

COMMENTS ON THE COMMITTEE REPORT FOR
THE HANGING STONES PROJECT, ROSEDALE
& COMMENTS FROM CONSERVATION OFFICER / DIRECTOR OF
PLANNING DATED 3rd DECEMBER 2019

AGENDA ITEM 7A – 11A:

NYM/2019/0353/OU (Thorn House)
NYM/2019/0354/OU (Ebenezer)
NYM/2019/0355/OU (Red House)
NYM/2019/0356/OU (Northdale Head House)
NYM/2019/0359/OU (Bogs House)

On behalf of the David Ross Foundation and the artist for the Project (Andy Goldsworthy OBE) (the applicants) we request that this letter is provided to Members in advance of the Planning Committee meeting on 5th December 2019, and read by Members of the Authority in advance of the Committee in order to aid in their understanding and determination of the planning applications to be considered.

BACKGROUND

- Following submission of the 5no. planning applications to the Authority in May 2019, members of the Planning Committee discussed each of the applications and the scheme as a whole at their meeting on 18th July 2019.
 - The applicant welcomed supportive comments from by members regarding the principle of the Project and associated visitor benefits of the scheme, and the notation that the scheme represented something that the North York Moors could be proud of for decades to come. Members did however decide to defer their consideration of the application in order to request the submission of the following additional information [*extract from Public Minutes*]:
 - A Visitor Management Plan;
 - Habitat Surveys and Appropriate Assessment; and
 - Details of Permissive Paths.
 - The Minutes of the July 2019 committee also noted that members requested that Officers entered into discussions with the applicant's agent concerning withdrawal of outline applications and submission of full planning applications.
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- Subsequent to the July 2019 meeting, Rural Solutions met with officer's in August 2019 to discuss the scope of additional information required. Discussions were also held regarding the format of the applications; it was discussed and agreed at this meeting that the outline nature of the applications was entirely appropriate as they are seeking only to establish the 'principle' of creating sculptures on each of the identified sites. This also follows the Authority's historic grant of outline consents for the other (now completed) sculptures that form part of the Project.
- Despite agreement that the applications were able to continue to be determined in their outline form, the Project Team acknowledged that members had some concerns with regards to the level of detail on some key features (e.g. visitor management, roofing materials and permissive footpath).
- A pack of additional information was subsequently prepared by the Project Team in September 2019 providing detail on:
 - Outline vs Full Planning Applications (and the appropriateness of the outline planning applications);
 - Roofs (providing details on the etching solution technique to dull the appearance of the existing roofs and providing details on the roofing materials for each of the proposed sculptures);
 - The Path (confirming details about the route of the Path and management of the Path);
 - Ruinous Buildings (explaining the value associated with the rebuilding of the ruined buildings and why an exceptional case should be made for this scheme);
 - Visitor Management (providing a full and detailed visitor management plan, the key principle of which are outlined in your Officer's report to committee); and
 - Ecology (full ecology surveys prepared and submitted).
- This additional information was subsequently consulted on by the Authority.
- Both Natural England and the Authority's Ecologist subsequently confirmed they had **no objection** to the proposals. The Authority's Ecologist has recommended conditions relating to some of the sites and also confirmed that the relevant Habitats Regulations Assessment had been undertaken, concluding that the ecological information and recommendations provided were accepted and that impacts on the SAC / SPA could be screened out (thus the Habitats Regulations requirements had been met).

COMMENTS ON COMMITTEE REPORT

- The summary of additional information provided above as background is provided in order to aid Member's understanding in the amount of additional work undertaken by the Project Team since the conclusion of the July 2019 committee, which we feel is not fully expressed in the Officer's report.

- The Project Team and Andy remain fully committed to delivering the Project in its finished form and are delighted to have reached agreement with both Natural England and the Authority's ecologist with regards to visitor management, the habitats surveys and details on the permissive paths. We therefore consider that members reasons for deferral of the July 2019 committee have been fully addressed and we trust that members recognise the additional work undertaken and accept the conclusion of their technical consultees that the proposals are acceptable in ecological terms.
- To this end, the applicant and Project Team welcome Officer's withdrawal of 2no. of the reasons for refusal previously recommended at the July committee (relating to the application of Development Policy 8 and Ecological Impact).
- The Team remain disappointed that Officer's continue to object to the scheme on the opinion that the sculptures would comprise sporadic development and would be harmful to the open landscape and dilute the special qualities of the National Park.
- As outlined to members at the last committee, the applications have been the subject of extraordinary support from the local community and both national and international artistic community figures.
- One matter we would like to clarify with regards to the report is the inclusion of the North York Moors Association (NYMA) response at Page 5 of the report; this response was received on 15th July 2019 following the publication of the July 2019 committee report and was subsequently provided to members as a separate document ahead of the committee.
- The concerns outlined in the NYMA response were subsequently addressed in Rural Solutions' response to the committee report and are considered to have been wholly addressed through the submission of the additional information detailed above, specifically the full and detailed visitor management plan.
- We again welcome the comments from NYMA that they support the project in both principle and practice and that the originality of the project represents one that a special case may need to be made for. It is noted that NYMA have not made any further comments on the additional information submitted and we therefore must conclude that the additional information provided addresses all previous reservations detailed in their July 2019 response.
- We would like to take this opportunity to comment on the new inclusion within your Officer's report regarding the designation of a new 'remote area' in the emerging plan, and specifically the location of Red House within this area. This policy is yet to be set out in any main modifications to the Plan and your Officer's have determined that no weight can be given to the policy until such modifications are accepted for consultation by the Inspector.

