

NYMNPA Planning Application NYM/2019/0444/FL - Amended

Forge Valley Woods NNR, Seavegate, East Ayton

Consultee: West Ayton Parish Council

Date of response: 14/10/2019

Additional information for the Planning Committee on the amended application

1. WAPC recognise and welcome the removal of the proposed new car park opposite Wallis Quarry to protect the ancient woodland site in the valley floor.
2. WAPC also welcome the improved parking areas at Wallis Quarry and Seavegate Gill.

However, many of WAPC's original objections have not been acknowledged or addressed, namely:

3. There are no mitigation measures to reduce the substantial soil erosion caused by access on the western riverbank alongside the boardwalk (20% affected) which has resulted in siltation in the river and undercutting of the boardwalk in several places. This is not natural erosion.
4. There is no provision for the protection of the veteran chestnut tree or restoration of the eroded area at the south end of Seavegate.
5. There appear to be no plans within the application to restore and make safe the linking roadside footpaths along Seavegate putting users at risk next to a 60 mph speed limit highway.
6. There is no litter bin provision at Seavegate Gill, the bins near to the bridge are unlikely to be emptied as they are too far from the road to be seen and there is no agreement on who will be responsible for emptying the bins. The issue of littering in the meadows at the south end of the boardwalk which puts livestock at risk has also not been addressed.

New concerns arising from the amended application:

7. Although the new plan states that no trees will be removed from the bridge site and the crane to lift the bridge will sit on the new footpaths, it is either going to be a very small crane or there will be damage to the trees getting it into place.
8. The amended site plan B for the new bridge area has a note which says "replace woodland herb/understorey species". This is not appropriate as it will destroy the Ancient Woodland indicator ground flora species which are more important than the existing trees. Only cutting back the shrub layer should be approved.

Summary of comments

WAPC believe that providing a second footbridge will result in increased riverbank damage which goes against the SSSI and Water Framework Directive legislation and the National Park's Core Policy C which states "*the quality and diversity of the natural environment will be conserved and enhanced. Protected sites and species will be afforded the highest level of protection with priority also given to local aims and targets for the natural environment*". **However, if this planning application is approved, it should be on condition that a constructive plan of riverbank repair and ongoing maintenance is agreed and adopted.** There is no evidence of previous maintenance apart from boardwalk repairs.

Agricultural landowners are legally required to protect watercourses from soil erosion (The Reduction & Prevention of Agricultural Diffuse Pollution (England) Regulations 2018). Farmers upstream are doing their best to prevent soil erosion into the River Derwent. Why is there no protection in the Forge Valley SSSI and NNR within the National Park?

WAPC would encourage the Park Authority and Scarborough Borough Council to take the opportunity, when work is underway in the valley, to repair the riverbanks at the same time so that the sensitive areas adjacent to the boardwalk are protected when the path is reopened, and ongoing maintenance will then be more manageable. Various soft engineering techniques such as pinned tree trunks, pre-planted coir rolls and coir netting have been used successfully on the River Hull Headwaters SSSI. If mitigation measures are not put in place, the degradation of this special place will continue to the detriment of the environment, the protected habitats, plant species, wildlife, water quality and visitor enjoyment.

From:
To: [Planning](#)
Cc:
Subject: NYM/2019/0444/FL Forge Valley - WAPC response to amended application
Date: 15 October 2019 10:28:21
Attachments: [NYM2019_0444_FL_WAPC_response_14_Oct_19.docx](#)

Dear Milly

Further to our telephone conversation this morning, I attach the response to the amended Forge Valley planning application which was discussed and agreed at West Ayton Parish Council meeting last night. Please let me know whether I need to deliver 10 copies for the planning meeting.

Also to confirm that I would like to register to speak at the planning meeting on Thursday on behalf of West Ayton Parish Council and my details are as follows:

Councillor Sue Ogilvy, 4 Castle Rise, West Ayton, Scarborough, YO13 9JY

A fellow councillor, Catherine Cussons, would also like to register to speak on behalf of herself as a landowner to object to the application. Her details are:

Mrs Catherine Cussons, Low Yedmandale Farm, West Ayton, Scarborough, YO13 9JZ

Many thanks,

Cllr Sue Ogilvy

From:
To: [Planning: Jill Bastow](#)
Cc:
Date: RE: Forge Valley Woods National Nature Reserve, Seavegate, East Ayton - NYM/2019/0444/FL
11 October 2019 12:46:19
Attachments: [image002.png](#)

Dear Jill Bastow,

Thank you for consulting us about this amended application. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Please note that:

- The advice in our letter, dated 9th August 2019, remains a material consideration in the determination of this application (with the exception of the advice pertaining to Raincliffe & Forge Valley Woods SSSI);
- We are currently investigating whether the Ancient Woodland Inventory within the application requires an amendment. Our aim is to conclude this investigation by the 17th December 2019.

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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We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

From: planning@northyorkmoors.org.uk [<mailto:planning@northyorkmoors.org.uk>]
Sent: 23 September 2019 09:59
To: SM-NE-Consultations (NE)
Subject: Forge Valley Woods National Nature Reserve, Seavegate, East Ayton - NYM/2019/0444/FL

You have received this email from North York Moors National Park Authority (Planning Service) in relation to a planning matter at Forge Valley Woods National Nature Reserve, Seavegate, East Ayton.

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.

If you are a statutory consultee and would like to use electronic correspondence via our e-consultation site please contact the Planning Dept via email at planning@northyorkmoors.org.uk who will be happy to set you up with a log-in username and password..

If you cannot open the attachment you can download the following software free of charge:

- Microsoft Word Viewer for Word attachments.
- Adobe Reader for PDF attachments.



PRINCESS ROYAL
TRAINING AWARD
2018

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www.northyorkmoors.org.uk

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Mrs Jill Bastow,
Planning Department,
North York Moors National Park Authority
The Old Vicarage,
Bondgate, Helmsley,
North Yorkshire
YO62 5BP

Your ref: NYM/2019/0444/FL

Email:

Tel:

Date: 19.07.2019

Dear Mrs Bastow,

NYM/2019/0444/FL – Forge Valley Woods

I am writing in the capacity of regional representative of the National Farmers Union, on behalf of our member in the area, I would like the below points to be considered when reviewing the proposed plans for Forge Valley Woods.

