

**CRAVEN DISTRICT COUNCIL: CRAVEN LOCAL PLAN 2012-2032
EXAMINATION IN PUBLIC**

**RESPONSE TO INSPECTOR'S MATTER 15 IN SUPPORT OF PREVIOUS
REPRESENTATIONS MADE BY THE NORTH YORKSHIRE BRANCH OF THE CAMPAIGN
TO PROTECT RURAL ENGLAND ('CPRENorthYorkshire')
(Ref: 009/18/EC5/TS)**

MATTER 15: RURAL ECONOMY AND TOURISM (POLICIES EC3, EC4 AND EC4a)

Issue 2: Tourism Policy EC4

Question 3: How were key locations for tourism development identified? What process did the Council follow in deciding which sites to include in the Local Plan?

The recently published National Planning Policy Framework (the 'NPPF' or the 'Framework') states that for the purposes of examining plans, policies in the previous Framework (2012) will apply where plans are submitted on or before 24 January 2019 (paragraph 214).

CPRENorthYorkshire have provided detailed responses to all of the Craven District Council's ('CDC') consultations on the emerging Craven Local Plan since 2013 and have welcomed the opportunity to do so.

The Hellifield site (shown in diagram EC4) also known as the Tourism Development Commitment was first identified approximately 25 years ago by Officers at CDC. Having liaised with Officers who worked for CDC at that time, CPRENorthYorkshire are aware that the Council were involved in discussions with 'Railtrack' (as it was then, now British Rail) to get Hellifield Station (a listed building) refurbished. West Coast Railways ('WCR') were also involved in discussions because they were interested in taking a lease on the station involving the construction of workshops and a railway heritage centre on railway land adjoining the station. WCR were intending to move their base from Steamtown at Carnforth to a new facility at Hellifield, which would be better suited to their intentions to run regular steam charter trains over the Settle - Carlisle route.

The main problem that arose with this scenario was related to access to the station and the proposed Railway Heritage Centre. Station Road was (and remains) unsuitable for the traffic that would be generated as it is a private residential road. The access road had previously been in the railway's ownership,

but they had sold it alongside former railway houses many years previously, retaining full rights of access but with no maintenance liability.

The solution to this problem was to construct a new access to serve the Heritage Centre. The former Acting Chief Planner for CDC (██████████) at that time, was involved in all negotiations regarding this new road, including the Single Regeneration Budget bid to pay for it and negotiations with the landowners over whose land it would be constructed.

According to ██████████ a number of key factors led to the land known as the Flashes being allocated as a Tourism Development Opportunity ('TDO') site. There was no money to purchase the land needed for the new road, but it seemed appropriate to supplement the Railway Heritage Centre with other appropriate rural tourism development. This would give the land some development value, thereby making it attractive to the landowners to allow the new access road to be built. One of the most important of the key factors was that a proposal for a Hellifield and Long Preston bypass was well-advanced, and it was in the Government's Road Building Programme at the time. The proposed bypass would enable the Flashes site to be developed without generating additional traffic through the village.

At the time, ██████████ read an article to the effect that there was a boom in golf and a shortage of golf courses. His suggestion was that the Flashes land could be set out as a golf course with a hotel and that land in the same ownership at the other side of the A65 could be developed as a static caravan/lodge site to provide tourist accommodation. Other open land tourism uses would also be appropriate. The key thing was that the Flashes would remain as open land and that access to any development would be via the new road. Access to the National road network would be via the bypass. These ideas were presented to a public meeting and gained local support. Subsequently the site was allocated as a TDO site in the Local Plan, which was being prepared when ██████████ was Acting Chief Planning Officer but adopted some-time after he left CDC to become a Planning Inspector.

Question 4: Are there any factors which indicate that a key location for tourism should not have been identified in the plan? Are all of the locations justified and sound?

CPRENorthYorkshire believe that there are several factors that indicate that the Flashes site should no longer be identified as a TDO site in the new Local Plan. Firstly, the creation of a 'Railway Heritage Centre', which was a key component of the overall scheme has not been developed. If, after 25 years it has not been created, it is unlikely ever to happen. Secondly, the bypass, which came within a few weeks of commencement, was aborted following a change in Government in 1997. It has since been abandoned altogether which means that most of the traffic generated by any tourism development would pass directly through Hellifield or Long Preston, exacerbating existing traffic problems in those villages. Thirdly, since the TDO allocation was made, a development of the kind envisaged for the Flashes site has taken place only two miles away at Coniston Cold (The

Coniston Country Estate Hotel and Spa). This provides a range of open-land rural pursuits and includes a hotel and a spa. CPRENorthYorkshire therefore are of the opinion that there is not a need for a similar tourism development in such close proximity as is evident from the non-completion of any of the developments that have been given planning permission on the Flashes site (as listed in footnote 47 to paragraph 7.19 which is the only paragraph to deal specifically with the Tourism Development Commitment in the draft Local Plan). The Hellifield TDO site can no longer be justified and its continued identification as a TDO site is not sound given the huge changes in relevant circumstances over the past 25 years.

Question 5: What is the difference between the key locations for tourism development and land designated as a Tourism Development Commitment?

CPRENorthYorkshire believe the land identified as a Tourism Development Commitment is based upon the fact that there is an extant planning permission for a low-key development that has been commenced in order to preserve the permission. The development undertaken to qualify as commencement is minimal. The fact that nothing further has been done suggests that the scheme is not viable. The best option would be to serve a completion notice so that either the low-key visitor attraction is completed or the remainder of the permission for it lapses. For the purposes of the Local Plan, it would be preferable for the Tourism Development Commitment allocation to be dropped altogether as such an allocation is superfluous and may prompt more intensive schemes to be suggested to make a viable development. There is no justification in Local Plan terms for a development scheme to be ramped up to make it viable.