- Notwithstanding this, we note that the new 'remote area' identified for special protection in the Authority's new Local Plan carries many of the similar qualities of the overarching policies within the adopted Local Plan which seek to protect a sense of remoteness. If Members are minded to approve the development proposals contrary to the Officer's recommended reason for refusal, in turn making a special case for the proposals and considering them exceptional (rather than sporadic development), then we consider that any conflict with the remote area (even if the policy could be afforded any weight) would similarly fall away.
- We again welcome Officer's acknowledgement at Page 18 of their report that the development plan has no policies specifically in relation to outdoor sculptures or public art and there are no National policies relating to this subject area. The Plan is for all intent and purposes silent on such installations; Paragraph 11 of the NPPF advises that in such circumstances, (where there are no relevant development plan policies) planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. We will not repeat the benefits of the scheme in detail here, although consider this is a clear case where the benefits far outweigh any impacts (which are already proposed to be carefully controlled and managed through the proposed visitor management).
- Reference is again included at Page 19 of the Officer's report to the Seated Figure sculpture on Westerdale Moor. The Project Team would again like to highlight to members the significant differences between that installation and the Project currently proposed; there were no means of controlling access to the Seated Figure whereby the current proposals include strict measures by which access will be controlled and detailed visitor management principles.
- The Team would also like to clarify with regards to the Officer's comment on Page 20 of the report regarding the Visitor Management Plan; Officer's note that the publicity associated with the project is such that more visitors are likely to visit the valley, however, the Team would like to again highlight that access to the walk itself is strictly controlled; only those with a key are permitted to access the permissive paths and buildings and a map showing the route of the walk will not be publicly available. Whilst the knowledge of the Project may well attract new visitors to the nearby town of Rosedale Abbey and the wider valley, the numbers of those accessing the buildings and the walk will remain under strict control and the visitor restrictions required for the purposes of ecological impact will not be exceeded.
- Finally, in relation to the assessment within the Officer's report of the additional information (Page 20) we note that reference has not been made to some elements of the additional information submitted. Whilst we have provided a summary of this above, the Team would like to highlight the additional drawing work undertaken. Whilst the detailed design of the sculptures is subject to change and confirmation through the submission of reserved matters (detailed design stage pursuant to the outline consents) the Team prepared indicative detailed

drawings of each of the site's in order to provide members with the assurance that the appearance of the proposals would be to a very high-quality (as per the previous completed installations). Some extracts of these drawings, detailing the natural stone to be used to the walls and mix of corten, slate and tile roofs are provided below:



- In summary, the Team welcome the removal of 2no. reasons for refusal by Officer's following the submission of the detailed additional information following the July 2019 committee.
- 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.
- It is hoped that members recognise the significant benefits of the proposals and that the Project warrants an exceptional and special case being made for their approval. The Project without doubt represents one of the most exciting opportunities for the Park to embrace positive evolution and support its visitor economy for many generations to come and we trust that members wholeheartedly support the principle of the Project and approve the outline applications before them here today.
- We note that last minute concerns have been raised by the Authority's Conservation Officer and we deal with these further below.

