

North York Moors National Park Authority

Ryedale District Parish: Thornton Le Dale	App Num. NYM/2011/0653/FL
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Proposal: Construction of a multi user trail

Location: Ellerburn, Low Dalby

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

Date for Decision: 30 January 2012

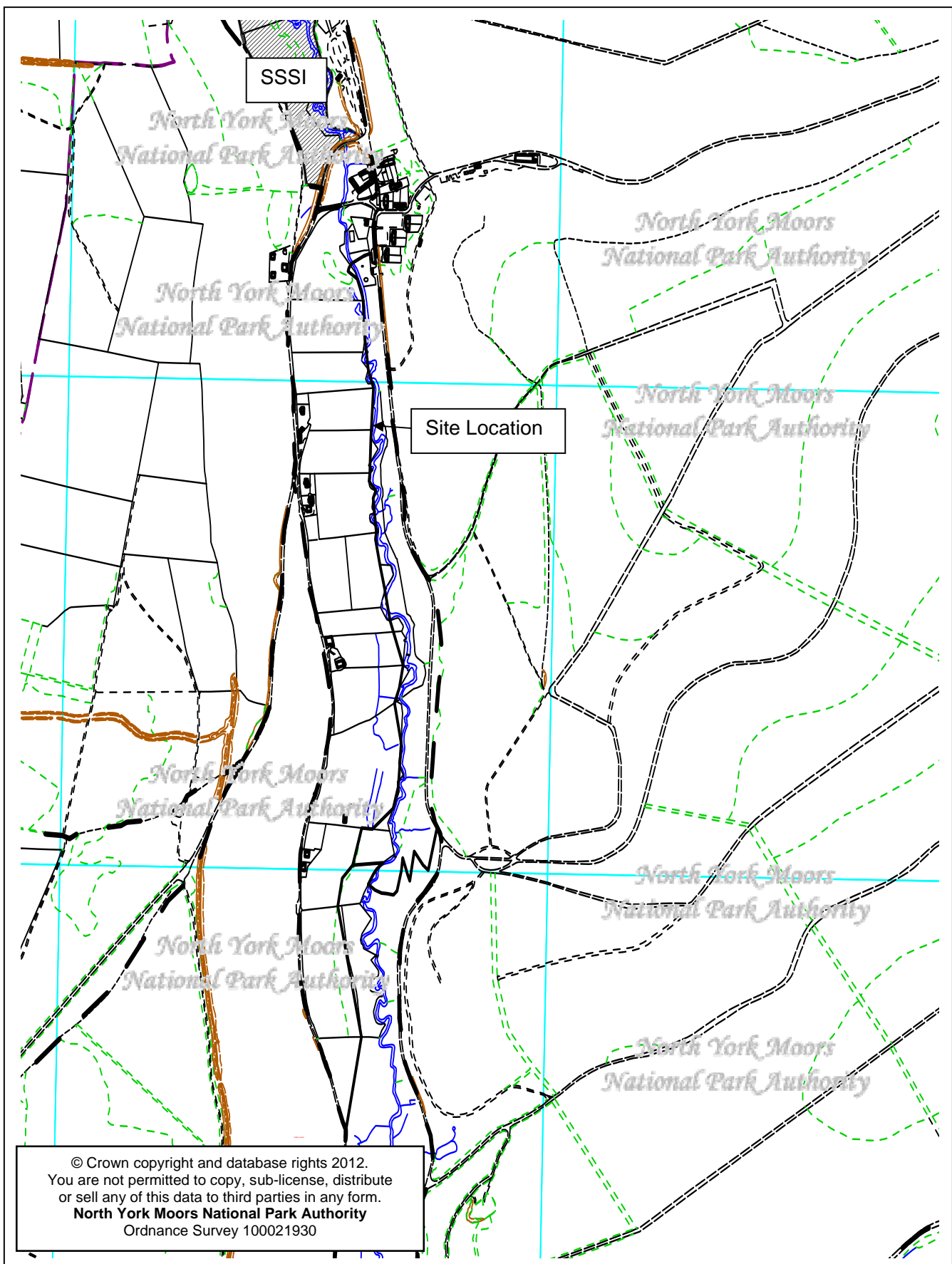
Grid Ref: SE 485620 486677

Director of Planning's Recommendation

Approval subject to the following conditions:

- 1 TL03 Standard three year commencement date
- 2 AP01 Original plans amended by plans received on 27 March 2012 and ...
- 3 LS03 No trees, shrubs or hedges on or adjacent to the proposed trail shall be felled, uprooted, wilfully damaged or destroyed, cut back or removed without the prior written consent of the Local Planning Authority. Any work approved shall be carried out in accordance with British Standard 5837 (2005) Recommendations for Tree Work. If any retained tree/hedge is removed, uprooted, destroyed or dies within five years of the completion of the development, it shall be replaced with trees, shrubs or hedge plants of a similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 4 MIS0 Prior to the commencement of the development a Method Statement shall be submitted to the National Park Authority for approval, it should contain details of:
 - a. The exact position, size and design of the proposed interpretation panels, structures, fences and benches.
 - b. The exact position of the trail layout and the precise extent of clearings together with details of all vegetation and trees proposed to be removed.
 - c. Measures for the protection of those trees to be retained during the course of the development.
 - d. The materials to be used on the surface of the trail.
 - e. All other hard surfacing features, including minor artefacts and structures, any furniture, refuse or other storage units, signs and external lighting.
 - f. Fencing details.

The development shall be carried out in full accordance with the approved Method Statement.




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North York Moors National Park Authority
 Ordnance Survey 100021930



North York Moors National Park Authority
 The Old Vicarage
 Bondgate
 Helmsley
 York
 YO62 5BP
 Tel: 01439 770657

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Scale: 1:10632 



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Reasons for Conditions

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and Development Plan Policy 3.
3. In order to comply with the provisions of NYM Core Policy C which seeks to ensure that trees, woodlands and hedgerows of landscape amenity, nature conservation or historical value are safeguarded.
4. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 14 which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.

Consultations

Parish - No objection.

Advertisement Expiry Date - 3 January 2012.

Others - Mr & Mrs Welburn, Low Dalby Wood, Low Dalby - Object to the application. We rent four fields from the Forestry Commission which run along the beckside and keep stock of sheep and horses. They rely on the natural curves of the planted beck line to provide shelter and also use the beck as a watering hole. The proposed path will eradicate these. The trail will also destroy the natural habitat for birds and other wildlife. The otters will not continue to survive along this stretch with continual noise and disruption caused by dogs and humans. Birds such as Kingfishers and Dippers are very 'private' birds that will not tolerate a lot of human activity so will be lost. Also concerned that the proposal will result in loss of privacy as everyone walking along the path will be free to view our daily activities. From Dalby Visitor Centre upwards to Sieve Dale there is very little in way of river wildlife due to tourist activity, and this proposal will result in another section being destroyed.

Revised Plans - Still have many concerns with this application and I am still very much against it. There only seems to be a fence line across the bottom of our fields, does this mean that the fields are open to the public along the rest of the trail? This would also mean that there would have to be 12 gates put into the trail along the way where it crosses the existing fence line. There is no mention of the width of the path on this plan but if to be for the less able bodied, how will they cope with the opening and closing of 12 gates along their ride?

The path runs close to the beck, other than where there are otter holts. At these points the path is planned to run deeper into the fields which will make these areas more likely to be seen as picnic areas and areas where dogs will be let off the lead children left to play in the river, which in turn would scare away the otters, therefore defeating the object.

Dalby Forest is currently managed by a minimal number of staff so how will they be able to 'police' the path? The general public will be closer to our stock and this risks their welfare, without the area being monitored permanently there would be no way of ensuring the safety of my livestock.

There are so many other alternatives than this suggestion, which would take people into the forest and away from our livestock.

