

## City of York Local Plan Further Sites Consultation June 2014

Sara Robin  
Conservation Officer (Planning)  
Yorkshire Wildlife Trust  
1 St George's Place  
York  
YO24 1GN  
Telephone: 01904 615581  
Email: [sara.robins@ywt.org.uk](mailto:sara.robins@ywt.org.uk)

**Site ref: ST10**

**Site name: Land at Moor Lane, Woodthorpe**

**Appendix 5, page 20.**

**The Yorkshire Wildlife Trust objects to the inclusion of both the recommended allocation ST10 and the proposed boundary change asked for by the developers within the Local Plan.**

The Trust has previously objected to the inclusion of this site in the consultation on the local plan in July 2013. Although the authority has rejected the boundary change asked for by the developers the Trust feels it is essential that the authority is aware of the position of the Yorkshire Wildlife Trust in relation to both the recommended allocation and the larger boundary proposed by the developer.

Askham Bog is one of the most biodiverse sites in Yorkshire. The Yorkshire Wildlife Trust has over 6000 records of different species recorded on Askham Bog dating back to 1830. These records show the very high biodiversity of the site and also its importance for naturalists for nearly 200 years. The importance of the Askham Bog reserve to the Yorkshire Wildlife Trust has been demonstrated in our response to the consultation by the authority on the Local Plan in July 2013. Our comments from the previous consultation response are included as an Appendix with this response.

The development of both the smaller recommended site ST10, and the larger site proposed by the developers would be contrary to the following:

- Askham Bog is a Site of Special Scientific Interest (SSSI) and is notified under the Wildlife and Countryside Act 1981. Section 28G of the Act states that when exercising its functions a public authority must *“take reasonable steps, consistent with the proper exercise of its functions, to **further the conservation and enhancement** of the flora, fauna, or geological or geographical features of the SSSI”*. The allocation of a site for a large housing development adjacent to an SSSI by the authority cannot be seen as *“furthering conservation and enhancement”*
- The allocation of the site would also be contrary to Amendments (16 August 2012) to the Conservation of Habitats and Species Regulations 2010. *“Local Authorities... must take such steps in the exercise of their functions as they consider appropriate to contribute to...the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in the UK including by means of the upkeep, management and creation of such*

*habitat(Reg9A(2) & (3))” also “A competent authority in exercising any function in the UK must use all reasonable endeavours to avoid any pollution or deterioration of habitats of wild birds Reg 9A(8))”. Although the Askham Bog SSSI is not specifically designated for wild birds this duty still applies to the authority.*

- The development of the site would also be contrary to the NPPF paragraph 14 *“Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:  
—any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or—specific policies in this Framework indicate development should be restricted”*. Footnote 9 after this paragraph specifically mentions adverse impacts on SSSIs.
- If ST10 is allocated as a site for housing development any development of the site would be contrary to the NPPF paragraph 118:  
*“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:  
  
if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;  
  
proposed development on land within or **outside** a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;*
- Askham Bog is also included on the Ancient Woodland register compiled by Natural England. If the site is allocated development would also be contrary to paragraph 118 of the NPPF where it states that *“planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;*
- The National Environment and Rural Communities Act (2006) which states *“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”*. The authority would be failing in this duty if site ST10 was allocated for development.

The Yorkshire Wildlife Trust is of the opinion that development of Site ST10 would irreversibly damage the Askham Bog SSSI and Ancient Woodland and that neither the potential developers nor the Local Authority have demonstrated how this could be avoided, mitigated or compensated for. Specifically the Trust is concerned at potential damage to the hydrology of the reserve (as detailed in our previous response) and damage from disturbance due to a large housing development immediately adjacent or in very close proximity to the reserve. The development would also

increase the fragmentation of habitat and isolation of the Askham Bog reserve which will inevitably lead to a loss of species from the SSSI<sup>1</sup>.

### **Hydrology:**

The Yorkshire Wildlife Trust is still of the opinion that irreversible damage to the Askham Bog SSSI is likely due to hydrological changes from placing a large housing development on all or part of the catchment for the SSSI. Early reports produced by the developers and seen by the Trust do not provide new data to show that damage can be avoided. The hydrology of Askham Bog will be particularly vulnerable to both floods and droughts which may become more frequent in the future due to climate change. Ongoing survey work will need to be carried out over a period of years so that extremes of rainfall are encountered to ensure that there is sufficient information to be certain the unique hydrology of the SSSI will not be affected by development. If the survey work fails to show that the SSSI can be protected the allocation would not be viable.

