

North York Moors National Park Authority

Ryedale District Parish: Thornton Le Dale	App No. NYM/2018/0094/FL
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Proposal: proposed sculpture in the form of a Nissen Hut with associated access paths

Location: land south of Low Dalby Village, Dalby Forest

Applicant: Forestry Commission, fao: Mrs Petra Young, Yorkshire Forest District, Forestry Commission, Outgang Road, Pickering, YO18 7EL

Date for Decision: 24 April 2018

Grid Ref: SE 485676 487111

Director of Planning's Recommendation

Approval subject to the following conditions:

1.	TIME01	Standard Three Year Commencement Date
2.	PLAN01	Strict Accordance With the Documentation Submitted or Minor Variations – Document No's Specified
3.	GACS07	External Lighting – Submit Details
4.	MISC00	Prior to the commencement of the development hereby approved the existing track immediately to the west of the sculpture shall be permanently closed off to pedestrian traffic. These works shall be in accordance with details submitted to and approved in writing by the Local Planning Authority and shall thereafter be so maintained.
5.	MISC00	<p>Prior to the development being brought into use, a Traffic Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. This shall include measures to ensure that forest visitors do not enter Low Dalby village by car or park in Low Dalby and improve direction to the main visitor car parks</p> <p>The Traffic Management Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.</p>

Informative

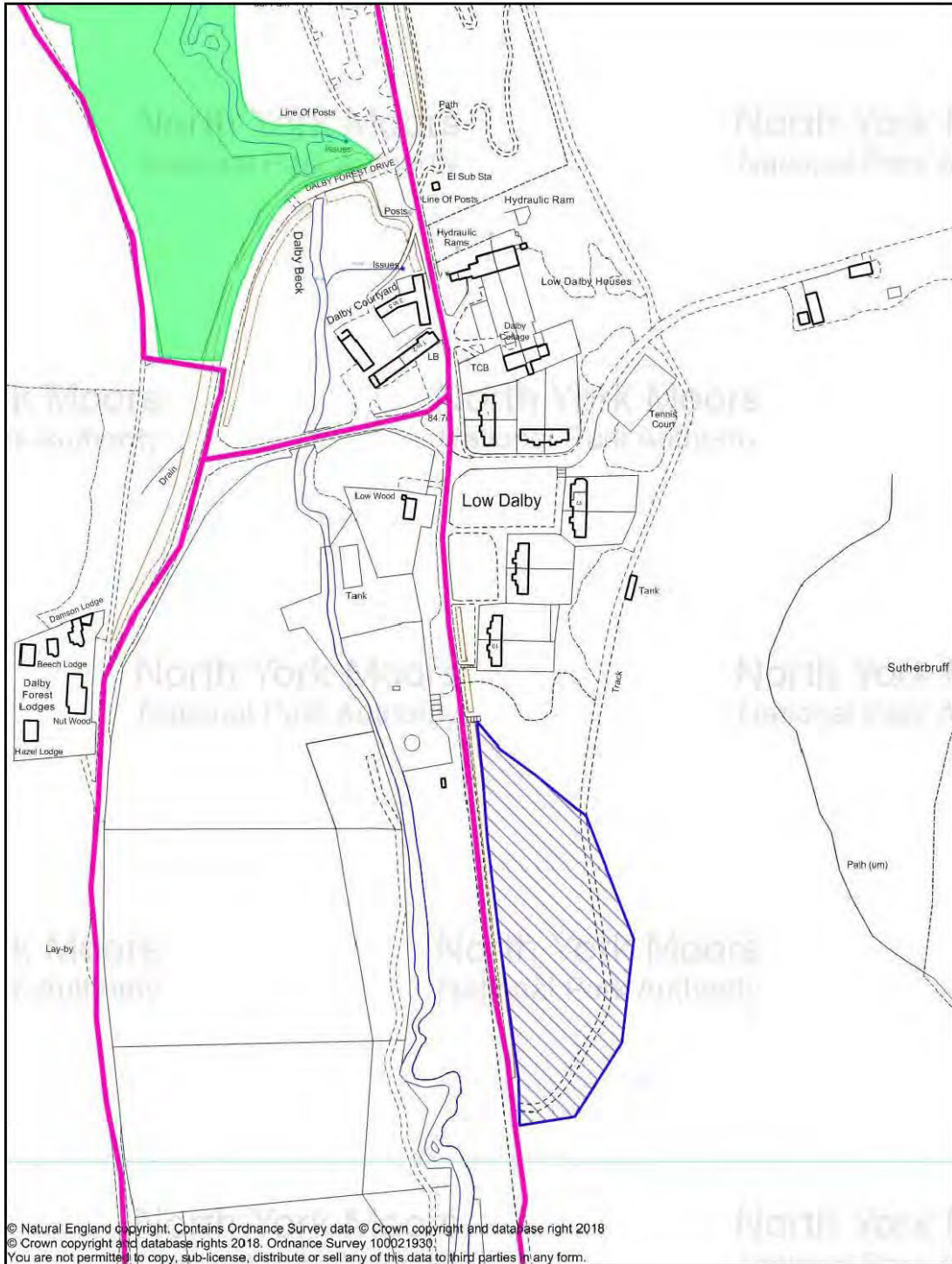
1.	MISC INF09 PROW to be Kept Free From Obstruction at all Times (south)
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North York Moors National Park
Authority
The Old Vicarage
Bondgate
Helmsley YO62 5BP
01439 772700