COMMENTS ON CONSERVATION OFFICER REVIEW AND SUBSEQUENT TELEPHONE DISCUSSIONS WITH DIRECTOR OF PLANNING DATED 3rd JULY 2019

- The Project Team were contacted by the Authority's Director of Planning on 3rd July who advised that the Authority's Conservation Officer considered some of the site's could be considered 'non-designated heritage assets' owing to the presence, in part, of historic buildings and/or potential archaeological remains on the sites. The advice from the Director of Planning was that Heritage Statements would therefore be required to assess the significance of the ruins before a decision could be made on the applications.
- Whilst the Project Team are disappointed with the timing of this advice and the lack therefore of any meaningful time and opportunity to discuss potential solutions, we have sought to take this opportunity (in responding to the Officer's report and providing final comments to members of the committee before tomorrow's meeting) to outline our viewpoint on the matter.
- It should first be noted by members that each and every one of the sites chosen by Andy has been done so following a substantial research exercise into the valley; this has included many trips to the valley to explore the sites, discussions with local residents, and examination of historic maps and the Historic Environment Record. Each site has been chosen due to them once containing a building; the historic link to this building has been an intrinsic part in the site selection process and one which will continue to be built on as the detailed design of each sculpture building evolves during the reserved matters process.
- The Planning Statements submitted with each application provide detail (at Section 2) of each site and provide extracts from historic maps detailing the footprint and layout of the buildings that maps show once existed on the sites, including information on what they are thought to have been used for (agricultural uses) and during what period of time they are thought to have fallen in to disrepair.
- The Planning Statements additionally provide an assessment of the proposals against relevant Local Plan and National Planning policies, including Core Policy G (relating to landscape, design and historic assets), concluding that in conjunction with the benefits of the proposals (including their contribution to National Park objectives) the proposals are considered to be in full accordance with Core Policy G.
- It is accepted that the report does not provide a full statement of significance in relation to the impact of the proposals on the non-designated heritage assets. Whilst the history of the sites was acknowledged by the applicant in the various submissions (and Historic Environment Record reviewed) the requirement for a Heritage Statement was not identified by the Authority at any stage of the application process.

- The Authority's Archaeology Officer, Nick Mason, provided a response on the application proposals on 4th June 2019 confirming that the Historic Environment Record had been consulted and that some of the sites were considered to be non-designated heritage assets owing to the presence and the ruined houses.
- The Archaeology Officer recommended that due to the presence of ruins on some of the sites, a Historic Building Record should be undertaken prior to any works on the site and an archaeological watching brief applied to the permissions during removal of stones/foundation excavations of the new buildings; this process would ensure that any building remains were satisfactorily recorded and that should any further archaeological finds be made during construction, appropriate actions could be carried out at that point in time.
- The response from the Archaeology Officer provides support for the proposals and no objection to the schemes despite their identification as non-designated heritage assets. As the non-designated heritage assets all comprise ruinous buildings and are therefore of potential archaeological interest, this response from the Archaeology Officer in our opinion should take precedent over any subsequent response from the Building Conservation Officer. It is therefore considered that the recommendations of the Archaeology Officer for a Historic Building Record and archaeological watching brief (both securable via condition) are more than sufficient to mitigate against any potential impacts of the Project and ensure that heritage policies are sufficiently addressed.
- Notwithstanding the above, we have sought to consult our in-house Conservation Architect regarding the significance of the building remains.
- It is noted in national planning guidance that interest in an heritage asset may be archaeological, architectural, artistic or historic. It is considered in the case of all 5 sites that any interest is archaeological as opposed to architectural or artistic (given the buildings no longer remain and little information is provided on their history). The Planning Statements submitted with the applications provided detail on the history of each building, including historic maps and information on their historic use; due to the significant ruinous nature of each site, the significance of these former agricultural buildings is difficult to define other than through the examination of historic maps and floor plans. The siting and appearance of buildings within the sites is not a matter for determination at this stage (the outline applications seek to establish the principle of developing the sites only) and it is therefore considered that the information provided to date is sufficient and proportionate to enable an assessment of the heritage significance of each building.
- Any response within the design of the proposals to the history of the buildings on the site (something referenced by the Director of Planning as potentially necessary) can in any event only be determined at the detailed design stage and as part of future reserved matters submissions.

- The Team would also like to highlight that all of the applications approved by the Authority to date (relating to the Project) were approved without the requirement for a Heritage Statement. These applications were however approved with both an archaeological watching brief and requirements for building recording (as is being recommended by the archaeologist for these applications) and in this instance, this proved acceptable.
- In summary, this predominantly archaeological led consideration has already been confirmed by the Authority's Archaeology Officer as acceptable. An appropriate and proportionate assessment of the building ruins has however been undertaken and we consider there to be no reasons why members should be prevented from approving the applications here today.
- Should members require further consideration of heritage significance, the Council's scheme of delegation provides (Part 9, (A), M) that the determination of outstanding matters can be delegated to the Chief Executive following approval of applications at committee. We therefore respectfully request that if members do feel further information is needed on heritage significance, that the applications are approved here today and the consideration of this further procedural matter is delegated to Officer's.

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 Heritage significance, we respectfully request that members approve the proposals here today and that the application is delegated back to Officers to oversee the submission of this details.

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

4th December 2019