

Item Number: 8
Application No: 21/00421/MFUL
Parish: Henderskelfe Parish Meeting
Appn. Type: Full Application Major
Applicant: Mr Mathew Harrison (The Yorkshire Arboretum)
Proposal: Formation of enclosure for the housing of red squirrels to include double door entry points, breeding and release pens, service shed, visitor boardwalk and viewing platform with associated additional parking provision
Location: Land At The Yorkshire Arboretum Castle Howard Malton

Registration Date: 16 March 2021
8/13 Wk Expiry Date: 15 June 2021
Overall Expiry Date: 22 April 2021
Case Officer: Rachael Balmer **Ext:** 43357

CONSULTATIONS:

Highways North Yorkshire	No objection
Henderskelfe Parish Meeting	
Building Conservation Officer	No objection
Archaeology Section	No objection
Paul Jackson AONB Manager	
Historic England	No comment
Tree & Landscape Officer	

Representations:

1.0 SITE:

- 1.1 The proposal site is positioned within the Yorkshire Arboretum grounds, at Castle Howard, approximately 80 metres from the Visitor's Centre of the Arboretum, in a south easterly direction. To the south of the area of the enclosure is the Stray Walls and one of the two towers on this part of the wall.
- 1.2 The site is within the Howardian Hills AONB, in land managed by the Yorkshire Arboretum, but within the ownership of the Castle Howard Estate. It is situated within the south western extent of the Grade I Registered Park and Garden of Castle Howard, with the principal house of Castle Howard being situated some 550m from the site, with a range of topographical variations and trees resulting in no views of the property.
- 1.3 The Arboretum is situated beyond the end of the planted road feature which is known as the Lime Avenue, and is accessed from the roundabout at The Obelisk (Grade I Listed). The site is not viewable from this feature. The site is accessed from the Lime Avenue along a gravel road to the Arboretum Visitor's Centre which is on rising land and the visitor centre car park which is situated within the hollow.
- 1.4 The Arboretum is a charitable organisation which is both a visitor attraction (being open between March and November) but also plays a key role in arboricultural services to part of the Park and Garden of Castle Howard, and provide a location for research into tree management, particularly in the north of England, in association with the Royal Botanical Gardens at Kew.

2.0 PROPOSAL:

- 2.1 Planning consent is sought to erect an enclosure for the keeping of Red Squirrels. The proposal comprises:
- 2.2 A perimeter fence of c.226 metres, the height of which is 2.42 metres, constructed of steel weldmesh to the lower half, and dark green plastic coated steel sheeting to the upper half. The frame is constructed of timber and topped with an electric fence.
- 2.3 Key features within the enclosure are the:
 - o Boardwalk with viewing platform- which is an irregular hemisphere and is c.85metres long and 2.4metres wide. It is of timber construction with a c.1m high mesh side panelling and is 1.88 metres in height from ground level. The viewing platform proposes the same structure but is widened to 4.8metres. A gap of c.45 centimetres will be beneath the boardwalk. This raising off the ground is important as it has been shown to provide an important refuge for the squirrels in the event that they are disturbed.
 - o Breeding and release pens, and adjoining shed are sited away from the boardwalk to the north. The shed is of timber construction and is 3metres wide x2.4metres deep and attains a maximum height of 2.4metres. It provides access separately to the breeding pen and the release pen with tunnels to allow the squirrels to move between them. The Pens are fully enclosed in mesh and attain a height of 3.6 metres and an overall width of 4.5 metres.
- 2.4 Access to the enclosure is provided by two double door systems. Which are designed to prevent the Red Squirrels from escaping the enclosure, but also to stop Grey Squirrels from entering.
- 2.5 The model of the site is responding to the opportunity the Arboretum provides to monitor a group of Red Squirrels. It is based on the experiences of another site doing a similar project in Devon (Escot Park). It is to also provide educational talks and support the work of the tree health centre, which is looking at how the impacts of Grey squirrels can be addressed on forestry activities and woodland ecosystems.
- 2.6 The general parking and access remain as currently set out. However, the existing car park is currently providing parking for c.80 cars, but the proposal seeks to demarcate the parking area, increasing current capacity by c.25% to 100 cars. The construction timeframe is short (one month) and therefore not expected to result in extensive vehicular movements.

3.0 HISTORY:

- 3.1 There is no specific planning history for the site of the proposed squirrel enclosure.
- 3.2 Relevant history includes;

The construction of the visitor/education building and formation of associated car park for up to 80 vehicles, approved in 2004.

January 2019- Erection of single storey extension to existing visitor centre, formation of new pathways and ramps with associated lighting and landscaping. Approved.

This has now been constructed.