In general, our member acknowledges the community benefits of access in the area and supports the right for all to enjoy the countryside, but believes that any plans which may further increase visitor numbers to Forge Valley Woods will likely worsen the problems already experienced in the area. Therefore, on behalf of our member, we can support aspects of the proposed plans to restore the original footbridge and enhance the current enjoyment of Forge Valley Woods, but do not support aspects of the plans which may irresponsibly increase visitor footfall to this area.

It is believed that the current proposed plans at Wallis Quarry, will lead to an increased pressure of users, and is likely to amplify the associated environmental and anti-social behaviour problems already experienced by both the local community and our member's farming business. It is important that the National Park bear in mind the restricted width of this right of way running along the boardwalk and the route's location in a SSSI designated area.

Anti-social behaviour is already experienced in Forge Valley Woods, including littering, fly-tipping, illegal camping and bonfires along with trespass on the surrounding farmland. Gates are often left open along the route causing stock escape and its associated safety issues. Excessive littering and fly-tipping has also not only led to a decrease in the general up keep of the woods, but has also caused innumerable problems to local farms, including being a hazard to grazing livestock and contaminating grass silage feed. It is likely that the overall proposed plans will increase visitor footfall and will only heighten these already existing problems.

A multitude of problems is also already experienced in the area with dogs and their handlers:

- Dog worrying of livestock and attacks by unrestrained dogs
- Faecal contamination of grass silage feed, and the disease risk posed by dog faeces especially to vulnerable pregnant livestock
- Damage to riverbanks and soil erosion caused by off-lead dogs

These issues are already causing major problems for farming businesses and calling into question the environmental work many farms are completing along the route.

Although it is acknowledged that signage is available to help tackle these problems, the effect of this mitigation measure is very limited and it is widely felt that more needs to be done to proactively address issues already present in the area, let alone the increased issues that may come with the proposed plans.

We ask that you take the above comments on board when assessing the proposed plans at Forge Valley Woods and we welcome the opportunity to discuss this with you further.

Allie Hesketh
Assistant Environment & Land Use Adviser

From: [O'Reilly, Liam](#)
To: [Jill Bastow](#); [Planning](#)
Subject: RE: Liam 2019-09-27 294416 Works on car park, paths etc at Forge Valley Woods NNR, Seavegate NYM/2019/0444/FL
Date: 16 September 2019 16:58:45
Attachments: [image002.png](#)

Dear Jill Bastow,

Thank you for provided us with the updated documentation.

The documents accurately reflect our request for mitigation and we have no further comment on these measures.

I will contact you separately about the ancient woodland inventory.

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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We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

From: Debbie Trafford
Sent: 13 August 2019 14:40
To: Jill Bastow
Subject: Forge Valley

Hi Jill,

If possible to still be included in support of the Forge Valley application:

The proposal would provide disabled access and a second access point to the very popular boardwalk, which is due to be replaced in early 2020 subject to funding approval. The current car park (Old Man's Mouth) which provides access to the boardwalk is difficult to negotiate for many drivers and cannot be readily altered due to archaeological constraints. The car park is often full meaning that disabled users can't be sure of having enough space to get out of their car safely.

Many of the objections which have been raised about the boardwalk proposal – dog mess, erosion etc. – are unlikely to be affected by a second access point; if anything the impact may be spread more sustainably instead of concentrated in the one focal area. The numbers of dog walkers are unlikely to change greatly due to the additional car park and bridge; the application proposes only 7 parking spaces in the new car park beside the footbridge, plus improvements to the existing car parks. These concerns relate more to existing infrastructure and the ongoing management of the site. RWCE are due to take over management of the wider site under a lease arrangement with SBC and they are fully aware of the need to tackle dog fouling issues.

This application offers genuine disabled access to the replacement boardwalk, which will be an excellent facility for all user abilities, all year round. It has my full support.

Kind regards,

Debbie Trafford
Head of Recreation and Ranger Services

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

☎: 01439 772700 - 07891052436
✉: d.trafford@northyorkmoors.org.uk
🌐: www.northyorkmoors.org.uk



North York Moors

Local Access Forum

North York Moors National Park Authority

The Old Vicarage, Bondgate, Helmsley,
North Yorkshire,
YO62 5BP

67 West Park, Selby
North Yorkshire
YO8 4JN

9 August 2019

FAO Jill Bastow – Senior Planning Officer

Forge Valley Planning Application

The NYMNP LAF recently visited the Boardwalk and area to assist with the application for a new car park and bridge to access the southern part of the public footpath on the western side of the River Derwent.

The members were in the main, supportive of the application though there were a number of issues which are highlighted here which need consideration.

The river banks and water are clearly being contaminated by dog fouling and this matter must be addressed. It is suggested that advisory notices at strategic locations must be incorporated into the planning application. These should explain the need for dogs on leads and that the river provides drinking water to Ayton and further south, it is further suggested that such signs should have raised lettering or braille to assist getting the message to all.

The river banks need considerable work to restore and maintain them in a satisfactory manner. This, together with the new boardwalk should be so constructed to limit access for dogs into the river. The boardwalk reconstruction should ensure adequate locations to accommodate disabled users scooters/wheelchairs and the recycled rubber intended for the surface material needs to be non-slip, even in very wet conditions. Side structures on the boardwalk need to be incorporated to assist disabled walkers and prevent accidental occurrences.

While recognising the location of the car park and bridge detailed in the application, we also considered that work to improve the access/egress to the Old Man's Mouth car park would be hugely beneficial to walkers using the area. Further we believe the construction of a picnic area to the north east of this car park would add significantly to the attraction for visitors. It was our collective view that this exercise would be very cost effective.

We are also aware to the south of this area, of the SSSI & nature reserve in the Seavegate area opposite Wallis Quarry. A 'tidying up' of this area would further enhance the attraction of the Forge Valley area.

On behalf of the LAF, we trust these comments will be helpful to you.

Best regards

John H Richardson

Hon. Chairman NYMNP LAF

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



**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**

Application No: **NYM19/444/FL**

Proposed Development: Application for works to existing car parks, creation of footpaths, earthworks, installation of interpretation boards, construction of footbridge and creation of new car park

Location: at Forge Valley Woods National Nature Reserve, Seavegate, East Ayton

Applicant: Scarborough Borough Council

CH Ref: **Case Officer:** Kay Aitchison

Area Ref: 4/12/302 **Tel:**

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

To: North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
YO62 5BP **Date:** 9th August 2019

FAO: Jill Bastow **Copies to:**

Note to the Planning Officer:

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

The application aims to improve the existing facilities within the Forge Valley Woods National Nature reserve for all users. There are three separate sites where development is proposed which would affect access to and from the highway.

