



North York Moors National Park Authority
Planning Consultation Form

Case Officer: Miss Helen Webster
Application Number: NYM/2019/0044/FL

Site: Cow Wath Cottage, Goathland

Development Description: Use of land for the siting of 4 no. shepherds huts with associated package treatment plant

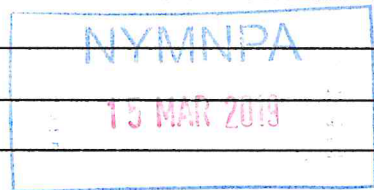
Applicant: Mrs Angela Walker

(Please Tick One Box Only)

The Parish/Town Council has no objection to this application []

The Parish/Town Council objects to this application [x]
(A reason must be given)

Too imposing



The Parish/Town Council supports this application []
(A reason must be given)

Signed
On behalf of Goathland Parish/Town Council

Date 9/3/19

North York Moors National Park Authority
The Old Vicarage, Bondgate, Helmsley, York, YO62 5BP

Please note that where the consultation period extends over a Bank Holiday an additional day is given for each Bank Holiday that falls within this period.

Date: 15 March 2019
Our ref: 274772
Your ref: NYM/2019/0044/FL



Miss Helen Webster
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP
planning@northyorkmoors.org.uk

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

Dear Miss Helen Webster

Planning consultation: Application for use of land for the siting of 4 no. shepherds huts with associated package treatment plant

Location: Cow Wath Cottage, Goathland

Thank you for your consultation on the above dated 22 February 2019.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Insufficient information provided

There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Please provide the information listed below and re-consult Natural England. Please note that you are required to provide a further 21 day consultation period, once this information is received by Natural England, for us to respond.

European/International Sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The application site is partly within the North York Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) which are European sites. The sites are also notified at a national level as the North York Moors Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The [Conservation objectives](#) for each European site

¹ Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.

explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We recommend you obtain the following information to help undertake a Habitats Regulations Assessment:

- Design and construction methodology for proposed track upgrade. We recommend that the applicant considers wheeling's rather than a fully metalled track.
- Calculations for footprint of the proposed access track within the designated site.
- Details of habitats affected by track upgrade within the designated site.
- Timescales for construction work.
- Details of foul water discharge location, rates and chemical composition.

Sites of Special Scientific Interest (SSSI)

This application includes sections within the North York Moors Site of Special Scientific Interest (SSSI). Natural England objects to this development on the grounds that the application, as submitted, is likely to damage or destroy the interest features for which the North York Moors SSSI has been notified. Our concerns are the same as those set out under Internationally Designated Sites above.

Should the application change, or if the applicant submits further information relating to the impact of this proposal on the SSSI aimed at reducing the damage likely to be caused, Natural England will be happy to consider it, and amend our position as appropriate.

If your Authority is minded to grant consent for this application contrary to the advice relating to the North York Moors SSSI contained in this letter, we refer you to Section 28I (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Protected Landscapes

The proposed development is for a site within or close to a nationally designated landscape namely North York Moors National Park. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Natural England does not consider that the proposal will have a significant effect on landscape character due to the small scale of the proposal and association with existing trees and buildings.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

The statutory purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Relevant to this is the duty on public bodies to 'have regard' for those statutory purposes in carrying out their functions (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended)). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Please note that we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.

On receipt of the information requested, we will aim to provide a full response within 21 days of receipt. Please be aware that if the information requested is not supplied, Natural England may need to consider objecting to the proposal on the basis of potential harm to the above designated sites.

Should the developer wish to explore options for avoiding or mitigating effects on the natural environment with Natural England, we recommend that they use our [Discretionary Advice Service](#).

Please send further correspondence, marked for my attention, to
quoting our reference 274772

Yours sincerely

Merlin Ash
Yorkshire and Northern Lincolnshire Team
Natural England

From:
To: [Planning](#)
Subject: NYM 19 044 FL Cow Wath Cottage
Date: 12 March 2019 17:03:57

FAO Helen Webster

The application form refers to parking spaces for 4 cars but could the applicant please confirm where these would be located.

Also, the access from the publicly maintainable highway is not shown as being in the control of the applicant. Can the applicant provide some evidence to demonstrate that the customers using the proposed huts would have a right of access across the land for vehicles between the public highway and the area in their control.

Ged Lyth
Project Engineer
Area 3 Whitby
Highways North Yorkshire

From:
To: [Planning](#)
Subject: Re: Cow Wath Cottage, Goathland, - NYM/2019/0044/FL
Date: 12 March 2019 11:49:08
Attachments:

Dear Planning

I am posting the Parish Council's decision regarding the above application but so not to delay you I thought I would drop you an email. Unfortunately the Council felt this planning application would be too imposing and therefore objected this.

Kind regards

Connie

Mrs Connie Wiggins
Clerk, Goathland Parish Council
Moorgarth
Mill Green Way
Goathland
Whitby
YO22 5LZ

From: [Elspeth Ingleby](#)
To: [Helen Webster](#)
Cc: [Planning](#)
Subject: NYM/2019/0044/FL - Cow Wath Cottage, Goathland
Date: 11 March 2019 11:44:43

Hi Helen,

I believe considerable further information is required in order to properly assess the ecological potential impact of this proposal. I will summarise the key needs I have identified below;

- The existing track (through SSSI, SPA and SAC designated moorland) is grassy and looks like it hasn't been used much in some time. What upgrading works if any will be required to allow the regular access and egress by users of the site, and how will this ensure no deleterious impact on the designated areas.
- Hard standing for parking of cars is mentioned but no location is marked on the plan and no information is given on what area this will cover, where it will be located and what this will be made of.
- Where will the proposed package treatment plant be located and where will it soakaway to?
- Additional landscaping and alterations to the boundary are mentioned for the purpose of screening but no further details are given. The proposals for this screening should be set out clearly – not just to be able to judge impact on visibility of the site, but also for potential impact on the adjoining designated habitats and species.

Many thanks,

Elspeth

Elspeth Ingleby

Ecologist

North York Moors National Park Authority
The Old Vicarage, Bondgate, Helmsley, York YO62 5BP
Telephone: 01439 772700

Please note: I work 2 days per week on Ecology matters. My normal working pattern is Monday and Thursday.

From:
To: [Planning](#)
Subject: Cow Wath Cottage, Goathland, Whitby, YO22 5NQ
Date: 22 February 2019 16:55:40

Your ref: NYM/2019/0044/FL

Our ref: 19/00519/PSH250

Proposal: Application for use of land for the siting of 4 no. shepherds huts with associated package treatment plant

Address: Cow Wath Cottage, Goathland

With respect to the above planning application, I confirm that I have no objections in principle to the granting of planning consent from a licensing perspective. However the applicant should be aware that a caravan site licence will be required.

Regards,

Stephanie Baines
Technical Officer (Residential Regulation Team)
Scarborough Borough Council