

Members Update Sheet

Item 4 NYM/2019/0444/FL

Members are advised that the agent has requested that determination of the application is **deferred** until the next Planning Committee to enable them to consider an alternative location for the new car park and access to the footbridge outside the designated area of Ancient Woodland or an alternative design solution.

Officers have received additional information from the agent (circulated to Members) which presents the evidence collated to suggest that the area has been incorrectly designated as Ancient Semi-Natural Woodland given that it has not been wooded continuously since at least 1600AD based on the historical mapping (from 1889) obtained from the Authority. The agent suggests that the Ancient Woodland boundary should follow that of the SSSI. Furthermore the trees to be directly impacted upon are relatively young trees planted by the applicant in the 1990s. However the Authority's Woodland Officer has responded as follows:

1. The current situation is that the majority of the works at Site B are within the area recorded as ancient semi-natural woodland on the Ancient Woodland Inventory. In our view the construction of the car park and its subsequent use would have a detrimental impact on the ancient woodland and in line with the NPPF should be refused. The construction of the footpath and bridge is not considered likely to have a significant impact on the ancient woodland and therefore we would have no objection to its approval.
2. The applicant has submitted a range of evidence supporting their assertion that the Ancient Woodland Inventory is incorrect in respect of the area around Site B and that it should not be recorded as an ancient woodland site. Although the balance of evidence supports this assertion we do not accept that it is conclusive and are therefore not prepared to dismiss the ancient woodland status. Nor do we feel that we are authorised to make such a decision and so we would request that a formal application is made to Natural England for a revision of the boundary.
3. Regardless of the outcome of any amendment resulting from 2. above, we consider that the proposal for the car park will have a detrimental impact on the woodland, both directly from the construction but also from significantly increased use of the adjacent area. We appreciate that the applicant has made efforts to minimise this but an impact will result none the less. We also appreciate that there are environmental benefits provided elsewhere in the wider proposal but we are not prepared to support the car park proposal at Site B until these have been quantified, the need for additional car parking is demonstrated and evidence provided that alternative parking locations on less sensitive habitats cannot be found.

Members attention is also drawn to the additional submission from West Ayton Parish Council (circulated to Members) which reiterates their concerns and objections notably that riverbank erosion is most prevalent in the area of the proposed footbridge which will be exacerbated by the proposals; the proposed works at Seavegate Gill fail to protect the heavily trafficked area around the veteran horse chestnut tree; a reduced speed limit and traffic calming measures are required to improve highway safety in the valley; and question who will maintain the proposed facilities.

The agent has provided an amended Arboricultural Implications Assessment (AIA), Tree Survey Report and Biosecurity Protocol in response to Natural England's comments, along with an updated Construction Management Plan which incorporates the recommendations in the Extended Phase 1 Habitat Survey have been forwarded directly to Natural England and copied to the Authority.

Please see information received from the Agent for circulation.



RESPONSE TO WOODLAND OFFICER AT NORTH YORK MOORS NATIONAL PARK REGARDING COMMENTS PROVIDED TO PLANNING APPLICATION NYM/2019/0444/FL

We have reviewed all the information provided by yourself and Natural England. We greatly appreciate the sensitive environmental nature of the Forge Valley and any proposed works have been developed with these sensitivities are the forefront. We feel there are many positives for both people and the environment that will result from the works and the mitigation proposed, which you have also acknowledged in your responses.

With regards to the new car park and footbridge area (Site B) that is being proposed, we do not believe this location to be Ancient Semi Natural Woodland or the trees within this location to be ancient for reasons to be outlined in this response.

The NPPF defines ancient woodland as:

An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS).

We do believe there is evidence to show that this area in question has not been continuously wooded since 1600AD. We believe the Ancient Woodland boundary should follow that of the SSSI boundary, which it generally does apart from this location. Please see the adjacent diagram that shows the SSSI boundary in relation to Site B. Site B being the middle red line area, showing the area of works relating to the new car park are out with the SSSI designation.



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Forge Valley Woods National
Nature Reserve, Seavegate,
East Ayton

In relation to the historic mapping you have provided, please see our commentary below.

1889 map, trees are associated tightly along the River Derwent and not the open space to the east, and it is within this open space to the east that Site B is located.



