

North Yorkshire Council

Community Development Services

Richmond Area (Yorks) Area Constituency Committee Planning Committee

14th November 2024

21/00791/FULL - Full planning permission for engineering and excavation works to create yorkshire sandstone rock tracks measuring 1.5 To 2m wide and between 10m and 40m in length (part retrospective)

At: Dalton Woods, Dalton on Tees, North Yorkshire, DL2 2NR

On Behalf Of: Mr Robert Pickersgill

Report of The Assistant Director Planning– Community Development Services

1.0 PURPOSE OF THE REPORT

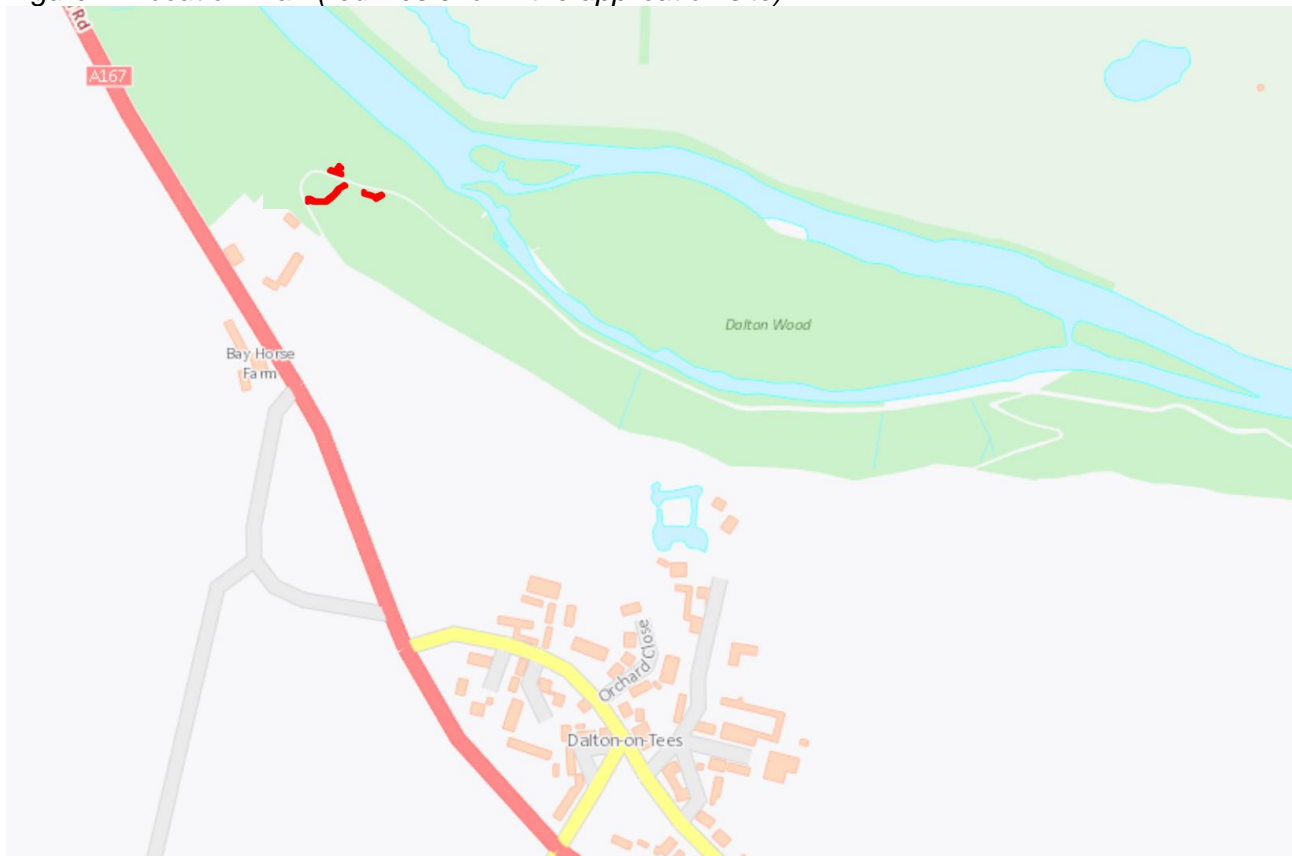
- 1.1. To determine a planning application for retrospective planning permission for engineering and excavation works to create yorkshire sandstone rock tracks measuring 1.5 To 2m wide and between 10m and 40m in length at Dalton Woods, Dalton on Tees.
- 1.2. This application is brought to planning committee as it was previously referred to planning committee in 2022 and thus public expectation is that the decision will not be delegated. In addition, the site is situated in an Ancient Woodland and near to a public right of way which could be negatively impacted and thus raises locally significant material planning considerations.

2.0 SUMMARY

RECOMMENDATION: That planning permission be **REFUSED** subject to the reasons outlined below.

- 2.1 Works have been undertaken at Dalton Woods without the benefit of planning permission. Subsequently the applicant is seeking retrospective planning permission for 3 motocross tracks within an Ancient Woodland and between a public right of way (PRoW) and the River Tees. The applicant also seeks permission for future maintenance works.
- 2.2 The application is recommended for refusal for the below four reasons due to: harm to ancient woodland together with insufficient information and no compensation; safety signage for PRoW not secured; mitigation and compensation for wildlife/biodiversity and protected and priorities species not secured; and insufficient information on impact to trees.