Question 6: What is the justification for identifying land to the west of Hellifield under Policy EC4, but not other commitments, including for alternative uses?

CPRENorthYorkshire believe that there can no longer be any justification for identifying land to the west of Hellifield under EC4. The relevant circumstances in which the site was originally allocated have changed dramatically and it is unlikely that a suitable development of an appropriate small scale would be viable. There is no need for alternative uses to be considered. Developers have had 25 years to come up with a suitable scheme and failed, so it is time now to accept that the land is not an appropriate location for EC4 development. There is no local unemployment problem so no need for any jobs that might be created. In fact, they would struggle to fill such jobs. CPRENorthYorkshire believe that the Council has proposed to allocate this land to facilitate a much larger scale of development than that originally intended for the site. Developers have repeatedly argued the need for a larger scale of development to ensure viability, in line with what has been proposed via current planning application 42/2016/17496. CPRENorthYorkshire, believe that CDC would (perhaps understandably) wish to see this controversial application approved and developed to reduce the significant workload that this potential 'opportunity' has given rise to over the past 25 years.

The pending application constitutes the most recent proposals for this site. The outline application is currently for *“the development of a leisure centre, including swimming pool, hotel and visitor accommodation, including up to 300 lodges, a park & ride facility, pedestrian access to Hellifield Station, parking areas, bus and coach drop off point. Landscaping including ground modelling and water features.”* - Whilst not stated in the description, the applicant is very open about the fact that the facility will include a cinema and climbing wall in addition to those aspects listed in the development description. It is clearly a much larger proposition to that which was originally intended for the site and in the opinion of CPRENorthYorkshire is not appropriate at this site immediately adjacent to the YDNP, Long Preston Conservation Area and the Hellifield Flashes SSSI. All statutory consultees have at various stages objected to the proposals, however, many have recently removed their objections subject to potential financial compensatory measures through a proposed s106 agreement - although as far as CPRENorthYorkshire are aware, this has not as yet been agreed formally.

The original objection made by CPRENorthYorkshire to the above application (made in 2016 - prior to the submission of additional information, although this has not lessened the objection originally lodged with CDC) is appended to this response for information and includes several photographs of the site.

Question 7: What uses does the Local Plan permit on land at Hellifield? Is it clear to decision-makers, developers and local communities?

In line with the original intentions for the site, the current Local Plan (adopted 1999) permits the following via Policy EMP11:

EMP11. TOURIST DEVELOPMENT OPPORTUNITY SITES

*The following development opportunity sites are acceptable in principle, for tourist related development (Class D1 uses)**

- *Hellifield Station site.*
- *Bolton Abbey Station site.*
- *Embsay Station site.*

Applications for planning permission will be assessed against other relevant policies in the plan and against the Development Briefs, to be provided for these sites.

** From the Town and Country Planning (Use Classes) Order 1987*

Use Class D1 is specifically mentioned within the policy (not any other Use class) and refers to public services including centres for education and exhibition space which justifies the granting of planning permissions in outline form in 2000, renewal in 2003 and latterly a Reserved Matters application in 2005 were approved. There does not appear to be any evidence to support this change in use or commitment. It is the opinion of CPRENorthYorkshire that as this commitment

has been carried forward from the 1999 Local Plan, the original use class should also carry forward.

The new policy also seems to support the development of non-designated land (shown in white on diagram EC4) for the purposes of sustainable tourism providing that it adjoins the designated tourism development commitment. The land shown in white appears to adjoin the Local Green Space Commitment and not, as directed to by the policy, the Tourism Development Commitment shown in grey. An existing Public Right of Way exists across the site which segregates an area of white land to the north east of the site with a small area shaded in grey away from the main central committed area.

This area also forms part of a wider area which is included within the Long Preston Conservation Area and is within close proximity of two Grade II Listed Buildings which CPRENorthYorkshire believe should also be given reference in the policy. It is unclear why this area of land, within the Conservation Area, out with any settlements and adjacent to the Local Green Space Designation is needed for additional tourism related development. The reference in point J to sports, leisure, recreational and shops do not form part of use class D1 and therefore are also at odds with the original policy allocation.

It is therefore considered that parts of this policy are not justified.

Question 8: How has the extent of the site been defined? What is it based on and is it justified?

CPRENorthYorkshire believe that the site is limited to the extent of the extant planning permission.

Question 9: What is the justification for including an area of Local Green Space wrapping round the existing commitment? What effect will this have on the deliverability of the site for tourism related uses?

The justification for the Local Green Space allocation is to limit the extent of any tourism development to what is just about acceptable given the changes in circumstance since the TDO allocation was made in the old Local Plan. There would be no justification for allocating more land in order to make the existing commitment deliverable. There is no longer any need for it in economic development or employment terms and CPRENorthYorkshire believe it would be wrong to perpetuate the myth that this is land that could realistically be developed.

CPRENorthYorkshire do, however, support the allocation of this site for Local Green Space designation. This is particularly important given that the land was recommended (although never designated) to be a Site for Importance to Nature Conservation (SINC) and is recognised for its importance for migratory birds and proximity to the two SSSI's (Long Preston Deeps and the Pan Beck Fen SSSI).

Whilst, the allocation of this site is not supported, should it be found that the site is to continue within the Local Plan as a Tourism Development Commitment, CPRENorthYorkshire believe that to be consistent with national planning policy, the Local Plan should in addition to those policies should already be suggested, also state that any proposal for development o this site should be in accordance with additional local plan policies ENV3, ENV6, ENV7, ENV8, ENV9.