4.0 POLICY:

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirms that the determination of any planning application must be made in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan comprises:

The Ryedale Local Plan Strategy (2013)
The Policies Map (2019)
The Local Plan Sites Document (2019)
The Yorkshire and Humber Plan (Regional Spatial Strategy)- York Green Belt Policies (YH9 and Y1)

(The latter two components are not considered as part of the determination of this proposal)

The Ryedale Plan - Local Plan Strategy (5 September 2013)

Policy SP1 General Location of Development and Settlement Hierarchy
Policy SP8 Tourism
Policy SP9 The Land-Based and Rural Economy
Policy SP12 Heritage
Policy SP13 Landscapes
Policy SP14 Biodiversity
Policy SP15 Green Infrastructure Networks
Policy SP19 Presumption in Favour of Sustainable Development
Policy SP20 Generic Development Management Issues

Material Considerations:

National Planning Policy Framework (NPPF) (2019)
National Planning Practice Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990
1990 c. 9 Part I Chapter VI Special considerations affecting planning functions
s.66 General duty as respects listed buildings in exercise of planning functions.
s.72 General duty as respects conservation areas in exercise of planning functions.

Natural Environment and Rural Communities (NERC) Act 2006 section 40 Duty to conserve biodiversity:

Any other public authority is exercising its functions in relation to England. The public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

5.0 CONSULTATIONS:

- 5.1 A brief summary of the position of statutory and non-statutory consultees is included on the front sheet of the report and issues raised are addressed in the relevant appraisal sections of the report. All consultation responses are available for Members to view on the public access webpage, and referred to in the report accordingly.
- 5.2 No response has been received from the Parish Council. All other responses have raised no issues of concern.
- 5.2 In terms of other respondents there have been no responses received.

6.0 APPRAISAL:

- 6.1 This is a relatively specific project, and one which is relatively self-contained within the existing operation of the arboretum. The planning considerations are identified as concerning:
- (i) Principle of the Development
 - (ii) Impact on Heritage Assets
 - (iii) Impact on the AONB
 - (iv) Ecological considerations
 - (v) Arboricultural Impacts
 - (vi) Other site-specific considerations

i) Principle of the Development

- 6.2 In terms of assessing the policy principle of the proposal, Policies SP1 (general location of development), SP8 (Tourism) and SP9 (Land-based and Rural Economy) of the Ryedale Plan-Local Plan Strategy are the most relevant to the consideration of this application.
- 6.3 Policy SP1 states that in the open countryside development will be restricted to that which is necessary to support a sustainable, vibrant and healthy rural economy and communities. Aligned to this, SP9 states that Ryedale's land-based economy will be sustained and diversified, with support for proposals that would assist in utilising skills in relation to, amongst other matters, conservation work. The activities of the Arboretum, and the proposals capability to expand those operations in this very specific area of conservation is considered to wholly accord with the strategic objectives of Policies SP1 and SP9 of the Local Plan Strategy.
- 6.4 The Arboretum is a visitor attraction during the period March-November. Policy SP8 of the Local Plan Strategy seeks to ensure that tourism contributes to a sustainable and diverse economy, which minimises its environmental impact on the District. This is to be achieved through supporting the business plans and operational requirement of existing tourist enterprises, where appropriate. Also by maximising opportunities to develop tourism, outdoor education and recreation using the District's natural, cultural and historic assets as an economic driver, including biodiversity and the development of nature tourism. The Red Squirrel enclosure will provide enhanced and informative experiences for the visitors, in relation to providing a new visitor attraction. But also increase understanding about the conservation work to help to support the conservation of one of the British Isles most popular, yet vulnerable native species. As such it is considered that the proposals do accord with the strategic objectives of Policy SP8.

ii) Impact on Heritage Assets

- 6.5 The key consideration is the impact on the Grade I Registered Park and Garden Designation of Castle Howard. A statement of significance concerning the Registered Park and Garden, has been provided as well as an assessment of the impacts of the proposal on those elements of significance. Historic England have made no view on the acceptability of the proposal in their representations. However, they have not objected, and they have advised that the Local Planning Authority is therefore guided by the views of the Council's Conservation Specialist and archaeological advice from the heritage services of the County Council. No objections have been raised by both the Council's Building Conservation Officer, and North Yorkshire County Council Heritage Services.
- 6.6 The enclosure is not an in-substantial area, and uses both modern and traditional materials, but its impacts on character and appearance of this part of the arboretum are very much localised. The impact on the Registered Park and garden have been identified as being low in magnitude, and for this part of the arboretum medium sensitivity. The existing retained planting, and wider Arboretum planting mean that this feature will not be viewable beyond its

immediate locality. The structure is not capable of affecting the wider setting of the arboretum, nor the key views and vistas that have been developed over time, based on its position in the site and the limited height attained by the structure.

