

Members Update Sheet

Items 4 – 8 NYM/2019/0353/OU, 0354/OU, 0355/OU, 0356/OU, 0359/OU

Please see separate circulated information received from Agent in support of the application

North Yorkshire Moors Association 15/07/2019 – We would like to submit the following response from the North Yorkshire Moors Association to the planning applications below:

- Land northeast of New Road (Thorn House) NYM/2019/0353/OU
- Land north of Northdale Farm (Ebenezer) NYM/2019/0354/OU
- Land to the north of Northdale Farm and east of West Gill (Red Barn) NYM/2019/0355/OU
- Land to the north of West Northdale Farm NYM/2019/0356/OU
- Land east of Hanging Stone Lane (Bog House) NYM/2019/0359/OU

Introduction

The applications submitted by the owners of Rosedale Estate and the artist Andy Goldsworthy form part of the 'Hanging Stones' project and follow previous applications submitted in 2016 and 2017. These were:

- Hanging Stones House
- Hither House
- Jobs Well
- Red Wall
- South Field House

Work has been completed on four of these buildings but work on South Field House has yet to be finished.

Four of the new applications were previously submitted but withdrawn in May 2017 following a recommendation for refusal by the National Park Authority. These were: Ebenezer House, Northdale Head House, Bogs House and Red House. This, according to Rural Solutions Ltd, was *"to allow for further development of the artistic vision and for greater evidence to be gathered in support of the proposal."* (Planning Statement 2019)

Description of Proposals and Planning Issues

In the first place, the current planning submission confuses the buildings with the term 'sculptures'. The buildings themselves are not sculptures but serve as housing for the artist's installations. So for example, in the planning statement by Rural Solutions the title description "proposed sculpture (Ebenezer)" is misleading. The application is for the principle of a structure, i.e. a building. Planning statement Hanging Stones Project/David Ross Foundation states at page 17 para 4.11 *"The current application seeks approval for the principle of a structure on this site only"*. We take this to mean a new building on the footprint of the remains of an existing building which now consists of a couple of half-ruined upright dry stone walls and a pile of stones.

Secondly, the application dismisses the relevance of Local Development Framework Development Policy 8, on Conversion of Traditional Unlisted Rural Buildings, by suggesting that the Policy does not relate to outdoor sculpture or public art and that the proposals do not fall within the categories of employment use, holiday accommodation use or any of the residential uses within the Policy. This however overlooks the description at paragraph 7.23 which clarifies

the policy as a building conservation policy rather than a housing policy, and states that not every building will be considered suitable for conversion and re-use. It states that:

“For example, proposals to re-use buildings which are in need of substantial re-building would be tantamount to the construction of a new building which could involve a loss of character and in the case of locations outside settlements, could have wider landscape character and sustainability implications. Due to their location in the countryside, there may be potential for impacts upon the natural environment which will need to be addressed. Amongst other environmental considerations development proposals that could have an adverse effect on the integrity of a European site would not be in accordance with the Development Plan”.

Development Policy 8 is clearly relevant in the consideration of re-use of the proposed buildings which are required to house the art installations, especially since it is clear that the proposal is not just a case of ‘re-use’ but of substantial rebuilding, in some cases amounting to a new build.

Furthermore, there is a lack of detail in the submissions including the plans that accompany the proposals and in the description of the construction of the buildings. There are no dimensions given or details of materials to be used, for example, for roofing except in the case of Red House, but that also refers to a search for clay for the roof tiles and so is inconclusive. This paucity of detail makes it impossible to judge the end result of the rebuilding.

The buildings themselves would be permanent structures provided they are well built and maintained, but what they contain may be less permanent; for example, wood perishes and decays very quickly under certain conditions. The question then is what length of time will the installations survive? What level of maintenance will be required? These questions have not been addressed.

Tourism, Conservation and Management Issues

We have also looked at the impact of creating a sculpture trail in Northdale. A supporting website has already been created (<https://www.hangingstones.org>). While we commend the likely artistic merit of the project, given Andy Goldsworthy’s international renown and his sympathy for the environments in which he works, we have concerns about the management of the project and control of visitor numbers.

