

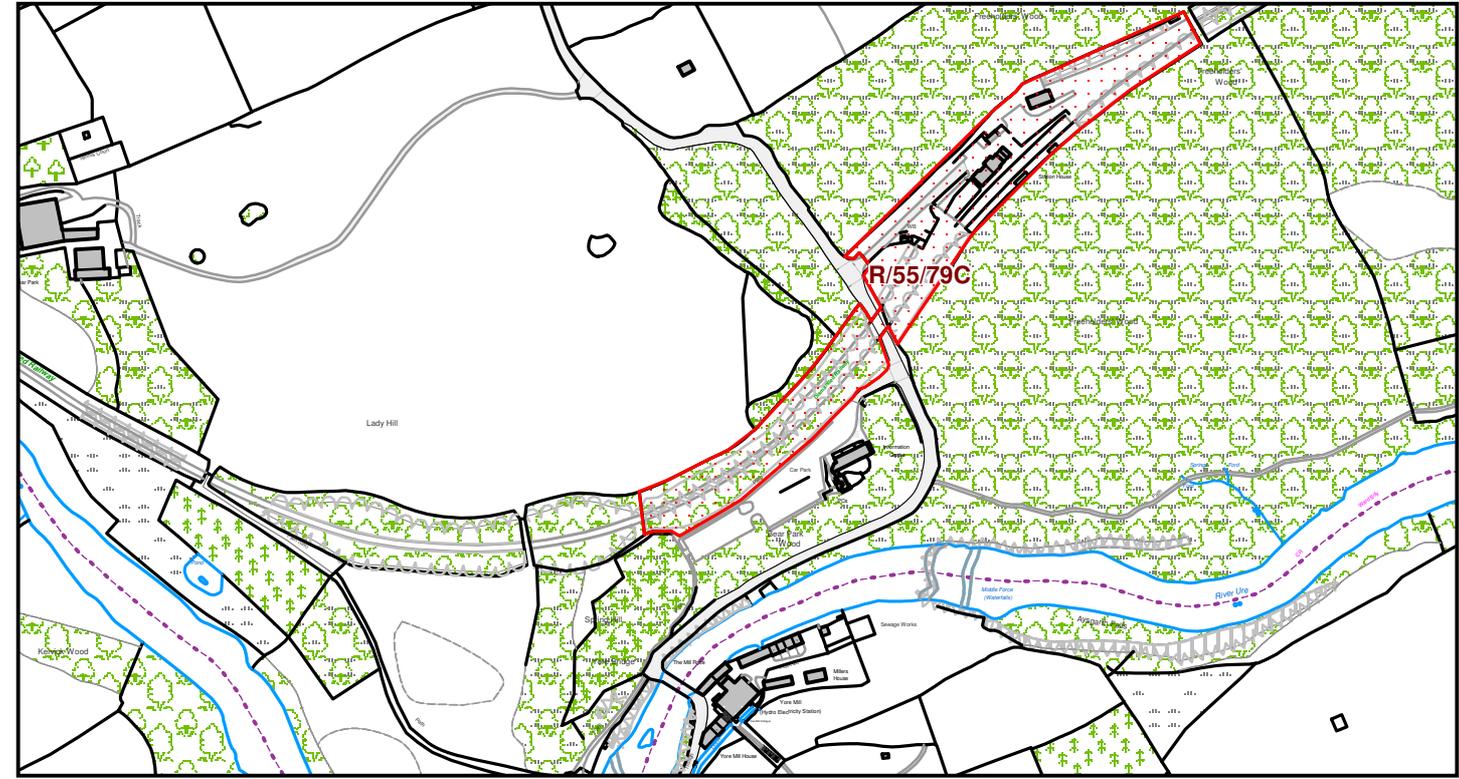
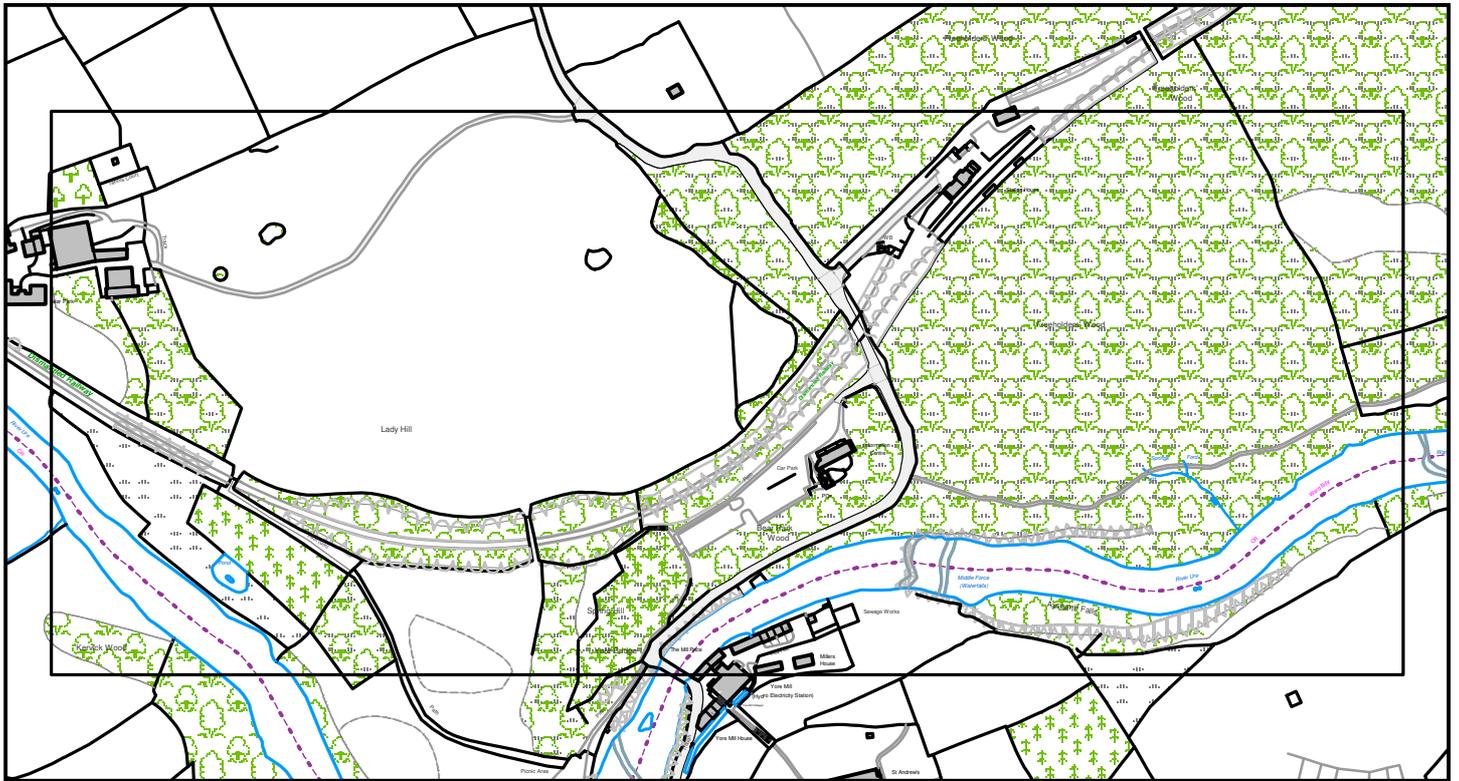
Yorkshire Dales National Park Authority