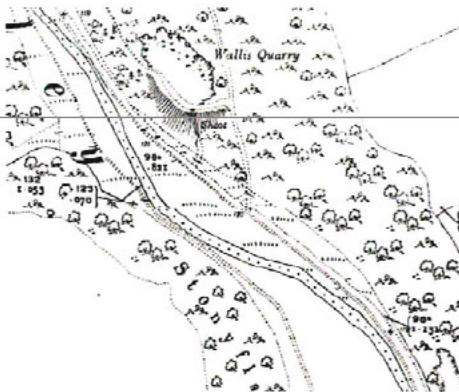
1912 map, more trees are shown to the east of the River Derwent than on the 1889 map, but still not covering this whole parcel of land and not full tree cover in the area of the ancient woodland boundary.



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1928 and 1953 map, both showing no tree cover at all within the parcel of land to the east of the River Derwent, in which Site B is located.



1928



1953

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FAIRHURST

The trees to be directly impacted and removed by the creation of the car park area at Site B are relatively young trees that were planted by Scarborough Borough Council in the 1990's. These trees are therefore relatively young and are known to have been planted and managed since the 1990's. The fact that these are young trees is well documented within the protected species report, BS5837 Tree Survey report and the Arboricultural Impact Assessment (AIA). The area that requires trees to be removed is identified within the Tree Survey as Group 34, which is identified for works to remove poorer species and to remove guards that are evident on site from them being planted in the 1990's. In total there will be 9 trees removed from Site B and 18 trees will be planted throughout Site B and C through the works. 3 of the trees to be removed are Ash and 1 tree is currently dead.

All other trees will be retained, and the AIA report has provided tree protection plans, which all works will be carried out on site in line with. There are woodland indicator species present on site such as bluebells (which you have also identified through site visits), however, these species will have been introduced from the surrounding woodland. The areas remaining out with the car park will be managed to encourage a dense understorey of planting that will provide enhancement of this area and will provide protection to the neighboring SSSI and NNR. The proposed tree planting will more than compensate for the loss of the 9 trees. All felled wood will remain on site, larger branches will be used within the proposals to provide a barrier between the car park and path ways at Site B and C and the neighbouring land. We have revised drawing 128858/8004 to remove any 'informal seating' suggestions as requested. This will provide further levels of protection to the neighboring land, allowing ground flora and fauna to develop. The proposals also introduce interpretation boards to the sites, which will contain information about the sensitive nature of the area, therefore educating visitors on sensible use of the area providing more protection.

Through site evidence (see adjacent photos) we know that Site C, where we are proposing works, is already subject to misuse by vehicles and footfall. Site B is also subject to footfall along the highway verge, with nothing to prevent access into the wider sensitive area. The proposals as outlined would restrict access and provide protection for higher value areas of the site. We believe that if these works do not go ahead this misuse will continue to the detriment of this environment as the boardwalk and existing provisions would be lost and not replaced, which would cause greater harm to the SSSI.



To summarise, the application Site B/ area of the new car park does not fall within ancient woodland, as there is evidence to show that this area has not been continuously wooded since 1600AD and therefore it is considered that Paragraph 175 of the NPPF does not apply to this application (Paragraph 175 of the NPPF states that *"When determining planning applications, local planning authorities should apply the following principles...development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists"*).

We believe this scheme generates extensive opportunity to provide needed benefits to this sensitive environment as outlined within the planning application. Natural England have not objected to this scheme and we are finalising additional information requested by them. This includes updating the Construction Management Statement (CMS) to more closely tie it to the mitigation within the various ecology reports, producing a Biosecurity Risk Assessment Report and updating the Tree Survey/ AIA.

With regards to comments you have provided, we have made the following amendments:

- Updated the CMS so that is closely tied into the ecology surveys and mitigation and it will now also appendices the ecology/ tree/ AIA surveys/ reports (also as requested by Natural England).
- The new car park and footpaths will be constructed to avoid the need to stray from them and buffers provided to discourage people venturing out of car park/ footpath areas. Interpretation boards also provided to include information to educate users on how to sensitively use the area.
- Updated drawing 128858/8004 Rev D to show that logs from felled trees will provide a landscape buffer between the path/ car park and the surrounding area to provide protection and will not be for seating of any kind. This will mean the car park and path is to allow access to the boardwalk only and this will be further reinforced by the information to be provided on the interpretation boards.
- Updated drawing 128858/8004 Rev D also provides further clarity that the trees that will require removal are from group 34 identified within the tree survey that recommends thinning of poorer species. The proposals look to more than replace trees lost (9 removed, 18 proposed) and the protection to the wider area will provide great benefits to the ground flora and fauna of this area, allowing species to further develop/ establish.
- Vegetation in adjacent areas will be managed in a way to allow a dense understorey to develop, again to promote the development of the recognised herb layer/ scrub habitat.

