

**From:**  
**To:** [Planning](#)  
**Subject:** FAO Hilary Saunders - Objection to Planning Application NYM/2018/0094/FL  
**Date:** 04 April 2018 17:43:44  
**Attachments:** [NYM\\_2018\\_0094\\_FL\\_Group\\_Obiection.pdf](#)

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Dear Mrs Saunders,

**NYM/2018/0094/FL Proposed sculpture in the form of a Nissen Hut with associated access paths**

Please find attached an objection to the above planning application signed by 21 residents of Low Dalby.

Given the tight timeframe I have collated signatures electronically and have emails from those who have signed confirming that they wish their names to be included. Please let me know if you require a hard copy with actual signatures and I will arrange this.

Regards,

Jenneke Fitzgerald

10 Low Dalby

NYMNPA

05/04/2018

4<sup>th</sup> April 2018

Dear Mrs Saunders,

**NYM/2018/0094/FL Proposed sculpture in the form of a Nissen Hut with associated access paths**

Please see the following document which we submit to you as a collective objection to the above planning application.

<i>Name</i>	<i>Address</i>
Jenneke Fitzgerald	10 Low Dalby
Matthew Fitzgerald	10 Low Dalby
Dr John R Allan	9 Low Dalby
Victoria Allan	9 Low Dalby
Amanda Welburn-Smith	8 Low Dalby
Damian Smith	8 Low Dalby
Alex Abbott	7 Low Dalby
Jayne Abbott	7 Low Dalby
Richard Creaser	6 Low Dalby
Elke Blommaert	6 Low Dalby
Mel Rowing	5 Low Dalby
Eve Rowing	5 Low Dalby
Alison Anderson	1 Low Dalby
Pam Welburn	Low Dalby Wood, Low Dalby
John Welburn	Low Dalby Wood, Low Dalby
Peter Booth	Upper Dalby Wood, Low Dalby
Cheryl Booth	Upper Dalby Wood, Low Dalby
Allan Swiers	Low Wood, Low Dalby
Bridget Swiers	Low Wood, Low Dalby
Jon Gascoyne	Dalby Beck, Low Dalby
Clair Gascoyne	Dalby Beck, Low Dalby

NB The following resident of Low Dalby (who has made a separate and individual submission to the planning authority) has chosen **not** to sign this letter and has specifically requested this be made clear: Dr Phil Bennett, Low Dalby House.

**APPLICATION FOR PLANNING PERMISSION BY THE FORESTRY  
COMMISSION - NYM/2018/0094/FL**

**PROPOSED STRUCTURE IN THE FORM OF A CONCRETE SCULPTURE  
NISSEN HUT WITH ASSOCIATED ACCESS PATHS AT LAND SOUTH  
OF LOW DALBY VILLAGE, DALBY FOREST**

**SUBMISSIONS TO THE PLANNING AUTHORITY IN OPPOSITION TO  
THE PROPOSAL**

**1.0 The application and objections**

1.1 On the 19 February 2018 the North York Moors National Park Authority ["NYMNPA"] received an application on behalf of the Forestry Commission for the installation at Low Dalby Village of a sculpture in the form of a concrete structure made of concrete corrugated panel, created in the shape of a Nissen Hut, *"to interpret and celebrate the history of the site."* The application stated that the sculpture represents the end of WW1 and the establishment of the Forestry Commission in 1919.

1.2 The application proposes that the structure should be placed on a platform on the side of the bank to the south of Low Dalby Village and on the eastern side of Ellerburn trail. It is proposed that it be *"nestled within the trees"*<sup>1</sup> and that *"Access paths leading to the sculpture will be wheelchair accessible and will blend into the landscape with surrounding vegetation."*

1.3 The proposed dimensions of the structure are 11.2 metres in length x 5.024 wide with a height of 3.091 metres.

1.4 Site Location Plans have been served on the NYMNPA as follows:

(i) Proposed site layout YFD/DAL/ART/LA03 - 12 February 2018, including an overview of the structure and structural proposals for the foundations prepared by Price and Myers, consulting engineers and a plan of the proposed access path dated 08 February 2018 [Drawing 1].

(ii) FEE/FC2013/3/Nissen hutA - 12 March 2018 [Drawing 2].

(iii) Amended proposed site layout - FEE/FC2013/3/nissen hut 2 - 23 March 2018 [Drawing 3].<sup>2</sup>

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<sup>1</sup> Felling of the area to the immediate east of the site is scheduled for 2022 to 2026 - Proposed Felling Map issued by the Forestry Commission.