The measures outlined to limit visitors lack detail and scenario planning. The information on the Hanging Stones website such as limits on the number of visitors, the requirement to collect a key (from an unspecified location) and the suggested donation are aspirations rather than firm management plans. With a project of this potential significance we would expect a feasibility study to have been carried out, yet this does not appear to be available, and neither is a management plan available (at least in the public domain). Basic questions to be answered are: how will bookings be taken, and who will control the numbers? Who will collect the donations and be accountable for them? Is there to be a management entity, and if so, what legal form will it take? Or will bookings and payments be outsourced to an existing enterprise? If so, how will this benefit the National Park?

We are aware that the experience of the “Seated Man”, placed on Brown Hill in 2017 but which had to be removed after only two years because of the damage caused by unforeseen visitor numbers to the site, will inform decisions over how the proposed “Hanging Stones” sculpture trail will be managed.

At present the existing ruined buildings are part of the history of Northdale and add historical detail to the landscape, as well as contributing to biodiversity and the landscape as havens for wildlife. Northdale is an outstanding example of the remoteness and tranquillity which are characteristic of the special qualities of the National Park. It includes Sites of Special Scientific

Interest (SSSI's) Special Protection Areas (SPA's) and Special Areas of Conservation (SAC's). This raises questions about a possible conflict between visitor intrusion and wildlife conservation if the project were to take place.

Against this, we need to weigh the possible economic and prestige benefits of having a high-quality and carefully-managed visitor attraction in the North York Moors. We understand that the residents of Rosedale in general welcome the proposed sculpture trail, especially since the additional visitors it should draw may support local businesses.

Conclusions

In considering this application, the Hanging Stones Project should be looked at as a whole. Although the scheme appears to contravene planning guidelines and lacks a coherent plan in terms of how it would be managed, an innovative and high-quality installation of this type could broaden the demographic for tourism to the national park and generate income for businesses in the area.

The issue has been the subject of considerable discussion within the NYMA Council, and the conclusion is that the Council supports this project both in principle and in practice, subject to the reservations expressed in the preceding paragraphs. However, its originality presents new challenges to existing planning precepts, and a special case may need to be made to accommodate it.

Others – 12/07/2019 - Ian and Emma Foxley, Park House, Sheriff Hutton, York – We write in support of the above planning applications to complete the "*Hanging Stones*" artwork by the sculptor, Andy Goldsworthy, funded by the David Ross Foundation.

As locals, we have visited the current four sites with both British and International friends and each time are reminded of the unique nature of their creation. Not only are they of outstanding artistic value, but they offer sites of spiritual renewal and thoughtful contemplation, set against the wild beauty of the National Park. Moreover, through the thoughtful renovation of ramshackle bothies, they have both preserved and added to the character of a North Yorks Moors walk and added the delightful surprise of interesting sculpture where none would normally be expected.

If extending the current four sites will add to the current experience, then the proposal gains our full support and we urge that planning permission be granted to allow Andy Goldsworthy to create more beautiful pieces that fit with the tone and character of their natural surroundings.

16/07/2019 – Rupert Drury, Thorn House, Terrington – I am writing in support of the above applications.

Andy Goldsworthy has already created some amazing art within both new build and existing old buildings in Rosedale/Northdale Valley. From the outside, the appearance is nothing more than traditional built farm buildings, either for fodder storage, or shelter for livestock, yet the inside reveals a unique and inspiring piece that belies the exterior of the building and really captures minds. Each of the pieces fit naturally within the landscape and are unique in what they offer. Rosedale is lucky to host such works of art from an internationally famous artist and lucky that the David Ross Foundation is prepared to facilitate and fund the work.

I am aware that there is concern over increasing access for the Hanging Stones project, but unlike the seated man at Westerdale, access to these installations can be easily be controlled, as each of the buildings can be locked. This was very different to the seated man on open moorland which has unrestricted access.

Buildings have a finite lifespan, but I think it is fantastic to restore derelict buildings in this context and bring them alive once again. It brings employment to many local craftsmen who ensure the restored building fits within the landscape in a very natural way.