Question 12: How have the effects of tourism development on setting of the Yorkshire Dales National Park been considered?

Any tourism development would be visible from elevated vantage points in the YDNP. The site is part of a wider landscape and according to the Acting Chief Planner at the time the original TDO was proposed, it was never intended that the site's contribution to the landscape would be compromised by a mass of buildings and associated infrastructure, hence the proposal for golf course and open land activities.

Question 13: Is it clear to decision-makers, developers and local communities what proposals will be permitted on un-designated land surrounding the tourism commitment? How would a decision-maker determine whether or not a proposal for new development was "sensible in scale"?

CPRENorthYorkshire believe it is imperative that proposals involving the construction of buildings or infrastructure on land around the tourism commitment should not be considered acceptable.

CPRENorthYorkshire believe that this would need to be carefully defined within the Local Plan policy or supportive text in order to avoid inappropriate development from being permitted within such a sensitive location. Without a clear definition, development could be approved which could inevitably lead to the destruction of the setting of the YDNP and the wider landscape setting which includes the Heritage Assets and two SSSI's found in close proximity to the site.

Appendix 1:

CPRENorthYorkshire objection to 42/2016/17496 submitted to the Council in December 2016



Campaign to Protect Rural England North Yorkshire Branch

13th December 2016

OBJECTION

Dear Sirs

Application 42/2016/17496 Deadline for comments 13th December 2016

*Land to the West of Hellifield, Skipton North Yorkshire BD23 4HJ
"Outline application for the development of a leisure centre, including swimming pool, hotel and visitor accommodation, including up to 300 lodges, a park & ride facility, pedestrian access to Hellifield Station, parking areas, bus and coach drop off point. Landscaping including ground modelling and water features".*

CPRE has visited the site on numerous occasions, viewed the proposal site from the national trails, open access land and footpaths within the Yorkshire Park, consulted with experts and studied the 1200 page application.

We object to the principle of this development on this site and to the outline planning application. The harm of this proposal far outweighs any benefits.

Such is the level of our concern, we have taken advice from [REDACTED] QC, of Francis Taylor Building, Temple, a leading planning and environmental law specialist, who has structured the expression of our views in accordance with the law and the approach of the Planning Inspectorate.

We consider it essential that the advice of the Environment Agency on a fully informed basis be obtained before a lawful decision can be made.

We endorse the objections made by the Ramblers Association, the Yorkshire Wildlife Trust, the RSPB, Heritage England, Natural England and the objection to the impact on the setting of a national park by the YDNP.

We support the objection by Save OUR Craven Countryside (SOCC) and the large number of Hellifield residents who have taken the time to object.

Our objections to this major mixed development at Hellifield are as follows (for convenience in discussion we have used numbered paragraphs):

1. Firstly, I should emphasise that CPRE does not attempt to set out all the planning objections to the proposed development.
2. Our objections in summary, include the following:
 - (i) The proposal would conflict with the existing statutory development plan. The proposal is not in accordance with the site specific policy EMP11 both because it not, as required by EMP11, both D1 Class use (e.g. museums) and in accordance with the other policies of the plan.
 - (ii) It would conflict with the NPPF

- (iii) It would conflict with the emerging future development plan
- (iv) It would be out of scale with its surroundings and, *inter alia* cause coalescence between Hellifield and Long Preston and unacceptable harm to nationally protected features of natural and cultural heritage and the landscape.
- (v) It would not provide social or economic benefits capable of outweighing the harm.
- (vi) It would be unlawful to grant outline permission for this EIA development without further details of the development and information about its environmental effects.
- (vii) The existing planning permission is not a viable 'fall back' back position. The developer has not considered it in its Environmental Statement (ES). If it were a viable fall back position it would have to be assessed as a main alternative considered by the developer. If the council considered it a viable fall back it would have to require the applicant to assess it in its ES.

First: Statutory Development Plan: Craven District Council Local Plan (Saved Policies)

The development as a whole:

- 3. ENV 1: This is large scale development in the open countryside. It is not intended to meet any of the needs which ENV 1 suggests may override the general prohibition on any such development in the open countryside.
- 4. ENV 2: The development, even when its proposed landscaping is fully mature, would unacceptably change the character of this extensive area of valley floor countryside which is prominent from a number of publicly accessible places in the National Park - such as the Nursery Hill footpaths (shown on 1;50,000 but not 1;25,000 OS map), Newton Moor open access land, Little Newton Farm Paths and The Edge at Long Preston Moor and footpaths to the south of it.
- 5. ENV18: The development would cause significant light pollution. Contrary to the policy's requirement, details of the lighting scheme have not been submitted. This is particularly harmful as one of the attractive features of Craven District is that it is one of the top ten districts in England for 'dark skies'.
- 6. EMP11: The site specific policy EMP11 classifies the site as Tourist Development Opportunity Site. This proposal is not in accordance with the policy.
 - (i) The policy restricts use to D1 (eg museums). This proposal is not for such a use.

- (ii) EMP11 also provides that applications will be assessed against “other relevant policies in the plan” with which the proposal is in clear conflict.