Application Code: R/55/79C

Committee Date: 09/07/2019

Location: Aysgarth Station, Carperby

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Application No:	R/55/79C	
District:	Richmondshire	
Parish:	Carperby	
Applicant's Name:	Mr D Smith,	
Grid Ref:	SE01198885	
Received by YDNP:	12/02/2019	Officer: Michelle Clowes

PROPOSAL: full planning permission for the laying of railway track and the private use of the railway for storing/moving locomotives, carriages and goods vehicles

LOCATION: Aysgarth Station, Carperby

CONSULTEES

Carperby PC	No comments received.
NYCC - Area 1 Richmond Highway Depot	No objection subject to a condition relating to the routing of construction traffic.
Leyburn Ward	No comments received.
Environment Agency - for All areas	No objection.
North Yorkshire County Council	The proposals for the above application do not involve activities that are likely to have an adverse affect of surface water drainage. The LLFA has no objections.
CEHO Richmondshire DC	Following receipt of further information from the applicant about the likely number of movements of both the diesel and steam locomotives the air quality objectives for SO ₂ and NO ₂ are unlikely to be exceeded. Similarly, the planned intensity of use is less than for the previous approval, which means the impact from noise on the nearby woods and residential is also likely to have less impact. The applicant has also provided more information on how the risk from diesel spills will be minimized. There are no objections to the application.
Area Ranger (Lower Wensleydale)	No objection subject to conditions relating to the provision of fencing to the east of the footpath and no barbed wire.
Trees & Woodlands	The proposals suggest the removal of a large number of semi mature native trees of mostly fair health, so this level of removal is not insignificant. A landscaping plan should be provided by condition to secure appropriate mitigation.