Figure 1: Location Plan (redlines shown the application site)



3.0 PRELIMINARY MATTERS

- 3.1. Access to the case file on Public Access can be found here:- [Planning Documents](#)
- 3.2. Originally the application sought permission for 4 tracks, this has been reduced to 3 tracks. The track that has been removed from the application is the most westerly one nearest the adjacent Public Right of Way and residential neighbours beyond.
- 3.3. The site has an extant permission following the grant of a Certificate of Lawfulness in 1994 (Planning Reference: 94/00016/CLE) for motorcycle trails riding and practice. This covers the majority of Dalton Woods.
- 3.4. There is further live application for Dalton Wood to the south east: ZD24/00397/FULL - Retrospective planning application for the removal of a five-inch cast iron pipe at gully one and replaced with a 12 inch concrete drainage pipe.

4.0 SITE AND SURROUNDINGS

- 4.1 The application site is located within Dalton Woods, Dalton on Tees which is located approximately 400 metres northwest of the village of Dalton-on-Tees. To the west of the tracks is a PRow which crosses the woodland access. Beyond the PRow is two residential neighbours. The River Tees is located approximately 50 metres to the north-east of the tracks.
- 4.2 Dalton Woods has recently (December 2023) been designated as an Ancient Woodland.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 This application seeks retrospective permission for the creation of 3 motocross track 'sections' for the purpose of motorcycle trials riding and practice, comprising soil excavation and the

laying of Yorkshire sandstone rocks to simulate natural rocky gullies. The tracks are approximately 16m, 21m and 40m long respectively, ranging from 1.5m to 2m in width. The tracks are located to the east of the woodland car park and Weigh House.

- 5.2 A covering application email dated 22 July 2024 advises permission is also sought for “for future maintenance of the sections as required, such as lifting and repositioning rocks which have sunk into the ground, and general repairs and maintenance to the hardcore tracks”.
- 5.3 A covering application email dated 22 July 2024 advises that “At the entrance to the grounds there is an area for parking up to 12 vehicles. For the majority of the year the car park is empty, with perhaps 4 vehicles on Saturdays or Sundays. When a Trials competition is held there (about 3 times a year, just once in 2024), which involves about 25 competitors and 10 officials, the layby opposite (towards Dalton village) is used as overflow parking, with vehicles parking carefully to keep access to Pepperfield Farm clear.”

6.0 PLANNING POLICY AND GUIDANCE

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:

- Richmondshire Local Plan 2012-2028 Core Strategy, adopted 2014
- Saved Local Plan Policy 23 of the Richmondshire Local Plan 1999-2006
- The Minerals & Waste Joint Plan 2015 – 2030 adopted 2022

Emerging Development Plan – Material Consideration

- 6.3 North Yorkshire Council is preparing a new Local Plan, however, it is at too early a stage to be a material planning consideration.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2023
- National Planning Practice Guidance
- National Design Guide 2021
- Natural England and Forestry Commission 2022 Guidance ‘Guidance Ancient woodland, ancient trees and veteran trees: advice for making planning decisions’ (Ancient Woodland Guidance)

7.0 CONSULTATION RESPONSES

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **North Yorkshire Council Ecology** – It is very difficult to assess the application against the NPPF which seeks to avoid all loss or deterioration of ancient woodland as the application is part retrospective and the previous Preliminary Ecological Appraisal (PEA) from Nov 2022, undertaken for this application was completed prior to the designation as ancient woodland. Recommend that the ecological assessment is updated from a PEA to an Ecological Impact Assessment (EclA) to include a specific assessment of the impact of the development upon ancient woodland in order the authority to judge the proposals against this policy. The

assessment may need to take a precautionary approach to the habitat present prior to works taking place and should include all direct and indirect, temporary and permanent impacts associated with the development and where necessary provide proposals for compensation in line with the policy.

There is a need to ensure that no further works take within the area of priority habitat. In order to provide compensation and enhancement within the site, I am supportive of the recommendation to draw up a woodland management plan to include areas of the site which will not be subject to development or recreational disturbance. I would recommend that submission of this detailed plan is secured by condition. The woodland management plan should be drawn up by an experienced ecologist and provision should be made for long term monitoring and management.

I also support the need for a pollution prevention plan.

The site has records of invasive non-native species (INNS) and there is a requirement to ensure that these species are not spread, as such I would expect to see details for the management of INNS contained within the woodland management plan for the site.

7.3. **North Yorkshire Council Highways** – No objections.

7.4. **Natural England** – No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Advise: You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

7.5. **Public Rights of Way** - In order to ensure the safety of members of the public using the public footpath and permissive path, and to preserve the amenity of the public footpath, it is recommended that the area of woodland between the permissive path and boundary of the wood, hatched in red on the attached map, is not used by motorcycles, except for access to the site on the track to the north east of the car park (shown in blue on the map). Signs should be installed and maintained on the access track advising motorcyclists of the presence of the public footpath and permissive path. Any obstacles or earthworks should be removed from the hatched area and the woodland allowed to naturally revegetate.