It should also be noted that due to the significant amount of ash species within Forge Valley, it is likely that future tree cover is likely to be affected due to ash dieback and replanting will be required within the wider area. The proposals are mindful of this, as some of the trees identified in tree survey are Ash species, including 3 to be removed at Site B, and mitigation is provided via additional tree planting.

Below and attached in a separate document is further information on what we know of the history of the Forge Valley, which is of relevance as to why we do not believe Site B to have been wooded continuously since 1600AD.

We trust this response concludes this matter and that you are satisfied that the concerns you have raised have been addressed.



History of Forge Valley

Geology

- Forge Valley was created at the end of the Ice Age and cut out due to the forces of melt water.
- The land at the south end of valley are rich in alluvial deposits (sand and gravel).
- At the point where the bridge and car park are planned (Site B) the valley sides widen and the river runs into a flat valley created by alluvial deposits.

Geography

- At the point where the existing Wallis Quarry car park and the modern highway has been constructed their lies the remains of an Ox Bow lake which shows itself at times of flooding in the valley. It is land clearly below or at the level of the existing river level.
- The car park at Wallis Quarry shows the features of quarry spoil cutting in to the Ox Bow lake.
- The highway along this stretch has been constructed on a raised embankment further adding to the isolation of the Ox Bow lake from its original connection to the river.
- In 1799 after major flooding of the developing villages of East and West Ayton local business men worked together to create the Seacut running from Mowthorpe to Scalby which was completed in 1804.
- From this point onwards the physical features seen to day in the valley floor take shape and the land at Site B takes on a more permanent status.
- This area of land would have been the unstable and ever changing alluvial outflow from the narrow valley and unable to support the establishment of a woodland.
- The ever changing nature of this piece of land can be seen today as the line of alders along the bankside at this point is now being isolated from the river course by alluvial deposits on the inside of the river bend.
- There is some historical map indicating that this was a crossing point for a Roman road which would support that this was a shallow crossing point.

History

- Historical documents show that mans movement from the North end of Forge Valley to the South was not along the valley floor but had to climb to the top of the valley from Mowthorpe via the ancient Cunsey Gate and barrows and tracks running down to East Ayton.
- Once the road bridge was built between East and West Ayton in 1775 traffic connected to Mowthorpe and Scarborough via Moor Lane in East Ayton which was a toll road.
- Until the construction of the Seacut a highway alongside the River Derwent could not be safely created.
- No public footpath runs along the valley floor on the East Ayton side but at the Wallis Quarry point a public footpath does rise up and traverses along the steep valley side until a point where it drops to high ground and connected up to the site of the old forge and Forge Valley Cottages on a high rock ridge.

All the above demonstrates that this area of land (Site B) has little or no history of being ancient or semi ancient woodland due to its unstable history. Please also see attached document that further expands on this information.

Forge Valley Historical References

Scarborough Archaeology and History Group

<https://www.sahs.org.uk/admin/kcfinder/upload/files/Raincliffe%20Final.pdf>

3. ARCHAEOLOGICAL AND HISTORICAL BACKGROUND East Ayton, Irton and Seamer Moors are rich in prehistoric remains, particularly Bronze Age burial mounds or 'tumuli' around 3500 years old and several linear boundaries comprising lines of parallel banks and ditches. These were constructed around 3,000 years ago in the late Bronze Age, probably as land boundaries (Spratt 1989a). Although no settlements have yet been located associated with the boundaries, it is likely that they were sited on the more fertile lower slopes along the north edge of the Vale of Pickering in broadly the same location as the present villages. The prehistoric burial mounds and boundaries were first mapped in detail by the Ordnance Survey in the 19th century (Ordnance Survey 1854) but many sites were levelled after the moor top became farmland in the 20th century. Several burial mounds still survive as earthworks and there is one substantial length of linear boundary remaining called the Skell Dykes which extends for 600m downslope from the edge of Raincliffe, but originally continued much further south (Figure 3).

