



The countryside charity
South Yorkshire



Eleanor Morris
The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

37 Stafford Road
Sheffield S2 2SF

Tel: (0114) 312 2002
mail@friendsofthepeak.org.uk
mail@cpresouthyorks.org.uk

16 July 2020

Dear Ms Morris

Midhope Moor: Appeal against an Enforcement Notice issued by the Peak District National Park Authority (PDNPA). PI ref APP/ M9496/C/18/3215789

Friends of the Peak District represent CPRE, the countryside charity in the Peak District and are also part of the Campaign for National Parks (CNP). We are a registered charity with over 1500 members and supporters. We fully support the enforcement notice (ENF: 15/0057) served by the PDNPA in respect of land at Mickleden Edge, Midhope Moor which is the subject of this appeal¹. You should also have our previous objection letter (May 2016) and planning portal submission regarding enforcement (April 2018) on file.

The land lies at the heart of the Dark Peak within the Peak District National Park. In summary, this is an unauthorised development of a new track over 670m using plastic matting 2m wide with associated groundworks. Previously access that severely damaged the moor had been made along/alongside this route but there was no defined track. Retrospective planning permission was refused by the PDNPA planning committee on 15 June 2018 and an enforcement notice requiring the removal of all the materials used in the track's construction was issued on 21 September 2018. The appeal appears based on the nullity of the notice and on negating the justification for the notice. We believe that the enforcement notice is not a nullity - it tells the recipient fairly what they have done wrong and what they must do to remedy it² - and that it is justified. Therefore the appeal should be dismissed.

¹ <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3215789>

² Appeal decision - Appeal Ref: APP/M9496/C/18/3208720 Land at Cartledge Flat/Rushy Flat Dike, North of Hollingdale Plantation, Strines, Bradfield, South Yorkshire para 5

Background

In 2013 Natural England undertook an Appropriate Assessment of the appeal applicant's proposed moorland management and consented work which was completed between 2014 and 2017³. The details of what was proposed are not presented in Appendix 1 of the Appropriate Assessment. It emerged at planning committee that Natural England consented a temporary track to enable a gully blocking excavator to access the moor to the west for conservation works⁴ but advised the landowner that planning permission may be required.

In 2015 the PDNPA, in accord with its Planning Guidance⁵, asserted that the nature of the works in this location required planning permission. A retrospective planning application NP/S/1217/1304 for a permanent track was finally presented in 2018. No convincing case for further conservation work or land management accompanied the application and the PDNPA planning committee refused the application^{6,7} on the grounds that:

- the access matting does not amount to exceptional circumstances to warrant development in the Natural Zone;
- the adverse visual impact of the matting and the consequent changes to the vegetation significantly harm the valued character of the moorland landscape;
- the matting and associated groundworks coupled with the damage caused from increased vehicle use of the route harm the moorland ecology and habitat.

Site visit

On a recent site visit (8 July 2020) we found a broad swathe (up to 4m wide) of short green grass, similar in appearance to a garden lawn, cutting north west to south east through the moor at the head of Mickleden valley. Although in places the 2m wide matting was obscured by a short growth of grass and occasional clumps of moorland vegetation, much of the matting is obvious and visible. It is accentuated by wide verges of short grass creating a linear feature in the landscape that is in stark contrast to the surrounding dark moorland or stony paths. The matting is also slippery to walk on in wet weather.

The appeal

This track is new development within the Natural Zone. The conservation work it was intended to facilitate is finished and any potential future restoration was still under

³ Audio PDNPA Planning Committee 15 June 2018

<https://democracy.peakdistrict.gov.uk/ieListDocuments.aspx?CId=132&MId=1775&Ver=4>

⁴ PDNPA planning committee 15 June 2018 Officer's report Item 7

⁵ PDNPA Planning Guidance: Creation of New Tracks and Alteration of Existing Tracks January 2017

⁶ <https://democracy.peakdistrict.gov.uk/ieListDocuments.aspx?CId=132&MId=1775&Ver=4>

⁷ PDNPA planning committee 15 June 2018 Officer's report Items 6 and 7

discussion with Natural England at the time of the planning application. Even if such work is necessary it can be done using alternative techniques and access, as Moors for the Future has repeatedly shown when conserving thousands of hectares of blanket bog⁸. The track is therefore contrary to the PDNPA's policies L1 (B) and DMC2, as no exceptional circumstances that permits such development in the Natural Zone have been presented.

The adverse impacts on the landscape and ecology are also unacceptable. The imposition of plastic matting to accommodate vehicles, and the consequent vehicular use, harms the special qualities of openness and tranquillity and places an obvious man-made element in a remote and undeveloped scene. Despite some re-vegetation the track, which crosses a popular bridleway Cutgate, has a significant visual impact which harms the valued character of the area. This is a landscape of large-scale sweeping moorland and blanket bog, which is also open access land. Despite being in close proximity to surrounding cities Midhope Moor retains its distinctly wilder character and allows people to step outside their busy lives and improve their mental and physical wellbeing. The importance of landscape quality here is shown by the 187 letters of objection submitted to the PDNPA in response to the retrospective planning application. The track is therefore contrary to PDNPA policy L1(A) which requires development to conserve and enhance valued landscape character.

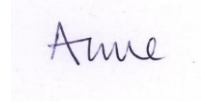
Midhope Moor is also designated a Site of Special Scientific Interest, a Special Area of Conservation and a Special Protected Area. The development has changed the local vegetation and impaired the integrity of these internationally important sites. Development which is likely to harm such sites is only permitted in exceptional circumstances (policy L2), where significant harm can be avoided and where the need for, and the benefits of, the development clearly outweigh any adverse effect (policy DMC12). The track is therefore contrary to both these policies.

This development is unacceptable in principle and contrary to the relevant PDNPA Core Strategy overarching policies GSP1-3 which together require development to respect, conserve and enhance all valued characteristics of the area that is subject to the development proposal. It is vital that upland moor and blanket bog are conserved and enhanced in line with the first national park purpose to conserve and enhance natural beauty, wildlife and cultural heritage. If this track remains it would set the precedent for unauthorised tracks all over the moors. National Planning Policy Framework para 175 requires great weight to be given to conserving and enhancing landscape and scenic beauty, and to the conservation and enhancement of wildlife

⁸ www.moorsforthefuture.org.uk

and cultural heritage, in National Parks. In that context we urge the Inspector to dismiss the appeal.

Yours faithfully

A handwritten signature in blue ink that reads "Anne". The signature is written in a cursive style and is positioned on a light blue rectangular background.

Anne Robinson
Campaigner