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	<p>Given the presence of and impact on highly visible TPO trees, an arboricultural method statement should outline how the TPO and category B trees will be protected. This can be secured by condition.</p>
The Woodland Trust	<p>The Woodland Trust objects to the proposed development on the grounds of potential impact to Freeholders' Wood, an ancient woodland bordering the site boundary on both sides. Freeholders' Wood is also designated as a SSSI and a Local Nature Reserve (LNR).</p> <p>The Trust is concerned about the potential impacts of noise and light pollution on the ancient woodland from the operation of steam trains, as well as an increase in nitrogen emissions from the use of diesel trains. Furthermore, operation of the trains will result in strong vibrations which will disturb sensitive species within the ancient woodland.</p>
Senior Historic Environment Officer	<p>No comments received.</p>
Natural England	<p>No objection subject to appropriate mitigation being secured by condition.</p>
Wildlife Conservation Officer	<p>No objection subject to appropriate compensatory tree planting being secured by condition along with provision of bird and bat nesting boxes and a prior check for nesting birds.</p>
Yorkshire Wildlife Trust	<p>No comments received.</p>
Aysgarth & District PC	<p>No comments received.</p>

PUBLIC RESPONSES

3 letters of support have been received from members of the public advising that this proposal is the best chance of re - building the Wensleydale Railway which could be a useful way of visiting the dale by public transport in the future and is an excellent opportunity to regenerate a piece of Yorkshire heritage.

A further letter has been received stating that the following aspects should be taken into account in the determination of the application;

- the consultee comments should be followed
- the policies of the YDNPA include protection of the former Wensleydale Railway between Redmire and Garsdale
- a future owner might remove all track from the site. A condition should prevent any development that would prejudice the reinstatement of the Wensleydale Railway line
- the above condition should apply to any agreement to lease or buy YDNPA land
- the timing of railway related movements should take account of public transport requirements.

The Friends of the Dales supports the long term ambition of reinstating the Wensleydale Railway as a working line. Planning permission should not be granted should any aspect of the proposal jeopardise the future reinstatement of the line. It is their view that this is not an appropriate area to hold large public events and if approved conditions should restrict the

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public open day to just 1 per year.

RELEVANT PLANNING POLICIES

L1(15) - Heritage assets

W1(15) - Wildlife sites, species and networks

W2(15) - Biodiversity enhancement

W3(15) - Protecting trees, hedgerows and walls

BE6(15) - Railway-related development

SP1(15) - Presumption in favour of Sustainable Development

SP2(15) - National Park Purposes

SP4(15) - Development Quality

OFFICER OBSERVATIONS

REASON FOR COMMITTEE CONSIDERATION

This application is reported to the Planning Committee as in the opinion of the Head of Development Management it is in the best interests of the National Park Authority that the application is considered by the Committee.

APPLICATION SITE

This application relates to the former railway station in Aysgarth and 200m of the former trackbed along the top of the embankment that adjoins Aysgarth National Park car park and visitor centre. The site is located partway between Aysgarth and Carperby and is bounded to the north and south by the Freeholders Wood SSSI.

The majority of the site is still set out as a railway station complete with station house, platforms and associated buildings including a large goods shed, waiting room, signal box and platelayers hut. The track itself no longer exists. The former station house is an established dwellinghouse and is undergoing restoration. The remaining station building has most recently been used as a holiday let but it has no occupancy restriction on it and will be used as a dwellinghouse in the future. There is a former coal depot towards the front of the site and a car parking area in front of the station building. The majority of the site is hard – surfaced. Post and wire fencing divides the entire site from Freeholders Wood.

PROPOSAL

Planning permission is sought for the laying of new track and the private use of the railway for storing and moving locomotives, carriages and goods vehicles. The track would be laid in and around Aysgarth Station, across the road bridge and onto the former route of the trackbed on the embankment above the National Park Centre (NPC) car park. The applicant wishes to lease this land from the Authority if planning approval is granted.