<sup>2</sup> This Amended drawing was provided to local residents under cover of a letter of 23 March 2018 from the Forestry Commission. It is unclear whether the Forestry Commission have served the letter and Drawing on the NYMNPA or whether they propose to do so.

1.5 The Application has been met with a significant number of written objections which are held on file by the NYMNPA. These consist of individual letters from residents of Dalby Village and others. The principal grounds of objection expressed in the various letters are as follows:

(i) The proposed location is too close to the village of Low Dalby. It is implicit in the application (and expressly stated in the Design and Access Statement) that the number of visitors to Dalby Village will increase even further as a consequence of siting the structure at this location. Insufficient regard has been paid by the Forestry Commission to the now established fact that Low Dalby Village has already exceeded its capacity in terms of annual visitors with a consequent adverse impact upon parking, noise levels and the general amenity of the village. Large numbers of people, cyclists and children are now channeled through the often congested narrow parking area in front of the private residences most affected by the proposed development, thereby creating noise, disturbance and risks to safety. The evidence that the village has already exceeded capacity is afforded by the steep rise in visitors following the construction of the 'Gruffalo Trail' and the Highway Rat trail. The Forestry Commission hold details of a large and growing number of written and oral complaints from local residents that visitors to the forest are habitually parking in marked residents' spaces and obstructing the access to and from the residents' garages. There has been a significant rise in noise levels, the deposition of litter and uncontrolled access. The Forestry Commission has failed to act on these complaints and is probably powerless to do so.

(ii) The proposed access track to the structure ascends upwards and eastwards from the forest road but also connects at the proposed site to the track at the rear of the residential properties in Low Dalby (which connects Housedale to Thornton lane) and which is located on open access land. The proposed development would lead to a very substantial increase in the number of visitors using this track which is elevated at a level which would provide those using the track with the ability to look into the upper and lower floor windows of the properties at numbers 10, 9, 8, 7, 6 and 5 with a significant and unacceptable impact upon the privacy of the occupiers together with an adverse impact upon their enjoyment of the amenity (see Drawings 1 and 3). The increased number of visitors will, inevitably, be encouraged to use this track as a result of the proposed location of the sculpture and the location of the proposed access track from the forest road. This has been impliedly acknowledged by the Forestry Commission in a letter sent to the local residents dated 23 March 2018 to which was attached Drawing 3 which included proposals for removing part of that track in order to attempt to prevent access at the rear of the properties by the wider public. This drawing does not appear to have been lodged with the NYMNPA and it is unclear whether the Forestry Commission intend to amend their application for permission. The Forestry Commission have however offered no effective proposals for closing or preventing access to the track at the rear of the residential properties or preventing visitors from wandering at will

along its length. The proposal advanced in Drawing 3 would be inadequate to meet this purpose.

(iii) Use of the proposed access track by an increased volume of visitors to the site of the nissen hut will inevitably draw these visitors along the track at the rear of the residential properties. This will increase the amount of noise and disturbance which already exists as a result of continuous development of this area by the Forestry Commission. The invasion of privacy and the impact on the environment will destroy the quiet enjoyment of the properties which the residents wish to have and which is already under pressure from existing use.

(iv) The proposed access track is sufficiently close to the rear of the properties that issues of security will arise, requiring the residents to fence, gate and lock the rear of the properties and possibly take additional security measures.

(v) The proposed access track passes directly adjacent to the water supply holding tanks for the courtyard and village. No proposals for maintaining security of the supply or effective provisions to prevent contamination have been made.

(vi) There has been a significant increase in litter and anti-social behaviour as a result of the increasing development in the locality which has had a significant impact on the environment. The Forestry Commission are aware of it but are not addressing this issue adequately.

(vii) There will be increased pressure on legally protected wildlife species which are already under pressure from relentless development of this part of the forest.

(viii) The choice of site location is irrational and there are no compelling historical or cultural reasons for choosing this location. There has been a failure on the part of the Forestry Commission to locate a more suitable site where visitors may park and gain access without detriment to the amenity of the village. Further development is already in progress in other parts of the forest. This currently takes the form of a dry stone maze, a play area and an enchanted woodland walk. These amenities are located well away from Dalby Village and there is available to visitors to them a large amount of parking space (which can accommodate up to 5000 people during concerts). The proposal contemplates a significant increase in visitor numbers to a location which could have been sited in an alternative position which would not have continued to increase localized pressure from visitor numbers. The original war time site covered a substantial area at Dalby as contemporaneous photographs and maps show. The nissen huts forming the camp during the wars were not sited at this location. All that is said in the Design and Access Statement accompanying the application is that it is proposed to site the structure *"on the edge of the site of a previous work camp*

*furthest from the houses.*" The original nissen huts would not have been located on this slope. There is no rational reason for siting the proposed structure at this location.

