

Objections from Whitby Naturalists' Club, Whitby Museum, Pannett Park, Whitby, YO21 1RE

Reference	16/02555/FL
Application Received	Monday 19 December 2016
Application Validated	Tuesday 17 January 2017
Address	Raithwaite Estate, Sandsend Road, Sandsend, Whitby, North Yorkshire, YO21 3SR
Proposal	Erection of 64 no. cottages, 72 no. apartments, 64 no. forest lodges, restaurant, swimming pool, gym, tennis court, cafe, creche and shop. Provision of additional car parking, roads and footpaths including landscaping and ancillary works.

Whitby Naturalists' Club [the Club] was established in 1913 to study, promote interest in and conserve natural history, local history and archaeology, particularly in relation to the Whitby Area. In respect of planning proposals, the Club only comments on aspects within this remit. The Club is very concerned by the present proposals. It objects to them because they involve damage to and at least some destruction of habitats officially recognized as important for nature, and are likely also to have negative implications for the area's heritage. The Club's objections are briefly set out in the following paragraphs.

- Habitat destruction.** The proposed development will result in extensive damage to several important habitats including and principally, ancient woodland. The plans involve felling ancient woodland trees, and construction of buildings on land which is at present ancient woodland. The developer's statement that the proposals do not involve the loss of any ancient woodland is cynical, misleading, and rests on a legal nicety. The area affected by the proposal lies largely within the *Raithwaite Gill/Dunsley Beck Site of Importance for Nature Conservation* [**SINC**]. This means it is an already designated and formally recognized area sensitive for wildlife. It also lies within an area identified in the *North Yorkshire Historic Landscape Characterisation* as comprising *Ancient Semi-Natural Woodland* [**ASNW**] present since 1850. The **SINC** has been allowed to degrade since designation, exacerbated by unmanaged felling of some trees, and scrub has been allowed to develop on grassland of value for nature conservation. Such neglect should be rectified regardless of any proposed development, and a comprehensive management plan should be instigated. The *Woodland Appraisal and Ecological and Woodland Management Plan* proposed by Smeeden Foreman Ltd [SF2557, September 2016, revised December 2016] should be consulted. Section 6, Summary paragraph 3 of that document states that proposed works will cause direct and indirect effects on woodland and grassland habitat included within the **SINC**, while paragraph 5 states that proposed development will cause some **direct loss of ancient woodland habitat** and that, once the site becomes operational, there is potential for indirect effects on parts of this habitat through disturbance.
- Environmental Impact Assessment [EIA] needed.** The Town and Country Planning (Environmental Impact Assessment) Regulations of 2011 state under Schedule Two (criteria for determining whether an Environmental Impact Assessment is required) state under paragraph 12 section C that Holiday Villages and hotel complexes outside urban areas and associated developments of more than 0.5 hectares satisfy the criteria. This proposed development clearly exceeds that threshold. The Club understands that Scarborough Council determined that an **EIA** was not needed. The Club disagrees with that assessment and calls for that decision to be revisited.
- Ecological Appraisal inadequate.** The appraisal is based on site visits in one summer only, augmented by records derived from generalized databases. Restricting site appraisal to visits in a single season means much highly relevant information is missed, for example, use of the site by migrating birds. There is no evidence of any effort to consult local and other specialized sources of ecological information. There is little, if any, consideration of animals

other than amphibians, birds, mammals and reptiles. That means most animal life (insects, spiders, other arthropods, molluscs, worms etc.) has been totally overlooked. Consideration of plants overwhelmingly focuses on flowering plants and conifers, with little or no mention of, for example, liverworts and mosses. There seems to be no consideration at all of fungi, a separate biological kingdom likely to be represented on the site by many species (several hundred are listed on the Club's website as occurring in the Whitby area). By overlooking fungi, fungal habitats (which are frequently very different from animal and plant habitats) have also not been considered. Habitats for lichen-forming species which live on alkaline bark are a good example. They have not been properly valued. These fungi have largely lost the elm as a substratum through Dutch elm disease, and are currently losing the ash through ash decline. The common sycamore (which this appraisal presents as an introduced species and therefore, by implication, expendable), is becoming very important for the survival of such fungi. There also seems to be no consideration at all of the other biological kingdoms (bacteria, chromists, protists) which are also undoubtedly present on the site and which the Club believes will be affected by the proposals. The Club recognizes that these may be difficult groups to evaluate, but affirms that they too are essential components of ecosystems, and should not be ignored. The Club notes that the document "Ecological Appraisal" which is part of the planning application, has areas which are blacked-out (i.e. "redacted"). It also notes that the document was submitted in a format which is impossible to search mechanically for specific words, and therefore unnecessarily difficult to evaluate. Although the Club recognizes there is no obligation to submit documents in a searchable format, it wonders on what basis an ecological appraisal should be so secretive.