The applicant's aim is to install new track as close as possible to the original layout. Track would be laid within the station limits with 2 sets of lines crossing the bridge before merging into a single line on the embankment, terminating with a buffer stop at the western end. Trackbed levels are largely at the correct height and track would be laid directly onto a thin bed of limestone ballast.

Up to 6 traditional carriages and a maximum of 10 goods vehicles would be located in and around the buildings to recreate the atmosphere of a country station. A small operational

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diesel train would be used to perform shunting manoeuvres and a maximum of 1 main line diesel and 1 steam locomotive may be located at the site. The facility would exist principally for the applicant's private enjoyment.

RELEVANT PLANNING HISTORY

Full planning permission was previously granted at Aysgarth Station in 2015 for the creation of a visitor centre and café within a railway carriage, continued use of goods shed as exhibition space, public car parking (including bus parking) and engineering operations to form a rail track for visitor rides for the Wensleydale Railway. This permission was subject to conditions and a S106 agreement that sought to restrict the operation of trains to a maximum of 24 trips/day on a maximum of 100 days/year and to manage the car parking provision for the site. This permission was never implemented and lapsed in July 2018.

The site was sold by the Wensleydale Railway to the applicant (a railway enthusiast and owner of West Coast Railways) in early 2018.

KEY ISSUES:

- the principle of the development
- visual impact
- impact on air quality and tranquillity
- public access
- impact on trees
- impact on ecology
- impact on highway safety
- other issues
- parish council comments

THE PRINCIPLE OF THE DEVELOPMENT

Policy SP2 of the adopted Yorkshire Dales Local Plan (2015 – 2030) permits development that furthers the statutory National Park purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage and promoting opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

National Park Management Plan objective E5 supports measures to re – instate railway lines to and within the National Park, including the reinstatement of the Wensleydale Railway to Garsdale starting with the stretch from Redmire to Aysgarth by 2024.

Policy BE6 of the adopted Yorkshire Dales Local Plan (2015 – 2030) seeks to preclude new development that would prejudice the reinstatement of the Wensleydale Railway. Along the route of the former Wensleydale Railway line (Garsdale to Redmire), development will be permitted for railway infrastructure and railway – related economic development or where it would provide an employment or commercial use of the site or would benefit understanding and enjoyment of the National Park subject to compliance with policies W1 (wildlife sites, species and networks), L1 (heritage assets) and SP4 (development quality).

Originally, Aysgarth Station was part of the Hawes Branch of the North – Eastern Railway from it's opening in 1878 until its closure in 1954. The site therefore has evidential historical and architectural value as a Victorian rural railway station and it is considered to be a non – designated heritage asset as a result. The proposed development would result in the restoration and re – use of a number of buildings within the station complex and the laying of track along the position of the original route. In this regard, the proposed

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development would both contribute to conserving part of the cultural heritage of the National Park and provide new railway infrastructure that could lead in the future to the Wensleydale Railway being extended into the National Park. The principle of the development is considered to be in accordance with policies L1, SP2 and BE6 subject to the detail of the proposal. The operation of trains and movement of carriages at Aysgarth Station will inevitably bring with it the potential for noise, disturbance, pollution and an impact on wildlife that require careful consideration in determining this application.

VISUAL IMPACT

The site is well contained and screened to the north and south by Freeholders Wood. The trains would be viewed in the context of the Aysgarth Station and would not therefore have an inappropriate visual impact.

There would be a visual impact from engines running along the embankment to the north of the NPC given the elevated position of the proposed track. However, the impact will be for a temporary period whilst the engine is moving. All engines, carriages and other rail stock will be required to be kept in and around the station complex which is generally screened from open public view, rather than stored on the embankment.

Train movements are most likely to occur during the spring – autumn period however, operations at other times of the year cannot be ruled out. The previous permission for the operation of pleasure rides for visiting members of the public by the Wensleydale Railway entailed restrictive conditions and S106 clauses to permit a maximum of 24 journeys on 100 days of the year. However, as the facility is principally for the applicant's private enjoyment it is considered reasonable to restrict operations further, given the potential noise, wildlife and tree impact and limited public benefit of the scheme until the Wensleydale Railway is able to join up to Aysgarth from Redmire Station. Operations of 12 journey's or shunting exercises (1 journey equating to a trip from the platelayers hut, through the station and onto the embankment and back) per day on a maximum of 36 days per year (equivalent to 3 days/month) is considered to be reasonable. Subject to compliance with these restrictions the visual impact of the development is considered to be in accordance with policy SP4 of the adopted Local Plan (2015 – 2030).