1.6 On the 23 March 2018 the Forestry Commission wrote to the residents of Dalby Village and informed them that they were aware of *"a number of points which have been raised in letters submitted to the planning authority."* Drawing 3 was attached to that letter. The Forestry Commission stated that:

*"The currently submitted drawing YDF/DAL/ART/LA03 details the access path and details the path being 50 metres from the closest property boundary. Our civil engineer has been out on site and has been able to realign the path and relocate further south from the village. The closest path point now being 130 metres from the property boundary. The start of the trail has also been moved south, to 60 metres on from the Ellerburn trail descent. The relocation / realignment also means that the second path section to adjoin Ellerburn has been removed to create a single up and down access only."*

1.7 The Forestry Commission's letter of 23 March 2018 impliedly acknowledges the force of the grounds of objection in relation to the access track that was originally proposed in terms of the damage to the local community arising from the expected increase in visitor numbers and the intrusion into the privacy of local residents (particularly at the rear of the properties). This response has only arisen as a result of the objections received by the NYMNP. It is clear that for that reason only the Forestry Commission have sought to informally amend their proposal. The letter of 23 March 2018 contains a section entitled *"Privacy of Neighbouring Properties."* It reads as follows:

*"It is not intended that visitors will be directed along or encouraged to access the sculpture from the existing track, shown on OS maps, Ellerburn and Housedale forest roads.<sup>3</sup> From a landscaping point of view, as detailed on drawing FEE/FC2013/3/Nissen Hut 2,<sup>4</sup> we propose to re-profile the existing track in the area, approximately hatched red. This in addition to the single access path and circular path around the sculpture is designed to direct visitors to return along the new path to the Ellerburn trail once they have visited the sculpture. The relocation of the trail start further down Ellerburn will also help reduce the meeting of visitors from the two trails at the same point close to the village."*

1.8 The Forestry Commission's letter of 23 March 2018 also acknowledges the force of the objections in relation to an expected rise in the number of visitors and the need to manage the existing problem. The pre-penultimate paragraph of the letter states that:

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<sup>3</sup> A reference to the track at the rear of the and above the residential properties.

<sup>4</sup> Drawing 3.

*"We expect to have additional visitors to come specifically to see the sculpture, however many will be existing users of the Ellerburn trail. We are also in the process of relocating the wooden Gruffalo sculptures to an alternative permanent location in the forest which will act to move visitors to alternative locations across a wider forest."*

1.9 The revised proposals for the position of the access track from the forest road do not address the following:

(i) The fact that even the revised location of the track will be located only an additional 80 metres further away from the eastern boundary of the residences than that originally proposed. This distance is insignificant in the context of the objections lodged, which have been recognized as valid, and fails to provide an effective solution to alleviate them.

(ii) The impact upon the local community in terms of visitor numbers. The Forestry Commission recognize the scale of the problem that they have created and continue to create. This is implicit in their amended proposals (contained in their letter of 23 March 2018) in which it is suggested that visitor numbers to the locality may be reduced by certain means in order to take account of the increase in numbers expected as a consequence of the siting of the structure.

(iii) How the Forestry Commission could expect to effectively prevent the significant invasion of privacy and right to peaceful enjoyment of the properties which would be created as a result of these proposals both in relation to the track at the rear of the residential properties and on the forest road at the front thereof.

(iv) The justification for increasing pressure on the existing capacity in terms of visitors having regard to the importance of the amenity of the forest.

(v) The additional impact upon legally protected species of wildlife.

1.10 The Forestry Commission have not disclosed in their letter of the 23 March 2018 any of the following categories of information, all of which should reasonably have been provided both to the local residents and to the NYMNPA:

(i) The current annual number of visitors to the general locality of the structure, in terms of pedestrian numbers, cyclists and motor cars. The Design and Access Statement acknowledges an increase in visitors to the forest from 350,000 to 460,000 annually over the last 10 years and states that *"It also aims to increase the number of visitors to Dalby Forest even further."*

(ii) The anticipated increase in the number of these visitors as a result of the siting of the structure at this location.

(iii) The current number of complaints made annually in relation to obstruction of residents' parking places and garages and general nuisance created by visitors and how they have been responded to by the Forestry Commission in terms of attempts to resolve the problem.