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Amanda Welburn-Smith, 8 Low Dalby - Object to the proposal as feel it will completely decimate the wildlife that can be seen here. The otters will not remain on the beck with dogs and children constantly in the water. The privacy of residents must surely be an issue too, as it is like putting a path in their back garden. The wildlife around the visitor centre has disappeared due to all the tourist activity so if some kind of pathway is essential, why can't it be built in that area?

Revised Plans - Still have many concerns and issues. There is now minimal fencing along the stretch which surely means that you are happy for the public, their children and their dogs to be running loose with the sheep in the fields along the way. There is already an accessible path for the public to use. What actions will be put in place to stop them feeding the livestock along the way? If they throw rubbish in the fields.....which they will...this could cause untold damage to the livestock in those fields.

There is a perfectly good route already all the way round from the visitor centre and back again. I understand that the aim is to get people off the road, but if that's the case then surely it would be better to build a path into the bank side for that small stretch as opposed to destroying a beck line that is so beautiful, and causing such a massive detrimental effect to the wildlife in this area.

Mr & Mrs Booth, Upper Dalby Wood, Low Dalby - Strongly object to this proposal, which the Forestry Commission have not consulted us on, for the following reasons:
Our property will be surrounded by visitor trails. The current forest trail on the east side of the beck is completely hidden by the trees running either side of the beck. This development will be very intrusive to our views. Currently the east side of our house is totally private but this proposal will change that. This new development will create noise by visitors from the east. There is currently an adequate disabled access trail on the east side of the beck. The application states that the trail will blend into the landscape, which is not the case. There is a forestry viewing point between our house and Low Dalby Wood. The view to the north, east and south is magnificent. It is a view down the field, to the beck and up into the trees. One continual vista which will be ruined by the proposal. Many visitors stop at the viewing point to admire the scenery and take photographs. The application contains bat and water vole surveys; it is a pity the Forestry Commission do not take the welfare of the human residents as important as the animals. Dalby Forest is a huge area of land with the residents living in one small area so why does the Forestry Commission keep developing so close to the residents when they have thousands of acres of opportunity. I would suggest you visit the site to see the affect the proposal will have on the existing views not just for the residents but the visitors too.

Revised Plans - The impact will be a 2.5 metres trail that meanders considerably down the valley and will result in a view more akin to a motorway rather than just a road. There appears to be no fence in the northern and southern fields which are currently grazed by sheep. This trail caters for the disabled, children, mountain bikes and adults, the vast majority of which have dogs and mixing these groups with livestock is certainly not safe. There is also both a visual and noise impact as the new trail will not have protection from planting and will be much closer to the properties than the existing paths.

Although the latest plans try to resolve the issue of the otters there must surely be an impact on all the wildlife that inhabits the river and surrounding vegetation. Whatever the intentions are of the Forestry Commission, the construction of this trail will create a playground down the valley. Currently at the visitors centre the river is used by children and adults for recreation. Creating this trail makes it even easier for the public to use the river for paddling, creating noise and disturbance for the residents and clearly this will affect wildlife. This will also affect the tranquillity for the many walkers who currently enjoy the existing route. It is unfortunate that the Forestry Commission will not consult/discuss with the residents various alternative routes that resolve all the issues above and potentially are considerable less cost than the proposed route.

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Cllr Janet Sanderson, Walnut Cottage, Priestmans Lane, Thornton le Dale - It would seem a shame to block the access to the river for grazing stock, as this is very useful. I do fully support the need to attract visitors to the area by the extending and upgrading of tracks, but they do seem to be creeping closer to the residents of Dalby, who have often moved to such locations for a quiet life.

Jon Gascoyne, Dalby Beck, Low Dalby - Object to the above proposal for the following reasons:

- The proposed route of the path amounts to undesirable urbanisation of the countryside. The width of this thoroughfare will permit the access and therefore encourage the undesirable use by quad bikes, the use of which is frequently witnessed by myself in the locality. I do not believe anyone wants to facilitate this, as it will unequivocally have a detrimental impact on wildlife.
- The proposed siting of the trail will destroy the natural habitat for birds (Kingfishers and Dippers) and other wildlife such as otters, all of which do not tolerate human activity. It will therefore cause an imbalance in the bio diversity of the area.
- The siting of this development will have a direct negative impact on the local farming by prohibiting the access of livestock to drinking water at the beck to drink and find shelter in severe weather. Furthermore, the proposed trail has been routed to diagonally dissect straight across the end field. This will seriously reduce the available grazing area and rather than blend into the landscape, this unnatural straight line will undeniably stick out like a 'sore thumb'.