Seavegate - there is an existing small parking area which will have formalise the existing spaces for six vehicles. There is an existing access to the highway which is not constructed to the specification of the local highway authority. There will also be works opposite the parking area to improve amenity and provide footpaths and seating through the woods. There will be soil bunds with log tops on the highway boundary to reduce the availability of parking immediately adjacent to the highway, where currently vehicles park damaging the verge and adjoining woodland. The applicant is proposing to side out and clear the existing footway leading to this area.

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No:

NYM19/444/FL

Old Mans Mouth - this is also an existing car parking area which does have a constructed access however the access is steep and does not meet the current highway visibility requirements. It does currently provide the only access to the pedestrian board walk via a bridge over the river. The applicant proposes to reduce slightly the capacity of this car park which would reduce the number of vehicles using this access. It would not be possible to improve the access without significant engineering works which would not be reasonable within the Nature Reserve for an existing access.

Wallis Quarry - the applicant is proposing to formalise the existing parking at the small parking area for five vehicles. There is an existing access to the highway which is not constructed to the specification of the local highway authority. Opposite the existing Wallis Quarry parking area the applicant is proposing to construct a new small parking area for five cars, two additional dedicated spaces for disabled vehicles and a space for a mini-bus. The car park will provide more level access for pushchairs, wheelchairs and mobility scooters and access to a new pedestrian bridge over the river. The available visibility at the location of the new access is 105m travelling into the valley and 140m travelling towards East Ayton village, however the verge is very overgrown. A speed data survey has been carried out and determined that the relevant 85th percentile speed is 43mph and the required visibility would be 120m in either direction. Should the application be granted permission the vegetation on the verge within the visibility envelope should be kept well cut back to maximise the available achievable visibility. The additional vehicle movements which would be generated by the new eight space parking area at Wallis Quarry would not have a significant increase on the highway and would be offset by the reduced opportunity to park opposite Seavegate.

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

1. 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 **new and existing crossings of the highway verge at Seavegate and Wallis Quarry within the highway boundary** shall be constructed in accordance with the Standard Detail number **E9A**.

d. The **new footway within the highway boundary** shall be constructed in accordance with Standard Detail number **E6W**.

h. The final surfacing of any private access within **1 metres** of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No: **NYM19/444/FL**

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

2. HC-10 VISIBILITY SPLAYS

There shall be no access or egress by any vehicles between the highway and the **new car park** site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of **120 metres** measured along both channel lines of the major road **Seavegate** from a point measured **2.4 metres** down the centre line of the access road. The eye height will be **1.05 metres** and the object height shall be **0.6 metres**. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

REASON

In accordance with policy number and in the interests of road safety.

INFORMATIVE

An explanation of the terms used above is available from the Highway Authority.

Signed:

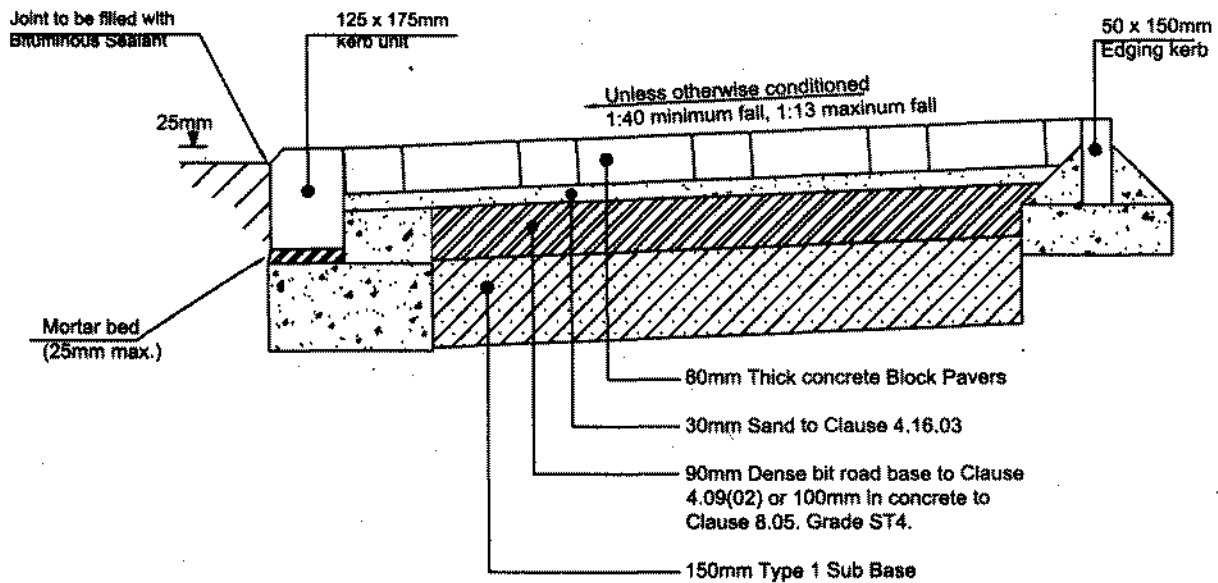
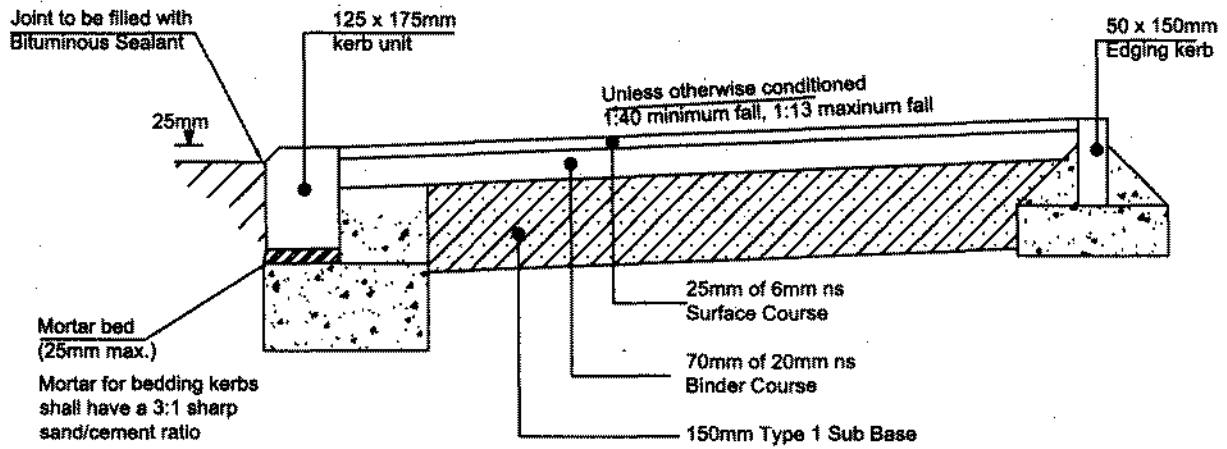
Kay Aitchison