Standard advise also provided.

7.6. **Dalton on Tees Parish Council** – Objects to the application due to:

- Submitted plans poor quality, difficult to understand and inaccurate
- There has been land slippage and professional reports on this are required
- Unclear what ongoing maintenance includes
- Amenity impact to residential neighbours and user of PRoW unacceptable in terms of noise and air pollution
- Car parking unsuitable including: car parking has reduced, application does not set out who is allowed to park there. Riders are reversing out onto the road as not enough turn around space

- Ecology report needs to be updated as this is prior to the Ancient Woodland designation. Ecology report site visit not appropriate.
- NYC Archaeology should have been consulted and is a material planning consideration

7.7 **Historic England** – Comments awaited.

7.8 **Ramblers Association** – ProW should be clear of obstruction and safe to use including when events are in progress. we support the requirements of NYC involving the creation of a motorcycle “free zone “with a footpath which is not obstructed by trees and undergrowth, has a width of at least 2 metres, is fairly level and maintained, in that state We note the action taken of overgrowth and to provide clear signage warning both motorcyclists and walkers of their presence. Some levelling of this short section of path is still needed. Please note also our concerns, regarding obstructions on the remainder of the right of way to Eryholme Incidentally it would be helpful if the landowner provided more positive signs indicating the route of the footpath and not just “keep out “signs.

7.9 **Woodlands Trust** – The Woodland Trust objects to these applications on the basis of loss and deterioration of Dalton Wood, designated as an Ancient Semi Natural Woodland (ASNW) on Natural England’s Ancient Woodland Inventory (AWI). The proposals in question would involve (or appear to have involved) the loss of ancient woodland as a result of excavation, trenching and various ground works within ancient woodland that constitute loss of ancient woodland soils and loss of available habitat. Furthermore, the proposed use of the site is likely to lead to deterioration of the ancient woodland as a habitat for wildlife and should also be refused on these grounds. We consider the following impacts are likely to occur:

- Direct loss of ancient woodland.
- Deterioration of irreplaceable habitat through disturbance, pollution and other indirect impacts
- Impact on local biodiversity as a result of impacted habitats
- Encroachment on the root systems and rooting environments of trees within the ancient woodland.
- Damage to soils, ground flora, fungi and understorey.
- Intensification of human activity and recreational disturbance.
- Increased vehicle use and traffic emissions.
- Threats to long-term retention of trees from increased need to manage trees for safety purposes.
- Cumulative effect of the above impacts resulting in long-term deterioration.

No tree or ecology report submitted.

Application contradicts NPPF.

Local representations

7.10 309 representations have been received of which 191 object and 118 support the application. There are a lot of duplicate comments submitted by different persons and in some instances the same person. A summary of the comments that are relevant to this application is provided below, however, please see website for full comments.

Objections:

- Harm to Ancient Woodland and no compensation
- Loss of habitat and harm to wildlife and protected species
- Noise and pollution harm

- Harm to trees
- Serious and long term environmental damage to locality and banks of River Tees
- Development has/will cause land stability issues and erosion
- PRoW is difficult to walk
- Conflict with the Richmondshire District Council Local Character Assessment dated October 2019
- May have caused harm to Ancient Scheduled Monument and Historic England and NYC Archaeology not consulted
- Causes lawful access issues over the land and use of the land in general by Thornaby Angling Association
- Application documents unclear, inaccurate and have factual errors
- Application may not be lawfully valid
- Redline and blueline incorrect
- Ecology Report unsuitable and does not address Ancient Woodland status or clear evidence of protected species
- Insufficient information
- Challenge validity of Certificate of Lawfulness reference 94/00016/CLE and the Council should revoke this decision
- Application form should have set out the fishing rights/use of the site and is incorrect in other respects.
- There is a right to hunt on the land
- Raise concern about handling of application and planning enforcement
- Application is fully retrospective not part
- No material/rocks storage has been applied for which contradicts application document stating track 4 will be dismantled and moved elsewhere
- Large vehicles/ machinery used in connection with the development
- Insufficient parking and document misleading/incorrect in respect to parking and traffic movements
- Development has caused land slippage
- Filling of natural gullies
- Development contradicts the Council's noise pollution policies on motorcycles and quad bikes
- A similar application adjacent to an Ancient Woodland was refused in Rotherham
- Application is retrospective
- Woodland used as a play grown for adults and tipping ground
- Recreation and sport should take place at gyms etc.

