

**From:** [Planning](#)  
**To:** [Planning](#)  
**Subject:** Comments on NYM/2019/0359/OU - Case Officer Mrs H Saunders - Received from Building Conservation at The Old Vicarage, Bondgate, Helmsley, York, YO62 5BP,  
**Date:** 31 March 2020 10:24:32

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Following the meeting on the 13th March 2020 I am in agreement that if more research is undertaken to inform the design (in the form of archaeological works) that also involves the community the public benefits of this project might offset the harm caused by the proposals. The research to inform the designs is key to this being acceptable. Any building work should stop at the point of conjecture – which is a key point of the Burra Charter (ICOMOS, 2013).

Please apply conditions as discussed

Comments made by Building Conservation of The Old Vicarage  
Bondgate  
Helmsley  
York  
YO62 5BP

Preferred Method of Contact is: Post

Comment Type is Approve with conditions  
Letter ID: 540703

**From:**  
**To:** [Planning: Hilary Saunders](#)  
**Subject:** RE: FAO Mrs H Saunders RE: Land north of Northdale Farm (Ebenezer), Rosedale Abbey, - NYM/2019/0354/OU  
**Date:** 18 November 2019 10:29:42  
**Attachments:** [image002.png](#)

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Dear Hilary Saunders,

Thank you for providing the details of the amended application (NYM/2019/0354/OU – Ebenezer).

Natural England has no objection to this nor any of the other proposals (NYM/2019/0353/OU & NYM/2019/0354/OU & NYM/2019/0355/OU & NYM/2019/0356/OU & NYM/2019/0359/OU).

Please note that our advice (dated 19th June 2019) is still pertinent in the determination of these applications.

Kind Regards

Liam

Liam O'Reilly  
Sustainable Development Lead Adviser  
Yorkshire Area Team  
Natural England  
Lateral  
8 City Walk  
Leeds, LS11 9AT

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**From:** O'Reilly, Liam  
**Sent:** 30 October 2019 10:28  
**To:** [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk); Hilary Saunders <[h.saunders@northyorkmoors.org.uk](mailto:h.saunders@northyorkmoors.org.uk)>  
**Subject:** FAO Mrs H Saunders RE: Land north of Northdale Farm (Ebenezer), Rosedale Abbey, - NYM/2019/0354/OU

Dear Hilary Saunders,

Thank you for providing the additional information regarding this application (NYM/2019/0354/OU – Ebenezer).

Although the information is useful, it does not fully answer our request for further information (dated 19<sup>th</sup> June 2019). Therefore, we still require **further information to determine the impacts to designated sites.**

Our response stated:

*If the applicant is unable to provide an exact location and method for the excavations, it may be possible to rule out potential significant effects by stating where the water tank will not be placed and/or a maximum size of water tank and/or minimum criteria which prevents impacts to the hydrology of the SSSI/SAC/SPA.*

Whilst the new documentation states that it will not be placed on the North York Moors SSSI/SAC/SPA, it does not give a minimum distance from the site. This, coupled with the lack of information regarding the size of the water storage tank, means that the proposal could still impact the site.

The documentation provided recommends that your authority and/or Natural England should recommend conditions regarding the size and location of the water tank. However, under the Habitat Regulations, conditions can only be applied once an Appropriate Assessment has been completed. For these reason we are unable to recommend any formal conditions at this stage.

We recommend that you either:

- Determine the maximum size/footprint of the water tank. We only require certainty that the water tank is not going to be so excessively large as to cause a drawdown water on the hydrology of the site, and;
- Determine the minimum distance from the North York Moors SSSI/SAC/SPA. The location of the outline diagram is approximately 80m away from the SSSI/SAC/SPA. The minimum distance required partly depends on the size of the tank but it's likely that 50m would be sufficient to rule out impacts in most cases.

And/or

- Carry out an Appropriate Assessment at this stage.

Our advice (dated 19th June 2019) relating to the other proposals (NYM/2019/0353/OU & NYM/2019/0354/OU & NYM/2019/0355/OU & NYM/2019/0356/OU & NYM/2019/0359/OU) is still pertinent in the determination of these applications.