IMPACT ON AIR QUALITY & TRANQUILITY

The majority of the rail movements will be carried out by a small diesel locomotive and will include shunting operations and occasional trips down the line. Steam operations will be limited to 1 or 2 days per year. Diesel fuelling will take place in a single location adjacent to the goods shed. Drip trays will be placed underneath the connection from the road tanker to the fuel tank of the diesel engine. Any spillage would then be transferred into a 40 gallon collecting drum for disposal. The applicant has advised that locomotive movements will be so infrequent that refuelling will only be required on a few occasions. Based on the limited number of movements, the Environmental Health Officer is satisfied that the air quality objectives for sulphur dioxide (SO₂) and Nitrogen dioxide (NO₂) are unlikely to be exceeded.

The operation of engines and shunting of carriages would generate the potential for noise and disturbance in the locality. There are a number of residential properties just over 100m from the route of the new track along the embankment, including those at St Joseph Mews and Yore Mill Cottages on the opposite side of the River Ure. A planning application (reference R/51/55M) including new residential development is also pending consideration at Yore Mill at the bottom of Church Bank. Trains by their nature create noise when the engines are running. However, it is possible to closely control when and how the train

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movements can be carried out via planning conditions or within a S106 agreement including limiting when whistles and horns can be sounded, preventing engines idling and restricting movements to during the day only. It is considered that the private operation of the line would be limited and would not result in a significantly detrimental affect on the amenity of nearby residents in terms of noise.

The scheme also has the potential to impact on the tranquillity of the adjoining Freeholders Wood and Aysgarth Falls. Freeholders Wood is a SSSI and Local Nature Reserve consisting of ancient semi-natural woodland. It is used by both local residents and visitors for recreational purposes including walks and observing nature including flora and wildlife.

The diesel engine that would power the majority of movements on the track creates noise that is equivalent to a tractor or digger. The engine would never be running at full throttle due to the limits of the track length and a limit on the maximum speed to 10mph. The area around the station complex is reasonably well contained however, trains moving along the embankment to the north of the NPC car park will be more naturally exposed.

Whilst the impact on the tranquillity of Freeholders Wood is difficult to quantify, it will be possible for the engine to be heard within some but not all areas of the wood. The extensive woodland cover would naturally absorb some of the noise and other variable factors such as wind direction and noise of the river would affect how discernible train movements within the site are. The noise of the engine would be comparable with agricultural vehicles working in nearby fields or using the local highway network, although it would be more concentrated being confined to the site. Any train whistle is likely to be highly audible given its higher pitch.

The proposal is likely to have an impact on the tranquillity of Freeholders Wood. However, the limited operation of the engines would mean that the impact would not be significant or harmful. It is also important to note that the route of the former Wensleydale railway has been protected to enable a commercial railway to operate through the National Park in the future which would be much more frequent and generate significantly more noise than the current scheme. It is further acknowledged that the planned intensity of use is less than the previous approval in 2015 for the Wensleydale Railway visitor attraction and therefore the impact from noise on residential properties and Freeholders Wood will be much less than has already been accepted. Having regard to amenity, tranquillity and air pollution, the scheme is considered to comply with criterion n, p, q and r of policy SP4 of the adopted Local Plan.

PUBLIC ACCESS

The scheme proposes the laying of track primarily for private use. However, the applicant recognises the public interest in the site and the potential for promoting the understanding and enjoyment of the special qualities of this part of the National Park.

The scheme proposes an annual public open day which will be timed to coincide with a steam train operational Saturday on the Wensleydale Railway in the first half of August. The details of the open day will be secured via a S106 agreement to include the following conditions;

- Visitors must arrive at Redmire Station having travelled on a Wensleydale Railway train.
- A shuttle bus service will bring visitors from Redmire to Aysgarth Station.
- No public car parking is to be provided on site.
- The open day will be from 1100 – 1600hrs.
- Portaloo's and limited catering facilities will be provided.

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- There will be a limited train operation (maximum of 24 journeys)
- There will be no charge with donations to a local charity.

In addition, organised group visits will be accepted on an occasional basis providing that each group is limited to a maximum of 20 people and that they arrive in no more than 5 private vehicles. To limit the impact of these visits it is considered reasonable to restrict organised group visits to no more than 12 per year.

