

Date: 05 September 2019  
Our ref: 292531  
Your ref: NYM/2019/0466/AGRP



Mrs H Saunders  
Development Management  
North York Moors National Park Authority  
The Old Vicarage  
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## BY EMAIL ONLY

Dear Mrs H Saunders

**Planning consultation:** NYM/2019/0466/AGRP - erection of agricultural livestock building  
**Location:** Stoupe Brow Cottage Farm, Ravenscar

Thank you for your consultation on the above which was received by Natural England on 16 August 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 ROBIN HOODS BAY: MAW WYKE TO BEAST CLIFF SSSI AND NORTH YORK MOORS SPA/SAC/SSSI

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

The following information is required:

- Detailed Air Quality modelling (including in-combination assessment).

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 is set out below.

#### Robin Hoods Bay: Maw Wyke To Beast Cliff SSSI: Additional Information required

The application site is approximately 200m from Robin Hoods Bay: Maw Wyke To Beast Cliff SSSI and has the potential to damage the site through ammonia emissions released from livestock. The interest features of the SSSI include dwarf shrub heath habitat which is particularly sensitive to

agricultural emissions and is present in areas of the SSSI close to the development proposals.

Natural England has carried out a SCAIL assessment based on the information provided within the submitted planning documents. Results show that process contributions from ammonia emissions are 52% of the appropriate critical level (1µg/m<sup>3</sup>), which is above the threshold at which damage to the site may occur. Process contributions from nitrogen deposition are 41% of the appropriate critical load (10kg/N/ha/yr) which is approaching the threshold at which damage to the SSSI may occur.

We therefore advise that detailed air quality modelling is carried out to examine in more detail whether damage to the SSSI is likely to occur as a result of the proposed development. This should also include an in-combination assessment of any other plans or projects that could also contribute to air quality issues in the area e.g. agricultural sources, combustion sources, significant increases in road traffic.

Plans or projects that should be considered in the in-combination assessment include the following:

- The incomplete or non-implemented parts of plans or projects that have already commenced;
- Plans or projects given consent or given effect but not yet started;
- Plans or projects currently subject to an application for consent or proposed to be given effect;
- Projects that are the subject of an outstanding appeal;
- Ongoing plans or projects that are the subject of regular review;
- Any draft plans being prepared by any public body;
- Any proposed plans or projects published for consultation prior to application.

The following sources could be used as a suitable basis for an in-combination assessment:

- Planning portal – use a postcode search and view on the map  
<https://www.planningportal.co.uk/>
- Environmental Permitting register search  
<https://environment.data.gov.uk/public-register/view/search-all>
- Environmental Permit application register  
<https://www.gov.uk/government/collections/environmental-permitting-notice-of-applications-made>

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (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.

### **North York Moors SPA, SAC and SSSI**

The application site is in close proximity to the North York Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as North York Moors Site of Special Scientific Interest (SSSI). European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations').

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 have<sup>1</sup>. The [Conservation objectives](#) for each European site

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<sup>1</sup> Requirements are set out within Regulations 63 and 64 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 63 and 64 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 63 and 64 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:

- An in-combination air quality assessment is required as process contributions from the proposed development triggers the threshold at which a likely significant effect would occur on the North York Moors designated site.
  - Air quality screening demonstrates that process contributions are 9% of the appropriate critical level for ammonia and 10% of the critical load for Nitrogen deposition. An adverse effect may occur if process contributions are above 20% of the appropriate critical load/level (alone or in-combination) after detailed modelling is carried out.

#### **Other advice**

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.

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

Oliver Walton  
Yorkshire and Northern Lincolnshire Area Team

## Annex A – Additional advice

Natural England offers the following additional advice:

### Landscape

Paragraph 109 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.

### Protected Species

Natural England has produced [standing advice](#)<sup>2</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 paragraph 113 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>3</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](#).