If you have any queries relating to the advice in this email please contact me.

Kind Regards

Liam

Liam O'Reilly  
Sustainable Development Lead Adviser  
Yorkshire Area Team  
Natural England

Lateral  
8 City Walk  
Leeds, LS11 9AT

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**From:** [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk) [<mailto:planning@northyorkmoors.org.uk>]  
**Sent:** 11 October 2019 12:18  
**To:** SM-NE-Consultations (NE) <  
**Subject:** Land north of Northdale Farm (Ebenezer), Rosedale Abbey, - NYM/2019/0354/OU

You have received this email from North York Moors National Park Authority (Planning Service) in relation to a planning matter at Land north of Northdale Farm (Ebenezer), Rosedale Abbey, .

The attached correspondence contains important information; please retain it for your records.

If this is a consultation/re-consultation and you are set up with a log-in username and password, please click the link <http://tinyurl.com/z5qmn4j>

In any correspondence, please quote the Council reference number, which is included in the attached letter.

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PRINCESS ROYAL  
TRAINING AWARD  
2018

**From:** [Elspeth Ingleby](#)  
**To:** [Hilary Saunders](#)  
**Cc:** [Planning; Elizabeth Clements](#)  
**Subject:** Hanging Stones applications, Rosedale; NYM/2019/0353/OU, NYM/2019/0354/OU, NYM/2019/0355/OU, NYM/2019/0356/OU, NYM/2019/0359/OU  
**Date:** 11 November 2019 11:30:57

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Dear Hilary,

I have now had the opportunity to reappraise the proposed developments based on the revised information provided. As previously I will address my previous concerns relating to each application in turn, and then address matters which may impact on the scheme as a whole, including an Appropriate Assessment of potential impact on European designated sites.

NYM/2019/0359/OU – Bog House. In email of 02 Sept 2019 Laura Precious (planning agent) stated that ‘no heavy machinery will be utilized during the construction process’. This being the case the only likely cause of significant impact to the local environment would be during transportation of construction materials to the site. Potential impact can be reduced by avoiding vehicle movements to the site during periods of inclement weather. If the application is approved I would like to see a condition included whereby a suitably qualified ecologist should oversee any movement of materials to site to ensure that ground disturbance is avoided as far as reasonably practical, with appropriate measures implemented to reinstate any damage so caused to an equivalent or improved ecological condition.

NYM/2019/0356/OU – Northdale Head House. The remains of the former building are on land recorded (through a Phase 1 habitat survey, 1989) as semi-improved acid grassland. Survey data submitted indicates that only a small proportion remains, adjacent to the proposed building but not directly impacted, with the rest of the application site now improved and species poor. I am satisfied with the survey provided, however to ensure that the interest still present does not further deteriorate I would like to condition the mitigation proposals suggested in Section 5, P26 of the Ecological Appraisal Addendum dated September 2019 to;

- graze periodically as required with sheep to maintain low to medium sward
- control nettle and thistle periodically through manual means
- not to spread fertilizer or manure to the application area

NYM/2019/0355/OU – Red Barn. In email of 02 Sept 2019 Laura Precious (planning agent) stated that ‘no heavy machinery will be utilized during the construction process’. This being the case the most likely cause of significant impact to the local environment would be during transportation of construction materials to the site. Potential impact can be reduced by avoiding vehicle movements to the site during periods of inclement weather and utilizing the least ecologically impactful route to the site. If the application is approved I would like to see a condition included whereby a suitably qualified ecologist should oversee any movement of materials to site to ensure that ground disturbance is avoided as far as reasonably practical, with appropriate measures implemented to reinstate any damage so caused to an equivalent or improved ecological condition. It is noted that in the revised footpath assessment as detailed within Section 3.1, P10 of the Ecological Appraisal Addendum dated September 2019 that the land immediately west of the application site (points 87-90 on map provided in report) is valuable fen meadow, although this habitat is deteriorating due to the presence of planted willow and alder, and new drainage. In order to retain and enhance the ecological value of this section of the permissive route I would request that the ecologist’s recommendations (to remove the trees and fill in the ditch although retain the culvert) as included in Section 4, p23 of

the report are conditioned.