It's important that the public have access to the forest to enjoy nature in its natural habitat and the Forestry Commission have responded well to its demands by providing miles of trails and paths and the splendid Dalby Visitor Centre. If further walks/accesses are required for multi purpose use then a location away from the beck, such as the existing Ellerburn Road, which is flat, wide and accessible, is already in existence. This route provides an attractive view of the natural beauty and ecology of the National Park without further urbanisation of the countryside.

Revised Plans - These have not overcome my original concerns. The path will not blend in and will amount to an undesirable urbanisation of the countryside. Its width will encourage inappropriate use and it will have a detrimental impact on wildlife. The development will also have a direct negative impact on the local farming community by prohibiting access of livestock to drinking water at the beck to drink and find shelter. The public want access to the forest to enjoy nature in its natural habitat. If further access is required then a location away from the beck should be utilised.

Mr and Mrs A Edgar, 3 Kareen Avenue, Crossgates, Scarborough - Object to the proposal as we are regular visitors to Dalby Forest and enjoy the walks it has to offer. Even though we are elderly and reduced ability, we believe the forest offers great walks for us and feel the proposed trail will not add any value to our visits, but in fact will harm the beautiful views of a presently undisturbed valley. It will disturb wildlife habitat by having people roaming so close to animals and also destroy the habitat and this should not happen we need to look after our wildlife. The width of the path would seem to be too wide as it will look like a roadway cutting through an undisturbed and beautiful valley and not a meandering footpath the proposal tries to portray. This will urbanise the countryside.

John Richards, 4 Branksome Road, Norwich - Concerned with the proposed route and its effect on the environment. A tarmaced path will reduce the amount of biodiversity in the area and cause a greater amount of surface run-off, which will cause greater amounts of soil erosion and ruin the aesthetical values of the area. Furthermore, the tarmaced surface would encourage the use of motorised vehicles which would cause both noise and pollution.

Mark Rees, 41 Middlecave Rd, Malton - Object to the above planning application in its current form as it is at odds with the existing trails in that it appears to be a rather unnatural highway and will be very noticeable in places as it carves up pasture land in an unnatural way. I disagree with the building of straight path ways which take little consideration of the surroundings. Do not see the need for one so close to the beck which will have an adverse affect on wildlife in the area whose natural habitats will be disturbed.

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Mark Rees (continued)

I am sure that there are better locations for a pathway and one which could fit in better with the local surroundings. Because of the width of the trail I can for see that trials motor bikes and quad bikes may use it and I have seen such problems on the Moors and do not want to see similar in Dalby Forest.

David, Glenda, Joe and Sam Faulkner, 34 Laburnum Road, Redcar - Support the application which will be of tremendous value to our community and visitors alike.

Background

Dalby Forest is an important and popular visitor attraction and important habitat for wildlife, on the southern side of the National Park, a few miles north of Thornton le Dale.

Permission is sought for the construction of a new, multi-user trail/footpath to provide enhanced access for the 10% of the 400,000 annual visitors to Dalby Forest with mobility issues and people with a range of disabilities. It is proposed that the trail can be used by wheelchair and pushchair users, by people borrowing mobility scooters from the visitor centre as well as the special disabled bicycles which are available in the forest.

The proposed trail would start at the courtyard at Low Dalby and use the existing village road onto the forest road. The trail would then leave the forest road down towards the beck and a new timber bridge would be constructed to take visitors across the beck. The next section would follow the Thornton Beck, through fields that are currently leased to local residents for horse and sheep grazing (cattle grazing is not permitted). A new line of standard stock proof fencing is proposed to keep stock off the trail and the existing fence to the beck is to be retained. South of Dalby Meadow Farm is a particularly wet area and the route would curve to the west. This is a small wooded area with specific heritage and conservation value so the trail will go round this and become a boardwalk for 150 metres. At Dalby Beck Farm the trail would continue across the field towards the existing footpath. At this point the trail would provide a return loop using a similar bridge to the first, and continue back up the forest road.