Support:

- Having been at the site regularly for many years, I have only seen very occasional walkers and never seen an angler on the bank of the river
- The tracks do not effect the river bank of fishing
- Noise levels on site are low and lower than the road to the west
- The Rotherham Planning Enquiry is irrelevant
- Not a trial rider but enjoy watching the trails
- Is good activity for people's health (the riders)
- Dalton Woods has served as a base for trials riders for decades
- It is one of the only places in Darlington for trial riders

- It is important that Croft Trials Club is allowed to develop and use more challenging obstacles for the members to ride over to develop their skills and enable them to safely ride and compete in Club, National and International trial events. Over the years Croft Trials Club has helped to produce numerous National and International riders representing Great Britain.
- Policy supports recreation, sport and play together with enhancement of community and recreational assets
- Important facility for children and used by many riders (adults too)
- Benefits far outweigh harm in planning balance
- No harm in respect to privacy, overshadowing, design, highways safety, traffic and parking, noise, incompatible uses, scale of development, appearance, wildlife, trees, flooding, Conservation Areas and Listed Building

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

- 8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 MAIN ISSUES

- 9.1. The key considerations in the assessment of this application are:

- Principle of development
- Impact of the Development on the Ancient Woodland
- Impact on Heritage Assets
- Impact on Flooding
- Impact on Public Right of Way

10.0 ASSESSMENT

Principle of Development

- 10.1 The part of the woodland where the tracks are located are used for motorcycle trails riding and practice (motocross) and benefits from a Certificate of Lawfulness for this use dating back to 1994.
- 10.2 Local representations have raised the validity of the sites 1994 Certificate of Lawfulness for motorcycle trails riding and practice. However, the Judicial Review Period for this has passed and it has been over 10 years since this permission was granted meaning it is unlikely the aforementioned use would be enforceable. The Local Planning Authority has no current plans to pursue revoking the Certificate of Lawfulness. As such, it is considered the application site has a lawful use for motorcycle trails riding and practice.
- 10.3 Also raised by local representations is civil rights for the land which include access for an angling group and hunting rights. It is not considered the tracks would prevent these activities within the woodland given the site is already in use for motorcycles riding. Please note civil rights is not a lawful material planning consideration.
- 10.4 Policy CP11 sets out that support will be given to proposals that help retain or enhance community and recreational assets including land that: improve assets, provides additional assets, retain assets where there is scarcity and improve community well-being. The development meets these criteria, there are other they do not meet or only part meet but the

Policy is not worded in way that means all criteria need to be met. It is thus considered Policy CP11 supports the enhancement of this sports a leisure use.

10.5 Policy CP12 sets out that development or other initiatives will be supported where they conserve and enhance the significance of the plan area's natural and man-made, designated or undesignated assets. Development will not be supported which:

- a. has a detrimental impact upon the significance of a natural or man-made asset
- b. is inconsistent with the principles of an asset's proper management.

Furthermore, where avoidance of adverse impacts to environmental assets is not possible, necessary mitigation must be provided to address any potential harmful implications of development. Where adequate mitigation measures are not possible, compensatory measures will be required.

10.6 For the reasons discussed in detail below, the development does not conserve and enhance the significance of the Ancient Woodland where it resides; nor has compensation measures been proposed. As such the development directly conflict with Policy CP12.

10.7 Paragraph 186 of the NPPF advises that Ancient Woodlands are is an irreplaceable habitat and development resulting in deterioration of these assets should be refused unless there are wholly exceptional reasons and a suitable compensation strategy. Wholly exceptional include infrastructure projects where public benefit clearly outweighs harm. Whilst the development has benefits of improving an existing land use for sport and recreation, this falls far below 'wholly exceptional'. As aforementioned, there is also no compensatory measures proposed. For these reasons the principle of development is considered unacceptable and conflicts with Paragraph 186 of the NPPF and Policy CP12, together with Natural England and the Forestry Commission advice for Ancient Woodland (discussed below).

Impact on Ancient Woodland

10.8 Natural England and the Forestry Commission have produced standing advice for ancient woodland (Ancient Woodland Guidance) and is a material planning consideration for local planning authorities. Ancient woodland takes hundreds of years to establish and is defined as an irreplaceable habitat. It is a valuable natural asset important for wildlife; soils; carbon capture and storage; contributing to the seed bank and genetic diversity; recreation, health and wellbeing; cultural, historical and landscape value.

10.9 Dalton Wood is an area that has been continuously wooded since at least 1600 and includes an ancient semi-natural woodland mainly made up of trees and shrubs native to the site, usually arising from natural regeneration.

10.10 It is important to assess the direct and indirect effects of the development on the ancient woodland. The Ancient Woodland Guidance sets out that development, including construction and operational activities can affect ancient woodland and the wildlife they support on the site or nearby. Direct effects of development can cause the loss of deterioration of ancient woodland by:

- Damaging or destroying all or part of them (including their soils, ground flora or fungi)
- Damaging roots and understorey (all the vegetation under the taller trees)
- Damaging or compacting soil
- Damaging functional habitat connections, such as open habitats between the trees in wood pasture and parkland
- Increasing levels of air and light pollution, noise and vibration
- Changing the water table or drainage

- Damaging archaeological features of heritage assets
- Changing the woodland ecosystem by removing the woodland edge or thinning trees – causing greater wind damage and soil loss