NYM/2019/0354/CU – Ebenezer. The applicant has now clarified that the proposed water tank is to be removed from the proposals meaning that in my understanding the development is restricted to the building footprint and therefore an impact on the SAC/SPA can be screened out. On this basis I have no objection to this application.

NYM/2019/0353/OU – Thorn House. This site is very close to the watercourse and nearby records of native daffodil meaning that, if recommended for approval, I would like to see a condition to prevent vehicle movement or material storage on the banks of the watercourse to preserve these features from damage or impact during the development.

The ecologists updated report assesses new sections of the path and I accept the conclusions and recommendations given, particularly relating to the unlikelihood of breeding or feeding waders utilising the fields to be crossed by permissive access paths to Bog House and Thorn House. In line with the assessment and recommendations of the ecological report, I would like to see a condition to require any footpath creation to manage and maintain access to the sculptures to be limited to manual means only (as I understand to be the applicants intention).

The detail relating to access provision and management is sufficiently thorough for ecological evaluation. I am happy with the maximum numbers and groups proposed, with the proviso that, as indicated in the submitted documentation, this can be revised if considered necessary. I note that it will be required that dogs are on leads year round. I would however wish to condition that dogs are not permitted on the walk between 01 April and 15 July inclusive if possible. This covers the time of year when the majority of ground nesting birds, but particularly waders, are preparing nests, laying, incubating and starting to rear their young. By mid-July it is assumed that most chicks will be sufficiently precocious as to be less likely to be disturbed by the presence of dogs on leads. This is particularly important for the sections of the route on the upper fields and open moor, however given the circular nature of the walk a total exclusion during this period is most practical whilst allowing dog owners the opportunity to enjoy the route at other times of year.

Although the individual applications all fall out with of the nearby European designated sites, North York Moors SPA and North York Moors SAC, they are by nature of the project fundamentally linked to it and therefore the impacts of the development as a whole falls under the Habitat Regulations. When considering the need for an Appropriate Assessment, the works cannot be viewed as necessary for the management of the SAC/SPA and it is also not possible to state that the works will have no impact on the SAC/SPA and therefore a likely significant effect cannot be screened out.

The development of the artwork will involve the need to maintain, and in places create, a path for foot traffic across an area of Annex 1 habitat of the SAC which may also support qualifying features of the SPA (merlin and golden plover). The minimal nature of the route however, means that little impact is likely to be caused to the integrity of the SAC or SPA as a whole. If works are carried out in accordance with the ecological reports submitted in support of the planning applications (dated August 2017, August 2018 and October 2019) using manual means only, installing small foot bridges to cross the small watercourses and continually reappraising damper sections of the path for impact, then a likely significant effect on the SAC can be ruled out.

To consider potential disturbance to ground nesting birds, the results of previous wading bird surveys of moorland (2014) and adjacent farmland (2011) have now been supplemented by an additional wading bird survey conducted in spring 2017 (as recorded under planning applications NYM/2017/0086, 0090 and 0094). It considered both Golden Plovers and other waders. They have shown that the moor close to Job's Well (NYM/2017/0086 and part of the functional loop) and the farmland likely to be crossed by visitors to the buildings is not of particularly high value for nesting or feeding waders, but that they could be encountered. The applicant sets out the visitor management that would be used, including the limitation on visitor numbers and restrictions for dogs on leads. On this basis I believe it is possible to rule out a Likely Significant Effect on the qualifying features of the SPA.

It is intended that this response covers all of the ecological aspects relating to these five applications, however if there are any outstanding issues raised that I have not addressed, please let me know.

Best wishes

Elsbeth

**Elsbeth Ingleby MA<sup>Cantab</sup> ACIEEM**

**Ecologist**

North York Moors National Park Authority

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP

Telephone: 01439 772700

**From:** [SM-NE-Consultations \(NE\)](#)  
**To:** [Planning](#)  
**Subject:** Clarification Needed  
**Date:** 07 November 2019 08:19:12  
**Attachments:**

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For the attention of Mrs H Saunders.

