yorkshire Dales National Park Management Plan (2025 - 2030) is currently in preparation, with an expected delivery date of March 2025. Given that is only a matter of months away, we urge NYC to assess the application against that new plan when it becomes available and in the meantime give weight to the emerging policies and objectives.

5. Local Plans

NYC will be fully aware, as a result of the transfer of the LPA responsibilities from Craven District Council to the new unitary authority on 1 April 2023, of the long and complex history of designations and planning applications on this site and the relevance of specific Local Plans.

The relevant Local Plan covering Hellifield is still the Craven District Council Local Plan 2012-2032. That will remain the case until the intended adoption of North Yorkshire Council Local Plan in 2028.

That current Local Plan includes the reference in para 7.20 for the Tourism Development Commitment at Hellifield and at the time it was published it contained some of the references to the planning history and extant permissions. The designation of the site and Hellifield itself, in 1991, to be a "sustainable tourism" location was inextricably linked to the proposals for construction of the bypass to reduce traffic through the villages along the A65 including Hellifield. With the bypass project being dropped by the UK government in 1997 and no real prospect of it ever happening, **that tourism designation is no longer fit for purpose** and that tourism designation must be re-visited.

The Tourism Development Commitment at Hellifield states that any individual proposals must accord with the Council's approach to:

- "Preservation or enhancement of Local Green Space, including its open character, local significance and value to the community; existing public rights of way network; and preservation or enhancement of the character and appearance of the local area".

If the proposed development proceeds the requirements of this policy will not be met.

Our view is that **Policy ENV1: COUNTRYSIDE AND LANDSCAPE (Craven Local Plan)** should bear more heavily rather than this outdated tourism designation.

In the wider context, over the last 30 years since that original designation for tourism development, the Craven/Yorkshire Dales area has seen a huge increase in visitor numbers (with impacts on roads and local services) and highly significant losses in biodiversity and nature (as the UK as a whole has experienced).

The state of nature as evidenced in the Yorkshire Dales National Park Management Plan 2019-24 progress reports and the Campaign for National Parks (CNP) "National Parks Health Check Report"

clearly evidence that nature in the national park is in serious decline. It is highly likely that even with significant countering actions, this decline will continue into the next management plan period.

Knowledge of climate breakdown has intensified and calls for action have crystallized since 2019 when the previous application was refused. Both NYC and YDNPA are signatories to the Carbon Reduction Plan amongst other recent policy changes because of environmental issues, and YDNPA is also signatory (by virtue of membership of UK National Parks) to the global Race to Zero initiative.

For all the above reasons, and their new obligations under S245 LURA (2023), NYC must re-examine the designation of the site with the Local Plan framework. Given that NYC are about to start the process to develop the new North Yorkshire Local Plan, that examination should be part of the Plan consultative process. This is vital due to the highly significant impacts, complex planning history and robust objections to development on this site.

6. Planning History

NYC will be aware that a previous and very similar application (42/2016/17496) was submitted in November 2016 for 300 lodges, a hotel etc. The Planning Committee Report for that application provides essential reading to understand the planning history. That report recommended refusal which was determined by CDC on 25 March 2019.

Just by reading through that history it is evident that much time, effort and cost has been taken up at taxpayer's expense but with no substantive outcome other than irreparable damage to nature and considerable uncertainty for Hellifield.

Furthermore, it is not clear as to the validity of the earlier, now **extant permissions** and how they relate to the applications for the holiday park development – as submitted in 2020 and now amended in November 2024. For example, it appears that the approved parking (north of Waterside Lane) for the hotel was for **c60 cars** and coach parking [42/2005/5082]. What is not clear is whether this extant permission allows development of the same location for **280 spaces of car parking** (as shown on the amended plans) for the entirely different use as a car park for *the holiday lodges* development. Such detail must be thoroughly clarified and put into the public domain.

There also remain unresolved issues relating to works carried out by the site owner, some of which were **outside of the extant permissions** and have resulted in permanent damage to the site and loss of wildlife. This must be addressed and we understand there are ongoing investigations around enforcement.

We strongly urge that **NYC to undertake a detailed review**, to ensure there is a full and proper assessment of the whole issue and the site before any detail of the proposed holiday park is considered.

7. Concerns about the process and detail

This application (now slightly amended) – 2020/21553/OUT for 99 lodges etc - was submitted on 23 March 2020 and is very similar to the one refused a year before (after thorough consideration by CDC).

