

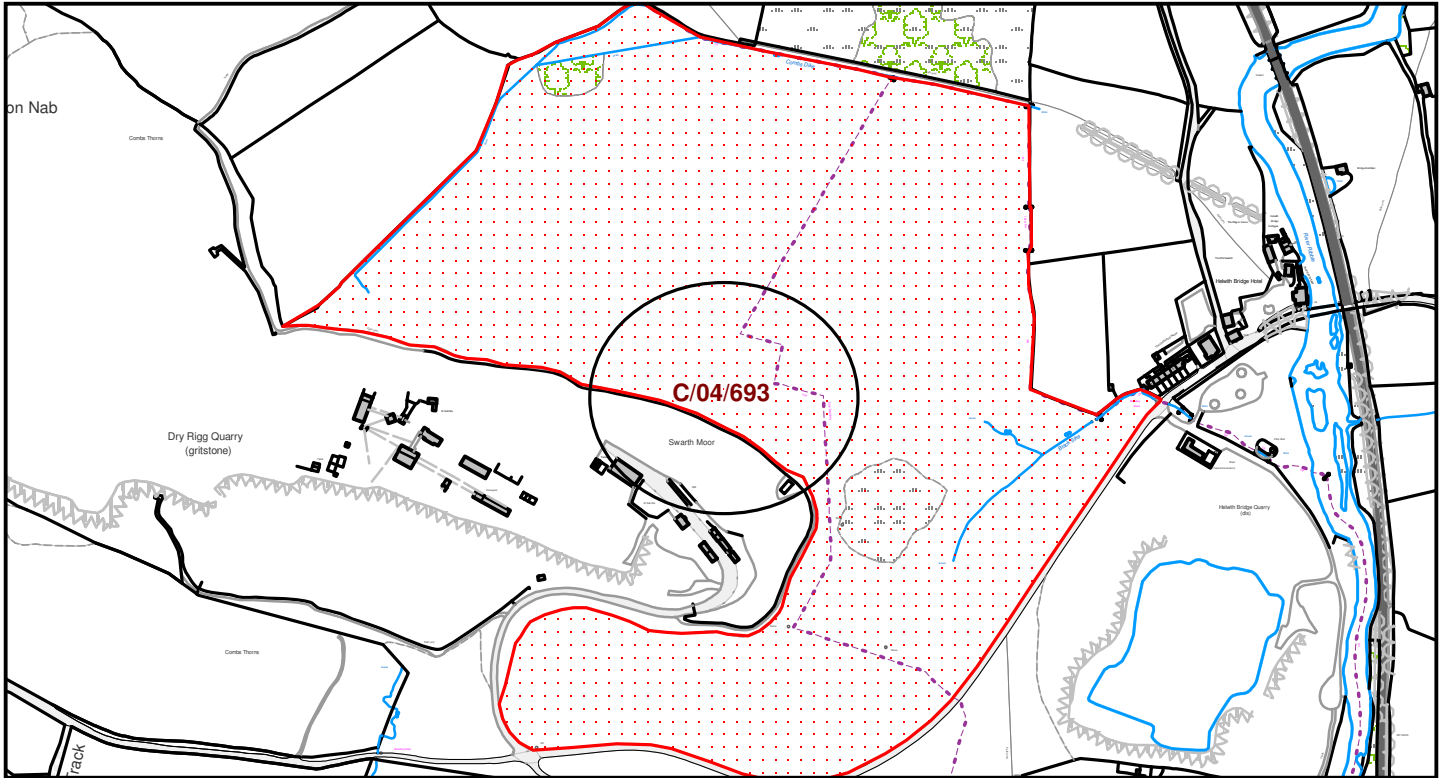
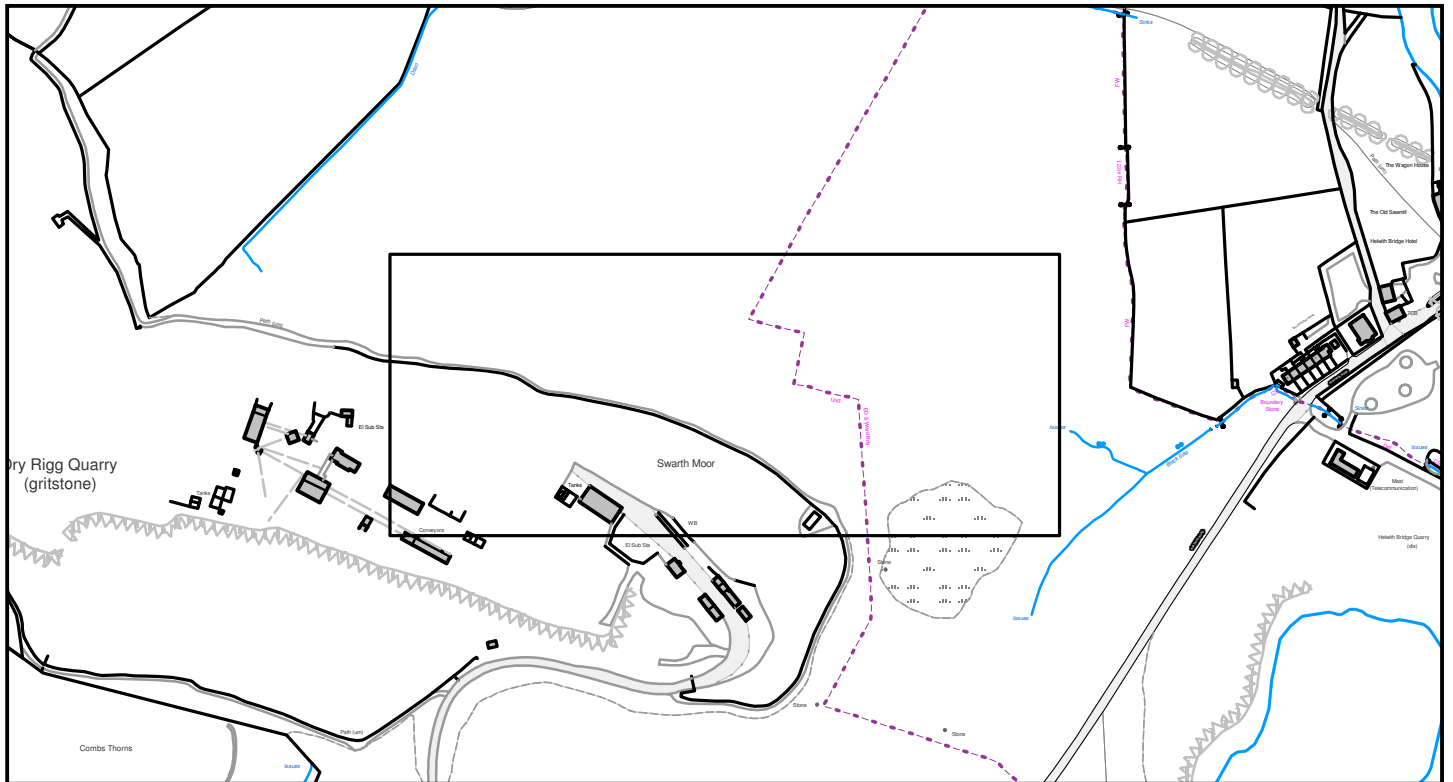
# Yorkshire Dales National Park Authority