Chalets:

- 7. The most relevant policy is EMP16 “Static Caravans and Chalets”. The proposal fails the following, among other, criteria:
- 8. EMP 16 (1): a) The site is not well screened by landform and existing landscaping from elevated view points and public places:
 - (i) It is clearly visible from footpaths which cross the site.
 - (ii) It is clearly visible from the railway station and Settle-Carlisle railway line.
 - (iii) It is clearly visible from footpaths and open access land in the Yorkshire Dales National Park
- (b) Insofar as future growth of landscaping produced extensive areas of woodland, such woodland would not be compatible with the landscape character of the valley floor of this area.
- 9. EMP 16 (2): The development is of a scale which is disproportionate to Hellifield.
- 10. EMP 16 (5): The area has, at present, ‘opportunities for informal countryside recreation’. A well used footpath provides opportunities for both the local population of Hellifield and rail born visitors who use it to gain access to the National Park.
- 11. EMP 16 (6): The development would visually overwhelm the local settlement and adversely affect the visual and recreation amenity of local residents.
- 12. EMP 16 (9): The proposal would have an adverse impact on:
 - (i) Sites of Nature Conservation (see RSPB & YWT objections)
 - (ii) Sites of Historic Importance (including Settle-Carlisle Linear railway Conservation Area, The Long Preston Conservation Area and the Hellifield Railway Station.

Hotel:

- 13. The hotel would be visually prominent from publicly accessible view points in the National Park. It would be outside existing settlements and likely to have an adverse impact on existing hotels and public houses in the nearby settlements of Hellifield, Long Preston, Gargrave, Malham and Settle.
- 14. It would exacerbate the existing problems of staff recruitment and retention. The local position is quite different from that in the general region of ‘York, North Yorkshire and East Riding Economic Partnership’ quoted by the applicant at 7.4.21 of its ‘Planning Support Statement’ (Wardell Armstrong).

Hotel & Chalet car parking:

15. It is fanciful to suggest that a significant proportion of those coming to the chalets, hotel or any of the other services would come by train. The quantity of parking demonstrates the unreality of such a suggestion.

Park & Ride:

16. There is no evidence to suggest that there is either a need or demand for the proposed capacity, or any park and ride near the station. The fact that the operator has not thought it worthwhile to charge for parking outside the station suggests low demand. There is car parking at Long Preston Station, one mile from the application site.

Swimming Pool:

17. There are already publicly accessible swimming pools in the settlements of Settle and Skipton. If this proposed pool were in fact provided and remained open to the public it would make less viable those existing pools in nearby settlements. Private Spa/swimming pools already exist at nearby Coniston Hall Hotel, Tosside Caravan site and Gisburn (Ribblesdale Park and Stirk House Hotel).

Effect on Highways:

18. The Tourism Development Opportunity site was driven by the proposed Long Preston Bypass to alleviate traffic in the two villages thus accepting traffic is a recognised existing problem in the area. Any increase on such a highly used 'A' road would exacerbate an existing identified problem.

OTHER MATERIAL CONSIDERATIONS

Second: NPPF

19. The development is not sustainable development as defined in NPPF para 14.
 - (i) There are relevant, clear and up to date policies in the development plan with with the proposal conflicts.
 - (ii) Even if there were not such policies, the harm to acknowledge landscape, nature and cultural heritage interests would significantly and demonstrably outweigh the alleged benefits of the scheme.
20. The development would conflict with the Core Planning Principles of NPPF 17 in that:
 - (i) It would not be genuinely plan led.
 - (ii) It would not be based on a recognition of the 'intrinsic character and beauty of the countryside.
 - (iii) It would not conserve heritage assets so that they can be enjoyed for their contribution to the quality of life and be enjoyed by future generations.

21. The development would be in an area vulnerable to flooding. It would conflict with NPPF 100-103 policies on development in flood vulnerable areas. It would be vulnerable to flooding itself. It would exacerbate risks of flooding elsewhere. No lawful decision could be made without such a consultation on a properly informed basis.
22. The development would also conflict with:
- (i) NPPF 109 in that it would not (i) recognise the wider benefits of ecosystem services or (ii) minimise the impact on biodiversity.
 - (ii) NPPF 115 in that it would harm the setting of the Yorkshire Dales National Park and the landscape and scenic beauty which can be enjoyed from within it.
 - (iii) NPPF 118 as would have “an adverse effect on a Site of Special Scientific Interest”, namely Long Preston Deeps SSSI and Pan Beck Fen SSSI.
 - (iv) NPPF 132 & 134 as the development would have a substantial adverse effect on the setting of the listed Hellifield railway station, the Settle Carlisle Linear Conservation Area and the Long Preston Conservation Area.

The alleged benefits do not outweigh the harm.

- (v) NPPF 23-27 in that major town centre uses of leisure and recreation would be located away from centres of existing settlements and not even in edge of centre locations in appropriate existing settlements such as Settle and Skipton (both of which are better served by railway and buses than Hellifield).
23. There is an absence of both demand and need for the development as a whole and for each part of it. The neighbouring Gallaber Park site has unimplemented planning permission for 280 static homes (application 52/2001/1221 & 52/2002/2318).

Third: Informal (pre Publication) Draft of Craven Local Plan (2016)

24. **Draft ENV2:** The proposal conflicts the policy of:

‘(a) paying particular attention to the conservation of those elements which contribute most to the District’s distinctive character and sense of place.

... including (ii) the building and structures associated with the Settle-Carlisle Railway.’

A fundamental element of the station’s character is that it is a junction and was a motive power depot in the middle of nowhere. From the valley floor, the station floats above the fields and from it there run lines of terraced cottages housing railway workers.

The proposal would not be in accordance with criterion (c) as it would not preserve the character of the station or line.

25. **Draft EC4:** The proposal conflicts with criterion (l) for tourism developments as (a) it does not accord with all relevant local plan policies and (b) is not sustainable.
26. **Draft ENV10:** The proposal is inconsistent with the draft designation as a Local Green Space
27. The key diagram on p 27 identifies Skipton/Embsay/Settle & Ingleton for tourism development opportunities but does not so identify Hellifield

Fourth:

28. It would be out of scale with its surroundings and, inter alia, cause coalescence between Hellifield and Long Preston and unacceptable harm to important nationally protected features of natural and cultural heritage and the landscape.