A further suite of objections including from statutory consultees were submitted after March 2020. Several of these consultees expressed significant concerns about the various assessments presented by the applicant such as on ecology, water, biodiversity, landscape impact and that there was

insufficient information on which a decision could be made. We share those concerns, in particular the informed position of Yorkshire Wildlife Trust (as at March 2020 and November 2020) on the insufficiency of ecological information and assessment of mitigation and the wider impacts on the River Ribble SSSI.

However, NYC should be aware that the applicant has apparently embedded their own text into the statutory response from YWT and from Natural England and these amended documents have been uploaded to the portal. **This is a serious and highly irregular action** which is likely to be breaking GDPR. At the very least this interference with statutory comments leaves the provenance of these documents open to misinterpretation.

At the time of writing (10 December 2024), there are **two consultee comments from NYC** itself. Both these comments raise significant new concerns about the application which must be addressed before further consideration is given to its determination. These comments are summarised below.

a) NYC Countryside Access Service has commented on the public rights of way as shown on the site plan submitted by the applicant. This plan fails to indicate an extant application from the public under s53 of the Wildlife & Countryside Act 1981 to add a public footpath, along Waterside Lane, to the Definite Map. If proposed works will affect this PROW either temporarily or permanently then specific actions must be undertaken. We are unclear as to whether this has been considered by the applicant. The Countryside Access Service also note the lack of clarity as to the route of existing PROW 05.30/18/1 and whether this lies within or outwith the development boundary. This obviously has a significant impact on walkers and their use/enjoyment of the PROW but we are unclear if the applicant has submitted an assessment on that impact.

b) Hincliffe Heritage have provided heritage advice to NYC as their consultants. Of particular concern is the failure of the applicant to properly indicate the important heritage features of drystone walls.

To quote the report (our italics): “... the dry stone walls around the main body of the site are not shown on the *FIGURE 4 LANDSCAPE BASELINE PLAN* and are not annotated for being retained and consolidated in the amended landscape plans (or on Option 2). The N-S dry stone wall through the site is shown on the *FIGURE 4 LANDSCAPE BASELINE PLAN* but it is not shown on the Site Concept Landscape Plan (or on Option 2). *Indeed the proposed layout of the lodges and routes seemingly wholly disregards its presence and wipes it away.*”

The consultant goes on to say “... I consider that the vast majority of the walls should be retained and repaired as part of the development and that they should inform the layout Heritage Advice: Leisure Development at Hellifield Flashes of plots, rather than be wholly cleared away to create plots.”

At the minimum this point requires the applicant to **redraw the detail of the layout of the 73 lodges on the site and resubmit.**

c) Timing - We are also very concerned about the timing of the process. Notification of the amended plans was sent out until 13 November 2024 – ie 4 years and 11 months after the plan was submitted. With the application due to expire on 23 December 2024, and barely 3 weeks originally given for responses, there is an understandable **perception that it is the expiry date rather than a measured consideration and due diligence that is driving the process.** This is not a sound basis for deciding the future of this significant site

8. Specific impacts

Colleagues in statutory consultee organisations, NGOs, the parish council and members of the public will be well placed to comment on specific aspects and no doubt these will re-iterate/ expand on previous objections. Given the foreshortened time to comment, not all of these responses are yet in the public domain meaning that we (and others) cannot take these into account. We are pleased to see that Hellifield Parish Council has been able to comment and we support their position.

In the absence of those other important consultee responses, we set out some general comments:

a) Landscape Impact

In the aforementioned report to the planning committee in 2019, it was concluded that:

- *“Notwithstanding the presence of the access road, a house and an area of tree planting the application site has a predominantly open, rural character that has a strong amenity value through private residential and public views.*
- *The proposed development would substantially alter the character of the site and would give rise to significant residual effects unless mitigated by the incorporation of extensive screen planting.”*

In the light of the serious issues raised earlier in this objection, the above is material enough to mean NYC should pause consideration of the application for an extensive review. We contend that the suggested mitigations will not deal with the substantial changes to the site, its character and nature.

The proposed holiday park is a large development in relation to the size of Hellifield thus adversely impacting on the quality of life of residents with limited benefits to local people. Hellifield Flashes provide an important amenity space for the residents of Hellifield, and its wildlife features attract interest from much further afield. The proposed development will significantly impact on this. That the applicant is now arguing that the extant permissions mean all impacts on landscape, wildlife and nature are already agreed is completely unacceptable.

Tourism is of course important to support the local economy and to provide opportunities for everyone to enjoy the unique features of the national park and surrounding areas. However there has been a proliferation of holiday parks just to the south of the national park boundary with volume of visitors exceeding the carrying capacity of local roads. This application will only compound these problems, given the area is already saturated with holiday parks.