- 6.7 The enclosure would not harm the setting or significance of any of the listed assets, due to scale, distance and lack of intervening views and the current vegetation. This is particularly relevant to the stray wall, which runs to the south of the site and is the closest built heritage asset.
- 6.8 Whilst this has the capacity to be a very long-term project, it is also clear that the nature of the enclosure is not going to require significant changes to the landform. It has the capacity to be reversible or adapted if, in the future, it was no longer needed or it needed to be changed in its extent. This helps to allow the historic park and garden still to be 'read' as it is clearly identifiable as a modern structure, but one which does not alter the fundamental planting and layout of the Arboretum. The key trees are retained. Those that are lost are some of the hornbeams, planted too close together and struggling in the growing conditions with a small number of other younger trees. These losses will not undermine the overall appearance of this area of the Arboretum.
- 6.9 In relation to Policy SP12 - Heritage- and the NPPF, the presence of the structure would result in very minor harm, which is very much less than substantial harm, and on that basis, there is a harm vs public benefit balancing consideration to be undertaken. This is considered within later sections of the report, and the conclusions section.

(iii) Impact on the AONB

- 6.10 There would be no impact on the wider landscape character of the Howardian Hills AONB. The proposal's landscape impacts are very much localised, and the existing planting of the arboretum, will, for the most part not permit wider views of the structure from within the Arboretum, and none from outside. The AONB Manager has concluded:
- "1) The enclosure fence is relatively low in height, and coloured dark green, and I don't therefore expect any significant visual intrusion from this element.
2) All the other elements of the development are low in height, 'agricultural' in appearance and constructed of sympathetic materials.
3) The opportunity for members of the public to view Red Squirrels, and to learn about the conservation issues that the Red Squirrel/Grey Squirrel situation illustrates, will be an important public benefit of this project."
- 6.11 It is considered that the proposal therefore complies with Policy SP13- Landscapes- of the Local Plan Strategy, which requires that proposals do not detract from special qualities and natural beauty of the AONB. Proposals will be supported where they seek to facilitate delivery of the Howardian Hills Management Plan Objectives, and are considered appropriate for the economic, social and environmental well-being of the area, or are desirable to support the understanding and enjoyment of the area.

(iv) Ecological Considerations

- 6.12 The enclosure's purpose is to provide a secure and safe place in which to raise a population of Red Squirrels. They are a threatened species. The Wildlife Trust has summarised the conservation status of Red Squirrels as:
- "... whilst the range of our native red squirrels is now limited to certain areas of the UK, such as Anglesey, parts of northern England and Scotland. In many cases they have retreated to wilder, remote locations. Unfortunately, without conservation management, red squirrels could become extinct in England in approximately 10 years."

- 6.13 The proposal is also aligned with work in the recently built tree health centre, which is looking at the impacts ecologically and economically as a result of the Grey Squirrel's introduction. They carry a fatal disease to Red Squirrels, and also outcompete them in terms of food and habitat- to the Red's clear detriment- as it affects their breeding rate as well as the population. Red and Grey Squirrels cannot compatibly co-exist.
- 6.14 There is a strong conservation/biodiversity enhancement imperative to this proposal. It is considered that there is a net gain to biodiversity, and one which champions the wood pasture and parkland associated with large country houses which is identified in the Ryedale biodiversity Action Plan as a locally-distinctive habitat. There is a long-term aspiration, which the Arboretum acknowledges, is many years away, but to eventually release Red Squirrels back into the Howardian Hills. It is therefore considered this proposal would comply with Policy SP14 of the Ryedale Plan Local Plan Strategy, which seeks to conserve, restore and enhance biodiversity as part of any proposal.
- 6.15 There is a separate licensing arrangement, which is not part of the planning process, which is concerned with the keeping/handling of animals which are considered under the Wildlife and Countryside Act.