### **Disturbance:**

The Yorkshire Wildlife Trust believes that damage to Askham Bog due to disturbance has the potential to damage or destroy the designated features of the reserve in a number of ways.

At present entry to the reserve is mostly through the access along the track from the car park on the A1036. Access to the north of the site does occur but it involves crossing agricultural fields and climbing fences, or walking along from the golf course. This means that only a few people enter the site from the north.

At the moment Askham Bog has a buffer of agricultural land which is within the Green Belt of at least 500 metres between the SSSI and the nearest housing. A buffer would be provided of either 250 metres for the preferred boundary of ST10 or a maximum of 150 metres for the developers preferred allocation, potentially reducing to 40 metres in some places. The reduction in width of the buffer will mean that the SSSI will be effectively on the edge of an urban area. A literature review by Underhill-Day in 2005<sup>2</sup> detailed a wide range of problems that designated areas suffer from due to the close proximity of urban areas. Further information on these impacts as they would affect Askham Bog follows.

**Impacts on grazing animals:** In order to preserve the designated features of the SSSI, parts of the site are grazed by either cattle or ponies. The fen mire grassland to the north east of the site which is closest to potential housing cannot be mown due to the uneven nature of the ground, the presence of ponds and the boggy ground. Using animals to graze the site not only preserves the grassland but also helps to control the growth of scrub which could shade out the grassland areas.

The Trust has found on a number of sites that grazing animals have been attacked, for example Sherburn Willows reserve close to Sherburn in Elmet, and Brockdale Reserve where Hebridean sheep have been killed by dogs. Vandalism and damage to fences used to control grazing animals has also been a problem on our reserves. Housing developed close to the reserve will lead to an increase in these types of problems. If there is a high chance of animals belonging to graziers or the

---

<sup>1</sup> For example work done by Professor Chris Thomas and others at York University; Moilanen et al (2005) "Prioritizing multiple-use landscapes for conservation: methods for large multi-species planning problems" Proceedings of the Royal Society <http://rspb.royalsocietypublishing.org/content/272/1575/1885.full>

<sup>2</sup> Underhill-Day J.C. (2005) *A literature review of urban effects on lowland heaths and their wildlife*. Available from <http://publications.naturalengland.org.uk/category/30009>

Trust being hurt or escaping, grazing would then no longer be a management option for the reserve. Lack of grazing would lead to damage to the designated features of the SSSI.

There is also potential for disruption of the access to the site for grazing animals this is usually via the track from Marsh Farm. Building work followed by the presence of a housing development would make the track more difficult to use.

**Fire:** Future predictions for the effects of climate change are for wetter winters and hotter drier summers and also more unpredictable weather. Askham Bog has a variety of wooded habitats and also in some areas there are very deep peat soils. Setting fires does occasionally occur in the reserve and an area of the board walk was destroyed by fire a few years ago. Evidence of a small group or individual camping in the reserve was found on a recent visit with officers from Natural England. At present the level of disturbance and the control of this by the officers from the Trust means that lasting damage is not occurring. The report by Underhill-Day already referred to, states on page 6 and 7 "*Kirby & Tantram concluded that fires occurred at higher densities on the fringes of larger conurbations and in sites within developed urban areas, where fire events present a serious risk to ecological integrity. They considered that the statistical data, in combination with visual assessment and their fire event density map, suggested that the incidence of fires on heaths in urbanised areas was higher than those in more rural locations, and that this was likely to be due to easier access to these heaths, as the data suggested that most fires were deliberately set. The evidence suggested that fire setting by children of school age may be a significant factor in the pattern.*" The combination of increased likelihood of summer droughts and increased setting of fires could lead to a serious fire setting light to the peat and destroying large parts of the reserve.

**Domestic animals:** As already mentioned increasing the numbers of dogs visiting the reserve has the potential to damage grazing regimes and hence the designated features of the SSSI. Another potential problem with increased numbers of dogs is soil enrichment and damage to the botanical features of the reserve. The very varied and diverse flora on the reserve depends on low levels of nutrients otherwise plants which flourish when soil nutrients are high, like nettles and docks, will out compete rarer species. At present the approach to the reserve of about 200 metres down the track from the car park means that dogs being walked will be less likely to defecate on the reserve. Access by dog owners in greater numbers from a housing estate to the north of the reserve has a high risk of enrichment of the soil by dog faeces.