29. These harms in general are set out above. The proposal would be inconsistent with the CDC 'Vision for Craven in 2032' which call for development which:

“respects the distinctive character and heritage of their surroundings, reinforcing a sense of place”

This development would undermine the sense of place of both Hellifield and Long Preston.

30. Publicly accessible places in the National Park are recognised to be highly sensitive receptors and impact on them is acknowledged to be important.
see PI decision: 52/2009/9332 APP/C2708/A/10/2121326/NWF at (17).
31. It should be noted that ZTVs in the ES do not show the extent to which the site of the chalet development is now and will in the future after development, be visible. They appear to be confined to the hotel which is on one small part of the site close to the railway embankment.
32. The ES acknowledges that the site is important *inter alia* for rare and protected birds and for strictly protected great crested newts (see JBA table 4.3 p22 Ecological Appraisal). The ES underplays however, the effect of the development.
33. The harm to important nature conservation interests is described in the objections of RSPB, YWT and Natural England. It would be impossible for the development to take place without serious long term harm to birds protected by the Birds Directive and UK Law and policy. Even if some of their habitat were retained or compensation habitat provided, the level of disturbance on nearby land (including from trees because they may hide predators, would be substantial.
34. Important off site wetlands (such as Pan Beck Fen SSSI and Long Preston Deeps SSSI) would also be jeopardised. The Flashes at Hellifield play an integral part in supporting the national designation of the Long Preston Deeps SSSI. in respect of wildlife.

Fifth:

35. It would not provide social or economic benefits capable of outweighing the harm

36. The local community would suffer loss of a valued footpath much used for informal recreation such as dog walking. It would suffer major harm to the visual amenity of the surrounding of the village.
37. The facilities of the village and nearby settlements such as Settle and Skipton (both of which are better served by railway and other forms of public transport) would be exposed to loss of viability and vitality from the out of settlement facilities (if successful and open to local people).
38. The vision for Mid Area CDC emerging local plan identifies Settle as the focal point of a well connected hub for “shops, services, cultural facilities, creative businesses and industry”. Places such as Hellifield are identified only for some local growth (“to sustain communities and maintain local services”). This proposal flies in the face of that strategy. The key diagram on page 27 identifies Skipton, Embsay, Settle and Ingleton for tourism opportunities but does not so identify Hellifield.
39. The alleged benefits of employment are illusory as there is a shortage of workers rather than jobs in this area which is far different from the generality of York, North Yorkshire and East Riding Area on which the developers Planning Statement relies (7.4.21)
40. There is no need for additional tourist accommodation in the area. It is well supplied with hotels, pubs, B&B's chalets and caravan sites and holiday cottages. These range from luxury hotels(eg Coniston Hall Hotels, and Devonshire Arms Bolton Abbey) boutique hotels (Hellifield, Settle) to budget accommodation at Premier Inn, Gargrave.

Long Preston (also served by the Settle-Carlisle Line and Skipton Lancaster/ Morecambe line) alone has accommodation including: The Boars Head, The Post Office, The Barn and Eldon Country House and a plentiful supply of holiday cottages.

Settle (also served by the Settle Carlisle line) includes: The Falcon Hotel, the Golden Lion, No.3 and King William IV Guest house as well as a plentiful supply of holiday cottages and smaller B&B's.

41. This does not include large number of rooms available within Skipton area nor the large number of Inns and small hotels and holiday cottage rentals within the area around the site in the Yorkshire Dales National Park.

42. Caravan/Lodge park accommodation in the vicinity includes:

Gallaber adjoining the site.

Tosside Caravan and Lodge Park (swimming pool) 4.5 miles distance from site

Paythorne Caravan and lodge Park 6.5 miles distance from site

Ribblesdale Park, Gisburn (luxury site with swimming pool) at 5.00 miles from site

Rimmington Caravan Park

Todber Caravan Park, Gisburn

Dalesway Park, Gargrave

Langcliffe caravan park, Settle
Knight Stainforth Caravan/Lodge Park Settle.
All of which are large scale caravan sites . This does not include small sites or touring sites.

Sixth:

43 It would be contrary to Government policy PPG 056) and unlawful to grant outline planning permission for EIA development without further details of the development and information about its environmental effects.

44 Permission would be justiciable under the principles of C-201/02 R v. London Borough of Bromley ex parte Barker and C-508/03 Commission v UK , R v Rochdale ex p Tew [1999] 3 PLR 74 and R v Rochdale MBC ex parte Tew and Milne [2001 81 PCR 27]. The Developers' Planning Statement ('DPS') makes clear that many details have not been determined or assessed yet. The Council cannot know whether acceptable details could be devised or what conditions to impose to ensure that the parameters of developments were lawfully circumscribed.
see for example:

DPS 9.1.1 'all details reserved apart from access
'DPS 8.4.3 on lighting


Note: Information about effects, mitigation and compensation measures on important protected nature conservation interests is notably seriously deficient

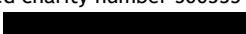



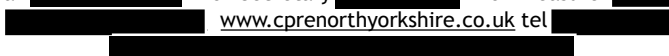

Seventh

45. The existing planning permission is not a viable 'fall back' position. It cannot lawfully be regarded as a material consideration. This is because, *inter alia*, the developer has not even considered it as an alternative in its Environmental Statement ('ES'). If it were a viable fall back position, it would, as a matter of law, have to be assessed as a main alternative considered by the developer. (EIA Directive 2011/92/EU Article 5 (3) (d) & TCP EIA Regulations 2011 Reg 2 (1) and Schedule 4 Part 1 (2) and Part 2 (4). If the Council considered it a viable fall back position it would have to require the applicant to assess it in its ES (TCP EIA Regs 2011 reg 22 (1) before it could make a lawful decision on the application (TCP EIA Regs 2011 (Reg 2 (1) and 3 (1)).

