

**6. FULL APPLICATION - CREATION OF STEPS AND IMPROVEMENT OF SURFACING TO A VERY HEAVILY USED RIGHT OF WAY. INSTALLATION OF NEW ACCESS FURNITURE AT THORS CAVE, WETTON, (NP/SM/1121/1255, ALN)**

**APPLICANT: CHARLOTTE LEECH - TRUSTEES OF THE DEVONSHIRE MAINTENANCE FUND**

**Summary**

1. The application is for a scheme of works to repair and improve paths that give public access to Thor's Cave.
2. In accordance with policies L1 and DMC2, the development is considered to be essential for the management of the Natural Zone.
3. The development would enhance the landscape character of the area and the ecological value of the site. Impact on archaeology can be mitigated by an appropriate watching brief.
4. Any wider impacts upon the amenity of local residents in Wetton would be neutral.
5. The application is recommended for conditional approval.

**Site and Surroundings**

6. Thors Cave is located in open countryside approximately 900m to the west of the village of Wetton. It is a natural cavern positioned within a limestone crag on the steeply sloping eastern valley side, approximately 80m above the river Manifold.
7. The cave is a very popular tourist destination. Public access is gained either from a public footpath that rises steeply from the Manifold trail in the valley bottom to the north, or along a concessionary path from Wetton (along Thor's Lane) to the east.
8. The application site edged red relates to the network of paths around the cave including the concessionary path from the western end of Thor's Lane that leads across fields towards the cave, and a further concessionary path proposed leading to the area above the cave from the east.
9. Part of the application site falls within the Natural Zone.
10. Part of the application site falls within the Hamps and Manifold Valleys SSSI and the Peak District Dales Special Area of Conservation.

**Proposal**

11. Planning permission is sought for repairs and improvements to the paths that give access to the cave entrance from the east and to the path that leads to an area above the cave (a popular vantage point). The works can be viewed in detail on the submitted plans but they include:
  - New surfacing on the concessionary path between points A and C.
  - New surfacing on a route from point C to the head of the cave (points C to G) including new steps and vegetation removal.
  - New surfacing and steps from points C to K.

- Step improvements between points M to N and a new step at point P at the cave entrance.
- New hazel planting and post and rail fencing on 'desire line' on steep hillside to west of route C to F to discourage access.

**RECOMMENDATION:**

**12. That the application be APPROVED subject to the following conditions:**

- 1. 3 year implementation time limit.**
- 2. Adopt submitted plans.**
- 3. a) No development shall take place until a Written Scheme of Investigation for an archaeological watching brief has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and**
  - I. The programme and methodology of site investigation and recording;**
  - II. The programme and provision to be made for post investigation analysis and reporting;**
  - III. Provision to be made for publication and dissemination of the analysis and records of the site investigation;**
  - IV. Provision to be made for archive deposition of the analysis and records of the site investigation;**
  - V. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation".**

**b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).**

**c) Within a period of 12 weeks from completion of the development the archaeological site investigation and post investigation analysis and reporting shall have been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition shall have been secured.**

**Key Issues**

**13. The key planning issues relating to the development are:**

- Principle of development in the natural zone.
- Impact on the landscape character of the area.
- Archaeological considerations.
- Impacts on ecology.
- Parking and amenity of local residents.

