
Application Decision

by **Richard Holland**

Appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 31 August 2017

Application Ref: COM 3178660

Blea Moor, North Yorkshire

Register Unit No: CL 194

Commons Registration Authority: North Yorkshire County Council

- The application, dated 16 June 2017, is made under Section 38 of the Commons Act 2006 (the 2006 Act) for consent to carry out restricted works on common land.
 - The application is made by the Yorkshire Dales National Park Authority
 - The works comprise: (i) repairing of 115m of bunding and kerbing (ii) installation of 145m kerbing and bunding (iii) creation of 42m pedestrian link (iv) installation of two audio posts.
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Decision

1. Consent is granted for the works in accordance with the application dated 16 June 2017 and accompanying plan, subject to the condition that the works shall begin no later than three years from the date of this decision.
2. For the purposes of identification only the location of the works is shown as a thick red line on the attached plan.

Preliminary Matters

3. I have had regard to Defra's Common Land Consents Policy¹ in determining this application under section 38, which has been published for the guidance of both the Planning Inspectorate and applicants. However, every application will be considered on its merits and a determination will depart from the policy if it appears appropriate to do so. In such cases, the decision will explain why it has departed from the policy.
4. This application has been determined solely on the basis of written evidence.
5. I have taken account of the representation made by the Open Spaces Society (OSS).
6. I am required by section 39 of the 2006 Act to have regard to the following in determining this application:-
 - a. the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
 - b. the interests of the neighbourhood;

¹ Common Land Consents Policy (Defra November 2015)

- c. the public interest;² and
- d. any other matter considered to be relevant.

Reasons

The interests of those occupying or having rights over the land

- 7. The landowner, the Ingleborough Estate, has been consulted about the application and has not objected. Three commoners exercise grazing rights over the common. There is no indication that these rights will be impacted by the works and the rights holders have not objected to the application. I am satisfied that the proposed works will not harm the interests of those occupying the land or having rights over the land.

The interests of the neighbourhood and the protection of public rights of access

- 8. The interests of the neighbourhood test relates to whether the works will impact on the way the common land is used by local people. The common is very popular with visitors wishing to see the Ribbleshead Viaduct. The area is also well used by people accessing the Yorkshire Three Peaks challenge route.
- 9. The applicant explains that the number of visitors has resulted in ad hoc parking, camping and erosion which is damaging the area around the viaduct and detracting from the visitor experience. The proposed works are needed to prevent this damage, improve pedestrian access and promote better traffic management and car parking. The audio posts will enhance visitors' experience by improving their understanding of the site.
- 10. I consider that the proposed works will improve the way the common is used by local people and public rights of access.

Nature conservation

- 11. There is no evidence before me to indicate that the proposed works will harm nature conservation interests.

Conservation of the landscape

- 12. The common lies within the Yorkshire Dales National Park. The proposed works are intended to prevent localised erosion and encroachment to the setting of the viaduct which is a Scheduled Ancient Monument (SAM).
- 13. The proposed works consist of the repair and extension of existing kerbing and bunding and parking area. The bunding will be seeded with grass seed mix and conservation kerbing will be used. The works will prevent informal verge parking and better manage traffic and car parking on the site.
- 14. The extent of the damage that this part of the common has suffered because of the high number of visitors is evident from the photographs submitted by the applicant. I agree that this may give visitors the impression that the area is not cared for and encourages further uncontrolled and damaging parking. I consider that the proposed works will improve the visual appearance of the common by repairing and preventing this damage. I am satisfied that the proposed works will improve the setting of the viaduct and therefore enhance the natural beauty of the National Park.

²Section 39(2) of the 2006 Act provides that the public interest includes the public interest in; nature conservation; the conservation of the landscape; the protection of public rights of access to any area of land; and the protection of archaeological remains and features of historic interest.

Archaeological remains and features of historic interest

15. Elements of the proposed works will be undertaken within the SAM boundary. Historic England has granted SAM consent for the proposed works. I am satisfied on the basis of the evidence before me that the proposed works will not harm archaeological remains or features of historic interest and indeed is likely to benefit the SAM by enhancing its setting.

Conclusion

16. I conclude that the proposed works will not harm the interests set out in paragraph 6 above; indeed, they will deepen people's enjoyment of the common, enhance the natural beauty of the National Park and improve the setting of the SAM. Consent is therefore granted for the works subject to the condition set out in paragraph 1.

Richard Holland

Blea Moor common boundary map

Scheme or works around B6255 and B6479 road junction at Batty Green SD7654 7930

Scale 1:32,000