Therefore we feel that the council is wholly justified in refusing this application and ask that it be refused. Images are attached to this objection number 1-19.

Yours Sincerely


Chair CPRE North Yorkshire, Regional Chair CPRE Yorkshire & The Humber

Campaign to Protect Rural England North Yorkshire Branch
registered charity number 500333
President 
Chairman  Hon Secretary  Hon Treasurer 
 www.cprenorthyorkshire.co.uk tel 

images 1-18 from open access or public footpath



Image 1 the footpath across the Flashes November 2016, images shows well used muddy footpath



Image 2 Muddy, well used footpath across the Flashes showing GII Hellfield Railway Station and YDNP

Image 3 View across the Flashes land towards Hellifield Flash and Conservation Area



image 4 view from public footpath towards Hellifield row of station cottages



Image 5 view of Dunbars 2 Flash, Railways Station, Settle Carlisle Conservation Area and Nursery Hill (YDNP) in rear of photograph.



image 6 from Nursery Hill footpath in YDNP towards linear Conservation area and application site with LPCA in background.

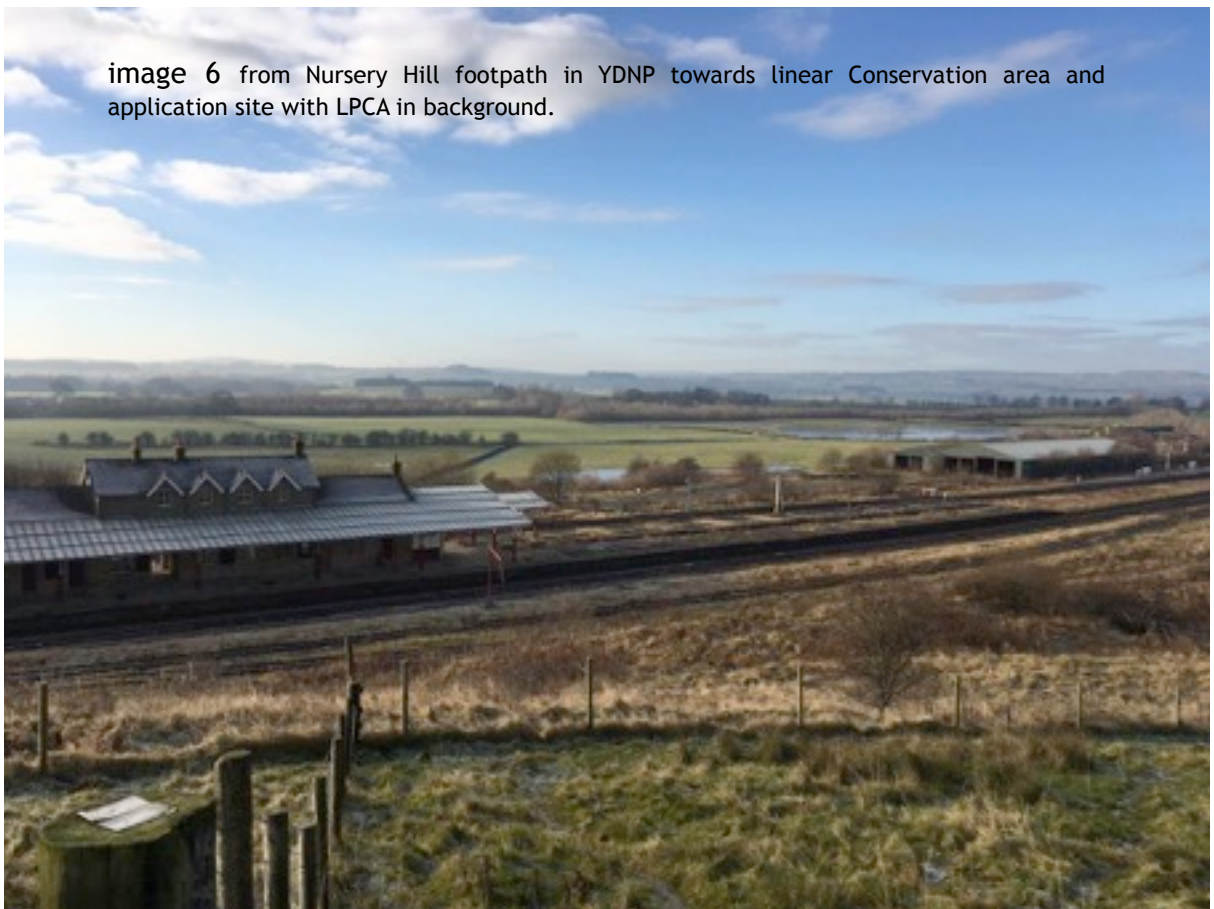


image 7 from Nursery Hill in the YDNP towards the row of station cottages.