Application Number: NYM/2018/0094/FL

Scale: 1:2500



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Consultations

Parish – Object for the following reasons:-

- Large increase in foot traffic.
- Excess of vehicular traffic to residential areas.
- Combining objections 1 & 2, an increase in possible accidents to the public and residents.
- Not in keeping with the buildings in the immediate vicinity.
- It is inappropriately sited.

Forestry Commission – in relation to trees – We provide standing advice in place of individual responses to planning consultations on or near Ancient Woodland

Julian Rudd, Head of Economy and External Partnerships, Ryedale District Council –

Support this important proposal. Dalby is a Forest Artworks site, part of a national Memorandum of Understanding between the Forestry Commission and the Arts Council. The Dalby Artworks initiative is identified as a priority in the Economic Action Plan 2016-20 for Ryedale District in recognition of its benefits for the visitor and cultural economies. The proposed artwork is part of a long-term strategy to develop arts audiences in the area.

The quality of the proposed artwork makes it of national, even international, note; commissioned by “14-18NOW” as a national representation of the beginning of the Forestry Commission and the end of the First World War. It has direct relevance to the heritage of Dalby and the Forestry Commission itself. It is the first time an artist with Ms Whiteread’s standing will have worked on a site in Ryedale and the first time that communities will have access to this kind of work without having to travel significant distances.

The site has been well-chosen as it is both historically important and occupies the part of the original encampment which is furthest from the houses. The paths have been designed to provide full accessibility including for wheelchair users and those with limited mobility, which is particularly important in this instance because of the international standing of the artist and the immediacy of the connection to the history of the site.

Forest Commission is working with residents to ensure their concerns are taken into account and implementing a number of measures to address them, including how paths are sited, how the forestry around the site is managed and how the sculpture is signed. I also understand that the area will be managed through Continuous Cover Forestry (CCF) rather than the Clear Felling system, which will ensure forest cover at all times – this will help to protect the privacy of residents of Low Dalby.