Dear Ms Saunders

Thank you for re-consulting us on the attached applications.

I note from your website that the additional information document dated the 31 October 2019 is entitled 'Details regarding water extraction'. However when clicking on the attachment the document is from the applicant talking about the ecology reports and contains no details regarding the water extraction.

I also further note that the applicant states the she shall respond to Natural England's comments under a separate cover, which is not uploaded on the website.

Could you please confirm if the reconsultation for these applications is the email from applicant about previous ecology reports.

Yours sincerely

Alice Watson  
Consultations Team  
Operations Delivery  
Natural England  
Electra Way  
Crewe Business Park  
Crewe  
Cheshire  
CW1 6GJ

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

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For further information on the Discretionary Advice Service see [here](#)

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**From:** planning@northyorkmoors.org.uk

**Sent:** 05 November 2019 11:43

**To:** SM-NE-Consultations (NE)

**Subject:** land north east of New Road (Thorn House), Rosedale Abbey, - NYM/2019/0353/OU

You have received this email from North York Moors National Park Authority (Planning Service) in relation to a planning matter at land north east of New Road (Thorn House), Rosedale Abbey, .

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2018

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**From:** Hilary Saunders <h.saunders@northyorkmoors.org.uk>  
**Sent:** 28 October 2019 14:16  
**To:** Laura Precious  
**Subject:** FW: Previous ecology surveys fot Hanging Stones applications

Afternoon Laura,

Please see the comments from our Ecologist below:

“Prior to the 2019 Addendum to the ecology report submitted in the last month and available on the portal, there were two previous surveys carried out by MAB, from August 2017 and August 2018, which have been made available to us ... (see attached). As far as I can make out these were carried out after the Jobs Well and other determined applications were approved, and so these surveys could not be expected to form part of the application documentation. Assessment of the route does not seem to have been included in the planning conditions for Jobs Well however the submission of these documents cite the Jobs Well application and CVC numbers. They have not (as far as I can tell) been submitted with the revised details for the 5 applications currently under consideration and so I don't believe have yet been formally reviewed thorough planning(?)

As the more recent survey(s) have been provided as Addenda, rather than updating the original report, all three documents are required to appropriately assess the route. The findings from the initial two surveys are therefore of key importance to the determination of the five applications and the acceptability of the route as a whole. I assume these will need to be formally submitted as part of the planning application documents for the applications under consideration in order to enable comment and conditioning of aspects as appropriate? As I mentioned briefly on the phone, the Addendum to the survey dated 2018 does include mention of sections of boardwalk being required if the proposed route

becomes damaged by footfall which is reflected in Rona's and my own comments in response to its submission. "

In view of the above, please could you formally submit these (or just confirm that these are) to be considered as part of the current applications.

Thanks

Hilary

Yours sincerely

*H. Saunders*

Mrs Hilary Saunders MRTPI  
Planning Team Leader  
Development Management

Tel. no 01439 772700

**Elsbeth Ingleby MA<sub>Cantab</sub> ACIEEM**

**Ecologist**

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



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2018



North Yorkshire Moors Association (NYMA)  
4 Station Road Castleton, Whitby, North Yorkshire, YO21 2EG

Website: [www.nyma.org.uk](http://www.nyma.org.uk)

Hilary Saunders,  
Development Management,  
North York Moors National Park Authority,  
The Old Vicarage,  
Bondgate,  
Helmsley YO62 5BP

14 July 2019

Dear Hilary,

We would like to submit the following response from the North Yorkshire Moors Association to the planning applications below:

- Land northeast of New Road (Thorn House) NYM/2019/0353/OU
- Land north of Northdale Farm (Ebenezer) NYM/2019/0354/OU
- Land to the north of Northdale Farm and east of West Gill (Red Barn) NYM/2019/0355/OU
- Land to the north of West Northdale Farm NYM/2019/0356/OU
- Land east of Hanging Stone Lane (Bog House) NYM/2019/0359/OU

### **Introduction**

The applications submitted by the owners of Rosedale Estate and the artist Andy Goldsworthy form part of the 'Hanging Stones' project and follow previous applications submitted in 2016 and 2017.