I do hope the National Parks feel able to support this amazing and unique project.

16/07/2019 – M.A. Barraclough, Dale Head Farm, Rosedale – I write in support of the proposed art works above. I have people who come on the tea garden on a regular basis who have seen ‘the hanging stone’ and been very impressed by it. They have walked via Northdale to see the work of art and then along the railway line to me. I do think when completed the additional works can only have a positive effect boosting tourism and work in Rosedale. Goldsworthy has a large following and interest in his work can only grow. The work is sympathetic and goes hand in glove with the natural surroundings of the North York Moors. I understand access to the pieces is going to be easier than the key system for the ‘hanging stone’ which will make it accessible to all. This is such a marvellous opportunity for this small community to enjoy visual art culture which is a necessary vehicle of education which can often only be accessed by travelling further afield. It will be a legacy and promote the area for years to come. I hope you will approve these 5 planning applications.

Officer Response to Letter from Rural Solutions 17/07/19 commenting on Officer’s Report

The above letter from the agent sets out what are considered to be “a number of issues ...and incorrect references in the officer’s report”. Some of these require a response in the interests of accuracy:

It is acknowledged that there is both widespread and local support for the project – though the letter incorrectly states that there is support in principle from statutory consultees – (including North York Moors Association and Rosedale Parish Council). These views are very important, though neither body is a statutory consultee and the only statutory consultee, Natural England has in fact stated that as submitted the application could have potential significant effects on the North York Moors SSSI, Special Area of Conservation and Special Protection Area and without further information may need to object to the proposal.

The letter states that the reference to the Seated Figure removal is incorrect in that it refers to complaints received and that there was no way at all to control visitor numbers. The real reason for its removal is stated to be the level of moorland erosion being caused by the visitor numbers. This is acknowledged, and although a small number of complaints were made on the basis of this damage, there was a much larger volume of support for that particular art installation. Its prominence and accessibility also led to a large number of visitors and the only inherent control on numbers was the availability of roadside parking. Nevertheless, the permission did include a condition requiring a visitor management, parking, footpath and erosion management plan to be implemented if necessary which the owner decided not to implement.

It is stated that the current outline applications are not seeking permission for the connecting footpath between some of the buildings, only the structures themselves. However, the footpath link is shown on the application plans and the applications form part of a single project which is intended as a walk, so an approval would be in effect agreeing in principle to new permitted access and the project itself states “The walk itself is an integral part of the project”.

The letter states that the Committee report lacks detail on the proposed management of the project including the level of visitor numbers it is anticipated to attract. This is because the application itself is unclear on this aspect for example it refers to: “the number of visitors on the walk at any one time will take into account the time and space needed to experience the buildings properly.” Further detail on the web site promoting the project and referred to in the letter is helpful in setting a number on anticipated numbers (up to 30 visitors per day).

The letter refers to a Visitor Management Plan to be submitted by a condition on a permission which could include a cap on visitor numbers. This is helpful; however such information is required in advance of a decision so that the Habitats Regulations Assessment can be properly informed. Knowledge of whether or not a proposal is likely to result in significant effects on internationally designated sites is legally required in advance of a decision.

The letter questions the applicability of policy DP8, relating to the conversion of existing unlisted traditional buildings. Whilst the fact that the project revolves around the presence of existing ruinous buildings this policy is a conservation policy aimed at retaining existing buildings that are architecturally or historically important and are capable of new uses without substantial rebuilding. Clearly if the proposals were for conversion, DP8 would very obviously be breached, however, the agent acknowledges this is about new buildings in the open landscape on the footprint of previous structures and officers therefore concur with this view. The more fundamental policy conflict is therefore with Core Policies A, C and G which encompass the need to give great weight to the conservation and enhancement of the landscape and wildlife of National Parks as Protected Landscapes.



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

REGISTERED IN ENGLAND NO. 6839914 VAT REGISTRATION NO. 972 8082 90

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 18th 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 by 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'¹ 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

¹ 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 14th 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.

17th July 2019