Cats present a different threat to the SSSI. Cats are natural hunters and are very difficult to exclude from protected areas. Prey items include small mammals such as harvest mice and water vole both recorded at Askham Bog and many species of birds; ground nesting birds are particularly vulnerable. Research by a number of authors has shown the variety of impacts of cats on wildlife, for example Beckerman, Boots and Gaston 2007<sup>3</sup> and Thomas, Baker and Fellowes (2014)<sup>4</sup>. Thomas, Baker and Fellowes' paper suggests "*If cats were shown to be negatively affecting prey populations, one mitigation option for consideration in housing developments proposed near important wildlife sites would be to incorporate a 'buffer zone' in which cat ownership was not permitted. Absolute maximum daily area ranged by a cat in this study was 33.78 ha. This would correspond to an*

---

<sup>3</sup> Beckerman A P, Boots M & Gaston K J (2007) Urban bird declines and the fear of cats, *Animal Conservation* Volume 10 issue 3 pages 320-325 <http://onlinelibrary.wiley.com/doi/10.1111/j.1469-1795.2007.00115.x/abstract;jsessionid=7D62210FCBAE6BD691B9BD9B3416B3AD.f01t03?deniedAccessCustomisedMessage=&userIsAuthenticated=false>

<sup>4</sup> Thomas, R. L., Baker, P. J. and Fellowes, M. D. E. (2014) *Ranging characteristics of the domestic cat (Felis catus) in an urban environment*. *Urban Ecosystems*. <http://centaur.reading.ac.uk/34323/>

*exclusory limit of approximately 300–400 m to minimise the negative effects of cat predation, but this may need to be larger if cat ranging behaviour is negatively affected by population density.”*

Preventing cat ownership within a housing development is not a realistic option which suggests that an appropriate buffer between the reserve and housing to prevent damage to the SSSI would need to be at least 300-400 metres.

**Impact on birds:** Although birds are not part of the designation for Askham Bog SSSI a wide range of species have been recorded on the reserve and in the adjoining farmland. Initial ecology information from EDP Environmental Dimension Partnership shows a number of endangered farmland birds such as grey partridge, yellowhammer, skylark, tree sparrow, house sparrow, yellow wagtail, linnet and starlings, use and breed on the farmland adjacent to the reserve. A development adjacent to the reserve would mean that all the farmland birds would be lost from the area. Many species of birds have been recorded at Askham Bog SSSI<sup>5</sup> including the red listed marsh and willow tits lesser spotted woodpecker and Schedule 1 kingfisher. Some species such as woodcock use the farmland at night for foraging. All birds would be vulnerable to the disturbance effects of a housing development and the impacts of domestic animals, in particular hunting cats.

**Litter:** Littering on the reserve is a minor problem at present which can be controlled by occasional volunteer days and visits by field officers. An increase in population immediately adjacent to the reserve has potential for greatly increased littering. Litter can also be blown into the reserve from nearby housing. Litter can cause health problems for grazing animals and greatly reduces enjoyment of the reserve by the public.

**Garden escapes:** At present the reserve suffers from some species such as nettles and Himalayan Balsam out competing rarer species which is again kept in check by our volunteers and reserve officers. A housing development close to the reserve could lead to the dumping of garden rubbish and plant material and hence damage to the botanical features of the reserve.

## Appendix

### **Our objection in July 2013 to the allocation of ST10 in the previous consultation stated:**

Yorkshire Wildlife Trust **objects** to the inclusion of this site within the allocations proposals due to the potential for major impacts on our nature reserve at Askham Bog.

