

**NORTH YORKSHIRE COUNTY COUNCIL  
BUSINESS and ENVIRONMENTAL SERVICES**



**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**

**Application No:** **NYM/2019/0421/FL**

**Proposed Development:** Application for conversion and extension of outbuilding to form estate office with associated parking and landscaping works

**Location:** Church Houses Cottage, Mill Lane,

**Applicant:** c/o Strutt and Parker

**CH Ref:** **Case Officer:** Philip Sharp

**Area Ref:** 3/72/816 **Tel:**

**County Road No:** **E-mail:**

**To:** North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
YO62 5BP **Date:** 22 August 2019

**FAO:** **Copies to:**

The Local Highway Authority recommends that the following **Conditions** are attached to any permission granted:

Cont.

<b>Signed:</b>  <p style="text-align: center;"><b><i>Philip Sharp</i></b></p> <p><i>For Corporate Director for Business and Environmental Services</i></p>	<b>Issued by:</b> Kirby Misperton Highway Office Beansheaf Industrial Park Tofts Road Kirby Misperton YO17 6BG <b>e-mail:</b>
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**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No:

**NYM/2019/0421/FL**

HC-07 Private Access/Verge Crossings: Construction Requirements

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

- d. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6(c).
  
- h. The final surfacing of any private access within one metre of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

HI-07      INFORMATIVE

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

REASON

In accordance with policy # and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience

**From:** [Elspeth Ingleby](#)  
**To:** [Helen Webster](#)  
**Cc:** [Planning](#)  
**Subject:** NYM/2019/0421/FL - Church Houses Cottage, Mill Lane  
**Date:** 23 August 2019 09:55:27

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Dear Helen,

To extend on Sara Robin's response to this application, all of section 9 (Mitigation and compensation) of the Bat survey report should be conditioned to secure the provision of an open sided structure as compensatory swallow nesting habitat. This does not have to be on the specific application site if this is unfeasible but must be located within the immediate vicinity. A bird informative would also be helpful.

Many thanks,

Elspeth

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

**Ecologist**

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

Our ref: NYM/2019/0421/FL  
Internal - Yorkshire Wildlife Trust  
Yorkshire Wildlife Trust  
fao: Sara Robin  
1 St George's Place  
York  
YO24 1GN

Date: 01 August 2019

This matter is being dealt with by: Miss Helen Webster

Dear Sir/Madam

**Application for conversion and extension of outbuilding to form estate office with associated parking and landscaping works at Church Houses Cottage, Mill Lane, Church Houses, Kirkbymoorside  
Grid Reference 466988 497510**

I have received the above application. The details including forms, supporting information and plans for the application are available under the application reference number on the Authority's website using the following link:

<http://planning.northyorkmoors.org.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx> and by following the instructions given.

Should you wish to view the electronic file at the Authority's offices, please call to make an appointment between the hours of 9am and 5pm Monday to Friday.

If you are being consulted by email please allow 24 hours for these plans to be made available.

I would be grateful for any comments you may have on this application within 21 days of the date of this letter.

Yours faithfully

Mr M Hill

Head of Development Management

**Comments:**

I have read the Bat Breeding Bird and Barn Owl Survey by Sarah Emerson of MAB Ecology. The survey included a check of the building and an emergence survey carried out in mid July 2019. There were no signs of bats using the building and no bats emerged during the emergence survey. The site is close to good quality bat habitat and there were also active swallow nests present.

**Planning permission can be given for this application and the Method Statement on page 17 of the report should be conditioned. A bat informative would also be appropriate:**

*"All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300-060-3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0345 1300 228"*

Sara Robin  
Conservation Officer (Planning)  
Yorkshire Wildlife Trust  
1 St George's Place  
York  
YO24 1GN

Website: <http://www.ywt.org.uk>

**From:** [Planning](#)  
**To:** [Planning](#)  
**Subject:** Comments on NYM/2019/0421/FL - Case Officer Miss Helen Webster - Received from Ms Sara Robin at Yorkshire Wildlife Trust, 1 St Georges Place, York, N Yorks, YO24 1GN  
**Date:** 12 August 2019 16:46:21

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I have read the Bat Breeding Bird and Barn Owl Survey by Sarah Emerson of MAB Ecology. The survey included a check of the building and an emergence survey carried out in mid July 2019. There were no signs of bats using the building and no bats emerged during the emergence survey. The site is close to good quality bat habitat and there were also active swallow nests present.

Planning permission can be given for this application and the Method Statement on page 17 of the report should be conditioned. A bat informative would also be appropriate:

“All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300-060-3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on

Comments made by Ms Sara Robin of Yorkshire Wildlife Trust, 1 St Georges Place, York, N Yorks, YO24 1GN

Preferred Method of Contact is Email

Comment Type is Comment

**From:**  
**To:** [Planning](#)  
**Subject:** RE: Church Houses Cottage, Mill Lane, Church Houses, Kirkbymoorside - NYM/2019/0421/FL  
**Date:** 06 August 2019 11:53:08  
**Attachments:**

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Dear Sir or Madam,

Thank you for seeking the Forestry Commission's advice about the impacts that this application may have on Ancient Woodland. As a non-statutory consultee, the Forestry Commission is pleased to provide you with the attached information that may be helpful when you consider the application:

- Details of Government Policy relating to ancient woodland
- Information on the importance and designation of ancient woodland

Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed. This applies equally to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS).

It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless "*there are wholly exceptional reasons and a suitable compensation strategy exists*" (National Planning Policy Framework paragraph 175).

We also particularly refer you to further technical information set out in Natural England and Forestry Commission's [Standing Advice on Ancient Woodland](#) – plus supporting [Assessment Guide and Case Decisions](#).

As a Non Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather we are including information on the potential impact that the proposed development would have on the ancient woodland.