**History**

**14. There is no planning history directly related to the application site.**

## Consultations

15. **Highway Authority** – no objections subject to a condition that no mud or other deleterious material to be deposited on the public highway
16. **District Council** – no response
17. **Parish Council** – *‘The Parish Council finds this to be a constructive proposal by the applicant, demonstrating their recognition that the recent significant increase in visitor numbers is damaging the environment. Accordingly, the Parish Council supports this application and hopes that it is just the beginning of a series of further projects to manage pedestrian and vehicular access to this popular attraction and normalise the residents’ peaceful enjoyment of their homes and surroundings.’*
18. **Natural England** – no response to date
19. **Authority’s ecologists** – no response
20. **Authority’s archaeologist** – *There has been (and may still be) material of archaeological sensitivity outside the cave mouth as well as inside the cave.*
21. *A whole series of excavations from the 1860s onwards has revealed artefacts and evidence of occupation from the Palaeolithic period onwards (including Neolithic, Bronze Age, Iron Age, Romano-British finds). There was a human burial in the cave, possibly of Neolithic date (approx. 4000 – 2000BC).*
22. *A cave survey report we have (done by Trent and Peak Archaeological Trust for the National Trust in 1992) covering the whole of the Manifold Valley notes that the spoil from Carrington’s excavations in 1864-5 **now forms the steep grassy slope up to the cave entrance**. This may well have archaeological remains within it. Likewise, the report notes that the ‘talus’ slope outside the adjacent Elderbush Cave (which is a scheduled monument) also contains important archaeological remains. Given the scheduled status of Elderbush, and the similar deposits that have been found in Thor’s Cave, I consider that any archaeological remains in and around Thor’s cave are likely to be of national significance.*
23. *I am mindful of the need to be proportionate. So I suggest that archaeological monitoring is required, but only for the section nearest the cave mouth. i.e. **Step at P, new path section and steps M-L, as shown on drawing 03 Rev 1**. This is a length of around 25m according to the plan. ‘*
24. **Authority’s Access and Rights of Way Officer** – *‘The application to carry out repairs and provide for the continued public access at Thor’s Cave is welcomed and supported. The proposed surfacing of the permissive path to Thor’s Cave will improve its condition and help to limit the spread of footfall. The proposed path to the hillside above Thor’s Cave will provide for a formal means of access and, in combination with deflector fencing and planting, assist in the recovery of the eroded bank and botanical interest.’*
25. **Authority’s Landscape Architect** – *‘No landscape objections to the proposed works. It is clear that the damage being done to the ground is visually detrimental and resurfacing should reduce the visual impact.’*

## **Representations**

26. Four letters of ‘general comment’ and five letters of objection have been received from local residents. These raise the following issues:
- Number of visitors increased hugely during last 2 years.
  - Wetton is inundated with cars and visitors to the cave causing antisocial behaviour, litter, drugs etc.
  - Village becomes overrun by traffic creating access and road safety problems.
  - The village car park is inadequate for the number of cars that arrive.
  - The improvements will encourage even more visitors to park in the village.
  - The concessionary footpath should be closed and access to the cave should be from the Manifold Valley only.
  - Residents are leaving the village as a result of the influx of visitors.
  - Signage should direct visitors away from Wetton.
  - Damage to the natural environment in the area caused by visitors.
  - Issues with accidents around Thors cave and difficulty with emergency services access.

## **Main Policies**

27. Relevant Core Strategy policies: GPS1, GSP2, GSP3, L1, L2, L3, T1, T6
28. Relevant Local Plan policies: DMC2, DMC3, DMC5, DMC12, DMT3, DMT5

## **National Planning Policy Framework**

29. The National Planning Policy Framework (NPPF) replaced a significant proportion of central government planning policy with immediate effect. A revised NPPF was published in July 2021. The Government’s intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority’s Core Strategy 2011 and policies in the Peak District National Park Development Management Policies document 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park’s statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
30. In particular, paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
31. Section 16 of the NPPF sets out guidance for conserving the historic environment.
32. Paragraph 199, states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be).
33. In the National Park, the development plan comprises the Authority’s Core Strategy and the Development Management Policies (DMP). These Development Plan policies provide a clear starting point consistent with the National Park’s statutory purposes for the determination of this application.

## Main Development Plan Policies

### Core Strategy

34. GSP1, GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.
35. GSP3 - *Development Management Principles*. Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
36. DS1 - *Development Strategy*. States, that recreation and tourism development is acceptable in principle in open countryside.
37. L1 - *Landscape character and valued characteristics*. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.
38. L2 – *Sites of biodiversity or geo-diversity importance*. States that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting. Other than in exceptional circumstances development will not be permitted where is likely to have an adverse impact on any site, features or species of biodiversity importance or their setting.
39. L3 - *Cultural Heritage assets or archaeological, architectural, artistic or historic significance*. Explains that development must conserve and where appropriately enhance or reveal the significance of historic assets and their setting. Other than in exceptional circumstances, development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset or its setting.
40. T1 – *Reducing the need to travel and encouraging sustainable transport*. States that sustainable access for the quiet enjoyment of the National Park, that does not cause harm to the valued characteristics will be promoted.
41. T6 – *Routes for walking, cycling and horse riding, and waterways*. States that the Rights of Way network will be safeguarded from development and wherever possible enhanced to improve connectivity, accessibility and access to transport interchanges.