(v) Arboricultural Impacts

- 6.16 The Council's Tree and Landscape Officer has no objections. The siting of the enclosure needs to ensure that there are no means (by way of trees) for the squirrels to escape the enclosure, as well as to prevent any Grey Squirrels entering. This necessitates the removal of some of the existing trees. An arboricultural survey of the trees and a schedule of trees lost/retained has been submitted with the application.
- 6.17 No Grade A trees are affected. One Grade B tree (Beech) is to be removed due to its proximity to the boundary fence. It does not (as a specimen) make a significant contribution to the park, and it has been identified that it will allow the crown of the nearby Oak to fill out. Tree removals are primarily focused on the group of hornbeams (25 specimens), which are closely planted together and not thriving due to this dense planting. Other Grade C trees (Hawthorne, Oak, Lime, Chestnut are of 6 metres in height or less and represent either young or semi-mature specimens). The loss of these trees is balanced by the habitat creation their loss facilitates and because the overall diversity of trees in the Arboretum is not undermined by these removals. The timing of such works will need to ensure that no nesting birds are disturbed. This has not been added as an informative given the Arboretum's extensive knowledge on works to trees.
- 6.18 The proposal's specific contribution to the management of the Registered Park and Garden, is focused around one of its wider objectives concerning biodiversity enhancement. It is considered that it represents a potentially important element of green infrastructure in its own right, and can be considered to be in clear alignment with Policy SP15- Green Infrastructure. This policy seeks to help deliver a network of green open spaces to support biodiversity and enhance the attractiveness of places and support health lifestyles by providing opportunities for activity and relaxation. The Howardian Hills, and the habitat types within it (including wood pasture and parkland) are considered to be a Green Infrastructure Network (at a sub-regional scale), and in this regard the policy actively supports the creation of new habitats and wildlife corridors which are reflective of the locally distinctive habitat types included in Policy SP14.

(vi) Other Site-Specific Considerations

- 6.19 The Local Highway Authority has no objections to the proposal, nor has identified any conditions which should be imposed:

"The stated increase in vehicular activity is not deemed likely to generate issues that would restrict free flow of traffic or create conditions which would be deemed detrimental to

highway safety, furthermore the demarcation of parking spaces to increase the parking capacity on site is considered favourable."

A compliance condition is recommended to ensure that this demarcation is undertaken as it is not identified on the plans, but is within the description of the development. The proposal therefore satisfies the requirements of Policy SP20.

- 6.20 No drainage implications are identified by this proposal given the lack of changes to the surface regime.

Conclusion

- 6.21 The development of the enclosure is policy compliant in principle. There would be a low and localised impact in the Arboretum, as a result of the enclosure's presence. It is considered this harm very much less than substantial. Any harm to a designated heritage asset does still need to be balanced against any public interest/benefit dimension, as required by National Planning Policy. In this regard, the exceptional circumstances in which this project can come forward, and the wider public benefits of the project in relation to long-term ecological benefits around biodiversity resilience and supporting the Ryedale tourist economy outweigh this low level of harm identified. The scheme is therefore considered to represent sustainable development which is Plan compliant. Therefore the scheme is recommended for approval, in accordance with Policy SP19, which is concerned with the Presumption in Favour of Sustainable Development.

RECOMMENDATION: Approval subject to the following conditions

1. The development hereby permitted shall be begun on or before ****.

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following submitted plans:

- Site Location Plan
- Proposed Site layout plan
- Proposed general layout Proposed Roof Plan 3-020
- Proposed Fence Section 4-001
- Proposed Double Door Entrance 4- 002
- Proposed Double door Entrance Features 4-003
- Double door entrance orientation plans 4-004, 4-005, 4-006
- Double door exit and staff entry 4-007
- Double door exit and staff entry orientation plan 4-008
- Release and breeding pens plans 4-009, 4-010, 4-011
- Release and breeding pens with shed plans 4-012, 4-013, 4-14, 4-15
- Boardwalk details 4-016
- Viewing platform 4-017 and 4-018
- Path section 4-019

Reason: To ensure compliance with Policy SP1 General Location of Development and Settlement Hierarchy; Policy SP12 Heritage; Policy SP13 Landscapes; Policy SP14 Biodiversity; Policy SP15 Green Infrastructure Networks; Policy SP19 Presumption in Favour of Sustainable Development; and Policy SP20 Generic Development Management Issues of the adopted Ryedale Plan Local Plan Strategy.

3. Prior to the public opening of the Red Squirrel enclosure (the development), the applicant shall notify, in writing, the Local Planning Authority the type of material to be used in the demarcation of parking spaces, and demonstrate that they are in place prior to the opening of the development and there so after retained and replaced if necessary.

Reason: To ensure that there is a satisfactory level of parking commensurate with the activities of the arboretum as proposed by this development. In accordance with Policy SP20 of the adopted Ryedale Plan Local Plan Strategy.

4. The development shall be carried out in accordance with the measures set out in the Ridings Forestry Tree Survey Report, January 2020, paragraphs 7.2, 8.3 and 8.3 and 8.4. These provide the approach for protection of retained trees growing at the site.

Reason: To protect during the construction work retained trees, within the site which are of amenity/biodiversity value to the area. In accordance with Policy SP15 of the adopted Ryedale Plan Local Plan Strategy.