Site Notice Expiry Date – 4 April 2018

Others –

The following people have objected for some or all of the following reasons:-

Mr Alex Abbott, 7 Low Dalby
Elke Blommaert, 6 Low Dalby
Mr Richard Creaser, 6 Low Dalby
Dr John Allan and Mrs V Allan, 9 Low Dalby
Mrs Amanda Welburn-Smith, 8 Low Dalby
Mrs Nicky Wearmouth, 4 Low Dalby

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M.L and E Rowing, 5 Low Dalby
Matthew and Jenneke Fitzgerald, 10 Low Dalby
Peter and Cheryl Booth, Upper Dalby Wood, Low Dalby
Pat and Louise Fitzgerald, 27A Oakdale Glen, Harrogate
Andrew Morgan, Chapel Hill, Wootton, Woodstock
Dr Phil Bennett, Low Dalby House, Low Dalby
Jon and Claire Gascoyne, Dalby Beck

Further letter signed by 21 residents of Low Dalby from 1, 5, 6, 7, 8, 9 and 10 Low Dalby and Low Wood, Low Dalby and Dalby Beck Low Dalby

- Wrong location – as proposed it would add to an already congested part of the forest. Dalby Forest is over 8,000 acres so why even consider the proposed development right next to the village.
- Detrimental impact to the amenities of local residents due to increased activity levels.
- Many other places within the forest where it could be located which would allow people to view the sculpture and better absorb the large number of visitors.
- The Forestry Commission could be more considerate in their approach to development
- Further intrusion by visitors into the village.
- Would be better sited nearer the Visitor Centre and Go Ape or up at Adderstone Field, near the maze that is being built.
- More visitors will park in the residents only car parking, which has increased significantly since the opening of the Ellerburn Trail, visitors also park on the grass verges in front of our garages and the FC are not doing anything about this.
- Significant reduction in privacy and increase in noise for residents as access tracks very close to properties.
- At present the public generally keep moving along but this will encourage people to hang around near the houses.
- The sculpture will attract litter, graffiti, urination, dog poo bags and the like – not a way to “interpret and celebrate” Dalby’s history.
- The revised details have addressed some of the concerns in that the applicant has relocated the access path to be further from the village houses and has undertaken to block the track that would otherwise lead from the sculpture along the back of nos. 5-10. However, it fails to address the most serious concerns about additional visitor numbers, car parking and traffic safety, none of which have been properly assessed by the applicant, plus the fact that the applicant has not assessed possible alternative locations for the sculpture which, we contend, is totally out of character with the appearance of the village as it now stands.
- The site would need to be maintained daily.
- The area around the hut is due to be felled in 2022 and the Nissan Hut is an ugly building which will stick out, even if bushes planted around it.
- This little patch a haven for wildlife but there is no environmental report.
- Will result in large numbers of visitors to the side and rear of our property.
- Have already suffered a significant loss of privacy at the front of our properties due to the Ellerburn Trail.
- Increase security risk for residential properties.
- No reason for it to be located so close to the properties in the village who already suffer significant inconvenience, noise and privacy loss from the crowds of visitors along the Trail which is used for many attractions particularly for children with the Gruffalo Trail, the Highway Rat, Park Run etc.
- Main concern is impact that the use of the path at the back of the houses will have as this is elevated about the houses ground level.

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Others continued

- The water tanks are located at the back of the houses and concerned that these may be tampered with.
- Residents are already made to feel that they are an inconvenience to the tourists.
- The site is nowhere near the Nissen Hut camp, that camp became the village itself ab have houses there.
- A commemorative plaque would be more appropriate.
- Assume that the site has been chosen as I believe the concrete bases of some of the work camp huts remain here; however, this is too near residential properties
- Some years ago the FC had a stated aim of keeping the village and FC operations and development separate but recent developments have begun to encroach onto the village.
- Would refer you to your own NYMNPA publication which emphasises the importance of tranquillity and acknowledges that Dalby is particularly vulnerable.
- Low Dalby is more than just another part of the forest – it is a village and a home where people live.
- Contrary to Core Policy A of the NYMLDP which seeks to ensure development doesn't have a detrimental impact on the wider landscape or the quieter enjoyment, peace and tranquillity of the Park and to provide development of a scale appropriate to the character of a settlement.
- At busy times the Ellerburn Trail already exceeds safe capacity, as visitors with small children have to mix with fast moving mountain bikes and residents cars.
- There will be a culture clash between young visitors of the Gruffalo trail and the sculpture.
- The applicant should be required to submit a comprehensive list of all possible sites giving an objective assessment of each site.
- This large concrete structure would be out of scale and character with the local area.
- There appears to be no guidance of policy on art work but given that it is a direct copy of a building, it should be considered as one.
- The FC have turned this part of the Park into more of a theme park, they are not "conserving or enhancing" the character of the area.
- The proposal is contrary to Development Policy 14 as it will have a detrimental impact on the quality of life of residents.
- Surely to be appreciated in full, this sculpture should be in a quiet and isolated location, not adjacent a trail with lost so activity, noise and children.
- Social cohesion of the community at Low Dalby is in danger of being lost because the influx of visitors has meant that residents no longer spend time in their front gardens.