### Development Management Policies

42. DMC3 - *Siting, Design, layout and landscaping*. Reiterates, that where developments are acceptable in principle, policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.

43. DMT5 – *Development affecting a public right of way.* Where development occurs opportunities will be sought to provide better facilities for users of the rights of way network. The development of new routes for walking, cycling and horse riding will be supported, provided they conserve the and enhance the valued character of the area and provided they are constructed to an appropriate standards in keeping with its setting.
44. DMT3 - *Access and design criteria.* States amongst other things, that a safe access should be provided in a way that does not detract from the character and appearance of the locality and where possible enhances it.
45. DMC5 - *Assessing the impact of development on designated and non-designated heritage assets and their setting.* The policy provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals. It also requires development to avoid harm to the significance, character, and appearance of heritage assets and details the exceptional circumstances in which development resulting in such harm may be supported.
46. DMC12 – *Sites, features or species of wildlife, geological or geomorphological importance.* For site of national importance (e.g. SSSI's) confirms that exceptional circumstances are those where development is essential for the management of those sites or for the conservation of valued character of where the benefits of development outweigh the impacts on the site.

### **Assessment**

#### **Background and Principle of Development in the Natural Zone**

47. A supporting statement submitted with the application explains that Thor's Cave has always been a popular tourist attraction, but during the pandemic in 2020 and 2021, visitor numbers and the associated pressures have increased rapidly.
48. One of main pedestrian access routes is via a concessionary footpath leading westwards from Wetton village, along Thor's Lane and then across agricultural fields down towards the cave entrance. It is stated that this is a concessionary right of way granted by the applicant. Due to heavy usage the condition of the path has deteriorated, which is leading to visitors straying from the path and causing extended areas of poaching and erosion.
49. Visitors also want to access the head (top) of Thor's Cave, which is open access land. The access is steep and visitors do not keep to the designated routes. Consequently a large scar of erosion has formed and it is reported that there have been numerous cases of walkers sustaining injuries. Part of the area in question is within the Hamps and Manifold Valleys SSSI and is particularly sensitive.
50. Consequently the proposals seek permission for a range of footpath improvements to improve access and to protect the ecological and archaeological interest of the area.
51. All of the application site apart from the stretch of path across the two field parcels to the east is within the Natural Zone. The Natural Zone is made up of areas of the National Park that are particularly important to conserve because of qualities such as wilderness, natural beauty and wildlife value. There is a general presumption against development in these areas and policy L1 states that it will only be allowed in exceptional circumstances. Policy DMC2 sets out these circumstances, which include development

that is essential for the management of the Natural Zone or for the conservation and/or enhancement of valued character.

52. At their visit to the site officers observed that the ground erosion in the areas in question is severe and in places the paths are impassable. Extensive erosion well beyond any designated pathways is occurring, which is harmful to the landscape quality of the area and which is inevitably having a detrimental impact on the ecological and archaeological interest of the area. We are therefore satisfied that a scheme of works to resolve the erosion issues is essential for the management of the Natural Zone.
53. In the light of this and the fact that in principle Core Strategy policy T6 and Development Management policy DMT5 support improvements to walking routes, the main issue is whether the scheme of footpath improvements put forward would cause any harm that might outweigh the obvious benefits outlined above.

### **Impact on the Landscape Character of the Area**

54. The new surfacing on the various paths would be 1m wide, with a limestone sub-base and magnesium limestone wearing course on top. The three sections of new steps would be constructed with timber sleeper risers and a limestone sub-base on the treads. The Authority's Landscape Architect has confirmed that the surfacing material is appropriate for the locality.
55. The more 'engineered' treatment of the paths would be visible in the landscape, especially in wider views looking down the path across the open field when approaching from Wetton, However the path would be well related to the existing linear stone wall that runs to the south and the surfacing would weather to a more natural finish in time and with use. We consider that the benefits of reducing the extensive erosion and the landscape harm that it is causing outweighs any detrimental visual impacts of more formal surfacing.