For Corporate Director for Business and Environmental Services

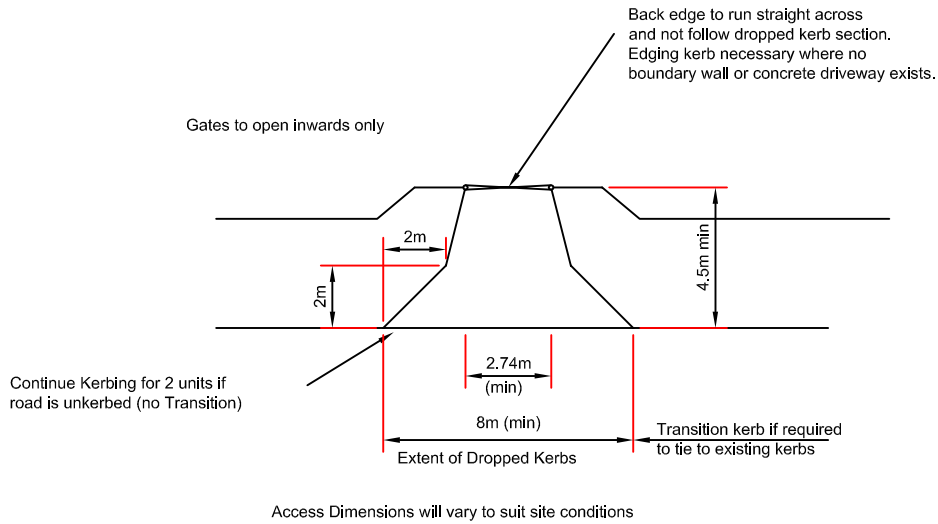
Issued by:

Whitby Highways Office
Discovery Way
Whitby
North Yorkshire
YO22 4PZ

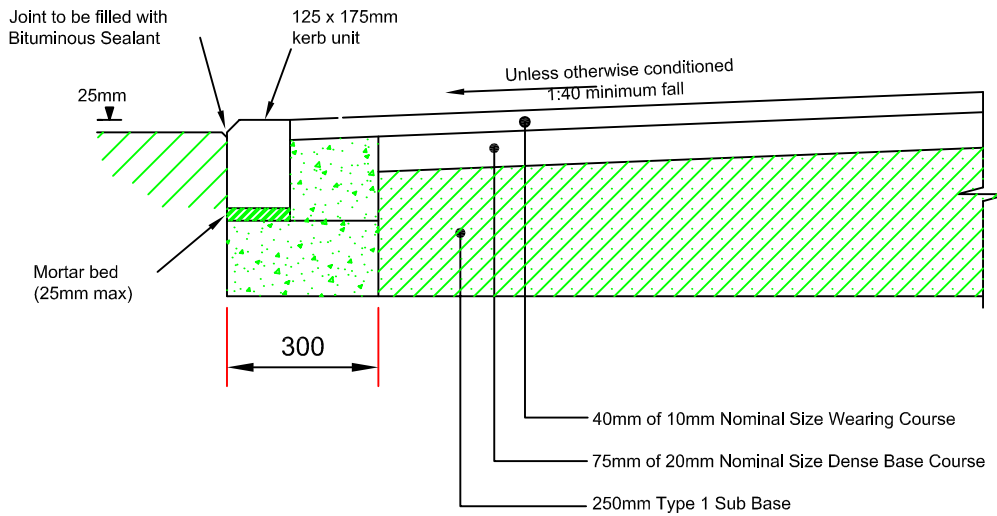
e-mail: _____



NORTH YORKSHIRE COUNTY COUNCIL Director of Environmental Services :- M O MOORE C.Eng., FICE, FIHT, DMS	PROJECT :-	Environmental Services Development Control	DRAWN MCF	SCALE:- NTS
	DRG. TITLE :-	FOOTWAY CROSSING DETAIL	CHECKED	DATE:- May 06
			APPROVED	DRAWING No :- E6 W
				REV. A



PLAN VIEW



SECTION THROUGH MACADAM CROSSING

 <p>NORTH YORKSHIRE COUNTY COUNCIL Director of Environmental Services :- M O MOORE C Eng FICE F I H T D M S</p>	PROJECT :-	Environmental Services Development Control	DRAWN J.D.Putsey	SCALE:- NTS
	DRG. TITLE :-	Access Detail	CHECKED	DATE:- February 2002
			APPROVED	DRAWING No :- E9/ A
				Computer Filename : Stand Detail E9/A

Date: 09 August 2019
Our ref: 288338
Your ref: NYM/2019/0444/FL



Mrs J Bastow
Development Management
North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
York
North Yorkshire
YO62 5BP

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

BY EMAIL ONLY

Dear Mrs J Bastow

Planning consultation: NYM/2019/0444/FL – existing car parks, creation of footpaths, earthworks, installation of interpretation boards, construction of footbridge and creation of new car park.

Location: Forge Valley Woods National Nature Reserve, Seavegate, East Ayton.

Thank you for your consultation on the above which was received by Natural England on 04 July 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

DESIGNATED SITES: NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- damage or destroy the interest features for which Raincliffe & Forge Valley Woods Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- A Construction Environment Management Plan (CEMP);
- A biosecurity risk assessment/protocol;
- An updated schedule of tree works

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

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

Further advice on mitigation

Construction Environment Management Plan (CEMP)

The inclusion of a Construction Management Plan (CMP) is welcome. However, it appears that the recommendations within Appendix H (method statement in the Extended Phase 1 Habitat Survey) have not been adopted within the CMP. To fully protect the SSSI from the impacts of construction, either the CMP should be updated with the recommendations in Appendix H or a new CEMP is created that amalgamates and formalises the two documents.