10.11 Indirect effects of development can also cause the loss or deterioration of ancient woodland by:

- Breaking up or destroying working connections between woodlands, or ancient trees or veteran trees, affecting protected species such as bats or wood-decay insects
- Reducing the amount of semi natural habitats next to ancient woodland that provide important dispersal and feeding habitat for woodland species
- Reducing the resilience of the woodland or trees and making them more vulnerable to change
- Increasing the amount of dust, light, water, air and soil pollution
- Increasing disturbance to wildlife such as noise from additional people and traffic
- Increasing damage to habitat, for example trampling of plants and erosion of soil by people accessing the woodland or tree root protection areas
- Increasing damaging activities like fly-trapping and the impact of domestic pets
- Increasing the risk of damage to people and property by falling branches or trees requiring tree management that could cause habitat deterioration
- Changing the landscape character of the area

10.12 It is considered that the development has resulted in the following deterioration:

Definitely:

- Damaging or destroying all or part of them (soils)
- Damaging or compacting soil
- Damaging functional habitat connections, such as open habitats between the trees in wood pasture

Potentially/insufficient information to rule out:

- Damaging or destroying all or part of them (fungi and ground flora)
- Damaging roots and understorey (all the vegetation under the taller trees)
- Increasing levels of air and light pollution, noise and vibration
- Changing the water table or drainage
- Damaging archaeological features of heritage assets
- Changing the woodland ecosystem by removing the woodland edge or thinning trees – causing greater wind damage and soil loss

10.13 Indirect affects to the Ancient Woodland may also have occurred by improving the Sports and Recreation facility which in turn may have resulted in more riders and visitors using the site.

10.14 The Ancient Woodland Guidance states that applicant should provide a tree survey and ecological survey, with both documents including mitigation measures in their development to avoid and reduce harm on the ancient woodland. A tree survey has not been submitted and subsequently the Council cannot quantify the harm that the development has caused to the ancient woodland from impact to trees. An Ecology Survey and discussed under a separate sub-heading below, however, this report predates the Ancient Woodland designation.

- 10.15 For the foregoing reasons, the development will harm the Ancient Woodland and the public benefits do not amount to wholly exception, nor compensation measures secured and thus conflicts with Paragraph 186 of the NPPF and Policy CP12, together with Natural England and the Forestry Commission advice for Ancient Woodland.

Impact on Heritage Assets

- 10.16 The application site is 125m to the north-west of a Scheduled Monument which is the medieval settlement of Dalton upon Tees and associated field system. The monument includes extensive earthwork and buried remains of the medieval village of Dalton upon Tees, including a moated site, a set of fishponds and parts of the surrounding medieval field system. It is located on elevated ground on the south bank of the River Tees, in fields around the present village. The monument is divided into three separate areas of protection. One area occupies the fields between the current village and the River Tees and contains the remains of the moated site and the core of the settlement. The second area occupies a field to the east of the current village and contains the remains of the field system. The third area occupies two fields south of the Northallerton Road and contains the fishponds and further remains of the field system.
- 10.17 Due to the separation distance, screening from the woodland, being at a lower level and the shallow nature of the excavation works it is very unlikely the development has or will give rise to harm to the Scheduled Monument. Historic England have been contacted to ask if they would like to comment and if a response is received this will be reported to planning committee. Likewise, the Council's Archaeology Officer has been asked to comment and if a response is received this will be reported to planning committee.

Flooding

- 10.18 The tracks are at the lowest risk of flooding from rivers and seas. There is an area at risk of surface water flooding, but it is not clear whether this overlaps with the tracks or not as no overlay or Flood Risk Assessment has been provided.
- 10.19 Core Strategy CP3 states that development will be supported if it promotes the natural drainage of surface water mitigating the effects of flash flooding of rivers, drains and drought.
- 10.20 Paragraph 165 of the National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. It is not possible for development to be in areas with a lower risk of flooding, the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed.
- 10.21 The development is for excavation of soil and laying of stones. This could affect the drainage system of the woodland, however, is considered very unlikely to result in any more than a negligible impact to downhill flooding. It could result in tracks being flooded, however, this is not considered to result in any harm to human health or safety.

Impact on Public Right of Way

- 10.22 There is a Public Right of Way (PRoW) to the south-west of the application site. Originally the application proposed 4 tracks, however, it was agreed by the applicant to remove the track closest to the PRoW from the application. This was due to it intensifying motorcycle activities near the PRoW and residential neighbours' gardens beyond giving rise to noise disturbance. Furthermore, the track nearest the PRoW was also within a safety area exclusion zone identified by the NYC PRoW team (see Appendix A red hatched area).

- 10.23 With the removal of the 4th track, it is considered that the PRoW will not be unduly affected by the current application as they are a sufficient distance away.
- 10.24 The PRoW Team have recommended safety signage for the PRoW's crossing with the woodland access. This is considered necessary as the development may have resulted in an intensification of the motocross activities by improving facilities and thus attracting more visits. The signage area lies outside the redline and no legal agreement has been provided to ensure their long-term retention. This conflicts with paragraph 96 of the NPPF.