The trail would be 2.5 metres wide and constructed mainly of locally available materials, such as limestone for the sub base and surface with buff coloured limestone to an access specification grade. The two bridges would be timber decked with gabion basket abutments which have been designed to current flood studies for 1:100 year storms.

Surveys have been undertaken and submitted by the application in relation to the impact of the proposal on water voles, otters and bats.

The applicants advise that the proposed trail has been designed to blend into the landscape and micro topography to give a flowing non-linear trail and its aim is to open up the forest to a wider range of users.

This application was deferred from the Committee Meeting in January in order that Members could undertake a site visit. The site visit took place on the 3 February. The application was again deferred at Committee in February in order that the applicants could prepare revised plans to have the path meander along the existing beckside, with a fence running parallel with the existing fence, but coming away from the beck edge at the locations of the otter holts to address some of the questions posed at the site visit. These amended plans have now been received, with additional information where the trail loops around otter holts, woodland species will be planted to create a more feathered edge. In the most southern field the trail will follow the existing fence line, as it is too wet closer to the beck.

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Main Issues

The main issues relating to this application are considered to be whether the proposed route would encourage further and sustainable enjoyment of the National Park, whether the development would preserve and enhance the natural beauty and ecology of the National Park and would not adversely affect the quality of life of residents.

Policy Context

The relevant NYM Local Development Framework policies are Core Policy C (Natural Environment, Biodiversity and Geodiversity), Core Policy M (Accessibility and Inclusion), Development Policy 14 (Tourism and Recreation) and Development Policy 23 (New Development and Transport).

Core Policy C seeks to ensure that the quality and diversity of the natural environment is conserved and enhanced and to maintain, and where appropriate enhance conditions for priority habitats and species identified in the North York Moors Local Biodiversity Action Plan.

Core Policy M seeks to improve accessibility to services and facilities within and beyond the National Park for all users and to encourage more sustainable patterns of travel. Amongst other things, this will be achieved through strong and effective partnerships, reducing the need to travel and improving accessibility through the use of innovative and alternative modes of transport to the private car.

Development Policy 14 seeks to support proposals which provide opportunities for visitors to increase their awareness, understanding and enjoyment of the special qualities of the National Park in a manner that will not undermine the special qualities of the National Park or in a way that conserves and enhances the special qualities.

Development Policy 23 seeks to effectively minimise the overall need for journeys and reduce the environmental impacts of traffic on the National Park by permitting development where its location is capable of being accessed by public transport, walking or cycling, where there are existing Public Rights of Way, and it is of a scale where the adjacent road network has the capacity to serve without detriment to highway safety.

Accessibility

The proposed path is well related to other networks in that it can be accessed by existing and established public routes which lead from the centre of the village. This new route would provide a short circular route, close to the main facilities at Dalby Forest which could be enjoyed by the very young and elderly alike due to its modest distance and level surface suitable for buggies and wheelchairs.

It is therefore considered that the path would increase the opportunities available to residents and visitors to enjoy the National Park and the beauty of the National Park environment by increasing and diversifying the current tourism and recreation product.

Design and Materials

The design and materials proposed are typical of this type of development and are considered to sit comfortably in this rural setting whilst ensuring that the new path is fairly low maintenance and remains easy to use by everyone. Similar materials would be used to those at the Dalby Visitor Centre car park which was the subject of negotiations to achieve the best practicable colour/texture surface.

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Need for the facility

It is noted that objections have been registered from local residents on a number of grounds but largely raising concern with regard to the need for a new path, privacy and impact on wildlife. Officers consider that the proposed path would create a route which would be more attractive and accessible to a range of users. The other paths in the area are quite narrow and in places difficult to traverse due to the nature of the topography. This path would create a more level and attractive route for a range of users. Its primary function is accessibility. The alternative of using the Forest Drive would be much poorer given the use of vehicular traffic including heavy logging wagons.