These were:

- Hanging Stones House
- Hither House
- Jobs Well
- Red Wall
- South Field House

Work has been completed on four of these buildings but work on South Field House has yet to be finished.

Four of the new applications were previously submitted but withdrawn in May 2017 following a recommendation for refusal by the National Park Authority. These were: Ebenezer House, Northdale Head House, Bogs House and Red House. This, according to Rural Solutions Ltd, was *"to allow for further development of the artistic vision and for greater evidence to be gathered in support of the proposal."* (Planning Statement 2019)

### **Description of Proposals and Planning Issues**

In the first place, the current planning submission confuses the buildings with the term 'sculptures'. The buildings themselves are not sculptures but serve as housing for the artist's installations. So for example, in the planning statement by Rural Solutions the title description "proposed sculpture (Ebenezer)" is misleading. The application is for the principle of a structure, i.e. a building. Planning statement Hanging Stones Project/David Ross Foundation states at page 17 para 4.11 *"The current*

*application seeks approval for the principle of a structure on this site only". We take this to mean a new building on the footprint of the remains of an existing building which now consists of a couple of half-ruined upright dry stone walls and a pile of stones.*

Secondly, the application dismisses the relevance of Local Development Framework Development Policy 8, on Conversion of Traditional Unlisted Rural Buildings, by suggesting that the Policy does not relate to outdoor sculpture or public art and that the proposals do not fall within the categories of employment use, holiday accommodation use or any of the residential uses within the Policy. This however overlooks the description at paragraph 7.23 which clarifies the policy as a building conservation policy rather than a housing policy, and states that not every building will be considered suitable for conversion and re-use. It states that:

*"For example, proposals to re-use buildings which are in need of substantial re-building would be tantamount to the construction of a new building which could involve a loss of character and in the case of locations outside settlements, could have wider landscape character and sustainability implications. Due to their location in the countryside, there may be potential for impacts upon the natural environment which will need to be addressed. Amongst other environmental considerations development proposals that could have an adverse effect on the integrity of a European site would not be in accordance with the Development Plan".*

Development Policy 8 is clearly relevant in the consideration of re-use of the proposed buildings which are required to house the art installations, especially since it is clear that the proposal is not just a case of 're-use' but of substantial rebuilding, in some cases amounting to a new build.

Furthermore, there is a lack of detail in the submissions including the plans that accompany the proposals and in the description of the construction of the buildings. There are no dimensions given or details of materials to be used, for example, for roofing except in the case of Red House, but that also refers to a search for clay for the roof tiles and so is inconclusive. This paucity of detail makes it impossible to judge the end result of the rebuilding.

The buildings themselves would be permanent structures provided they are well built and maintained, but what they contain may be less permanent; for example, wood perishes and decays very quickly under certain conditions. The question then is what length of time will the installations survive? What level of maintenance will be required? These questions have not been addressed.

### **Tourism, Conservation and Management Issues**

We have also looked at the impact of creating a sculpture trail in Northdale. A supporting website has already been created (<https://www.hangingstones.org>). While we commend the likely artistic merit of the project, given Andy Goldsworthy's international renown and his sympathy for the environments in which he works, we have concerns about the management of the project and control of visitor numbers.

The measures outlined to limit visitors lack detail and scenario planning. The information on the Hanging Stones website such as limits on the number of visitors, the requirement to collect a key (from an unspecified location) and the suggested donation are aspirations rather than firm management plans. With a project of this potential significance we would expect a feasibility study to have been carried out, yet this does not appear to be available, and neither is a management plan available (at least in the public domain). Basic questions to be answered are: how will bookings be taken, and who will control the numbers? Who will collect the donations and be accountable for them? Is there to be a management entity, and if so, what legal form will it take? Or will bookings and payments be outsourced to an existing enterprise? If so, how will this benefit the National Park?