Revised plans

- More acceptable than the original plans and address some local concerns. However, planning condition should clearly state that the existing track should be blocked up before the sculpture is opened to the public.
- However, the applicants have done nothing to acknowledge or mitigate against the impact of ever increasing visitor numbers through the residential area of Low Dalby which is a direct result of their continued drive to develop and promote this part of the forest.
- Residents took part in a people count on 5 April 2018, between 10am and 5pm and we counted 1545 people passing through the village – the trail and village have reached capacity.
- If the FC were to remove current and future promoted activities along the trail and return it to a normal multi-user trail, this would reduce the number of existing visitors and the proposed development would then be much more acceptable.

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Others continued

Support - Dr Joanna Sperryn-Jones SFHEA, Lecturer in Sculpture, School of Art, Design and Computer Science York St John University –

Artwork in Dalby Forest rather than a gallery will enable a broader range of people to encounter the artwork. Rachael Whiteread is a significant international artist who has been commissioned to work on sensitive public art such as the holocaust memorial in Vienna. Her work is thought provoking, quiet and haunting with the aim of encouraging the viewer to think of the environment around them. The work is specific to the particular site of the old settlement and aims to encourage reflection on the past in that space. Experientially it needs to be sited within that location.

Understand residents being concerned but it seems that sensible measures of planting and planned paths are being put in place. It would be an absolute shame for Yorkshire not to have such a significant artwork for children and adults to encounter in a natural and informal setting.

Background

This application seeks full planning permission for the siting of a sculpture on the eastern edge of the site of a former Forestry work camp which comprised a large number of Nissen Huts and was in operation between the first and second world wars. The site is located approximately 140m to the south of the residential properties in Low Dalby Village, Dalby Forest.

The sculpture would be placed on an existing platform on the side of the bank on the eastern side of the Ellerburn Trail, within the trees. The sculpture would be accessed via a zig-zag path from the Ellerburn Trail which is a multi-user path that was approved in 2011. The path would allow wheelchair access and be DDA compliant, using the specification for rural/working landscapes which allows 5 % (1:20) gradient for 19m, followed by a 1.5m level landing.)

The proposed sculpture would comprise a concrete structure made of concrete corrugated panels, created in the shape of a Nissen Hut. It would be constructed with a number of individual cast panels which would be bolted together to create a hollow sculptural form. The finished form would have a fully sealed surface, preventing internal access. It would measure 5.2m wide x 11.2m long with a maximum height of 3.1m.

The sculptor is Turner prize winner, Rachael Whiteread and the purpose of the sculpture is to interpret and celebrate the history of the site. The sculpture is to represent the end of WWI and the establishment of the Forestry Commission in 1919.

The history of the work camp is that during the 1930s, unemployed men were set to work in Dalby Forest, breaking ground, building tracks and undertaking other heavy labour. The men lived in a work camp at Low Dalby, which was one of a number of so-called Instructional Centre's run by the Ministry of Labour in order to provide work for young men who had been out of work for some time. By 1938, the Ministry was operating 35 Instructional Centre's across Britain with a total capacity of over 6,000 places. More than 200,000 unemployed men were sent to the camps between 1929 and 1939 in a Government drive to reduce the dole queues during the Depression.

By 1939, unemployment was declining in the face of impending war and the Ministry closed down its work camps. Much of Dalby village has been built on the area of the old Instructional Centre.