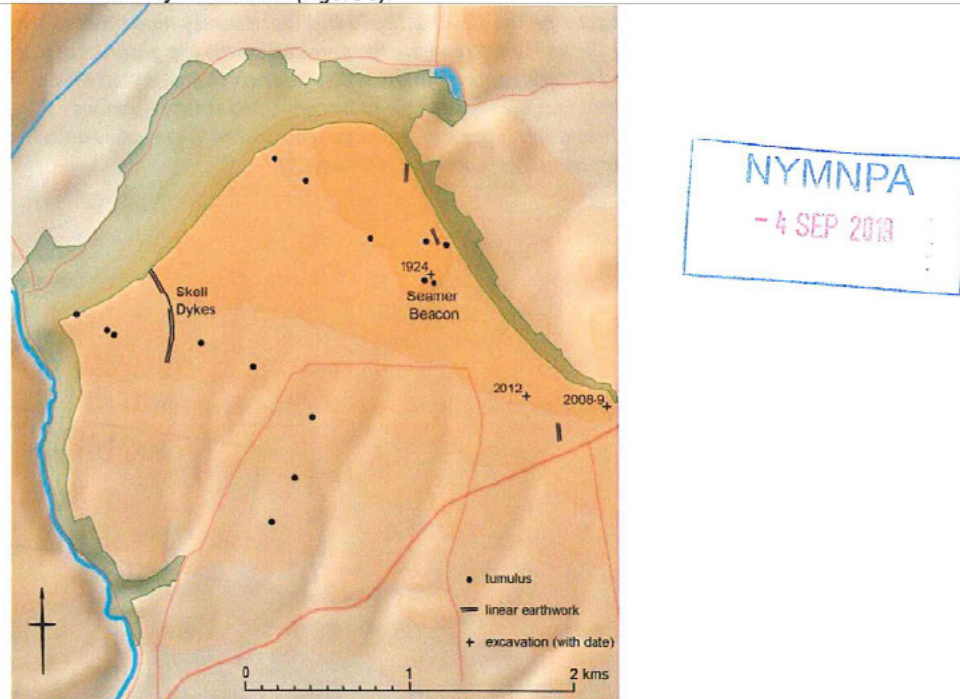
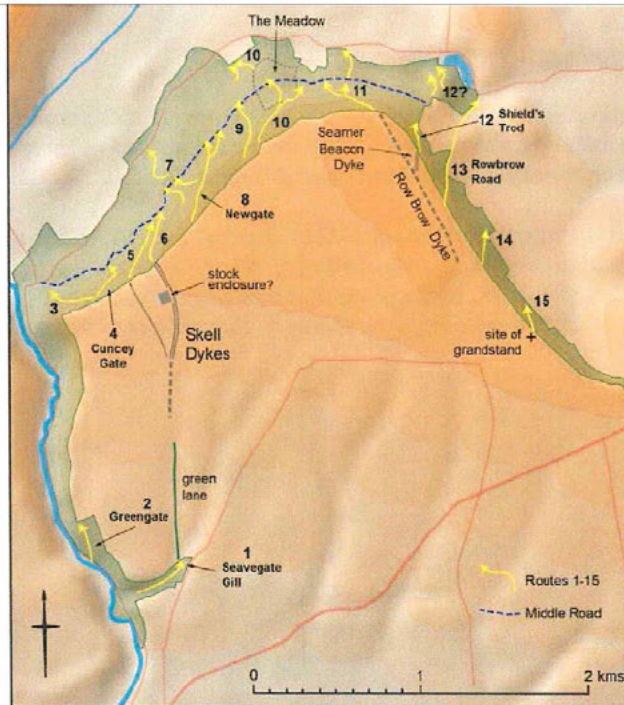


Figure 3. Map showing visible prehistoric remains and the location of archaeological excavations mentioned in the text.