Protected Species and Biodiversity

- 10.25 A Preliminary Ecological Appraisal dated November 2022 (PEA) was submitted and is valid for 2 years (December 2024). This report was prior to the Ancient Woodland designation, however, does consider the impact to flora, fauna, trees, protected species, wildlife, the woodland and off-site habitats.
- 10.26 The PEA advised that no signs of any protected species were noted on/adjacent to the development site. It notes that the woodland is likely to be used by bats and owls, however Croft Trials operates a 'dawn til dusk' opening policy and no use is made at the site after dark and no external lighting is provided. No badger setts within 50m of the tracks were found. The River Tees is 60m to the east of the nearest track. The PEA advised there were no local records for otter or white-clawed crayfish records locally. It is considered this report is sufficient to understand the impact to protected species.
- 10.27 The PEA listed the following potential impacts and mitigation measures:

Potential Impacts

- Potential impact on foraging animals.
- Pollution via site run-off and/or materials/chemicals stored/increased traffic on site.
- Pollution via site run-off during the construction phase.
- Disturbance and/or injury to wildlife during the construction phase.
- Activities such as mixing cement, refuelling or storage of materials/equipment may cause significant damage to those features such as compaction or contamination
- Loss of foraging areas for wildlife
- River Tees, pollution via site run-off and/or materials/chemicals stored/increased traffic on site.
- River Tees Pollution via site run-off during the construction phase.
- River Tees Ground slippage into the river.

Proposed mitigation measures

- A pollution prevention strategy/plan should be put in place. This should include standard good practice measures. Chemicals must be stored carefully and following their COSHH guidelines. All those working on site to have access to spill kits and appropriate training in their use. Spill kits and appropriate signage should be added to the site.
- An earth bund between the trials course and the river is a good way to prevent site run-off into the watercourse.

- Any storage of materials on site is likely to create suitable refugia for several species and therefore should only be moved by hand.
- Any pits or holes dug during the construction phase must be covered up overnight or fitted with exit ramps (scaffolding planks) for mammals, to be placed at an angle of 30° from base to top.
- Check any areas of ground thoroughly before work starts.
- Remaining vegetation to be gradually reduced in size, checking for wildlife.
- The Trials Club intends to deal with recent fly tipping at the site to reduce any negative impact on the woodland.
- Any small mammals should be given chance to move away of their own accord to a place of safety or carefully remove them to a safe area nearby, preferably in vegetation, away from the working area.
- Measures, including control measures should be put in place and monitored to ensure site operations do not cause the spread of giant hogweed and Himalayan balsam into the wild.
- Measures should be put in place to reduce ground slippage during site operations.
- Control measures should be put in place to control ground spillage.

10.28 The report does not conclude whether the above is sufficient to mitigate and compensate for the likely wildlife and protected species impacts. The report also does not recognise that the works in the woodland outside the scope of this planning application may not benefit from planning permission and could potentially be enforced against.

10.29 No legal agreement has been submitted to secure mitigation and compensation beyond the redline area and therefore these are not secured.

10.30 The Report pre-dates the Ancient Woodland status and it is therefore not known whether the report author would have considered the above measures suitable to compensate harm to the woodland in respect to ecology.

Trees

10.31 No arboriculture report has been submitted detailing impacts to tree. There are several trees immediately next to the tracks and the tracks go over their root protection zones. It is unknown whether any trees were removed to facilitate the development. A letter from Desmond William Needham dated 18 August 2024 has been submitted commenting on impact to trees. It is not clear from the letter if the author looked at all tracks and affected trees or considered the risk of motorcycles hitting the adjacent trees or compacting soil. On this basis there is insufficient information to ascertain the impacts to trees and it cannot be ruled out that there has been a negative impact in conflict with paragraph 180 of the NPPF.

Parking and Highway Safety

10.32 There have been comments that there is insufficient parking for the motocross use, particularly for event/trial days (4 times typically per year accordingly the application document). This results in attendees parking on the highways verge (accordingly to local representations). The application covering letter advises there is a car park with 12 spaces. For the trial days, they also use a layby on an unclassified road opposite which leads to Prospect Farm and is approximately 50m in length.

- 10.33 Local representations question the ability of the car park to accommodate vehicles raising that they often see transit vans and vehicles with trailers. They have seen vehicles reversing out onto the A167 which is a 60mph road. Vehicles also park on the verge where there is a pavement.
- 10.34 No affidavit or other evidence has been submitted to confirm or deny whether the tracks has resulted in an increase in motocross users of the site.
- 10.35 <https://www.crashmap.co.uk/> provides the public with access to accident data for roads which have been reported to the police. In the last 5 years, there is no records of any crashes outside the carpark or layby. NYC Highways have raised no objection.
- 10.36 Having regard to all of the above, it is considered the enhancement of the motocross facilities will on average result in a modest increase in visitors both on trial days and non-trial days. Whilst parking facilities are not ideal, the provision is safe with the car park able to accommodate an average day with only the busy days forcing vehicles to park on the verge and layby. Furthermore, the residual cumulative impacts on the road network even with verge parking is not considered to be severe. As such the development complies with paragraphs 114 and 115 of the NPPF.