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Background continued

In support of the proposals, the applicant has provided the following background information:-

In 2019, the Forestry Commission celebrates its centenary. It was founded in 1919 to replenish the nation's strategic timber reserve after the First World War.

To mark this major milestone, the Forestry Commission have partnered with 14-18 NOW to commission leading British artist Rachel Whiteread to create a new public sculpture; a sealed cast of the interior of a Nissen hut made in glass reinforced concrete. 14-18 NOW is the UK's arts programme for the First World War centenary, commissioning new work and extraordinary experiences connecting people with the First World War.

As the Forestry Commission was created in response to the impact of the First World War on our national landscape, our partnership and this commission by Rachel Whiteread reflects on this history. Dalby Forest was one of the first sites to be acquired for forest planting after the formation of the Commission. Labour camps were created at many sites across the country, including Dalby, to create much needed employment after WW1 and to plant the forests.

Nissen Huts were distinctive, pre-fabricated, multipurpose structures invented during the First World War. They were used in Dalby Forest's labour camp, erected in the 1930s, to support the mass tree planting across the site and the wider area. The camps were also later used as prisoner of war camps, during the Second World War in this and other forests across the country.

The proposed Nissen Hut sculpture will create a haunting and lasting testament to the war's impact on every part of the British landscape. It will offer space for quiet reflection on the history of the surrounding landscape and the origins of the forest.

Whiteread's is known for her public projects, including *House* 1993, a concrete cast of the inside of a Victorian terraced house in London's East End; a translucent resin cast, *Water Tower* 1998, in New York; a concrete inverted library, *Holocaust Memorial* 2000, in Vienna; and *Monument* 2001, which stood on the empty fourth plinth in London's Trafalgar Square.

Nissen Hut will be the latest in the artist's more recent series of *Shy Sculptures* – huts or sheds cast in concrete and situated in remote locations such as by a fjord in Gran in Norway, on a hill on Governor's Island, New York and in the Mojave desert in California. As with these works, the location of Nissen Hut is a vital element of its concept and, with the proposal to situate the work on the very site where once stood the first labour camps that housed those who worked in the first of the Forestry Commission sites, it will offer an opportunity to contemplate that history through a physical connection with it.

Main Issues

Policy Context

The site is located in the open countryside where development is strictly controlled. Core Policy A of the NYM Local Development Framework seeks to ensure that new development conserves and enhances the Park's special qualities; with priority being given to ensuring

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Main Issues continued

development does not detract from the wider landscape or the quiet enjoyment, peace and tranquillity of the Park, or detract from the quality of life of local.

Development Policy 3 seeks to maintain and enhance the distinctive character of the National Park by ensuring that the siting, layout and density of development preserves or enhances views into and out of the site; that the scale, height, massing and design are compatible with surrounding buildings and that the standards of design are high.

Development Policy 14 seeks to ensure that new tourism development and the expansion or diversification of existing tourism businesses will be supported where the proposal will provide opportunities for visitors to increase their understanding, awareness and enjoyment of the special qualities of the National Park; where the development can be satisfactorily accessed from the road network (by classified roads) or by other sustainable modes of transport including public transport, walking, cycling or horse riding; where the development will not generate an increased level of activity; and where it will make use of existing buildings.

The Development Plan has no policies specifically in relation to outdoor sculptures or public art and there are no National planning policies relating to this subject area.

Material Considerations

The proposed development has been specifically designed in order to provide visitors with an understanding of some of the inter-war history of Dalby Forest and to provide an opportunity of reflection in relation to the reasons that the Forestry Commission was created after the First World War. It forms parts of a UK Arts Programme.

However, the sculpture would be located adjacent a public footpath and close to the group of residential properties which comprise Low Dalby. Consequently, the benefits of the development which would lead to a greater understanding of the history of the area needs to be balanced against the impact of additional activity on the footpath, in terms of its own capacity to accommodate more footfall and the possible significant increase in existing activity levels which could have a detrimental impact on residential amenity of those residents living in Low Dalby.