- The site is within 250 metres of the Yorkshire Wildlife Trust’s nature reserve at Askham Bog. The Askham Bog reserve is the very first reserve that the Trust was given in 1946 and the Yorkshire Naturalist’s Trust which became the Yorkshire Wildlife Trust was set up in order to manage the reserve. Naturalists in York understood the unique importance of Askham Bog during the 19<sup>th</sup> century and species records were collected from the 1830s and earlier<sup>6</sup> as shown by the classic work co-edited by Professor Alastair Fitter of York University.
- Askham Bog is a remnant valley mire situated at the lowest point between two glacial moraines which were left after the last ice age. The unique flora and fauna have developed as a result of the geology and hydrology of the site. As the ground was waterlogged peat built up after the last ice age, some of which was extracted in medieval times. The SSSI has a complex mosaic of different levels of acidity within the soil and this leads to varied plant communities in different parts of the site. Parts of the bog are fed by different sources of water varying from groundwater, rainwater, and water from the adjacent beck. The varied

---

<sup>5</sup> Data available from the North and East Yorkshire Data Centre and also York Ornithological Club data.

<sup>6</sup> “A Wood in Ascum, a Study in Wetland Conservation” by Alastair Fitter and Clifford Smith (1979) The Ebor Press, York

water sources combined with the uneven levels of soil, ancient earthworks, wetland and pond areas are the reason for the wide diversity of flora at Askham Bog.

- Askham Bog Site of Special Scientific Importance (SSSI) was designated by Natural England as a valley mire in 1961 with a unique flora and invertebrate fauna. Details of the SSSI designation can be found on the Natural England website<sup>7</sup>.
- Natural England list a range of operations which could damage Askham Bog SSSI<sup>8</sup> and would require permission from Natural England before they are carried out. A number of these operations are likely to occur in an uncontrolled way as a result of the allocation of ST10 for 511 houses. The most important potential damage could occur as a result of changes to the hydrology of the reserve, and also disturbance, and loss of connection of the reserve to surrounding undeveloped land.
- A major source of the groundwater catchment that feeds the reserve comes from the land between Moor Lane and Askham Bog. Changes to groundwater quantity and quality reaching the bog caused by the building of foundations for houses and the provision of roads and hard standing have a high potential to affect the flora and wildlife on the reserve.
- Askham Bog is an important piece of habitat which has been affected over the years by fragmentation of the surrounding land and disturbance from the adjacent A64 and East Coast mainline, the A1237 and nearby housing developments such as Woodthorpe and Copmanthorpe. It is a tribute to the work of successive Yorkshire Wildlife Trust trustees and officers that today the bog still has tremendous value and high biodiversity. Further development within 250 metres of the reserve has the potential to lead to more fragmentation of habitat and the reduction of the buffer between the reserve and surrounding roads and settlements. Uncontrolled access into the reserve by domestic cats, dogs and people and the potential for increased anti social behaviour would also have a very great effect on wildlife and biodiversity.”

If the authority were to decide to allocate ST10 for housing the following would be essential:

- An Area Action Plan which was part of the Local Plan for the entire area of green space between Askham Bog and stretching up to the B1224 should be drawn up. The land closest to Askham Bog could then be designated as a natural area and managed as a nature reserve and used by local residents. High quality accessible green space buffering the reserve would reduce the pressure on the reserve from a new development.
- Thorough and highest quality hydro-geological surveys of the wider area and the SSSI would need to be carried out to give a clear picture of exactly what impacts there might be on the hydrology of the reserve and if these could be mitigated.
- A Sustainable Drainage System (SuDS) designed for the development so that water quantity and quality within the Askham Bog nature reserve is not affected in any way by any development.
- A means of controlling access to the reserve from the north so that disturbance to the reserve is kept to a minimum. A secure wet barrier to stop any access by dogs, cats, rats and people from new developments would be essential.
- Assurance that mitigation for any development was fully funded and that the mitigation could not be varied if land ownership and/or developers change during the plan period.

---

<sup>7</sup> [http://www.sssi.naturalengland.org.uk/Special/sssi/sssi\\_details.cfm?sssi\\_id=1000196](http://www.sssi.naturalengland.org.uk/Special/sssi/sssi_details.cfm?sssi_id=1000196) Askham Bog SSSI details accessed 22<sup>nd</sup> July 2013.

<sup>8</sup> <http://www.sssi.naturalengland.org.uk/Special/sssi/old/OLD1000196.pdf> Askham Bog, Operations likely to damage the special interest accessed 22<sup>nd</sup> July 2013.

- Askham Bog is one of York's most important and most accessible wild sites. If development were to proceed to the south of Woodthorpe, the development must enable substantially increased education and visitor provision but in a very controlled way (i.e. via a visitor centre).