Biosecurity

The CMP does not reference any biosecurity measures but the Extended Phase 1 Habitat Survey mentions the need for biosecurity. Prevention measures should be put in place to ensure any equipment and construction workers do not accidentally introduce nor spread non-native species in the SSSI/NNR. To protect the woodland and freshwater habitats, we recommend that a biosecurity risk assessment/protocol is drawn up and implemented.

Tree Works

The Tree Survey and Arboricultural Impact Assessment recommends a schedule of tree works. Where the works are for health and safety purposes, these may proceed and we have no concerns. To maintain the favourable condition of the SSSI, there is a requirement to have both standing and fallen deadwood present in the woodland. Therefore, works that are for tree health purposes alone should not proceed. Please review the tree survey and Arboricultural Impact Assessment in light of this information and produce and updated schedule.

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.

Other advice

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

Ancient Woodland

Natural England advises that the proposals as presented have the potential to adversely affect woodland classified on the ancient Woodland Inventory.

Natural England refers you to our Standing Advice on ancient woodland <https://www.gov.uk/ancient-woodland-and-veteran-trees-protection-surveys-licences>. In particular, this section of the guidance is relevant to the determination of the application:

You and the developer should work together to make sure there's enough suitable evidence to make a decision. This may include fieldwork and historic maps.

You should include proposed mitigation and compensation measures.

Protected Landscapes

The proposed development is for a site within a nationally designated landscape, namely, the 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.

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.

Damage, disturbance and informal access

We are aware that users of the site are causing damage to habitats both within and outside the SSSI/NNR. Inappropriate car parking and access is causing damage to parts of the ancient woodland within the SSSI/NNR. Natural England works with land managers to provide habitats for wildlife and buffers to the SSSI/NNR. Users have been reportedly accessing this land and this could lead to damage of these habitats.

It would be useful to consider whether the proposal will exacerbate these problems further and whether any measures can be implemented to protect these habitats from damage (e.g. alternative routes/alternative picnic spaces/blocking of access/signage etc.).

Advice to the applicant – SSSI consent

Although the replacement and repair of the current boardwalk does not require planning permission, it may require SSSI consent from Natural England. Please check with your Natural England contact if consent is required.

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

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

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

We would not expect to provide further advice on the discharge of planning conditions or obligations attached to any planning permission.

Should the proposal change, please consult us again.

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](#)¹ 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](#)². 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](#).

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

² <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).

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

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 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](#).

From: [Mark Antcliff](#)
To: [Planning: Jill Bastow](#)
Subject: NYM/2019/0444/FL Forge Valley
Date: 08 August 2019 13:30:46

Jill – my initial thoughts below – shall I pass these on to Dave Clayden at NE aswell?

NYM/2019/0444/FL Forge Valley

There are no major concerns for sites A and C but there is a potential issue with Site B as it falls partly within the area recorded as Ancient Semi-Natural Woodland on the Natural England Inventory.

The NPPF in para 175c states “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”

In this case there will be a loss of ancient woodland area to the new car park and new footpaths. There will be likely some deterioration to adjacent habitat from the use of the proposed facilities (NE guidance stipulates at least a 15m buffer between new development and ancient woodland) There are no wholly exceptional reasons applicable for this project.

I am surprised that this aspect of the NPPF was not raised by the applicants agent in their assessment of policy considerations (section 6).

I have visited the site and found no evidence on the ground that would lead me to doubt that the site should be included within the ancient woodland inventory. However the historic mapping (OS First Edition 1860 and later) does give an indication that it may have been open ground at some time. Also features on these maps do not relate well to the inventory polygons, which leads me to think that they are either of low precision or based on other map data that I don't have access to. Our aerial photographs appear to show continuous woodland cover from 1948 onwards.

I appreciate that this is a small scale development in what is an extensive area of woodland, and if were outside of the ancient woodland area I would support the proposal given the overall benefits and the mitigation proposed. However I am concerned that a precedent will be set for permitting development against the above policy (and the Authority's own policies in respect of ancient woodland).

In the first instance I would suggest that we ask NE to review the status of this small section of the register to confirm (or otherwise its accuracy). If confirmed and we still wish to approve the application (in agreement with NE) then I would request that we carefully evaluate and document the reasoning.

Subject to resolution of the above I would also make the following comments:

1. In respect of the footpath construction there is a discrepancy between 2.7 of the construction method statement and the arboricultural report. We would expect the recommendations of the latter to take precedence, with appropriate above ground construction methods being used in proximity to existing trees. This doesn't necessarily need to be resolved prior to determination but can we ensure that this is clarified prior to work starting.

2. As area B is currently relatively undisturbed woodland with a reasonable ground flora and soil structure I expect it will be easily altered/damaged through footfall etc. I would recommend that the new footpaths be constructed in a manner that avoids the need to stray from them. Vegetation should be managed in a way that reinforces this and allows the flora to survive in a way that is observed along much of the boardwalk.
3. I am pleased that the woodland around area will have increasing protection. There are some fine trees here which are being damaged through current land use. I assume that vehicles will be excluded from all areas here including around the ancient horse chestnut.

Mark Antcliff

From: [Elspeth Ingleby](#)
To: [Jill Bastow](#)
Cc: [Planning](#)
Subject: RE: NYM/2019/0444/FL - Forge Valley Woods NNR
Date: 05 August 2019 17:32:45

Dear Jill,

I have read through the submitted Protected Species Survey report and would agree with its conclusions. As expected, section 6 covering the mitigation and Compensation Strategy should be conditioned.

I would be grateful if you could let me know when Natural England's comments regarding this application have been received.

Many thanks,

Elspeth

Elspeth Ingleby MA_{Cantab} 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.

From: Elspeth Ingleby
Sent: 15 July 2019 15:33
To: Jill Bastow
Cc: Planning
Subject: NYM/2019/0444/FL - Forge Valley Woods NNR

Hi Jill,

I have read through the Extended Phase 1 Habitat survey and associated plans and documents. The ecological constraints of the sites do appear to have been adequately considered and the mitigation proposed proportionate to the potential impact. The survey was carried out at an appropriate time of year to adequately identify constraints present.

If approved, section 6 of the Extended Phase 1 Habitat Survey report (Mitigation and Compensation Strategy) should be conditioned. This covers the time limitations of works (eg to take place outside of the bird breeding season), additional surveys required and precautions required for working in/near aquatic habitats.

Many thanks,

Elspeth

Elsbeth Ingleby MA^{Cantab} 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.