These measures will ensure that the public open day and group visits can be held without impacting detrimentally on the local highway network or affecting the tranquillity of the area.

As well as these events, the applicant has also offered to provide a permissive path leading from the PROW from the NPC car park alongside the track to a viewing platform located on the western side of the rail – over – road bridge. The raised platform would be constructed from tanalised timber to provide visitors with the opportunity to view Aysgarth Station including stationary trains and carriages. The platform provides an opportunity to include interpretation panels explaining the historical and contemporary story of the station and railway as well as site specific ecological information. The applicant has been requested to provide a detailed site plan to demonstrate that there is sufficient room to accommodate the track, a fence and footpath on the existing embankment. Subject to receiving this detail it is considered that the development would comply with criterion b of policy SP2 of the adopted Yorkshire Dales Local Plan (2015 – 2030).

IMPACT ON TREES

A group of trees protected by Tree Preservation Order (TPO) No.19 (Aysgarth) 1962 is directly within the development site on the southern bank of the railway track. There is also a woodland area protected by the TPO adjacent to the site boundary to the south – west. Ancient Woodland exists on either side of the railway at Station House extending 125m south – west and 180m north – west.

A structural report has been submitted to confirm that the YDNPA owned embankment is suitable for re – use by trains. Proposed works will include repairing the drainage culvert and boundary fencing, excavating the topsoil and laying rail ballast and track including a buffer stop at the western end, terminating before the line of public right of way 20.87/1 (which leads north from the NPC car park).

It is proposed to remove 35 trees that are located within the footprint of the track route. Several smaller saplings and small elder shrubs will also be removed. The Woodland Trust has objected to the application on the grounds of the potential impact to the ancient woodland that makes up Freeholders Wood. However, the trees proposed for removal are considered to be of low value, recently established ash, birch, sycamore and goat willow species. Nevertheless, they are healthy trees and the level of removal is not insignificant given the value of the tree group to habitat continuity. The Trees & Woodlands Officer does not object to the scheme providing that an appropriate level of mitigation is undertaken. A landscaping plan showing replacement planting can be secured by condition. Given the impact on TPO'd trees that are highly prominent in public views of the site, it is considered necessary to seek a detailed arboricultural method statement to outline specifically how the TPO and higher value trees will be protected during the proposed works. Again, it is possible to secure this information via a suitably worded planning condition. Further restrictions on the number of train movements and lighting would ensure that the ancient woodland is not detrimentally affected by the proposals. Subject to appropriate tree protection and mitigation the scheme would comply with policy

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W3 of the adopted Yorkshire Dales Local Plan (2015 – 2030).

IMPACT ON ECOLOGY

As discussed above, the site is bounded to both the north and south by priority habitat including Freeholders Wood SSSI (Site of Special Scientific Interest and Local Nature Reserve (LNR) of ancient semi – natural woodland) which is designated for its rich ground flora typical of calcareous woodland. The application is supported by an Ecological Impact Assessment (May 2019).

The main impact on ecology from the proposed development is as a result of the removal of trees along the embankment. Habitat connectivity between 2 separated parts of the SSSI will be reduced and bird nesting habitat will be lost, reducing the functionality of the woodland strip as a wildlife corridor for local bat and dormice species. Although the proposal to restrict lighting levels and limit train movements will benefit the local wildlife populations, they do not compensate or mitigate for the loss of the trees (which reduces the width of the corridor and feeding opportunities for bats in particular). It is therefore considered crucial that an appropriate level of new native tree planting is secured to compensate for the loss of existing habitat at a scale of greater than 1:1. This can be achieved by a suitably worded landscaping condition.

Natural England has stated that without appropriate mitigation, the proposal would damage or destroy features for which the SSSI has been designated. They consider mitigation is required in the form of a pollution prevention plan covering the storage of coal/diesel and re – fuelling arrangements, a formal limit of the number and timing of trains (see design section above) and no storage of materials within the SSSI boundary. All of these matters can be appropriately dealt with by way of condition or S106 clause.

The scheme also offers the provision of a number of bird (10) and bat boxes (5) on mature trees within the lower section of the site. As nesting birds are potentially affected by the proposed tree removal, it is also possible to condition the timing of works to prevent harm to nesting populations as set out in the Ecological Impact Assessment.