4.2 Hollow Ways and Tracks A significant feature of both Raincliffe and Row Brow Woods are the number of hollow ways that exist on the steeper slopes where the persistent use of certain routes has worn deep cuttings into the hillside. Several sections of hollow way are

more than two metres deep but away from the steeper slopes the continuation of these routes are harder to trace because they are not so deeply eroded and have left only the shallow impression of a track on the ground surface. The team recorded numerous lengths of hollow way and track in addition to those shown on Ordnance Survey mapping (Figure 8). Taken together the evidence indicates a number of distinct routes crossing the woods. Several hollow ways run very close to each other and even intercut in places, indicating where a particular route has shifted direction slightly over time (Figure 9). Of all the historic features surviving in the woods, the hollow ways are probably some of the oldest and give us a link to a vastly different landscape where today's peaceful wooded slopes were once busy with the regular movement of people, livestock and perhaps even wheeled vehicles up and down the slope. Forge Valley The east side of Forge Valley is generally far too steep to cross easily so there are fewer routes of any age here compared to Raincliffe and Row Brow. However, there are two declivities in the hill side which create natural routes between the valley floor and the hill top. The first (Route 1) uses a side valley called Seavegate Gill as a convenient way onto the hill top. The modern route along Seavegate Gill is an engineered path terraced some way up the north slope of the valley but traces of what looks like a possible hollow way lower down suggest the original route followed the valley floor. **The second route on the east side of Forge Valley is just over 300m to the north of Seavegate Gill and is named as 'Greengate' on the 1850s 1:10560 Ordnance survey map (Route 2). It follows another declivity in the valley side which considerably lessens the gradient of the slope and provided a second natural route from the valley floor on to East Aytton Moor.** Other tracks on the east side of Forge Valley appear to be connected with the various quarries found on the hillside and with access to the forge that existed in the valley bottom and are described briefly later on in this report (see section 4.5).





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Figure 9. Map of the routes indicated by the survey evidence.

Route 4 follows the opposite alignment down the hillside to Route 3 and the path here is called 'Cunsey Gate' on Ordnance Survey mapping which could well be the 'Cuntosti' mentioned in the 13th century as part of the route leading from Hackness to Seamer (Martin 1911, 141-2) and which probably means 'steep cow path'. The 'ku' element in the local dialect means cow (Cowling 1915, 50) and the 'sti' element means steep path. The Cunsey Gate is formed from three deep parallel hollow ways (Figure 11) and so the name and the physical remains are both important clues that as far back as the 13th century the route was being used to move livestock up and down this part of the hillside as well as by travellers heading to and from Hackness. The hollow ways make a clear turn to the north on to the natural shelf

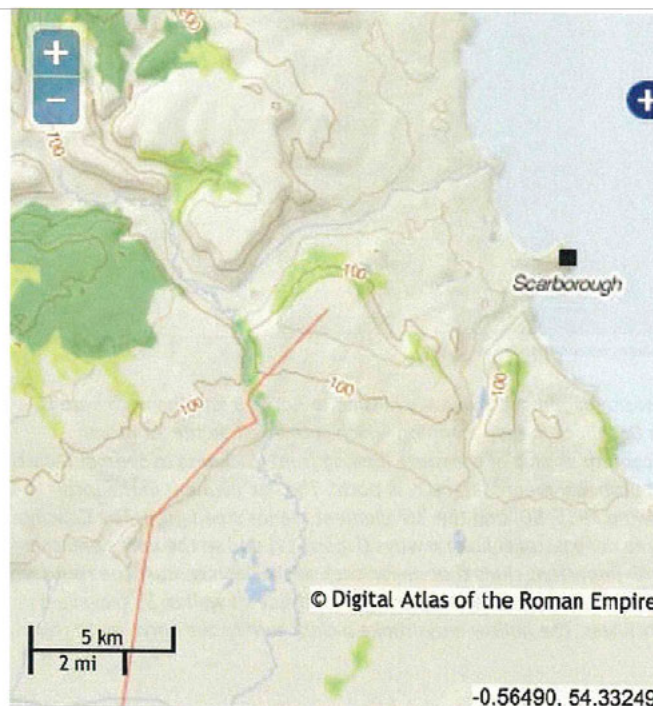
From south to north in Forge Valley are three larger quarries - The White Quarry and Wallis Quarry at the foot of the slope and the Whetsione Quarry at the crest. The White Quarry is adjacent to the side valley called Seavegate Gill so stone from here could have been taken in two directions - along the track up Seavegate Gill on to East Ayton Moor as well as south along Forge Valley to East Ayton village. **Wallis Quarry has a substantial terrace of spoil on the downhill side of the rock face and a chute marked on historic Ordnance Survey mapping is still visible cutting down the side of this terrace. This was presumably the means by which debris was disposed of or stone was sent down to the valley floor to be loaded on to wagons on the road side.**

The Roman Roads of Yorkshire

<http://roadsofromanbritain.org/gazetteer/yorkshire/rr817.html>

to follow a causeway running east from Wykeham Church through Hutton Buscel, passing north of Ayton Castle before following a terraceway down into the steep sided valley of the R. Derwent, before rising on the other side to head towards Seamer Beacon.