North York Moors National Park Authority
Planning Consultation Form

Case Officer: Mrs J Bastow
Application Number: NYM/2019/0444/FL

Site: Forge Valley Woods National Nature Reserve, Seavegate, East Ayton

Development Description: works to existing car parks, creation of footpaths, earthworks, installation of interpretation boards, construction of footbridge and creation of new car park

Applicant: Scarborough Borough Council

(Please Tick One Box Only)

The Parish/Town Council has **no objection** to this application

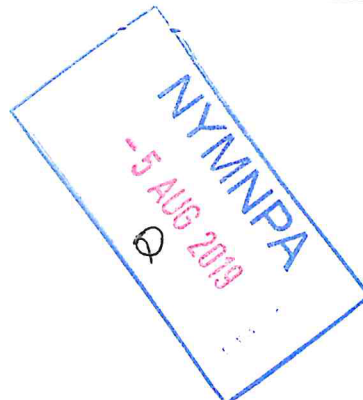
The Parish/Town Council **objects** to this application
(A reason **must** be given)

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

Signed _____
On behalf of East Ayton Parish/Town Council

Date 24/7/19.

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



From: Nick Mason
Sent: 23 July 2019 15:59
To: Jill Bastow
Subject: NYM/2019/0444/FL Forge Valley Woods archaeology constraints

Hi Jill,

Two of the three sites included in the above application require no archaeological mitigation, although the northernmost, 'Old Man's Mouth' car park will. The carpark and path is the site of the Ayton Forge, about which Scarborough Archaeological and Historical Society have recently supplied a survey report. This report identifies the high importance of the site within the local industrial heritage, and the areas about which more could be known.

Whilst the application takes into account the importance of the archaeology here, should the application be successful the groundworks at this site will still require an approved WSI and watching brief to be completed. Given the limited nature of the works, and their existing association with the site, it is suggested that SAHS might wish to carry the archaeological mitigation out here. NPA archaeologists would be supportive of this involvement.

Please let me know if the applicants or their agents require any further advice on the subject.

Best regards,

Nick Mason
Archaeology Officer

North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP
U.K.

Tel: 01439 772700
www.northyorkmoors.org.uk

Mrs J Bastow
North York Moors National Park
Development Control
The Old Vicarage Bondgate
Helmsley
York
YO62 5BP

Our ref: RA/2019/140339/01-L01
Your ref: NYM/2019/0444/FL
Date: 24 July 2019

Dear Mrs Bastow

APPLICATION FOR WORKS TO EXISTING CAR PARKS, CREATION OF FOOTPATHS, EARTHWORKS, INSTALLATION OF INTERPRETATION BOARDS, CONSTRUCTION OF FOOTBRIDGE AND CREATION OF NEW CAR PARK

FORGE VALLEY WOODS NATIONAL NATURE RESERVE, SEAVEGATE, EAST AYTON

Thank you for your consultation regarding the above proposal which was received on 04 July 2019.

We have reviewed the information submitted with the application and we have no objection to the proposal, subject to condition. Our detailed comments are as follows.

Flood Risk

Our Flood Map for Planning shows the site lies within Flood Zone 1, 2 and 3, the low, medium and high probability zones.

The application is for various works described above, including the construction of footbridge, which are considered to be a 'less vulnerable' land use in [Table 2: Flood Risk Vulnerability Classification](#) of the Planning Practice Guidance: Flood Risk and Coastal Change.

It is therefore necessary for the application to be supported by a site-specific flood risk assessment (FRA), which can demonstrate that the 'development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.

Flood Risk Assessment

An FRA by Fairhurst, dated May 2019, reference 128858 Forge Valley, has been submitted in support of the application.

Environment Agency position

The proposed development will only meet the National Planning Policy Framework's

Environment Agency
Lateral 8 City Walk, LEEDS, LS11 9AT.

www.gov.uk/environment-agency

Cont/d..

requirements in relation to flood risk if the following planning condition is included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (by Fairhurst, dated May 2019, reference 128858 Forge Valley) and the following mitigation measures it details:

- The bridge soffit levels shall be set no lower than 35.84mAOD

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons

- To reduce the risk of flooding

Informatives

Bridge design

We recommend the bridge should be designed in such a way that the handrails do not prevent the free flow of flood water during extreme events. Best practice would be to only install handrails on the downstream side of the bridge.

Environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

We trust the above advice is useful.

If I can be of any further assistance, please don't hesitate to contact me.

Yours sincerely

Mr Fraser Tomlinson
Sustainable Places Planning Adviser

From:
To: [Planning](#)
Subject: RE: Forge Valley Woods National Nature Reserve, Seavegate, East Ayton - NYM/2019/0444/FL
Date: 22 July 2019 14:45:54
Attachments:

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 also assume that as part of the planning process, the local authority has given a screening opinion as to whether or not an Environmental Impact Assessment is needed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. If not, it is worth advising the applicant to approach the Forestry Commission to provide an opinion as to whether or not an Environmental Impact Assessment is needed under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended.

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

Yours faithfully,

Serena Clifford

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

www.gov.uk/forestrycommission

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

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).

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.

From:
To: [Planning](#)
Subject: FAO Mrs J Bastow RE: Forge Valley Woods National Nature Reserve, Seavegate, East Ayton - NYM/2019/0444/FL
Date: 22 July 2019 16:23:12
Attachments:

Hello Jill,

Please can we have an extension until 1st August?

Before responding, I need some input internally from the responsible officer for the SSSI (David Clayden) and also one of our national specialists regarding the ancient woodland. Unfortunately both are on holiday until the beginning of next week. I hope to get something to you by the 1st August.

Kind Regards

Liam

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

[Get environmental advice on your pre-application planning proposals using our chargeable advice service.](#)

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

Your ref: NYM19/444/FL

Whitby Highways Office

Discovery Way
Whitby
North Yorkshire
YO22 4PZ

Our ref:

Contact: Kay Aitchison

www.northyorks.gov.uk

19 July 2019

Dear Mrs Bastow

Proposal: Application for works to existing car parks, creation of footpaths, earthworks, installation of interpretation boards, construction of footbridge and creation of new car park

Location: at Forge Valley Woods National Nature Reserve, Seavegate, East Ayton

Applicant: Scarborough Borough Council

Thank you for your consultation on the above application. The highways case officer will be Kay Aitchison who is currently on leave but returns on 29th July 2019. Please let me know if you require any further response before this date.