In addition, there is an inadequate assessment of the impact on the Yorkshire Dales International Dark Skies Reserve (designated December 2020).

b) Wildlife

Hellifield Flashes is an extremely valuable wildlife site for birds and Great Crested Newts. The value to birds is critical during the autumn – spring months when the ephemeral Flashes of Little Dunbar and Great Dunbar provide essential and relatively undisturbed areas for large numbers of waders and wildfowl to feed, wash and rest. Many of these wetland birds will be listed as vulnerable or endangered on the UK Red List, for example Black-tailed Godwit, Lapwing and Curlew. As well as the Flashes, these birds also use the wet fields to feed including those where the lodges are proposed to

be built. A full assessment of impact on birds, particularly given the location on the edge of the national park, is essential.

Note - Due to its ephemeral nature, **Great Dunbar** is not shown on OS maps which is presumably why the applicant has not included it in the site plans, but it is nevertheless an important wetland feature and impact on it should be assessed.

The construction work followed by the resulting lodges and infrastructure with increased human activity, dogs, vehicle use and lighting around the site will also deter birds and other wildlife activity. These wading birds and wild ducks are so sensitive to disturbance that even one individual or a dog using or leaving the footpath (05.25/2/2) which crosses the site to the north causes entire flocks of hundreds of birds to be “flushed” and fly away. Repeated disturbance from the thousands of new visitors are likely to cause permanent abandonment by winter migratory birds.

We consider that biodiversity loss (including the loss of grassland which is a key carbon store habitat) will be considerable and on top of that already lost through the recent actions by the applicant. The creation of two ponds, so close to the lodges and with little space for marginal vegetation to develop, is unlikely to offer any significant wildlife value and cannot be considered adequate mitigation.

The relationship of Hellifield Flashes and the proposed development to the River Ribble (Long Preston Deeps) SSSI is a major concern that is not satisfactorily dealt with in the application – the applicant now argues that this was all dealt with in the tourism designation. This reinforces our view that there needs to be a fundamental review to re baseline the site given how much has changed since that original designation.

c) Water and Flooding

There are many concerns that have been expressed by nature and environmental organizations into the impact of the proposal on the site with its important role to contain flooding from the hills above and the railway embankments and feeding into local becks and ultimately the River Ribble. The concerns that appear to still not be addressed are:

- i. How the increasingly frequent and large volumes of water are to be handled given the role the Flashes provides as a **natural flood defence**. The experience of recent years and local knowledge of the culverts suggests that a significant amount of investment would be required to provide infrastructure to handle the water once the lodges are built – without which it’s likely the water will flood the lodges.
- ii. **Pollution into Pan Beck Fen and Kell Well Beck** is a concern simply from the introduction of development onto the site with the proposed 73 lodges, waste, dogs, vehicles even with mitigation which the applicant claims will not occur. The agencies with the expertise in these areas remain dissatisfied with the proposals.

d) Access and transport

There does not appear to be a **Traffic Impact Assessment or a Sustainable Travel and Transport Plan**. Given how much has changed since the Hellifield Tourism designation, not least the proposed bypass being quashed, the impact of the development will add to what is already too much traffic on the A65 and through Hellifield, especially during the spring and summer months. The A65 runs directly through the village of Hellifield and the amount of additional traffic will impact upon local people being able to get about easily and safely.

Without a Sustainable Travel Plan the application is based on all visitors, staff and services being accessed by road vehicles. There should at least be attempts – as was envisaged in earlier applications, to create a seamless link into the railway station for travel to Hellifield by rail and also to make it easier to use bus services. The original application mentioned encouraging cycling to various locations from the development but this is not at all feasible as the only option is via the A65 or the A682, neither of which are roads suitable for active travel, especially by families.

The application does reference encouraging people to access the surrounding countryside including Yorkshire Dales National Park by cycle and on foot. Whilst a discussion previously between the applicant and national park authority established the principle that the applicant would need to fund such infrastructure in perpetuity there are still no workable proposals. We note that currently there is just one footpath linking Hellifield, the proposed development and countryside north of the railway line that lies in the national park – which would require considerable upgrade probably to bridleway status to achieve what is envisaged.

Conclusion

In objecting to this amended application, we have considered the overall context for the site including

- highly significant S245 LURA (2023) legislation
- outdated designation of the area in the Craven Council Local Plan (2012-2032)
- long series of extant, refused and amended planning applications
- inadequacy of information submitted to support this amended application
- effect of the owner’s activity on the degradation of nature on the wider site

The proposed scheme is detrimental to the fragile position regarding nature, wildlife and communities’ well-being in the area.

Given these substantial issues we recommend that that North Yorkshire Council instigates a deep review of the site, the planning history and an update to the Local Plan to reflect on all that has changed, 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.