Proximity of Access Path to Neighbouring Properties and Increase in Activity Levels

The existing public footpath runs along the front of a number of properties in Low Dalby. One of the concerns expressed initially was the proximity of the proposed access paths which would lead up to the sculpture, to the residential properties, in terms of both activity levels and loss of privacy. However, due to these concerns, the proposed access path has been realigned and relocated further south from the village. The closest point of the new path would be 130 metres from the nearest property boundary. The start of the trail has also been moved further south, to 60m metres on from the Ellerburn trail descent. The realignment of the path would also mean that the second path section to adjoin Ellerburn Trail would be removed to create a single up and down access only.

The Ellerburn Trail, which was constructed in 2011/2012, has proven to be extremely popular particularly as specific children's activities are signposted along the way. It is a surfaced trail which allows access for pushchairs, wheelchairs, bikes etc. Consequently, the existing trail does generate significant levels of activity, but which are to be expected in such a tourist location. The proposed sculpture will be access off this existing trail and

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Main Issues continued

whilst it will clearly generate interest and bring in new visitors, it will also provide an additional element of interest for those who would already be using the trail.

Landscape Impact and long Term Tree Cover

Whilst the new path and pad area construction will require the removal of some lower shrub vegetation, the sculpture would be located within an area of mixed broadleaves which will be managed as part of continuous cover forestry (CCF) silvicultural system rather than a clear fell system. Under this system, the rate of change is managed more slowly and gradual through a combination of selective thinning and small-scale group felling. This will allow enough light to reach the forest floor to allow existing trees to develop and allow new regeneration, coppice regrowth or replanting to become established. Through this style of management the majority of the site will have tree cover at all times and across a range of tree heights and ages. The adjacent crop, above the sculpture, of hybrid larch is not planned to be felled any earlier than 2025, this will not impact on the stand of established mixed broadleaves.

Consequently, the existing tree cover, between Ellerburn Trail and the sculpture, will remain to provide screening of the sculpture. Furthermore, along the access track and around the sculpture pad there will be some additional supplementary low level planting which will be carried out at the same time as the path construction.

Privacy of Neighbouring Properties

It is proposed to block the existing track which runs to the rear of the houses in Low Dalby and 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. It is considered that this addresses concerns about loss of privacy to the rear of the houses.

In addition, the relocation of the trail to start further down the lane should help to reduce the congregation of visitors caused by the two trails starting and finishing at the same point.

Traffic

The proposed development should not result in additional traffic generation within Low Dalby as all visitors should park in the visitor car parks as part of FC's traffic management arrangements. However, from the objections received it would seem that there could be some improvement of the management of this by the Forestry Commission and it is suggested that measures to improve this are provided through conditions.

Conclusion

Whilst there is local concern regarding the increase in activity that may result in this location, it is not considered that the development would result in significantly greater activity levels than is currently experienced in this location which is an established visitor attraction, and conditions are proposed in order to resolve some of the causes of the current issues.

It is considered that the proposed sculpture would not have an unacceptable detrimental impact on the landscape character of the National Park in the locality and it is considered that the proposal has a public benefit, and would be in accordance with the Management Plan objectives. There is a direct historical link between the sculpture and its position and the sculpture itself is part of a national arts scheme. This could be beneficial in terms of attracting people to walk in the forest, and enjoy the special qualities of the National Park. It

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Main Issues continued

would therefore help to meet the public enjoyment purpose of the National Park and could have significant educational potential. Consequently, approval is recommended.

In view of the above, approval is recommended on the basis that the development would be in accordance with Core Policy A and Development Policy 14 of the NYM Local Development Framework.

Contribution to Management Plan Objectives

The North York Moors Management Plan states in its vision “that the National Park should be a place where visitors are welcome and cultural and recreational opportunities and experiences are accessible”. Policy C5 of the Management Plan states that “the interpretation of the landscape and cultural heritage of the North York Moors will be encouraged.”

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Authority’s Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal including relocation of the access paths, so as to deliver sustainable development.