Other Matters

- 10.37 This subsection deals with matters raised in local representation not previously addressed. Some but not all of the points raised on matters outside of this application are also discussed.
- 10.38 Harm to residential amenity is considered negligible with the track closest to neighbours now removed. This is due to the site already being used for motorcross.
- 10.39 The development may have caused and could cause future erosion by changing the natural levels of the woodland and drainage flows.
- 10.40 The report author is not aware that the tree tracks have caused land slippage having been to site, but it could in the future.
- 10.41 The description of development is part retrospective as the applicant is also seeking permission for future maintenance works.
- 10.42 The track which has been removed from the scope of this application is still in situ as installed. This will be dealt with as a separate matter to this application.
- 10.43 There is insufficient information to approve the sought maintenance aspect as there is little detail to understand what this will entail and how it will be undertaken; and thus whether this would be acceptable to the Ancient Woodland and wildlife.
- 10.44 The restoration of land and where the stones will be taken for the track no longer included in this application is a separate matter.
- 10.45 The blue line on the Site Location Plan may be incorrect, however, the LPA are unable verify this and understand this is subject to civil legal challenge. We recommend the Planning Committee be aware this may not accept this is 100% accurate when making their decision.
- 10.46 The drawings submitted do not appear to have been prepared by a professional designer or technologist, no with the benefit of a topographical survey, they may be inaccurate.
- 10.47 The current PRoWs state is not relevant to this application.

- 10.48 The woodland is already used for motocross, so any increase in users could result in more petrol/oil spills. It is unlikely the tracks will give rise to an unacceptable harm to the River Tees due to the existing permitted use and distance to tracks.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 With the recent designation of Dalton Wood as an ancient woodland this has resulted in the land in question having special protection as detailed within the NPPF being considered irreplaceable habitat. The development has resulted in the destroying soils, compacting soils and damaging functional habitat connections, such as open habitats between the trees in wood pasture. There may be further harm, however, no Ancient Woodland report has been provided giving best judgement of what these harms are such as whether any fungi and ground flora was destroyed. Furthermore, no detailed compensation measures have been proposed or secured via submission of a legal agreement such as a Unilateral Undertaking. As such, the development conflicts with paragraph 186 of the NPPF and Policy CP12, together with Natural England and the Forestry Commission advice for Ancient Woodland.
- 11.2 There is insufficient information to fully ascertain, as best can be due to the retrospective nature, the full impact to the Ancient Woodland as no Arboriculture Report, updated Ecology Survey, Soil Erosion/Stability Report or drainage/flooding report has been submitted.
- 11.3 The PEA does not include whether a biodiversity net gain to wildlife is achievable or not, this conflicts with paragraph 180 of the NPPF.
- 11.4 The PRoW Team recommends signage for the PRoW crossing with the woodland access, however, this is outside the redline and no legal agreement has been submitted to secure the long term retention of the safety signage in conflict with paragraph 96 of the NPPF.
- 11.5 The mitigation and compensation proposed for wildlife/biodiversity and protected and priority species requires land outside redline and legal agreement has been submitted to secure these conflicting with The Conservation of Habitats and Species Regulations 2010 (as amended) (Habitats Regulations), Policies CP3 CP4 and CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014; together with paragraph 180 of the National Planning Policy Framework, 2023.
- 11.5 Insufficient information has been provided for trees and therefore the development cannot be fully assessed against the requirements of CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014; and paragraph 180 of the National Planning Policy Framework, 2023.

12.0 RECOMMENDATION

- 12.1. That planning permission be REFUSED subject to the reasons detailed below:

Reasons:

1. The development is located within an Ancient Woodland which is a type of irreplaceable habitat and has caused deterioration to this asset both through the construction phase and current operational phase. This harm arises from; destruction of soils, compacting soils damaging functional habitat connections and change to natural drainage. Further harm may also have arisen, but insufficient information has been provided to make a best professional judgment (due to being retrospective nature) on the extent. This includes an updated Ecology Report taking into account the Ancient Woodland designation, Arboriculture Report, Soil Erosion/Stability Report or drainage/flooding report.

The development has public benefits by improving a sports and recreation facility, however, these are not to a wholly exceptional level.

The Preliminary Ecological Appraisal dated November 2022 proposed some mitigation and compensation measures, however, these recommendations do not account for the Ancient Woodland designation nor is a legal agreement submitted to secure these off-site measures.

The application seeks ongoing permission for maintenance of the tracks including lifting and repositioning rocks which have sunk into the ground, and general repairs and maintenance to the hardcore tracks. Insufficient details have been provided to undertake the impact of these works to the Ancient Woodland.