The National Park's Rights of way Officer supports the proposal as this will provide a valuable recreational resource and link with easy access public footpaths on either sides of the valley.

Impact on Neighbours

The path would be some 100 metres from the nearest residential boundary, and it is not considered that at this distance, the development would have a detrimental impact on the amenities of the occupiers of these properties, either in the form of noise or disturbance or overlooking resulting in loss of privacy.

Loss of private view is not a planning consideration. It is not considered that the creation of the trail, which does not involve vertical structures (other than two small bridges) or tree removal together with the distance involved, would have a detrimental impact on residential amenity levels.

Impact on Ecology

The scheme had been assessed by Forestry Commission's Ecologist (Brian Walker), who had had an input into the proposed design. However, there is some concern that the path would run too close to at least three (possibly four) otter holts discovered on the other bank of the stream. The applicants have agreed that the path should be diverted away from the four holts (by up to 10 metres from the line currently proposed) and that measures such as fencing, planting, encouragement of dense vegetation etc would be implemented to minimise the risk of path users or their dogs getting close to the holts. This would provide otters with a series of bolt holes as they travel the upper and lower reaches of Thornton Beck.

Elsewhere, they have agreed that the path will only go close to the beck at intervals, where the ground was open already, not where the vegetation currently provides some cover. This may require some minor adjustments to the proposed line. There would be signs requiring people to keep dogs on leads.

Surveys have been undertaken and submitted by the applicant in relation to the impact of the proposal on water voles, otters and bats.

These species are all legally protected; water voles under the Wildlife & Countryside Act and otters and bats under the EU Habitats Directive. No recent evidence of water voles was found and the bat report concluded that they would not be harmed by the proposals.

There could be a detrimental impact on the local otter population by increasing public access to Thornton Beck. In order to ensure that the development is not in contravention of the above legislation, some measures to discourage access to the beck by the public and their dogs would be required. The National Park's Ecologist has discussed the proposal with the applicant and considers that this can be achieved with minor amendments to the line of the path, periodic barriers and appropriate signage. The proposed reduction in grazing levels of the strip of land fenced off for the path should be beneficial to the site by encouraging denser vegetation next to the beck and providing an opportunity to enhance the flora there.

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Impact on Ecology (continued)

With regards to the revised plans, the National Park's Ecologist has advised that the revised route will not change the effect of the development on bats. With regard to the route, the revised route and proposed tree planting will go some way towards discouraging access to the beck by the public and their dogs. The Ecologist has advised that more planting between the trail and the beck, perhaps supplemented by discrete fencing and for signs to minimise the number of places where people and dogs are likely to be tempted to access the side of the beck.

Conflict with Grazing Animals

Some objections have been received regarding the potential for conflict between users/dogs and sheep grazed in the fields. The applicants have confirmed that they are agreeable to have both sides of the track fenced to prevent even the remote chance of any conflict.

In addition no objections have been raised by the National Park's Woodland Officer or Archaeologist.

Recommendation

Additional negotiation has taken place on the scheme between the Authority's and applicants ecologists in respect of neighbours detailed comments on impacts on protected species. An additional condition is now recommend to allow some minor deviations to the route where otter activity is highest to further minimise the potential impacts on protected species from activity associated with the development.

In view of this it is considered that the development is unlikely to generate any significant increased level of activity which could be likely to detract from the experience of visitors and the quality of life of local residents and would in fact increase recreational opportunities available to all users of this part of the National Park. The path location has been redesigned to closely follow the line of the beck rather than cross through the fields and it is not considered that the path amounts to undesirable urbanisation of the countryside. In view of the above, the proposal is recommended for approval.

Reason for Approval

The proposed development is unlikely to 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. The development is considered to increase recreational opportunities available to users of this part of the National Park and would encourage more sustainable modes of transport. The proposal is therefore considered to be in accordance with the requirements of Core Policies C and M and Development Policies 14 and 23 the NYM Local Development Framework.