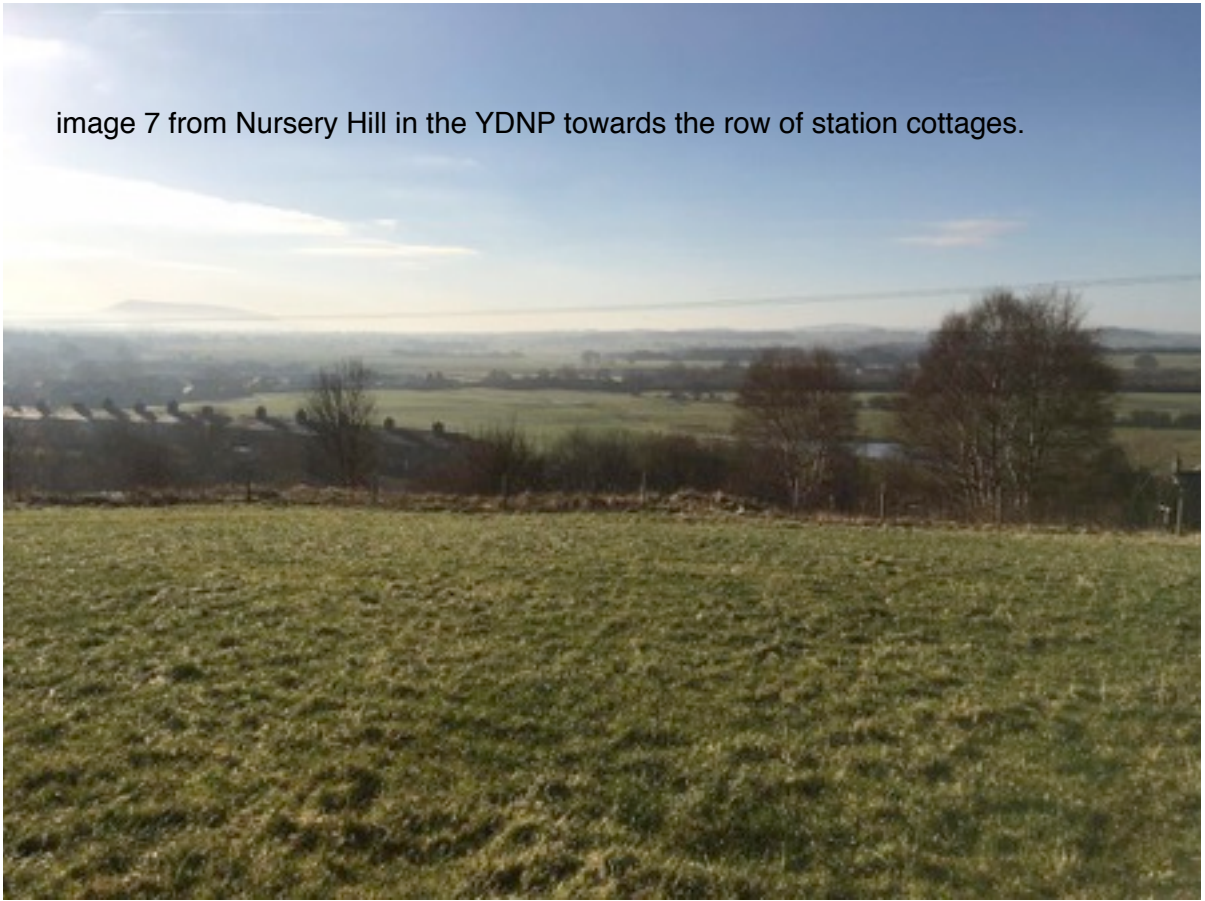


image 8 Dunbars Flash with Settle Carlisle linear conservation area and YDNP in background AND Little

image 9 Hellifield Railway station and YDNP



Dunbars Flash next to the Settle Carlisle linear Conservation area with YDNP in background Image 10





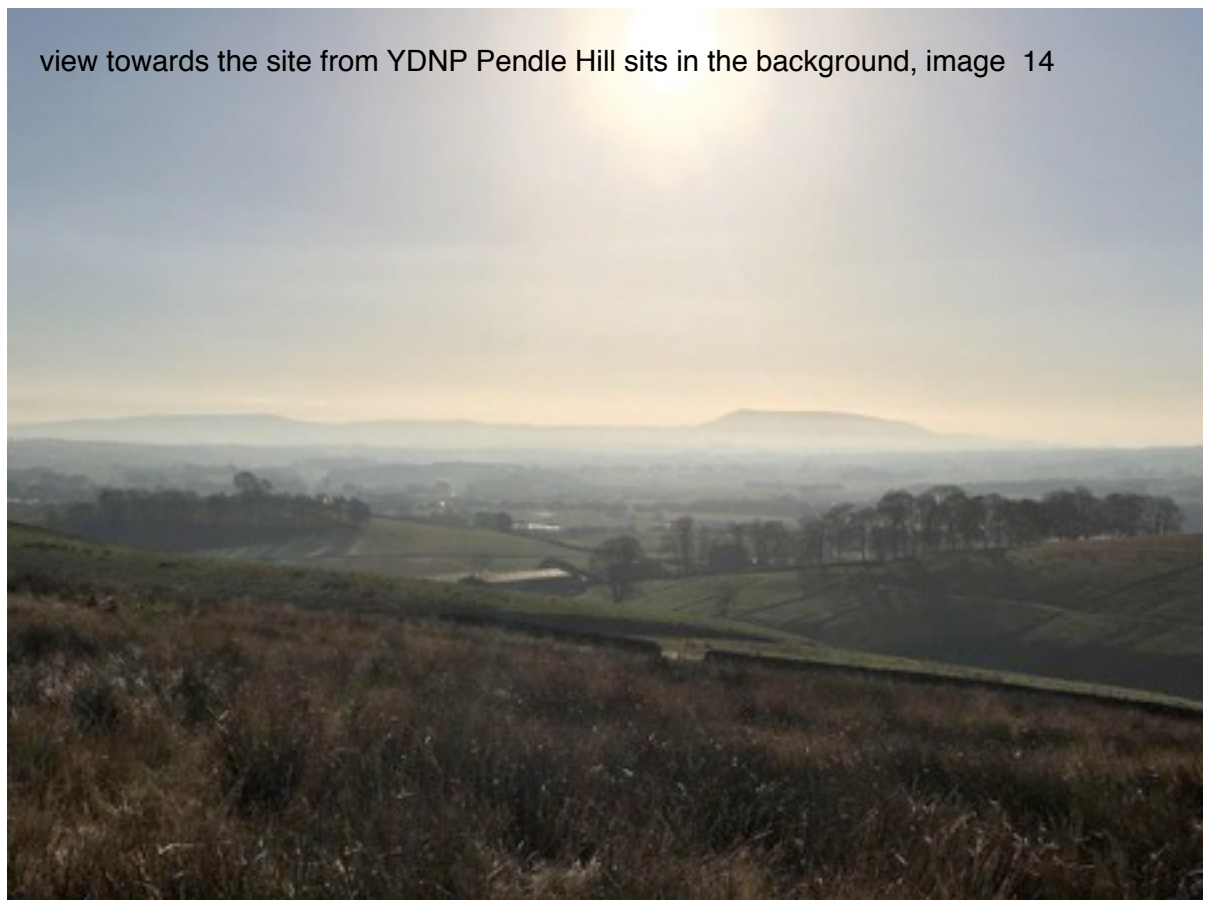
Flash or ephemeral/vernal pond in summer and land used for agriculture Image 11



