



CANALSIDE HOUSE, BREWERY LANE, SKIPTON, NORTH YORKSHIRE, BD23 1DR

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## COMMENTS ON THE COMMITTEE REPORT FOR THE HANGING STONES PROJECT, ROSEDALE & RECENTLY SUBMITTED CONSULTATION RESPONSE FROM NORTH YORK MOORS ASSOCIATION

PLANNING APPLICATIONS: NYM/2019/0353/OU, NYM/2019/0354/OU,  
NYM/2019/0355/OU, NYM/2019/0356/OU & NYM/2019/0359/OU.

On behalf of the David Ross Foundation and the artist for the Project (Andy Goldsworthy OBE) we request that this letter is provided to Members in advance of the planning committee meeting on 18<sup>th</sup> July 2019, and read when the application is considered by Members of the Authority in their determination of the planning application.

### COMMENTS ON COMMITTEE REPORT

- The recommendation of refusal from your Officer's is for obvious reasons disappointing to the applicant and Project Team; an exceptional amount of work has been undertaken on the Project since the previous 2017 applications were withdrawn and the proposals as a whole are not only supported in principle and practice by statutory consultees (including North York Moors Association and Rosedale Parish Council) but also subject to extraordinary support from the local community and both national and international artistic community figures.
  - Notwithstanding this, there are a number of issues within the report and incorrect references which we hereby seek to bring to your attention.
  - The reference within the report (see section on 'Tourism and Associated Levels of activity') to the Seated Figure sculpture on Westerdale Moor is wrong in that it suggests that the sculpture was removed and re-located to the Yorkshire Sculpture Park owing to the *'level of complaints received regarding parking, activity levels, litter and erosion of the moorland by cars and excessive number of walkers focussed on a specific site'*.
  - As members will already be aware, the Seated Figure attracted considerable public support and there were only a handful of negative comments received. The permission granted by the Authority for the Figure was to last for 5 years, however, the Figure became more popular than was ever imagined and as there was open access over the moor, there was no way at all to control visitor numbers.
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- The landowner was aware that moorland erosion was taking place as a result of the lack of control over visitor numbers and thus when the opportunity to relocate the Figure to the Yorkshire Sculpture Park arose, the executive decision was made to move the Figure before the expiration of the temporary planning permission to allow the moorland to recover. The reference to the 'level of complaints' being the reason for the Figure's removal is therefore inaccurate and we hope that members acknowledge this.
- The report also makes various comments on the route that is to connect the proposed sculptures. As members will be aware, this route is made up partly of public footpaths and partly of 'permissive paths', access to which is granted by the landowner only to those people who have booked to visit the Project and whom have a key to the buildings.
- The current applications in front of members do not seek permission for the footpath connecting the proposals; they seek outline planning permission (with all matters reserved) for the principle of a structure on each of the 5 sites.
- Notwithstanding this, we accept that 'how' the sculptures will be accessed and 'how many' people will be accessing them is a material consideration relevant to the determination of the applications.
- The committee report lacks detail on the proposed management of the Project, including the level of visitor numbers the Project is anticipated to attract. The suggestion within the report that the Project has increased in scale and therefore visitor numbers are likely to be higher than in 2017 is considered misleading; the Project is still 'low key', restrictions on visitor numbers are now proposed (where there were none in 2017) and other details have been provided on what management measures have been set up (including the buildings being accessed only be key).
- The exact restriction on visitor numbers has been anticipated to be limited to 5no. parties a day with a maximum of six per party; visitor numbers are therefore anticipated to be restricted to between 5no. visitors up to 30no. visitors per day.
- The applicant is wholly willing to agree with the Authority how exactly the scheme is managed (e.g. parking and key distribution) including agreeing caps on visitor numbers. It is anticipated that this can be agreed by way of a planning condition on the consents which would require a 'Visitor Management Plan'<sup>1</sup> to be submitted to and agreed in writing with the Authority prior to the commencement of any works. It should be noted again that the applications before members are made in

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<sup>1</sup> The condition can specify exactly what this Visitor Management Plan should detail, including, for example: caps on booking numbers; how bigger parties go about booking (e.g. any bigger parties such as school groups would similarly be limited to 30 and the maximum daily cap of 30 would still not be exceeded); where the keys are stored and who the keys are managed by; and parking arrangements.

outline only and that a further 'Reserved Matters' submission (covering the appearance of, access to, landscaping, layout and scale of the sculptures) is required to be submitted to and agreed with the Authority prior to any works commencing.

- A very small section of additional permissive path is proposed over and above the route already agreed with the Authority (a route which has been agreed in consultation with the ecology team outside of the planning process), relating to access to the 'Thorn House' sculpture (a site already accessible by public footpaths). It is accepted that in order for the Authority to undertake the necessary update to the Habitats Regulations Assessment further information on ecology is required; the applicant is willing to provide this information and work with the Authority and Council ecologist to determine the ecological impacts of the scheme.
- Finally, as put forward as part of our original submissions, we consider the reference to Development Policy 8 to be erroneous; it is accepted that the proposed structures do not involve the conversion of existing redundant building, as these buildings have in the past become ruinous; the application of a policy that relates solely to the conversion of buildings is therefore not relevant to these proposals.
- We welcome your Officer's acknowledgement that the Development Plan has no policies specifically in relation to outdoor sculptures or public art and that there are no National policies relating to this subject area.
- Whilst it is accepted that new development in the open countryside is strictly controlled, the applications before you, which seek consent for small structures to be used only for the purposes of sculpture, are considered to meet with the relevant National Park objectives and will provide clear local economic benefits from the small-scale, controlled, tourism/visitor related expenditure. It is hoped that members recognise these benefits and the special qualities of the Project and grant approval for the applications before them today.

#### COMMENTS ON NORTH YORK MOORS ASSOCIATION CONSULTATION RESPONSE DATED 14<sup>th</sup> JULY 2019

- The applicant and Project Team welcome the statutory consultation response from the North York Moors Association and the support they have given the project as a whole.
- The comments regarding the management of the scheme are noted and we hope that the explanation provided above and suggestion of the implementation of a Visitor Management Plan are considered appropriate by members to enable the Authority to consider the management of the scheme.

## CONCLUSION

The Hanging Stones Project is nothing less than exceptional and we hope that members recognise the substantial benefits that will stem from the delivery of the Project in its complete form.

Should additional detail be required on management or ecological matters, we respectfully request that members support the proposals here today and that the application is delegated back to Officers to oversee the submission of these details.

Thank you for taking into account these material considerations when determining the planning application.

17<sup>th</sup> July 2019