We are aware that the experience of the “Seated Man”, placed on Brown Hill in 2017 but which had to be removed after only 2 years because of the damage caused by unforeseen visitor numbers to the site, will inform decisions over how the proposed “Hanging Stones” sculpture trail will be managed.

At present the existing ruined buildings are part of the history of Northdale and add historical detail to the landscape, as well as contributing to biodiversity and the landscape as havens for wildlife. Northdale is an outstanding example of the remoteness and tranquillity which are characteristic of the special qualities of the National Park. It includes Sites of Special Scientific Interest (SSSI’s) Special Protection Areas (SPA’s) and Special Areas of Conservation (SAC’s). This raises questions about a possible conflict between visitor intrusion and wildlife conservation if the project were to take place.

Against this, we need to weigh the possible economic and prestige benefits of having a high-quality and carefully-managed visitor attraction in the North York Moors. We understand that the residents of Rosedale in general welcome the proposed sculpture trail, especially since the additional visitors it should draw may support local businesses.

### **Conclusions**

In considering this application, the Hanging Stones Project should be looked at as a whole. Although the scheme appears to contravene planning guidelines and lacks a coherent plan in terms of how it would be managed, an innovative and high-quality installation of this type could broaden the demographic for tourism to the national park and generate income for businesses in the area.

The issue has been the subject of considerable discussion within the NYMA Council, and the conclusion is that the Council supports this project both in principle and in practice, subject to the reservations expressed in the preceding paragraphs. However, its originality presents new challenges to existing planning precepts, and a special case may need to be made to accommodate it.

Tom Chadwick  
Chairman, NYMA, on behalf of the NYMA Council

**From:**  
**To:** [Planning](#)  
**Subject:** Planning response from Rosedale Parish council  
**Date:** 02 July 2019 15:36:08

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Dear Sir/Madam

[NYM/2019/0356/OU](#) land north east of New Road (Thorn House), Rosedale Abbey outline application for a proposed sculpture ('Thorn House') in the form of a traditional stone building (all matters reserved)

The Council has no objection to this application

The Council expressed support to the applications developing a further asset to the Dale and encouraging both tourism and health benefits to those interested in viewing the sculptures.

Regards

**Sally Brown**

West View, Queen Street, Gillamoor YO62 7HU

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**From:** Elspeth Ingleby  
**Sent:** 17 June 2019 14:09  
**To:** Hilary Saunders  
**Cc:** Elizabeth Clements  
**Subject:** Rosedale art installations NYM/2019/0359, 356, 355, 354, 353/OU

Dear Hilary,

In order to appraise the potential impact of the five proposals relating to art installations within Northdale, I will hereby appraise each site individually based on the potential impacts of each proposed development on the immediate environs before then considering any ecological impacts of the scheme as a whole (for example that may result from increased public access, new paths etc).

Specific site appraisals;

NYM/2019/0359/OU – Bog House. It is not clear how machinery for the development will access the site, with the nearest discernable farm track being some 90m to the north east or 118m to the south west, meaning it is not possible to determine if any habitats or species are likely to be impacted during construction of the site, meaning more information relating to this application would be required to determine this.

NYM/2019/0356/OU – Northdale Head House. The remains of the former building are on land recorded as semi-improved acid grassland. Although the actual size of the proposed building or its precise location is not specified, there will likely be some loss of habitat here if proposals were to go ahead. In order to ensure floristic diversity is maintained, it would therefore be appropriate for a habitat survey to be carried out on this site in order to assess if it still retains the diversity necessary to be classified as semi-improved acid grassland, and if so whether the ecological interest is homogenous across the site or localized and therefore whether detrimental impacts can be avoided by the careful siting of the proposed structure away from areas of greatest diversity.

NYM/2019/0355/OU – Red Barn. Surrounding vegetation is largely dominated by bracken although young woodland has been planted and is becoming established which will hold value to wildlife. Some trees may need to be removed as part of this application but details of the building proposed are not clear. It is not clear how machinery for the

development will access the site, with the nearest discernable farm track being some 280m to the south, meaning it is not possible to determine if any habitats or species are likely to be impacted during construction of the site - more information relating to this application would be required to determine this.