Subject to securing appropriate tree mitigation and bird and bat boxes by condition the scheme would comply with policies W1 and W2 of the adopted Yorkshire Dales Local Plan (2015 – 2030).

IMPACT ON HIGHWAY SAFETY

The development scheme as proposed would not generally impact on highway safety and would comply with criterion g and k of policy SP4 of the adopted Local Plan. However, there will be an initial impact on the local highway network as the track, carriages and engines are brought to the site. The Highway Authority has requested details be provided of the routes to be used to and from the site by HGV construction and rolling stock traffic. Given the tortuous route down Church Bank and over the River Ure, it is considered reasonable and necessary to seek this information by condition prior to the commencement of development.

OTHER ISSUES

The extension of the track onto the embankment behind the NPC involves crossing an existing rail – over – road bridge over the Aysgarth to Carperby Road. Although planning permission can be granted for the laying of track and running of trains over the bridge, separate consent will be required from the Historical Railways Estate before the applicant can operate trains over the bridge.

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PARISH COUNCIL COMMENTS

Both Carperby and Aysgarth & District Parish Council's have been consulted on this application and neither Parish Council has submitted comments.

ANALYSIS AND MATERIAL CONSIDERATIONS

Although this scheme proposes the laying of track and operation of trains for the private enjoyment of the applicant, these activities could support the re – opening of the Wensleydale Railway Line from Redmire to Aysgarth in the future. This reinstatement is supported by objective E5 of the National Park Management plan and policy BE6 of the adopted Yorkshire Dales Local Plan (2015 – 2030). The operation of trains would be significantly fewer than those permitted under a similar application for the Wensleydale Railway in 2015. Therefore the impacts in terms of noise and pollution are less than has been previously accepted. The provision of a permissive path, viewing area and public open day/group visits will enable visitor's access to this locally important asset which contributes to the cultural heritage of the National Park and would provide an opportunity for promoting the understanding and enjoyment of the area. The principle of the proposed works along with the impact on trees, ecology, highway safety and amenity are considered to be acceptable or can be adequately controlled by way of condition/S106 agreement. The proposed development is therefore considered to be in accordance with policies SP1, SP2, SP4, L1, W2, W3 and BE6 of the adopted Yorkshire Dales Local Plan (2015-2030) and objective E5 of the National Park Management Plan.

RECOMMENDATION

Approval subject to a S106 agreement covering the following issues;

Diesel and steam engine operation;

- Maximum of 12 journeys per day on maximum of 36 days per calendar year
- Movements to take place between dawn and dusk only with no movements after dark or after 7pm which ever is the earliest
- Train whistle/horn to be sounded on commencement of journeys and for emergency purposes thereafter.
- Diesel engine to be refuelled by road tanker while stabled over a drip – tray fitted with absorbent sheets only.
- No engine idling.
- Maximum speed of 10mph.
- No storage of stock/locomotives on bridge or embankment adjoining NPC.
- Restriction on number of stock that can be brought to site.

Public access;

Open days (minimum 1/year);

- On a suitable day to be agreed by YDNPA
- Visitors must arrive at Redmire Station having travelled on a Wensleydale Railway train.
- A shuttle bus service will bring visitors from Redmire to Aysgarth Station.
- No public car parking is to be provided on site.
- The open day will be from 1100 – 1600hrs.
- Portaloo's and limited catering facilities will be provided.
- There will be a limited train operation (maximum of 24 journeys)
- There will be no charge with donations to a local charity.

Group visits;

- Maximum of 12 per year.

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- Maximum of 20 people per group arriving in 5 vehicles or less.

Viewing platform;

- Platform to be removed once lease expires if requested by YDNP
- Public access footpath and viewing platform to be provided prior to first use track

And subject to the following conditions;

- Standard time limit
- In accordance with approved plans/supporting statements
- Highways condition for routing of construction traffic
- Details of surfacing material for station platforms
- Fencing to be installed prior to first use of track
- Fencing to car park to be sited behind existing hedge and to exclude use of barbed wire
- Details of signals to be agreed prior to installation
- Details of proposed interpretation panels to be submitted
- No flood lighting to be installed along track
- Landscaping plan showing proposed mitigation
- Arboricultural method statement stating how TPO and higher value trees to be protected
- Prior check for nesting birds prior to tree removal
- Erection and retention of 10 bird and 5 bat boxes
- No storage of construction materials within boundary of SSSI