The "road" was excavated east of Wykeham church in 1927 by Ormerod and Kirk (ibid.) near St Helen's Spring, and was found to be a "hard rammed earth road some 2ft thick" with no mention of metalling and apparently resting on the gravel of the hill and containing two fragments of Roman pottery, which only tell us that the causeway cannot be pre-Roman.



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Digital Atlas of the Roman Empire

<https://dare.ht.lu.se/>

This crossing point lies through the area of land the proposed car park is to be sited and crosses the highway and through Wallis Quarry car park. To cross at this point the river must have been shallow and broad but prone to closure following river flooding.

The main route from York to Scarborough was by Whitwell, Malton, Rillington, Yedingham Bridge, Snainton and Ayton. In 1752 interested landed gentry with other support, took action



to turnpike the whole of this road from Monk Bridge over the River Foss at York to the Newborough Gate at Scarborough. Disbanded 1865.

Once the road bridge was built between East & West Ayton in 1775 traffic connected to Mowthorpe, Scalby and Scarborough via Moor Lane in East Ayton which was a toll road.

In publishing the first 'Guide' to Scarborough in 1787, James Schofield had an obvious interest in enticing the visitor to the town and showed a natural and understandable concern to extol the beauties of the countryside as well as the virtues of the 'Talbot' at Malton and the 'exceeding civility' the traveller could expect at Yedingham Bridge. But unlike many of his contemporaries writing in a similar context, he found opportunity also to offer guarded and qualified comment on the state of the York Scarborough turnpike which, he wrote, 'may for the first stage be called particularly good'. It is, therefore, not unreasonable to infer that, thirty years after the original Act, the trustees had still much to do.

By the later 18th century the woods were also becoming a popular destination for sightseeing trips by the well to do visitors to the spa at Scarborough. The first Scarborough guidebook of 1787 advised visitors to take the road along the bottom of the hill on horseback 'on account of deep and miry spots, which are cut in by the heavy laden wood carriages' (Schofield 1787, 143).

In 1799 after major flooding of the developing villages of East and West Ayton local business men worked together to create the Seacut running from Mowthorpe to Scalby which was completed in 1804.

From this point onwards the physical features seen to day in the valley floor take shape and the land in question takes on a more permanent status.

This area of land would have been the unstable and ever changing alluvial outflow from the narrow valley and unable to support the establishment of a woodland.

The 1828 map Figure 4. Shows the valley floor as clear of trees. The trees and plants established now on the valley floor represent the stabilising effect of the Seacut and reduction in serious inundations. The last recorded serious flooding was in 1931. 11.10.2 Previous Flood Events and their Extents Details on five historical flood events are provided in the River Derwent, West Ayton Phase 1 Watercourse Report 79. The earliest of these occurred in 1931, with further events in 1991, two in 1999, and 2000. The only recorded incident of properties flooding occurred in the 1931 event when houses between Castle Gate and Ayton Bridge were reportedly flooded to a depth of 2 feet. This flood event is believed to have been caused by the breaching and overtopping of the south floodbank of the Sea Cut. No flood extent plans are available for any historic events.

<https://www.northyorkmoors.org.uk/nl/planning/planning-advice/flooding/flooding/REPORT-North-East-Yorkshire-Strategic-Flood-Risk-Assessment-PPS25-Update.pdf>



Figure 4. Section of Teesdale's 1826 map of Yorkshire. While Raincliffe is heavily wooded a large part of Row Brow is shown as open ground.

In 1982 the proposed site of the car park was open rough land with clear views across to the opposite bank.

In 2000 SBC proposed to site a footbridge at this point for the Millenium. It was rejected then by West Ayton Parish Council and dropped.

Subsequently SBC planted the stand of trees seen today as is evidenced by the photo from NYMNP in early 2000's showing a clear view across the land and the plastic sleeve protectors still present.

The ever changing nature of this piece of land can be seen today as the line of alders along the bankside at this point is now being isolated from the river course by alluvial deposits on the inside of the river bend.