NYM/2019/0354/CU – Ebenezer. Of most concern relating to this application is where and how a water tank is to be placed and piping inserted to enable water to flow through the building. Areas of the hillside above the ruin is recorded as acid/neutral flush, unimproved acid grassland and marshy grassland west (below) the boundary of the North York Moors SSSI, SAC and SPA. Above (east) of this point, is the Annex 1 habitat acid dry heath as well as further flushes. These are all important habitats and further information is required to enable an assessment of impact. Any installation within or close to the SSSI/SAC/SPA will require SSSI consent from Natural England as well as a Habitats Regulations Assessment to determine likely effects on the integrity of the SAC and SPA.

NYM/2019/0353/OU – Thorn House. This site is very close to the watercourse and nearby records of native daffodil meaning that, if recommended for approval, conditions to preserve these features from damage or impact would be considered necessary, however I have no overriding ecological concerns relating to this specific site.

Overall assessment of the scheme as a whole:

Considerably more permissive path appears to be proposed as a result of this new applications than was originally assessed in 2017. In particular the new proposal of Thorn House will result in public access to fields not crossed by public footpaths. From aerial pictures these fields have some potential to hold breeding waders and we currently hold no data on the potential wader use of these fields meaning that additional information is required relating to the potential use of these fields by waders before a judgement can be made. This has the potential to affect any HRA carried out if golden plover, as a designated feature of the SPA, are likely to use the fields for feeding.

There are slight discrepancies between the new permissive path route proposed from Hither House (via Ebenezer and Job's Well) to Red Barn compared to the more detailed route assessed by MAB Ecology in August 2017 and updated in 2018. It is possible that these are the result of an error in mapping, however this would need to be confirmed by the applicant. If there is an actual deviation in route from that originally proposed then a revised ecological survey will be required to identify any ecological constraints on the revised route.

In the round of applications made in 2017, the frequency of use of the route was discussed as an issue that could affect natural environment features of the area. Given the more developed nature of the scheme at this point, including the creation of designated website promoting the route and art installations, there is an increased likelihood of significantly increased use of the route with potential associated impacts on biodiversity (including but not limited to disturbance of nesting birds and erosion of ground flora). Whilst I understand keys are required to be collected from the village to see the installations, it would be helpful for the production of a revised Habitat Regulations Assessment if the applicant was able to specify what level of visitor use is now anticipated – for example is it intended that only one key will be available for public use (which will limit access to only a couple of parties a day maximum) or will there be a number of keys available for loan which would inevitably lead to higher footfall. The educational value of the art walk is raised in the planning statements – are there plans for promoting the route to schools or colleges which could lead to regular use by large

groups?

In conclusion, there are varying degrees of ecological constraints relating to the developments proposed, including concerns regarding the route as a whole particularly where new permissive footpaths are to be established. In order to reach a conclusion about the degree of ecological impact, and to update the Habitats Regulations Assessment previously drawn up, further detail should therefore be supplied by the applicant prior to determination unless the applications are to be recommended for refusal by the Authority on other grounds.

Many thanks,

Elsbeth

**Elsbeth Ingleby MA<sub>Cantab</sub> ACIEEM**

**Ecologist**

North York Moors National Park Authority

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP

Telephone:

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

Date: 19 June 2019  
Our ref: 284078 & 284090 & 284114 & 285382 & 285387  
Your ref: NYM/2019/0353/OU & NYM/2019/0354/OU & NYM/2019/0355/OU  
& NYM/2019/0356/OU & NYM/2019/0359/OU



Hilary Saunders  
Development Management  
North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
York  
North Yorkshire

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
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T

**BY EMAIL ONLY**

Dear Hilary Saunders

**Planning consultation:** NYM/2019/0353/OU & NYM/2019/0354/OU & NYM/2019/0355/OU & NYM/2019/0356/OU & NYM/2019/0359/OU

**Location:** Northdale

Thank you for your consultations on the above which was received by Natural England on 29 May 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.