### Ancient woodland and veteran trees

You should consider any impacts on ancient woodland and veteran trees in line with paragraph 118 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forest Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland 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/veteran trees where they form part of a SSSI or in exceptional circumstances.

### Environmental enhancement

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 9, 109 and 152 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 118 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 may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

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<sup>2</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

<sup>3</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

- 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).

### **Biodiversity enhancements**

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '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'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

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

Paragraph 75 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 and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

### **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](#).

Date: 15 August 2019  
Our ref: 291648  
Your ref: NYM/2019/0466/AGRP



Mrs H Sanders  
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Customer Services  
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**BY EMAIL ONLY**

Dear Mrs Sanders

**Planning consultation:** Notification for erection of agricultural livestock building.  
**Location:** Stoupe Brow Cottage Farm, Ravenscar.

Thank you for your consultation on the above dated 08 August 2019 which was received by Natural England on 08 August 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.

**Natural England is not able to assess this case as there is insufficient information provided in relation to air quality impacts.**

Manure stores, slurry lagoons and livestock sheds are a major source of emissions of ammonia which is directly toxic to vegetation and especially to lower plants (mosses, liverworts and lichens). Ammonia is also a major contributor to the deposition of nitrogen, which reduces habitat biodiversity by promoting the growth of a relatively small number of the more vigorous plant species which then out-compete the other species present.

Our Impact Risk Zones<sup>1</sup> have identified that interest features of the below designated may be sensitive to impacts from aerial pollutants, such as those emitted from this proposed development:

- Robin Hoods Bay: Maw Wyke to Beast Cliff Site of Scientific Interest
- Beast Cliff-Whitby (Robin Hood's Bay) Special Conservation Area

<sup>1</sup> SSSI Impact Risk Zones layer within Statutory Land Based Designations on Magic Map available at: <http://magic.defra.gov.uk/>

- North York Moors Site of Scientific Interest
- North York Moors Special Conservation Area
- North York Moors Special Protection Area
- Biller Howe Dale Site of Scientific Interest
- Castlebeck & Scar Woods Site of Scientific Interest

The consultation documents provided do not include any assessment of air quality impacts.

In order for us to advise on this case an initial screening for air quality impacts should be completed. Simple screening tools are available via the internet, such as the Simple Calculation of Atmospheric Impact Limits (SCAIL) model: <http://www.scail.ceh.ac.uk/>. The results of this screening should inform the need for any further, more detailed assessment which may be required to fully assess the impacts of the proposal. Where screening results indicate a more detailed assessment is necessary this should be carried out and completed prior re-consulting Natural England.

Natural England has not considered any other matters at this stage. We will provide advice on all relevant matters upon receipt of this information.

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 291648.

Yours sincerely

Alice Watson  
Consultations Team

**From:** [Elspeth Ingleby](#)  
**To:** [Hilary Saunders](#)  
**Cc:** [Planning](#)  
**Subject:** NYM/2019/0466/AGRP - Stoupe Brow Cottage Farm  
**Date:** 07 August 2019 14:51:35

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Dear Hilary,

This proposal falls within Natural England's SSSI Impact Risk Zone for Air Pollution which means that they will need to be consulted about this application to assess if there is any likely impact on designated sites in the area. They may ask for a SCAIL assessment(s) to be submitted to how the new development could impact on the critical load of those sites.

The wording of the additional information appears to imply that they are bringing cattle back onto the holding. It seems appropriate to ask therefore if the farm at present has the facilities to cope with the increased livestock numbers – for example I cannot see from aerial imagery whether there is a slurry store or midden on the farm at present. It would be helpful to understand how wastes from the new barn will be stored and dealt with in order to assess potential risks.

The applicant has made clear that the current hedge will be retained and the ditch piped to enable better access – this will also have the benefit of reducing potential contamination of the water course. Guttering on the barn will also be required – ideally directed to a soakaway – to reduce the creation of dirty water around the barn.

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

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