These comments are based upon information available to us through a desk study of the case, including the [Ancient Woodland Inventory](#) (maintained by Natural England), which can be viewed on the [MAGIC Map Browser](#), and our general local knowledge of the area. We suggest that you take regard of any points provided by Natural England about the biodiversity of the woodland.

We hope these comments are helpful to you. If you have any further queries please do not hesitate to contact me.

Yours sincerely,

**Inez Hein**  
Y&NE Area Technical Support Officer  
Forestry Commission  
Yorkshire & North East Area  
Foss House, King's Pool,  
1-2 Peasholme Green,  
York  
YO1 7PX

**Please note our new email address, please update your records.**

[www.gov.uk/forestrycommission](http://www.gov.uk/forestrycommission)

Protecting and expanding England's forests and woodlands, and increasing their value to society and the environment

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## A summary of Government policy on ancient woodland

[Natural Environment and Rural Communities Act 2006](#) (published October 2006).

**Section 40** – “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”.

[National Planning Policy Framework](#) (published July 2018).

**Paragraph 175** – “*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists*”.

[National Planning Practice Guidance](#) – Natural Environment Guidance. (published March 2014)

This Guidance supports the implementation and interpretation of the National Planning Policy Framework. This section outlines the Forestry Commission’s role as a non statutory consultee on “*development proposals that contain or are likely to affect Ancient Semi-Natural woodlands or Plantations on Ancient Woodlands Sites (PAWS) (as defined and recorded in [Natural England’s Ancient Woodland Inventory](#)), including proposals where any part of the development site is within 500 metres of an ancient semi-natural woodland or ancient replanted woodland, and where the development would involve erecting new buildings, or extending the footprint of existing buildings*”

It also notes that ancient woodland is an irreplaceable habitat, and that, in planning decisions, **Plantations on Ancient Woodland Sites (PAWS) should be treated equally in terms of the protection afforded to ancient woodland in the National Planning Policy Framework**. It highlights the Ancient Woodland Inventory as a way to find out if a woodland is ancient.

[The UK Forestry Standard](#) (4th edition published August 2017).

Page 23: “Areas of woodland are material considerations in the planning process and may be protected in local authority Area Plans. These plans pay particular attention to woods listed on the Ancient Woodland Inventory and areas identified as Sites of Local Nature Conservation Importance SLNCIs”.

[Keepers of Time](#) – A Statement of Policy for England’s Ancient and Native Woodland (published June 2005).

**Page 10** “The existing area of ancient woodland should be maintained and there should be a net increase in the area of native woodland”.

[Natural Environment White Paper “The Natural Choice”](#) (published June 2011)

**Paragraph 2.53** - This has a “renewed commitment to conserving and restoring ancient woodlands”.

**Paragraph 2.56** – “The Government is committed to providing appropriate protection to ancient woodlands and to more restoration of plantations on ancient woodland sites”.

[Standing Advice for Ancient Woodland and Veteran Trees](#) (first published October 2014, revised November 2018)

This advice, issued jointly by Natural England and the Forestry Commission, is a material consideration for planning decisions across England. It explains the definition of ancient woodland, its importance, ways to identify it and the policies that are relevant to it.

The Standing Advice refers to an [Assessment Guide](#). This guide sets out a series of questions to help planners assess the impact of the proposed development on the ancient woodland.

[Biodiversity 2020: a strategy for England's wildlife and ecosystem services](#) (published August 2011).

**Paragraph 2.16** - Further commitments to protect ancient woodland and to continue restoration of Plantations on Ancient Woodland Sites (PAWS).

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## Importance and Designation of Ancient and Native Woodland

### **Ancient Semi Natural Woodland (ASNW)**

Woodland composed of mainly native trees and shrubs derived from natural seedfall or coppice rather than from planting, and known to be continuously present on the site since at least AD 1600. Ancient Woodland sites are shown on Natural England's Inventory of Ancient Woodland.

### **Plantations on Ancient Woodland Site (PAWS)**

Woodlands derived from past planting, but on sites known to be continuously wooded in one form or another since at least AD 1600. They can be replanted with conifer and broadleaved trees and can retain ancient woodland features, such as undisturbed soil, ground flora and fungi. Very old PAWS composed of native species can have characteristics of ASNW. Ancient Woodland sites (including PAWS) are on Natural England's Inventory of Ancient Woodland.

### **Other Semi-Natural Woodland (OSNW)**

Woodland which has arisen since AD 1600, is derived from natural seedfall or planting and consists of at least 80% locally native trees and shrubs (i.e., species historically found in England that would arise naturally on the site). Sometimes known as 'recent semi-natural woodland'.

Other woodlands may have developed considerable ecological value, especially if they have been established on cultivated land or been present for many decades.

## Information Tools – The Ancient Woodland Inventory

This is described as provisional because new information may become available that shows that woods not on the inventory are likely to be ancient or, occasionally, vice versa. In addition ancient woods less than two hectares or open woodland such as ancient wood-pasture sites were generally not included on the inventories. For more technical detail see [Natural England's Ancient Woodland Inventory](#). Inspection may determine that other areas qualify.

As an example of further information becoming available, Wealden District Council, in



partnership with the Forestry Commission, Countryside Agency, the Woodland Trust and the High Weald AONB revised the inventory in their district, including areas under 2ha. Some other local authorities have taken this approach.

## Further Guidance

[Felling Licences](#) - Under the Forestry Act (1967) a Felling Licence is required for felling more than 5 cubic metres per calendar quarter. Failure to obtain a licence may lead to prosecution and the issue of a restocking notice.

[Environmental Impact Assessment](#) - Under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended, deforestation which is likely to have a significant impact on the environment may also require formal consent from the Forestry Commission.