### **Impact on Ecology**

56. Part of the site is within the Hamps and Manifold Valleys SSSI and the Peak District Dales Special Area of Conservation. No supporting information has been submitted with regard to potential impacts of the proposed works on ecology. Nevertheless we are satisfied that harm to the ecological interest of the area is inevitably occurring by virtue of the extent of the erosion that has taken place. The proposed works are in areas that are already used extensively by walkers and so are unlikely in themselves to cause any significant impacts over and above those that are already taking place. Consequently we are of the view that overall the proposals are essential for the management of the SSSI and would result in a net benefit to the ecological value of the area in accordance with policies L2 and DMC12.

### **Archaeological Issues**

57. No information with regard to the archaeological impacts of the proposed scheme has been submitted. The Authority's archaeologist has confirmed that there has been (and may still be) material of archaeological sensitivity outside the cave mouth as well as inside the cave.
58. A series of excavations from the 1860s onwards has revealed artefacts and evidence of occupation from the Palaeolithic period onwards (including Neolithic, Bronze Age, Iron Age, Romano-British finds). There was a human burial in the cave, possibly of Neolithic date (approx. 4000 – 2000BC).

59. A cave survey report (carried out by Trent and Peak Archaeological Trust for the National Trust in 1992) covering the whole of the Manifold Valley notes that the spoil from Carrington's excavations in 1864-5 now forms the steep grassy slope up to the cave entrance. This may well have archaeological remains within it. Likewise, the report notes that the 'talus' slope outside the adjacent Elderbush Cave (which is a scheduled monument) also contains important archaeological remains. Given the scheduled status of Elderbush, and the similar deposits that have been found in Thor's Cave, it is considered that any archaeological remains in and around Thor's cave are likely to be of national significance.
60. Archaeological monitoring is therefore required, but only for the section nearest the cave mouth. i.e. Step at P, new path section, and steps M-L. This is a length of around 25m. A condition that requires the submission, agreement and implementation of a Written Scheme of Investigation for this monitoring is necessary, in accordance with policies L3 and DMC5.

### **Impact on Parking and Residential Amenity**

61. Local residents who have commented on or objected to the scheme have raised wider concerns about the proposed scheme. There has clearly been a significant increase in the number of people visiting the cave in the last 2 years and it appears that many of them park within the village of Wetton, as well as approaching the cave from the Manifold Valley to the north. Residents report that this is causing significant problems in terms of congestion, blocking of the highway, antisocial behaviour, etc. Some residents are of the view that by improving the surface of the path (and therefore making the cave more accessible) this may encourage yet more people to visit the area and park in the village. Some suggest that it would be better for the applicant to close the concessionary path from Wetton altogether.
62. These local concerns are fully acknowledged and understood. The increases in visitor pressure since the beginning of the pandemic is an issue that is being faced at popular tourist destinations across the National Park. However, the concessionary path from Wetton has been in place for around 40 years. It is a well publicised route and forms a circular loop. The cave is also heavily promoted on social media sites. The applicant has stated that there is no public footpath to the top of the cave, but that it is accessed regularly, regardless, and in great numbers. We concur with their view that people would still arrive and try to use the route, even if it were closed. This in turn could lead to trespass onto the neighbouring private land.
63. Our view is that the current scheme is unlikely to have any significant impact on the wider issues of visitor pressures on the village and that broader matters of visitor management in the area, while recognised, fall outside of the scope of this planning application.
64. As an aside, it is understood that it is proposed to improve way marking and signage to the cave as part of the scheme. The proposed signs are of a type and size that do not require Advertisement Consent and they do not form part of the current proposals. However they will provide clearer directions for visitors who choose to park within Wetton.

### **Conclusion**

65. The proposed footpath improvements are essential in order to secure the effective management of this area of the Natural Zone and would improve the footpaths in question in accordance with policies T6 and DMT5.



66. Overall the scheme of works would enhance the landscape quality and ecological value of the area. Subject to a scheme of archaeological monitoring, any impacts on the archaeological interest of the site would be adequately mitigated.
67. It is considered that impacts on the amenity of local residents is likely to be neutral.
68. Consequently the application is recommended for conditional approval.

**Human Rights**

69. Any human rights issues have been considered and addressed in the preparation of this report.

**List of Background Papers** (not previously published)

70. Nil

**Report Author and Job Title**

71. Andrea Needham – Senior Planner - South