4. **Environmental damage.** The Club notes the intention of using piles for foundations of the proposed cottages and apartments so that they do not sit directly on the ground. While this may result in less damage to the soil than conventional foundations, it will not protect woodland floor habitats. Plants need light to grow, and the areas under these structures will be shaded. The ecological impact of these buildings will extend well beyond their foundation footprint: trampling of surrounding areas will be unavoidable and is likely to result in damage to vegetation and upper parts of the soil. The Woodland Management Plan provided by Smeeden Foreman Ltd recommends that native trees such as ash and oak should be planted. If sub-mature sycamores are to be removed as proposed, they should be replaced by those native trees. The Club challenges the suggestion that it is acceptable for them to be replaced by buildings.

The Club is concerned about potential damage from increased pollution (for example from car exhausts or from chlorinated swimming pool water being drained), from stronger pressure on what nature survives the development (more visitors, trampling, litter etc.), from increased risk of fire (for example from uncontrolled barbecues or discarded but unextinguished cigarette ends). Furthermore, the wider environmental implications of the proposed development are alarming. In addition to the damage caused during building work, for example, there will be greatly increased traffic on roads not designed for such levels.

The planning application does not contain any supporting documents explicitly focusing on potential archaeological issues on the site and, in respect local history heritage, the Club notes that the proposed development will have huge impacts on the area, by bringing in more new housing than all the existing buildings in some adjacent villages put together. As the proposed development lies within the *Heritage Coastal Zone*, the Club believes these issues should also be considered.

5. **Landscape character.** The Club is concerned that landscape character is not being adequately taken into account. Landscape Character Assessment is a way of describing and understanding landscape and the influences that have helped to shape it. The European Landscape Convention emphasises that all landscapes are of value, not just the 'best' bits, and that 'an accessible and integrated approach is needed to shaping and managing

landscape change'. It is government policy (*Planning Policy Statement 7: sustainable development in rural communities* [PPS7]) to recommend Landscape Character Assessments, along with Village or Town Design Statements and Village or Parish Plans as tools to assist local authorities in the preparation of policies and guidance that encourage good quality design throughout rural areas in England (paragraph 13).

Landscape Character Assessment is also recommended in PPS7 as a tool for creating carefully drafted criteria-based policies in Local Development Documents to protect valued landscapes outside nationally designated areas without the need for rigid local designations, which may restrict sustainable development and the economic vitality of rural areas. Local landscape designations should only be maintained or, exceptionally, extended, where it can be clearly shown that criteria-based policies cannot provide the necessary protection (paragraphs 24 and 25). PPS7 recognises the importance of national designations such as *National Parks* and *Areas of Outstanding Natural Beauty* in protecting landscapes from major development. There is also recognition that outside nationally designated areas, there may be landscapes that are particularly highly valued locally. Robust, criteria-based policies, supported by Landscape Character Assessment are seen as a valid planning tool to ensure that the special qualities and distinctive characteristic of all landscapes are recognised and safeguarded in the face of forces for change.

6. Pre-application consultation was inadequate and its results are misleading.

Consultation prior to making a planning applications is important. The government has recognized this, and has emphasized preference for collaboration between developers and the local community in the *Localism Act* of 2011. The *National Planning Policy Framework* (paragraph 188) advises that “Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community”. Furthermore, Scarborough Borough Council’s *Statement of Community Involvement* (approved in October 2013) relates to both preparation of new local planning policies and determination of individual planning applications, and sets out how community and other stakeholders should be involved in process. The document makes clear that the Council strongly encourages applicants to undertake pre-application discussions prior to the submission of planning applications.

The document “Statement of community involvement” included with the planning proposals describes how a pre-application consultation was organized on behalf of the developers at Whitby Golf Club on 22 November 2016 and attended by about fifty people. Twenty completed feedback forms were received from all sources (including those attending the consultation), and 80% of all feedback forms received were reported as being in favour of the proposals. The document cites comments from only two of them. The first was: “what a beautiful, sensitive and innovative scheme which will bring great commercial benefit to Whitby” - SL3 OHT. The second was: “personally I am very excited about the prospect of development on the Estate to see vast benefit to the local area through employment, leisure facilities, and a boost in local economy through tourism and associated trade” - TS14 8JG. The Club notes that the postcode given for the first comment locates the contributor to the immediate vicinity of Heathrow Airport, while that of the second is from a resident of Grove Hill, Teesside. These are hardly local stakeholders. At the time of finalizing the present text, there are 851 public comments about this proposal on the Scarborough Council planning website. They are ALL objections. Claims of public support by the developer, based on an inadequate “consultation” are cynical and misleading.

The Club was surprised not to be included in the list of local stakeholders recognized by the developers, particularly given the clear ecological impacts of the proposal. In recent years, the Club has contributed informed opinion about nature conservation and protection of the local archaeological and historical heritage, and has supplied information of value in preparing and carrying out development plans. Recent issues where the Club has made such contributions include:

the Sandsend Coastal Defence Scheme; unauthorized damage to scarce saltmarsh habitat at Calla Beck on Whitby's east side; monitoring of and use of biological control agents against Himalayan Balsam, an alien invasive plant; active management of the scarce calcareous grassland habitat in Upgang Ravine on Whitby's west side. Being omitted from the stakeholder list made it difficult for the Club to comment at an earlier stage.