sun illuminating application site from the Edge, (YDNP) Long Preston, November 2016 image 12



wildlife on Flashes looking towards YDNP and Station Master's House image 13



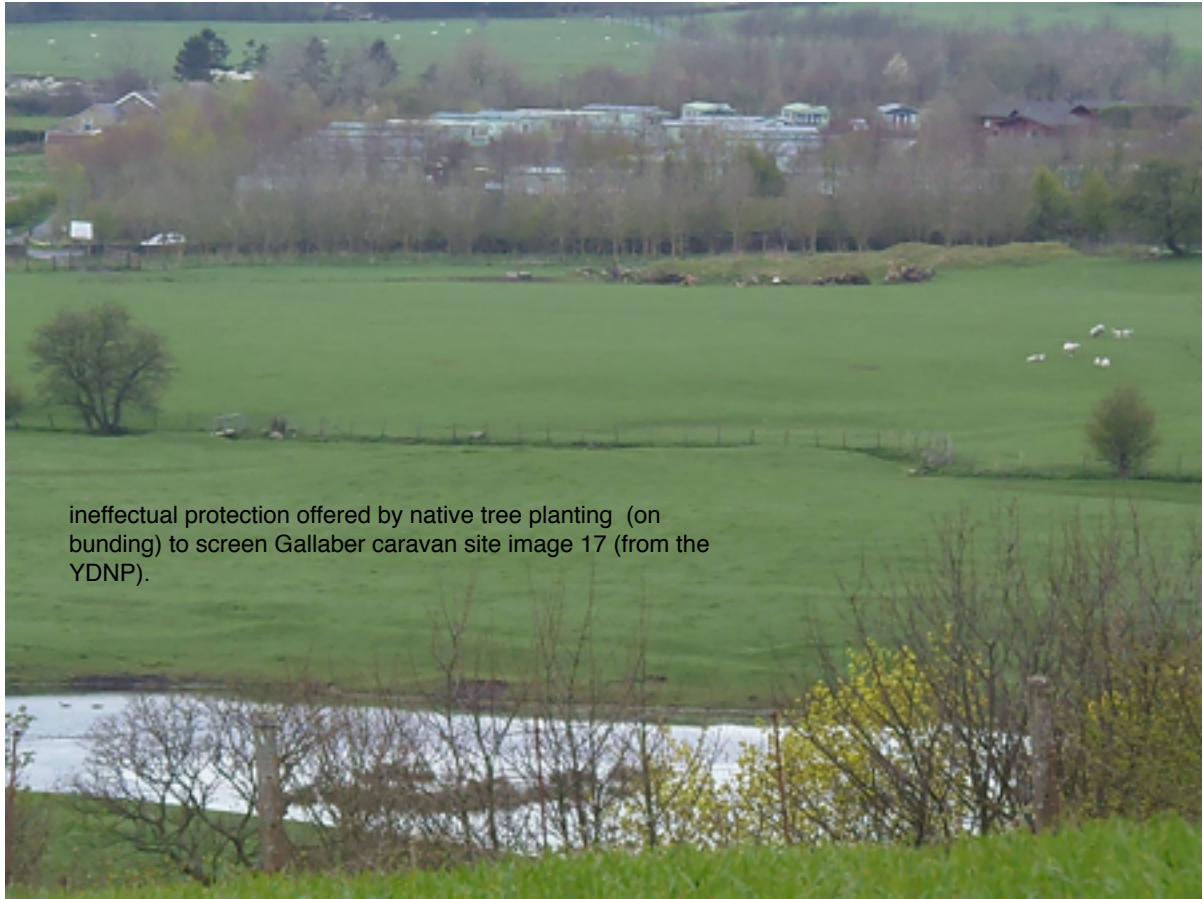
view towards the site from YDNP Pendle Hill sits in the background, image 14

view from Little Newton Footpath (YDNP) towards site image 15



Traffic A65 at Waterside Lane aka "Road to Nowhere" November 2016 image 16





ineffectual protection offered by native tree planting (on bunding) to screen Gallaber caravan site image 17 (from the YDNP).



example of ineffectual planing and bunding - Gallaber caravan site from the LPCA ,December 2016 image 18



All images taken from open access areas or public footpaths.

Images 18/19 were taken from private land with the consent of the owner.

Produced by the Campaign to Protect Rural England, North Yorkshire.

End document