

**TOWN AND COUNTRY PLANNING ACT 1990 (as
amended)**

PROOF OF EVIDENCE

EVIDENCE OF FACT – DAN RICHMOND-WATSON

**Appeal against enforcement notice issued by Peak
District National Park Authority by Dunlin Limited**

Planning Inspectorate Reference:

APP/M9496/C/18/3215789

**Site: Land at Mickleden Edge, Midhope Moor, Bradfield,
South Yorkshire, S36 4GX**

Date: 4th November 2020

1. I am a qualified Chartered Surveyor with 20 years' experience in advising landowners and managing rural properties. I worked for a national firm for 6 years in their Rural department before leaving to work for the family business running rural and commercial properties. I am involved in all aspects of property management, including the submission and management of Environmental Management Schemes.

2. Midhope Moor was purchased by the Appellant, Dunlin Ltd of which I am a Director, in July 2012. Prior to the purchase there had been extensive work to the infrastructure on the moor which had resulted in damage to the ground leading from the cabin (marked X on the attached plan) out to and including the end of the area where the matting was placed (Y to Z on the attached plan at **Appendix 1**).

3. Wakefield Farms Limited was nominated to run the farming enterprise and applied to join both the Entry Level (ELS) and Higher Level Stewardship (HLS) Schemes. After discussion with Richard Pollitt at Natural England (NE) a scheme was agreed where, in addition to the usual prescriptive management options, the Moorland Management Plan (MMP) produced by NE required gully blocking, re seeding of bare peat and bank profiling works above the 500m contour. The scheme was approved and signed off by NE on 20/08/13 and a Habitats Regulation Assessment was issued by Richard Pollitt of NE on 21/08/13. Copies of correspondence from Natural England, the ELS and HLS Agreement, the MMP and the Habitats Regulations Assessment dated 21.08.13 carried out by Natural England are included at **Appendix 2**. As the land had not been surveyed and the NE requirements were based on desk top surveys carried out by Moors for the Future it was accepted that a Site Delivery Plan would be produced and agreed by Natural England. This Plan, produced by Dinsdales Moorland Services Ltd in April 2014, identified not only the scope of the works but

also a major constraint in accessing the area where the work was due to take place. Due to both physical and ecological barriers the only way to access the site of works was via the badly damaged track. The Plan recommended that matting be laid on the worst affected areas as no alternative route could be found. This Plan was approved by NE on 16/10/14. A copy of the consent issued by NE is included at **Appendix 3**. Copy photographs showing the condition of the track prior to matting being laid (dated per 2012 and March 2014) are included at **Appendix 4**.

4. The works commenced in late 2014 and the matting was laid in January and early February of 2015. The matting allows the damaged ground to recover and continued access to the site for monitoring, sphagnum moss inoculation and general management associated with the property. The state of the ground was in very poor condition. With a choice of either green or brown matting the contractors felt that green, while its initial visual impact may have been more obvious, would in time blend in better with the vegetation and its surroundings. The further restoration of the track involved the spreading of lime, seed (grass and heather mix) and fertilisers on an annual basis for the next three years.
5. At no stage was it envisaged by either NE or me that planning consent would be required; firstly as it was matting overlaid to restore bare and damaged ground, secondly there was more engineering work being carried out in the gully blocking and bank re profiling works than there was in laying the matting and thirdly the matting was not just for the facilitation of the restoration works, it was to allow future restoration works below the 500m contour, aid monitoring the site and to allow emergency access in the instance of wild fires. It was, therefore, a shock to receive notification from the Authority to inform us that planning consent was required.
6. We applied for retrospective approval of the track and were supported in this application by NE as seen in their letters of 17/07/15, 08/02/16,

23/02/16 and subsequent email of 30/06/17. Copies of that correspondence are included at **Appendix 5**.

7. Regrettably the Authority refused retrospective consent and issued an Enforcement Notice (EN) for the removal of the track, together with other works.
8. Since the matting has been in place much work has been carried out to further restore the area with the application of lime, seed and fertiliser, with maintenance to areas that had been so badly damaged that they wouldn't support the matting. In discussion with the NE Field Officer it was agreed that it would have been better to have installed log rafts at the time of laying the matting in those areas where the matting alone would not be sufficient. Given the circumstances around the EN it is ironic that, as noted by the Field Officer, without the matting in place, it would be very likely that further use of the track would bring us into direct conflict with NE in their capacity as protectors of SSSI's. It was also noted by the Field Officer that the areas of matting had recovered well and its removal would cause extreme damage to the repaired ground and take a long time to recover. Over time the vegetation, including grass, heather and rushes have grown through the matting and have dramatically reduced its visual impact as well as securing the track for future use. The current log rafts under consideration in this appeal were laid in Spring 2018, close to the previous log rafts. They are untreated, which has helped them to weather and blend in.
9. To conclude and as was set out in the Supportive Statement to the planning application dated 18/07/17, the previous owner had used the track which had resulted in degradation of the surface vegetation, rutting and damage to the underlying substrate. They had installed log rafts to reduce damage. This work had been unsuccessful and the condition of the track prior to the laying of the matting is clear from the photographs at **Appendix 4**. Both we and NE, were concerned about this damage. The route is the only safe

route for ATV access to the western section of the property and, is critical for the restoration and on-going management of the moor, with all its designations.

10. The matting/rafts were installed in accordance with the ELS, HLS and the MMP produced and agreed by NE and have facilitated the conservation works required under the scheme. The matting and rafts are directly connected with and an absolute necessity for the on-going management of the moor. They have also been used in direct connection with the successful putting out of a wild fire on a neighbour's land in 2016 when the track was used by our staff and neighbouring keepers with fire fighting equipment when other accesses to the fire had failed. This issue of wild fire is very real as management prescriptions have led to massive combustible biomass increases over the last few years.
11. The Authority have already concluded in their Statement of Case that the matting was laid "to reinforce the route for vehicular access to the moor west of the site where works to conserve and enhance the moor had been consented by Natural England". They have also welcomed the moorland restoration works and have acknowledged that the development will have reduced vehicle erosion and that it is a benefit in terms of landscape character and appearance.
12. The removal of the matting will require a 360 degree excavator to rip it up, bringing with it and destroying the vegetation which has grown through the matting. This will need to be removed from the site using low ground pressure vehicles travelling over, and causing further damage to, the designated moor. It is then likely that material, including heather brash, will need to be imported to the site to stabilise the areas destabilised by the removal of the matting. The ground will require on-going works including seeding and possible erection of a fence to prevent grazing for at least five years. If the matting were to be removed it would prohibit further restoration works below the 500m contour as shown on the Moors for the

Future plan. It would also prevent the on-going management of a nationally and internationally important habitat and there is the very real danger that a wild fire could go unchecked through lack of access. References to the damage that would be caused by removal of the matting can be found in section 8 of the Davis & Bowring Supportive Statement for the planning application, Natural England's June 2017 email (**Appendix 5**), NE's 13 April 2018 letter, the 21 June 2018 Wakefield Farms letter and the 21 July 2019 Dinsdale correspondence, all of which are included at **Appendix 6**.

Appendix 1

Appendix 2

Appendix 3

Appendix 4

Appendix 5

Appendix 6