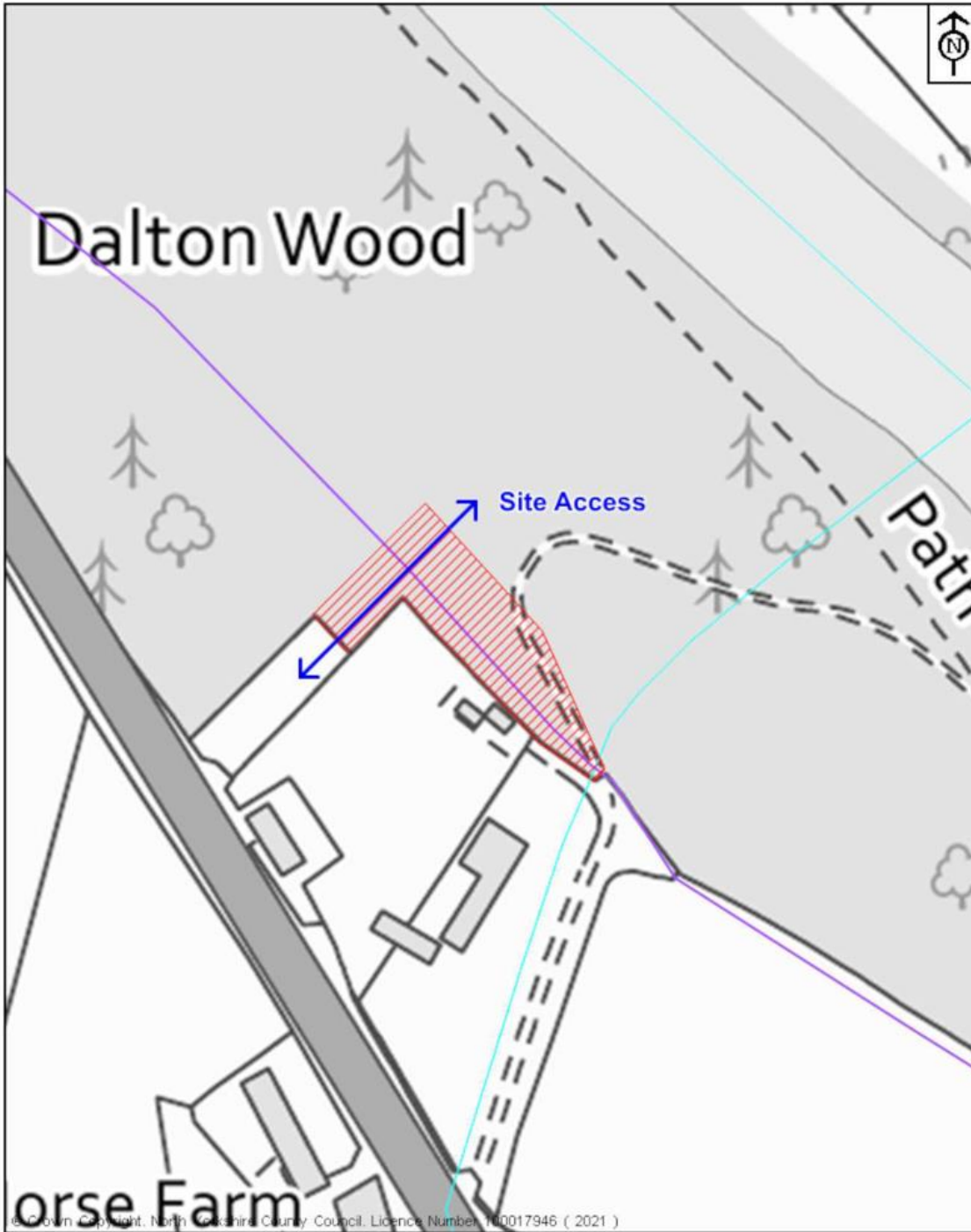
As such, the development conflicts with Paragraph 186 of the Planning Policy Framework 2023 and Policy CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014, together with Natural England and the Forestry Commission advice for Ancient Woodland.

2. The required Public Right of Way and access crossing safety signage lies outside the redline and no legal agreement has been submitted to secure their provision and retention. This results in an unsafe arrangement for Public Right of Way users from the intensified motorsports use. As such the development conflicts with paragraph 96 of the National Planning Policy Framework, 2023.
3. The proposed mitigation and enhancement measures details in the submitted 'A Preliminary Ecological Appraisal dated November 2022' are outside of the redline and no legal agreement has been submitted to secure the delivery, retention and upkeep of the physical aspects together with the management plan. As such the development would cause harm to biodiversity including protected and priority species which conflicts with The Conservation of Habitats and Species Regulations 2010 (as amended) (Habitats Regulations), Policies CP3 CP4 and CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014; together with paragraph 180 of the National Planning Policy Framework, 2023.
4. Insufficient information has been provided to ascertain the developments construction and operational phase's impact to trees. Trees are environmental assets with visual, landscape, flood reduction, wildlife, air quality and human health benefits. As such, the development may conflict with CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014; and paragraph 180 of the National Planning Policy Framework, 2023.


Target Determination Date: 3rd March 2023

Case Officer: Fiona Hunter, Fiona.Hunter1@northyorks.gov.uk

Appendix A – PRow Consultee Attachment (paragraph 7.5 of this report)



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 <p>North Yorkshire County Council Public Rights of Way Waste and Countryside Services County Hall Northallerton DL7 6AH</p>	<p>Key:</p> <ul style="list-style-type: none"> Public Footpath — Public Bridleway — Restricted Byway - - - Byway Open to All Traffic — 	<p>North Yorkshire County Council</p> <p>21/00791/FULL NYCC Public Rights of Way</p>
	<p>Map drawn on 23 September 2021</p> <p>Drawn by AB Scale 1:1250 File Ref No. refno</p>	