Modern Day

Public Rights of Way demonstrate the links to the past historical routes along the valley with a continuous route from Ayton Castle in to Forge Valley. At the point of the proposed car park PROW coming down at Wallis Quarry logically would have linked across the river at this point to the PROW from the castle.



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Please see information received from West Ayton Parish Council for circulation.

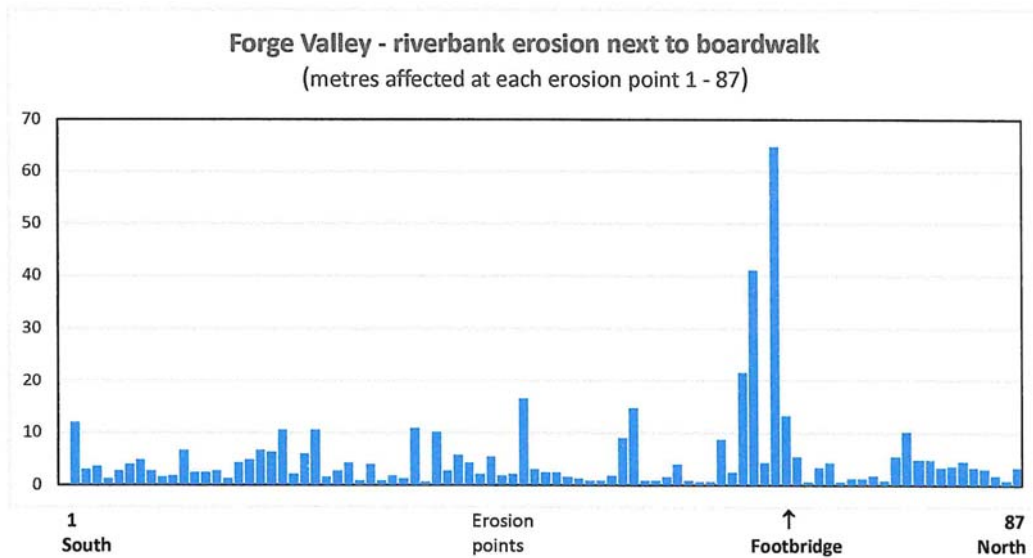
NYMNP Planning Application NYM/2019/0444/FL

Forge Valley Woods NNR, Seavegate, East Ayton
Consultee: West Ayton Parish Council
Date: 4/09/2019



Additional information for Planning Committee

- Riverbank erosion in Forge Valley was assessed on 28/08/19. There are 87 point sources of erosion from the south end of the boardwalk to the north end.
- The total length of riverbank affected is approx. 454 metres, 20% of the length of the boardwalk.
- The length of the erosion points varies from 0.6 to 64.8 metres, with the most affected areas close to the footbridge. In places, the erosion is starting to undermine the boardwalk.
- The vast majority of erosion points are caused by dogs, as pawprints are evident.
- Silt can be seen on the riverbed at each access point. The River Derwent is a high priority river for sediment issues in the River Humber Basin Catchment under the European Water Framework Directive and is a drinking water protected area under WFD.



Seavegate area at the south end of Forge Valley

- The Seavegate Gill area for development within the planning application excludes more than half of the woodland area in this location. In particular, it excludes the heavily trafficked area around the Champion veteran horse chestnut tree, as shown in the picture below. This is probably one of the oldest and largest trees in Forge Valley. Its root plate area has been severely eroded by bike tracks and ramps, and rubbish is frequently left in this area. Great consideration has been given in the application to protect much younger and less valuable trees in the development area but this fabulous tree and its surrounding area has been excluded.



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Increasing traffic in Forge Valley

- The Parish Council recognise that there will be an increase in visitor traffic if additional parking and facilities are provided in the valley. There may be safety issues for these visitors as they enter and leave the parking areas.
- However, the main concerns are the speed and volume of traffic using the valley as a diversion to avoid traffic in Scarborough. Parishioners have complained about being tailgated by speeding cars and vans in this 60 mph zone. The local police have reported 3 road traffic accidents in the valley in August. A lower speed limit and traffic calming measures on the approach to East Ayton are required.

Maintenance of the visitor facilities

- At an extraordinary meeting of the West Ayton Parish Council on Monday 2 September 19, concerns were raised about maintenance of the facilities, repair and prevention of damage to the riverbank, collection and disposal of litter, how will it be done, when and by who?