Application Code: C/04/693

Committee Date: 09/07/2019

Location: Swarth Moor, Helwith Bridge, Ribblesdale

# 01



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# YORKSHIRE DALES NATIONAL PARK AUTHORITY

**Planning Committee 09 July 2019**

**Schedule No:1**

<b>Application No:</b>	C/04/693	
<b>District:</b>	Craven	
<b>Parish:</b>	Austwick	
<b>Applicant's Name:</b>	Mr C Newlands, Natural England	
<b>Grid Ref:</b>	SD80576946	
<b>Received by YDNP:</b>	15/03/2019	<b>Officer:</b> Tim Davis

**PROPOSAL:** full planning permission for Swarth Moor restoration and interpretation project comprising construction of peat bunds for re-wetting of raised mire; excavation of three mitigation ponds for great crested newt; construction of viewing platform and associated boardwalk; and siting of one bench seat and two interpretation panels on the viewing platform

**LOCATION:** Swarth Moor, Helwith Bridge, Ribblesdale

## **CONSULTEES**

**Austwick PC**

No comments.

**Horton-in-Ribblesdale PC**

The following points of concern were raised:

1. Farmers that use this Common Land for livestock grazing have not been informed of this application.
2. Because this land is used for the grazing of livestock, the creation of water filled ditches would prove hazardous to the livestock, it could result in the drowning of sheep etc.
3. Consideration of this area in respect of the wildlife that already roam the land. Numbers of Roe deer have been reported in this location. This project would increase the numbers of people visiting the moor, therefore driving away the Deer from this natural habitat.

The livelihood of local people has formed the decision taken by the Parish Council in this matter and any works as applied for on the moor would affect the grazing of stock not just in the short term but for some considerable time. The Roe Deer wandering the moor is a consideration before any decision is made regarding the proposed works, but the implications on local people by any development on Swarth Moor must be the priority of the Parish Council.

**Stainforth PC**

The PC recommends refusal on the following grounds:

- 1) Farmers who have livestock on this common land

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have not been informed of this application.

2) The creation of water-filled ditches would be extremely hazardous to the livestock who are legally allowed to roam on this common land.

3) Concern for the welfare of the wild life which occupies Swarth Moor, particularly the Roe deer which roam the moor.

No objections (see informative).

**Area Ranger  
(Lancashire,  
Ribblesdale &  
Malhamdale)  
Trees & Woodlands**

No comments (subject to response from Wildlife Conservation Officer).

**Wildlife Conservation  
Officer**

A)Swarth Moor SSSI:

Development is being carried out to reverse long-term decline in the condition of the SSSI and would have a beneficial consequence of primary importance for the environment.

B)Integrity of Core habitat area in ecological network:

The proposed scheme is a method of bog restoration that has been highly successful elsewhere, which is likely to restore functional integrity and have a positive influence on core habitat integrity.

C)Impact on Great Crested Newts:

The creation of three ponds purposely-constructed for GCNs will increase breeding opportunities and enhance the capability of the landscape to support the EPS. The timing of works has been chosen so as to minimise the risk to individual newts and the potential loss of individuals will be outweighed by the provision of higher quality GCN habitats.

It is recommended that if the application is approved there is a condition imposed to the effect that the development shall be carried out in accordance with the Mitigation Plan.

D)UK Priority Species:

There would be no harmful impact on Priority Species arising from the proposal.

E)Birds:

It would be justifiable to impose a condition stating that if the works are scheduled to commence during the bird nesting season, there will be a prior check for nesting birds. Winter when nesting birds are not a concern.

Overall, the project will be immensely beneficial for

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	many aspects of biodiversity and ought to be positively supported by the National Park.
<b>North Yorkshire County Council</b>	No objections.
<b>CEHO Craven</b>	No objections.
<b>Health &amp; Safety Executive</b>	No comments.
<b>Natural England</b>	No objections.
<b>Environment Agency - for All areas</b>	No objections.
<b>Yorkshire Wildlife Trust</b>	No comments.
<b>Senior Historic Environment Officer</b>	No objections. Planning permission should be subject to a condition for recording of former peat cuttings and to ensure compliance with mitigation measures identified in the Heritage Statement.

### PUBLIC RESPONSES

Two letters of objection have been received. Both letters identify the issue of the application site being registered common land and the impact of the proposal on grazing rights.

### RELEVANT PLANNING POLICIES

L1(15) - Heritage assets

W1(15) - Wildlife sites, species and networks

W2(15) - Biodiversity enhancement

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 Committee for the following reason: The Parish Council recommendation is contrary to the decision which the Head of Development Management proposes to take.

#### APPLICATION SITE

The application concerns Swarth Moor near Helwith Bridge, Settle. Swarth Moor is a nationally important lowland raised mire and designated Site of Special Scientific Interest (SSSI). The site is currently classified by Natural England as being in an unfavourable condition due in part to peat cutting, inputs from the nearby quarry and agrochemicals applied to surrounding farmland, which has altered the hydrology of the raised mire surface, causing parts of it to dry out.