**SUMMARY OF NATURAL ENGLAND'S ADVICE**

**FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES**

As submitted, the application could have potential significant effects on North York Moors Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Special Protection Area (SPA). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required for NYM/2019/0354/OU (Ebenezer):

- Details of the location, size, excavations and any other associated works resulting from the installation of the water tank.

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

**Additional Information required**

The Planning Statement for NYM/2019/0354/OU (Ebenezer) states:

*...Ebenezer will contain some form of running water where there would have normally been a fire within the building.*

*It is proposed that this is achieved by collecting water into a tank on the hill above the structure. A pipe would run underground from the tank into the building...*

Without information about the location and size of the water tank, it is unclear if the proposal will cause a significant effect on the SSSI/SAC/SPA. It is also unclear if the collection of water in the tank will involve any excavations that may impact on the hydrology of the SSSI/SAC/SPA.

If the applicant is unable to provide an exact location and method for the excavations, it may be possible to rule out potential significant effects by stating where the water tank will not be placed and/or a maximum size of water tank and/or minimum criteria which prevents impacts to the hydrology of the SSSI/SAC/SPA.

The applicant should seek to make the argument (backed by appropriate levels of information) that it can be determined at this stage in the process.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

### **Habitat Regulations Assessment (HRA)**

On 3<sup>rd</sup> March 2017 we advised your authority that to carry out a HRA for NYM/2017/0086/FL, NYM/2017/0087/OU, NYM/2017/0089/OU, NYM/2017/0095/OU, NYM/2017/0090/CU, NYM/2017/0094/CU as a single assessment. On 14<sup>th</sup> June 2017, Rona Charles completed a HRA and Appropriate Assessment for these applications.

In light of the current information, we believe the HRA will need updating. It should include information about the new proposed footpath, the water tank and any new data.

### **Other advice**

In addition, Natural England would advise on the following issues.

### **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.

The proposals appear to contain opportunities to enhance landscape character. The Statement of Opportunity (SEO3) in the National Character Area profile for the [North York Moors and Cleveland Hills](#) lists the following points:

- Protecting and positively managing the historic landscape features including... historic buildings...;
- Conserving and restoring historic farm buildings... throughout the area...;
- Managing sustained pressure from tourism to avoid problems such as inappropriate development, increased traffic, erosion along popular rights of way and irresponsible recreation (such as damaging use of four-wheel drive vehicles and motorbikes);

- Maintaining the sense of tranquillity and remoteness shaped by the open moors and low density of settlement by encouraging sustainable recreational uses and protecting the rural dispersed settlement patterns, nucleated villages and local vernacular;
- Maintaining continuity with the historic built environment through continued use of local building materials (as appropriate) for restoration or new build, emphasising local distinctiveness...

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 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 landscape advisor/planner for the National Park will be best placed to provide you with detailed advice about this development proposal. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the park's management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

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.

### **Bogs House (NYM/2019/0359/OU)**

This proposal could lead to a biodiversity enhancement through the creation of a new bat roost. Please consider obtaining some expert advice on the design of the building to maximise it's potential. The Bat Conservation Trust's [Bats and Buildings](#) offers some useful guidance on this topic.

### **Access and Recreation**

This proposal incorporates measures to help improve people's access to the natural environment. Natural England is supportive of these measures, provided it does not conflict with the purposes of the North York Moors SSSI/SAC/SPA and National Park designations.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

If you have any queries relating to the advice in this letter please contact me on 020 802 68668.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our [Discretionary Advice Service](#).

Please consult us again once the information requested above, has been provided.

Yours sincerely

Liam O'Reilly  
Yorkshire Area Team

## Annex A

Natural England offers the following additional advice:

### Landscape

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute Guidelines for Landscape and Visual Impact Assessment](#) for further guidance.

### Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

### Protected Species

Natural England has produced [standing advice](#)<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

### Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)<sup>2</sup>. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

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<sup>1</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

<sup>2</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>



### **Ancient woodland, ancient and veteran trees**

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

### **Environmental enhancement**

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

### **Rights of Way, Access land, Coastal access and National Trails**

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer.

### **Biodiversity duty**

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).