(iv) How the Forestry Commission would propose to effectively prevent access to the track at the rear of the residential properties and reduce the consequent invasion of privacy, even if unauthorized.

(v) What consideration has been given to alternative sites for the structure which would avoid conflict with the social and environmental well being of the local community and, if any have been considered, why they have been rejected in favour of this location.

## **2.0 The NYMNP Local Development Framework 2018 ["LDF 2008"]**

2.1 The North York Moors Management Plan provides the overarching strategy for the future of the Park. One of the visions set out by the plan is for the Park to be a place where visitors are welcome but *'tranquility'* and *'a strong sense of community and friendly people'* fall within what are the *'special qualities'* listed in the Plan. The application for permission to site the proposed structure at this location fails to take account of the essential community strategies. Community Strategies seek to ensure the economic, social and environmental well-being of local communities. Low Dalby village is one such community. The village has come under increasing pressure from relentless development by the Forestry Commission, evidenced by the increase in visitor numbers by an additional 110,000 per annum in 10 years. This increase requires the Forestry Commission, as a responsible body, to focus upon the capacity of Low Dalby Village to withstand the impact of ever increasing visitor numbers in a manner consistent with the Management Plan and ensuring the amenity of the forest.

2.2 The Framework establishes that the NYMNP has a duty to foster the economic and social well being of local communities and recognizes that *"tourism and recreation facilities can have an adverse impact on the environment, particularly because of traffic generation and it is therefore important to ensure that the special qualities and habitats of the Park are not compromised by new developments."*<sup>5</sup> Core Policy A requires that in considering proposed development:

*"Priority will be given to: 1. Providing a scale of development and level of activity that will not have an unacceptable impact on the wider landscape or the quiet enjoyment, peace and tranquility of the National Park, nor detract from the quality of life of local residents or the experience of visitors. 2. Providing for development in*

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<sup>5</sup> 8.21 - LDF 2008.



*locations and of a scale which will support the character and function of individual settlements."*

2.3 Development Policy 14: Tourism and Recreation provides that the expansion of existing tourism businesses will be supported where:

*"The development will not generate an increased level of activity, including noise, which would be likely to detract from the experience of visitors and the quality of life of local residents."*

### **3.0 Conclusions**

3.1 The objections lodged with the NYMNPA by local residents of Low Dalby Village and others are well founded and genuine. They are based upon realistic concerns that the proposed development will result in an increasing adverse impact upon the quality of life of local residents and damage to the amenity of the forest by reason of expanding visitor numbers to this part of Dalby.

3.2 Access to the forest by visitors is consistent with the terms of the LDF 2008 but not at the expense of significant damage to the quality of life of local residents which would serve to contravene the provisions of the LDF 2008.

3.3 The proposed location of the structure carries with it significant problems for the local community in terms of invasion of privacy, noise, devaluation of their properties, disturbance and security. These problems have been recognized by the Forestry Commission in their letter of 23 March 2018 in consequence of which they have informally revised the proposal for the siting of the access track from the forest road by proposing to move the track eastwards by a mere 80 metres and by attempting to provide a solution to the problem of a substantial increase in the use of the track at the rear of the residences. These amended proposals are insufficient to solve the recognized problems associated with the proposed development and there is no effective solution. They will not alter or alleviate the significant problems that would be created, which are set out above and are reflected in the letters of objection so far lodged.

3.4 The Forestry Commission cannot (and do not assert) that they could effectively 'police' the impact upon privacy and security or the increasing nuisance associated with a rise in visitor numbers to this part of Low Dalby as a result of the proposed development.

3.5 The only realistic alternative to the proposed development is for the Forestry Commission to choose an alternative location for the structure where the impact upon local residents would be significantly decreased or removed. The forest consists of an area of land in excess of 8000 acres with adequate parking at various locations including the Adderstone. There is an abundance

of suitable alternative sites. It would be irrational to contend that there is an overwhelming reason to site the structure at Low Dalby Village.

3.6 The Forestry Commission are aware of the increase in the number of complaints in relation to the adverse impact on local residents of the continuing rise in visitor numbers. Their stated policy is to continue to increase the number of visitors and they recognize in the Design and Access Statement that the number of visitors will be increased still further as a consequence of the proposed development.

3.7 The grant of this application would offend the provisions of the LDF 2008 and would be inconsistent with the policies of the NYMNPA in terms of preserving the amenity value for local communities. Accordingly it should be refused on the ground that its proposed location would conflict with the stated objectives of the LDF 2008 and that it would, if granted, have an unacceptable impact on local amenity and the community of Low Dalby as a whole.

April 02 2018