#### PROPOSAL

The proposal is for a comprehensive restoration and interpretation project comprising construction of peat bunds for re-wetting of the raised mire, excavation of three mitigation ponds for great crested newt, construction of a viewing platform and associated boardwalk and the siting of a bench seat and two interpretation panels on the viewing platform.

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### RELEVANT PLANNING HISTORY

None relevant.

### KEY ISSUES:

- principle of development
- impact on a SSSI
- impact on protected species
- impact on character and appearance of the area
- impact on historic environment

### PRINCIPLE OF DEVELOPMENT:

Paragraph 175 (part d) of the National Planning Policy Framework 2019 (NPPF) states that local planning authorities should support development whose primary objective is to conserve or enhance biodiversity.

Policy SP1 of the Yorkshire Dales Local Plan (2015-2030) states that the National Park Authority will presume in favour of development that is sustainable. Part 'e' of the policy identifies sustainable development as development that improves biodiversity by enhancing existing priority habitats and species.

Policy SP2 permits development that will further the Statutory Purposes of the National Park, viz :

- a)Conserving and enhancing natural beauty, wildlife a cultural heritage;
- b)Promoting opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

Policy SP4 identifies design requirements for development. Part 'e' states that development should maintain or enhance the ecological, geological and geomorphological value of the site.

Policy W1 aims to protect the most important habitats and species found in the National Park, halt the decline in biodiversity and establish more resilient ecological networks. As such, development proposals that would have an adverse effect on a SSSI will only be permitted in exceptional circumstances.

Policy W2 aims to ensure that net gains in biodiversity are provided, and make ecological networks more resilient. New development that would have an impact on biodiversity is required to make a proportionate on-site contribution to wildlife enhancement.

The proposed development would be carried out to halt and reverse long-term decline in the condition of a SSSI and focusses on enhancing a national priority habitat (lowland raised bog) that is very rare within the National Park and uncommon elsewhere. It is considered that the development would have beneficial consequences of primary importance for the environment and biodiversity and is, therefore, consistent with the aims of policies SP1, SP2 SP4, W1 and W2 of the Local Plan and paragraph 175 of the NPPF.

The proposal would also facilitate public access and understanding of the SSSI thereby enabling visitors to appreciate the wildlife supported by the habitat and as such is consistent with the second Statutory Purpose.

### IMPACT ON A SSSI:

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The whole application site is within the Swarth Moor SSSI. The SSSI citation lists the following habitats as contributing to the national importance of the site:

- Raised bog grading into fen grassland;
- Bog pools;
- Small areas of developing Willow carr (a type of wet woodland).

The proposal is intended to halt the loss of active raised bog in the SSSI through the removal of Purple Moor-grass and the creation of shallow pools that would encourage bog mosses. Three new pools would be created on land that is currently fen, so there will be some loss of fen habitat. It is considered that there would be major improvements to the quality of most of the 18.3 hectares of raised bog. The loss of fen habitat would be relatively modest (0.15% by area) and is considered necessary to safeguard an existing Great Crested Newt population. The loss of bog habitat arising from the installation of the boardwalk is likely to be even more modest and would be outweighed by the public benefit associated with the viewing platform and interpretation boards. The main areas of willow carr are on Studfold Moss, which is outside the application area.

Because of the encroachment of Purple Moor grass, drying out of the whole raised bog is occurring and little, if any, new bog formation is occurring. The proposed re-wetting scheme involving the creation of shallow, bunded ponds is a method of bog restoration that has been highly successful elsewhere and is likely to restore the functional integrity that has been lost.

A small amount of fen habitat would be removed to be replaced by ponds that will provide new habitats for mobile species (e.g. dragonflies and water beetles) thereby improving the landscape's permeability to these species.

Overall the proposal would have a significant beneficial impact on the SSSI and is, therefore, consistent with policy W1.

### **IMPACT ON PROTECTED SPECIES:**

The application site is home to a population of Great Crested Newts (GCN). A Newt Survey and Mitigation Plan has been submitted with the application, which details improvements to existing ponds used by GCN and the creation of three new mitigation ponds designed to increase breeding opportunities. It is considered that any potential loss of individual GCN would be outweighed by the provision of higher quality GCN habitats. This element of the proposal is considered consistent with policy W1 and is supported by the Authority's Wildlife Conservation Area provided that the development is carried out in accordance with the Mitigation Plan.

