

7. FULL APPLICATION - INSTALLATION OF 15 METRES OF STEPS AND 45 METRES OF PATH RESURFACING TO IMPROVE PUBLIC ACCESS TO THORS CAVE AND TO REDUCE EROSION. FOLLOW UP WORK TO A FIRST PHASE OF WORK UNDER PLANNING CONSENT NP/SM/1121/1255 - AT THORS CAVE, WETTON, (NP/SM/0123/0048, ALN)

APPLICANT: CHARLOTTE LEECH - CHATSWORTH SETTLEMENT TRUSTEES

Summary

1. The application is for a scheme of additional Phase 2 works for a 15m long flight of steps that give access to the top of Thor's Cave. The proposed works follow the completion of footpath repairs and resurfacing under a previous planning permission granted in 2022.
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.
4. The application is recommended for conditional approval.

Site and Surroundings

5. 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.
6. 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.
7. 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.
8. Part of the application site (including the site of the proposed steps) falls within the Natural Zone.
9. Part of the application site falls within the Hamps and Manifold Valleys SSSI and the Peak District Dales Special Area of Conservation.

Proposal

10. Planning permission is sought for the creation of a set of steps on a steep area of land between points D and E on the submitted site drawing. This area is to the south east of the cave entrance and is currently used by visitors to gain access to the area above the cave entrance.
11. The steps would be 15m in length and approximately 1m wide. The risers would be constructed using timber sleepers and the tread would be surfaced with graded aggregate.

12. The proposals also include the addition of surfacing on an existing path between points A and C. These works are the same as those approved in the 2022 permission on this part of the footpath. A supporting statement states that permission is sought again for these works because although they were presented as part of the previous works approved in 2022, they were marked as 'optional' on the plans, and have not yet been completed. For clarity, we did assess and approve the footpath works between points A and C as part of the 2022 application and so permission for those works is extant and they are not re-assessed here.

RECOMMENDATION:

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

1. **3 year implementation time limit.**
2. **Adopt submitted plans.**
3. **Construction environmental management plan (CEMP) to be submitted and agreed.**
4. **No mud or other deleterious material shall be deposited on the highway. Any that is shall be immediately removed.**
5. **Works to take place outside of the bird breeding season (March to August inclusive)**

Key Issues

14. The key planning issues relating to the development are:

- Principle of development in the natural zone.
- Impact on the landscape character of the area.
- Impacts on ecology.

History

15. April 2022 – planning permission granted for creation of steps and improvement of surfacing to a very heavily used right of way. Installation of new access furniture (NP/SM/1121/1255).

Consultations

16. **Highway Authority** – no objections subject to a condition that no mud or other deleterious material to be deposited on the public highway
17. **District Council** – no response
18. **Parish Council** – no response
19. **Natural England** – in summary no objections subject to mitigation. *'We consider that without appropriate mitigation the application could:*
- *have an adverse effect on the integrity of Peak District Dales Special Area of Conservation*
 - *damage or destroy the interest features for which Hamps and Manifold Valley Site of Special Scientific Interest has been notified.*

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- An appropriate construction environmental management plan (CEMP) should be established prior to the commencements of any permitted work on site'

20. **Authority's ecologists** – recommends a condition for a construction environmental management plan (CEMP)

21. **Authority's archaeologist** – *'I have reviewed the proposals and confirm that these are away from areas of known or potential archaeological sensitivity, so there are no archaeological concerns or need for a conditioned scheme of works for this second set of access works'*

22. **Authority's Landscape Architect** – *'No landscape objections'*

Representations

23. None received

Main Policies

24. Relevant Core Strategy policies: GPS1, GSP2, GSP3, L1, L2, T1, T6

25. Relevant Local Plan policies: DMC2, DMC3, DMC12, DMT3, DMT5

National Planning Policy Framework

26. 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.

27. 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.

28. Section 16 of the NPPF sets out guidance for conserving the historic environment.

29. 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).

30. 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

31. 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.
32. 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.
33. DS1 - *Development Strategy*. States, that recreation and tourism development is acceptable in principle in open countryside.
34. 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.
35. 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.
36. 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.
37. 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

38. 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.
39. 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.

40. 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.
41. 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

42. A supporting statement submitted with the previous application at the site explained 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 increased rapidly. As a result, a scheme of works to repair, improve and re-surface a number of key paths around the cave was submitted to the Authority in 2022 and approved. These works are largely complete and it is reported that they have been successful in improving access in the areas where they were carried out.
43. However visitors continue to 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. It was hoped that in this area, vegetation cover would be sufficient to manage the pressure of footfall without additional surfacing, however erosion has continued and it has become apparent that surfacing is required. A large scar of erosion has formed and it is reported that there have been numerous cases of walkers sustaining injuries.
44. Consequently the proposals seek to provide a set of steps in order to provide safe access, to contain the footfall, and to protect the ecological interest of the area.
45. The area where the steps would be located 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.
46. At their visit to the site officers observed that the ground erosion in the steep area in question is severe. The area is entirely devoid of vegetation and has become a smoothed earth surface across a widening area of trampled earth. It is eroding down to limestone substrate. This is harmful to the landscape quality of the area and is inevitably having a detrimental impact on the ecological 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.
47. 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 principle of the proposed development is acceptable.

Impact on the Landscape Character of the Area

48. The steps would be 15m in length and approximately 1m wide. The risers would be constructed using timber sleepers and the tread would be surfaced with graded

aggregate. The Authority's Landscape Architect has previously confirmed that the surfacing material is appropriate for the locality.

49. The more 'engineered' treatment of a set of steps would be visible in the landscape, especially in wider views looking across from the open field when approaching from Wetton, However 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

50. The proposed steps would be located around 50m outside of the Peak District Dales Special Area of Conservation and within the Hamps and Manifold SSSI. 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 steps would occupy a narrower width, than the large eroded area and would provide a stable surface route that can withstand the pressures that this area receives. The proposed works are in an area that is 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.
51. The works would be undertaken largely with hand tools, with materials brought to site across an adjacent improved field, using a mini dumper and mini excavator where necessary. Consequently the potential for noise and dust levels affecting the SAC and SSSI would be minimal. The works are expected to take less than one week and will be undertaken outside the breeding bird season. Consequently we are of the view that overall, subject to a condition to submit and agree and Construction Environmental Management Plan, the proposals would result in a net benefit to the ecological value of the area in accordance with policies L2 and DMC12.

Conclusion

52. This second phase of proposed footpath improvements are essential in order to secure the effective management of this area of the Natural Zone and would improve the footpath in question in accordance with policies T6 and DMT5.
53. Overall the scheme of works would enhance the landscape quality and ecological value of the area.
54. Consequently the application is recommended for conditional approval.

Human Rights

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

List of Background Papers (not previously published)

56. Nil

Report Author and Job Title

57. Andrea Needham – Senior Planner - South