It is possible that some bird species might attempt to nest amidst Purple Moor Grass tussocks that are to be removed. It is, therefore, recommended that development begins outside the bird nesting season.

The Small Pearl-Bordered Fritillary population is unlikely to be affected by the proposed development. There are unconfirmed reports of White-clawed Crayfish within the application site (Comb Dike). It does not appear that Comb Dike will be affected by the proposal and there is scant reason to think that any Crayfish present would be affected.

### **IMPACT ON CHARACTER AND APPEARANCE OF THE AREA:**

One octagonal viewing platform is proposed on the edge of the raised mire with a short length (15m) of boardwalk connecting the platform to the public right of way (PROW). The

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platform and boardwalk would be constructed using recycled plastic and would be sited on 100mm posts. The viewing platform would have a modest impact on the character and appearance of the area when viewed from the PROW. The platform would be largely screened from wider public views owing to its discreet siting. This element of the proposal is considered consistent with the design requirements of policy SP4.

### **IMPACT ON HISTORIC ENVIRONMENT:**

A Heritage Statement has been submitted with the application that identifies a series of turbarry and boundary stones within the application site. Whilst not listed, these features are considered non-designated heritage assets that should be preserved in-situ during the completion of the proposed works. Consequently, it is recommended that a condition is included with any planning permission that works are carried out in accordance with the mitigation measures identified in the Heritage Statement.

It is likely the surface of the application site contains some earthwork evidence of former peat cuttings, which would be impacted by the proposed works. It is recommended, therefore, that a prior-commencement condition requiring recording of these features is included with any planning permission.

### **PARISH COUNCIL COMMENTS:**

Stainforth PC and Horton-in-Ribblesdale PC both object to the proposal on the following grounds:

- 1) Farmers who have livestock on this common land have not been informed of this application.
- 2) The creation of water-filled ditches would be hazardous to livestock legally allowed to roam on this common land.
- 3) Concern for the welfare of wildlife that occupies Swarth Moor, particularly Roe Deer.

It is recognised that the application site is registered common land. As such, consent from the Secretary of State would need to be obtained under the Commons Act 2006 for the proposed works to be lawfully carried out irrespective of the granting of planning permission. Section 38 of the Commons Act specifically addresses the issue of works that would prevent or impede access to common land, which include digging of ditches and constructing embankments. It would, therefore, be expected that graziers would make representations directly to the Secretary of State at this stage. The National Park Authority should not, therefore, refuse planning permission simply because the site is common land since this issue would be addressed under different legislation.

Government policy and local plan policy both require that significant weight should be to the fact that this is a nationally important site for wildlife and it is considered that its protection should take precedence over a limited impact arising from restricted grazing. Similarly, the significant ecological benefit that would result from the proposed scheme should outweigh any potential risk to livestock.

Roe Deer are not legally protected under the Wildlife and Countryside Act (1981) or the Habitats and Species Regulations (2017). Policy W1 of the Local Plan (2015-2030) is designed to safeguard priority habitats and populations of priority species. In light of the above, the welfare of Roe Deer is not a material planning consideration.

It should also be noted that the proposed works would enable Swarth Moor to support a whole range of wildlife that is currently under threat because of its deteriorating condition. According to the Authority's Wildlife Conservation Officer, the works would not be

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incompatible with the site continuing to be used by Roe Deer.

### **ANALYSIS OF MATERIAL CONSIDERATIONS**

The proposed restoration and interpretation project at Swarth Moor would have a positive impact on the condition of a SSSI and enhance a national priority habitat that is rare within the National Park. The proposal would also facilitate public understanding of the site and associated wildlife. The proposal is, therefore, consistent with policies SP1, SP2 and SP4 of the Local Plan (2015-2030). Steps have also been taken to safeguard both protected species and the historic environment in accordance with policies W1 and L1. Separate consent will be sought under the Commons Acts 2006 for development on Common Land, which would take into account any impact on grazing rights.

### **RECOMMENDATION**

It is recommended that permission is granted subject to conditions to include:

- Standard time limit
- Accordance with approved plans (including Heritage Statement Mitigation Plan and Method Statements)
- Archaeological recording of former peat cuttings.