Yours faithfully

Kay Aitchison

Whitby Highways Office

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



North York Moors National Park Authority
Planning Consultation Form

Case Officer: Mrs J Bastow
Application Number: NYM/2019/0444/FL

Site: Forge Valley Woods National Nature Reserve, Seavegate, East Ayton

Development Description: works to existing car parks, creation of footpaths, earthworks, installation of interpretation boards, construction of footbridge and creation of new car park



Applicant: Scarborough Borough Council

(Please Tick One Box Only)

The Parish/Town Council has **no objection** to this application

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

Please see attached documentation
outlining concerns + seeking clarification

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

Signed _____
On behalf of ~~East Ayton~~ **West Ayton** Parish/Town Council
Date 17 July 2019

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

NYMNPA Planning Application NYM/2019/0444/FL

Forge Valley Woods NNR, Seavegate, East Ayton

Consultee: West Ayton Parish Council

Date of response: 17/07/2019



Summary of responses

In favour – in principle

- Boardwalk replacement (but full details required)
- Improvement to Old Man's Mouth car park
- Improvement to the Seavegate Gill car park and river area (but key area missing)
- Provision of improved information panels and picnic facilities

Against

- New footbridge and car park opposite Wallis Quarry
- Increasing volume of public access on a restricted width PROW in a SSSI designated protected area

Main concerns

- Damage to the SSSI caused by increased numbers of users
- Riverbank damage caused by off lead dogs leading to soil erosion
- Faecal contamination of land and water
- Increased sediment and nutrients in drinking water, abstracted by Yorkshire Water downstream
- Road safety for users into new car park near to blind corner and road crossings
- No refurbishment of existing overgrown roadside footpaths, endangering pedestrians and other users
- Excluded damaged area of woodland below Seavegate Gill proposed area with no protection for key veteran Champion tree and eroded riverbanks
- Increased littering and fly tipping
- Increased antisocial behaviour
- Increased use of boardwalk by cyclists and potentially by off-road motorbikes not compatible with pedestrians, wheelchair users and buggies
- Livestock worrying by dogs in adjacent meadow and litter in grass silage
- No information on the method of refurbishment of the boardwalk
- No details on location of site for contractor's compound and parking
- What assurances are there for continued flood relief via the sluice into the Sea Cut

Main responses from West Ayton Parish Council (WAPC)

1. WAPC is disappointed that the boardwalk replacement has not been included in the planning application as it has been considered by NYMNPA to be 'Like for Like' replacement. As this is a fundamental part of the improvement scheme and will potentially have a major impact on valley floor habitats in the SSSI, water quality in the river and impacts on surrounding land

during the refurbishment, it is felt that this is a major omission from this application. A notice of proposed operations on the SSSI to Natural England (NE), a SSSI consent form and agreed methods of working from NE have not been supplied for consideration by WAPC. It is likely that the planned works will impact on land users next to the boardwalk and they will rely on WAPC to keep them informed. WAPC is not against the replacement of the boardwalk but require to be informed of the environmental impacts, methods of working and mitigation measures.

2. Road safety and protection of pedestrians have not been addressed in the proposals. In the planning form, page 5, the applicant states there is "*NO – new or altered vehicular access to or from the public highway*". This is a false claim as a new access will be required for the proposed new car park opposite Wallis Quarry on Seavegate Road. The proposed location of the entrance to the car park is on the south-west side of the road after a blind corner on the 60mph public highway. Drivers drive to the speed limit along this road so cars turning into the car park and pedestrians crossing the road from the Wallis Quarry side to get to the footbridge will be at risk. Traffic is increasing on this highway as it is being used as a *rat run* to avoid traffic in Scarborough. This increased traffic also results in excessive speeding in the 30mph zone on Castlegate, East Ayton, endangering residents and parked vehicles. Have Highways been approached about a new access, and if so where are the details?
3. Pedestrian safety has also not been addressed satisfactorily at the Seavegate Gill parking area and there is no provision in the application for the restoration of the overgrown existing roadside public footpath between Seavegate Gill and Wallis Quarry. This is currently unsuitable for all users. The rest of the roadside footpath up to Old Man's Mouth car park has long gone and is also overgrown. Was it deemed unsafe or not needed, and if so why? There is also no roadside footpath on the outskirts of East Ayton at the north end of Castlegate on a narrow section of the road. Walkers and other users are at risk in this area, and increasing the foot fall doing a circular walk using the proposed new footbridge will exacerbate this problem.
4. The proposal for the refurbished woodland area next to the river opposite Seavegate Gill car park is acceptable, however it only covers less than half of the currently used woodland area in this location (see the map at the end of this document). In particular, it does not include the main affected area to the south near to the Champion horse chestnut tree. This area is being used as an informal cycle park with soil ramps being built beneath the trees. This area suffers from waterlogging, over-shading from sycamore trees, vehicle ruts, eroded riverbanks, overnight camping, littering and anti-social behaviour. This area is close to East Ayton and is the first area to be seen by drivers and walkers as they enter Forge Valley from the south. WAPC feel that if the visitor experience in Forge Valley is to be enhanced then ignoring this degraded area is a major drawback to the plan. This area should have been the first to be considered for restoration and enhancement for all users as it is closest to the village.
5. WAPC object to the provision of a new footbridge and car park opposite Wallis Quarry because of issues raised above and the increased pressure of users on the boardwalk and the associated environmental and anti-social problems. The attached document was sent to Fairhurst as part of their consultation about the proposed works. The comments in the document were subsequently adopted by WAPC on 10 June 2019 as its response to the consultation. The main concerns of the increased access on the boardwalk not mentioned already are as follows:



- More dog walkers will result in increased dog fouling on the boardwalk, surrounding ground and in the river;
 - Off lead dogs entering the river currently cause riverbank damage and soil erosion into the water;
 - Increased sediment and faecal contamination in the river will affect the quality of drinking water abstracted downstream just north of East Ayton;
 - Release of topical tick and flea treatments used on dogs entering into the river water will affect aquatic invertebrates and fish fry;
 - Increased dog worrying of livestock in the meadow to the south of the boardwalk, faecal contamination of stock and litter in harvested grass silage will increase endangering cattle health;
 - Anti-social behaviour will increase with easier access into the woods on the western side of the river where illegal camping, bonfires and littering in the SSSI are already perennial problems.
6. The current boardwalk is well used by walkers and by wheelchair users and buggies especially at the northern end. Improvements to the gradients will make the walkway easier to use. However, cyclists are increasingly using the boardwalk, although it is technically a footpath and cyclists are not permitted. Cyclists endanger other users on the narrow boardwalk especially during busy periods as there are no safe areas off the boardwalk. Providing a southern footbridge will increase the likelihood of access by non-approved users such as cyclists, off-road motorbikes and horses, exacerbating the existing problems.
7. WAPC believe that improving signage and providing information boards will not stop non-approved users accessing the boardwalk, general users keeping dogs on leads and out of the river, dog fouling or littering so these problems will increase as the number of visitors increase.
8. As part of the proposals, trees have been identified for removal but no estimate of volume of timber to be removed has been provided and whether a felling licence is required from the Forestry Commission.
9. The design of the proposed new foot bridge has allowances for high river levels assuming that the majority of flood water in the upper Derwent will continue to be diverted into the Sea Cut. What assurances have been obtained from the Environment Agency (EA) that the sluice into the Sea Cut will be maintained to prevent the flooding of Forge Valley, East and West Ayton?
10. The area proposed for the new car park opposite Wallis Quarry is at risk of flooding at high river levels and also from surface water off the highway after excessive rainfall events which are becoming more frequent.
11. More information needs to be provided on the provision of litter bins and who will be responsible for emptying them and how frequently? Will the Borough Council take on the responsibility?
12. No information has been provided on the location of the contractor's site compound and parking areas for the construction work or the boardwalk replacement.



13. No details have been provided on the diversion footpaths when the boardwalk is being replaced and is out of action between early 2020 and August 2021 and how the public will be informed.

Response to the Fairhurst Planning Support Statement – Planning Policy Considerations

14. National Planning Policy – Presumption in Favour of Sustainable Development (Fairhurst doc. Paras 6.5 to 6.12)

- Economic role – WAPC believes that the application will have very limited impact on the economic role of sustainable development. There are no economic elements in the scheme and no employment beyond the contractors to carry out the work. Increasing visitor numbers are likely to have detrimental effects on the SSSI, the river and the amenity areas which will require additional and ongoing costs to repair damaged riverbanks, remove sediment from drinking water, remove litter and maintain visitor facilities.
- Social role – WAPC agree that replacing the boardwalk and improving facilities at Old Man’s Mouth and Seavegate Gill will facilitate local community and visitor access to the area, encouraging outdoor activities and increasing understanding of the surroundings. However, WAPC disagree that the proposal should ‘*increase cycling opportunities*’ within the NNR (para 6.8). The boardwalk is not a cycle path and if used as such will seriously impact on the main targeted users, pedestrians, wheelchair users and buggies.
- Environmental role – WAPC believe that the proposals will not enhance the environment in Forge Valley. The new car park will result in the loss of an area of semi-natural woodland with a good selection of woodland ground flora species which is difficult to replace. There will be some restoration and improvement of the Seavegate woodland area but the majority of the area to the south of the proposed block is badly degraded and has been excluded from this application, leading to ongoing damage to veteran trees and river pollution. How can the environment be considered to be enhanced by the scheme when the worst area on view to the general public is ignored? Also, there is no recognition of the environmental impacts of increased public access on the SSSI and water quality as detailed in the attached document. Impacts which already exist and need to be addressed by the landowner.

15. NPP – Promoting the Rural Economy (Fairhurst doc. Paras 6.13 to 6.15)

Maintaining the existing PROW on the western side of the valley by refurbishment of the boardwalk and upgrading parking facilities at Old Man’s Mouth and Seavegate Gill car parks will maintain the attraction of the valley for visitors without damaging the sensitive habitats that are the attraction in the first place. Increasing visitor volume is likely to degrade the area which will require increasing costly maintenance. Extending the amenity area at the south end of the valley will have a more positive effect on the visitor attraction and will cause less damage to the SSSI.

16. NPP – Conserving and enhancing the natural and historic environment (Fairhurst doc. Paras 6.18 to 6.21)

The environment will not be enhanced by creating an additional car park or the new footbridge opposite Wallis Quarry as this will result in loss of woodland habitat. Greater gains will be had by developing the degraded area opposite Seavegate Gill.



17. NPP – Environmental Sustainability (Fairhurst doc. Paras 6.22 to 6.27)

Although the proposed construction work will have minimal direct effect on the special interest features of the SSSI, increasing visitor access in this very sensitive area will have many ongoing negative effects which are listed in the attached document. Many of these effects already occur and need to be addressed to maintain the integrity of the SSSI and water quality in the River Derwent.

18. NPP – Flood Risk (Fairhurst doc. Paras 6.28 to 6.32)

Provided assurances can be obtained from EA that the diversion of flood water into the Sea Cut will continue, installing a new foot bridge is unlikely to impact on the flood risk provided there is routine checking and removal of fallen trees from the river. Farmers in the upper reaches of the Derwent have expressed concerns that the maintenance of the sluice may be withdrawn or the sluice shut off altogether which would have very serious effects downstream. These reports have not been confirmed which is why reassurance from EA is required.

19. NYMNPA Core Strategy A (Fairhurst doc. Paras 6.34 to 6.35)

Conserving and enhancing the Park's special qualities will be best achieved by maintaining the existing PROWs with the refurbishment of the boardwalk and the existing parking areas. The most beneficial improvement will be to restore the currently excluded degraded area at the southern end of the valley for an enhanced visitor experience closer to the village without damaging delicate habitats in the SSSI.

20. NYMNPA Core Strategy C (Fairhurst doc. Paras 6.36 to 6.37)

As stated in point 17 and in the attached document, the longer term effects of increasing visitor numbers will impact on the sensitive habitats in the valley floor and water quality in the River Derwent which is in direct conflict with the NYMNPA strategy for the natural environment and protected sites.

21. NYMNPA Core Strategies H, I and M (Fairhurst doc. Paras 6.40 to 6.43)

The refurbishment of the boardwalk meets the need to providing recreation activities and enjoyment of the Park. Additional facilities provided outside of the main sensitive areas as mentioned in 14 and 16 above would have the potential to enhance the activities for more users. Access for visitors in wheelchairs will be improved at Old Man's Mouth across the existing footbridge. Provision of a second footbridge will not provide a circular path for these users as there is no safe footpath for wheelchairs alongside the road to link the two bridges on the east side of the river.

22. NYM Preferred Options Draft Local Plan CO1 (Fairhurst doc. Paras 6.49 to 6.51)

The potential for harmful ecological effects of increased visitor pressure on the habitats in the SSSI and water quality in the River Derwent have been outlined above and in the attached document.

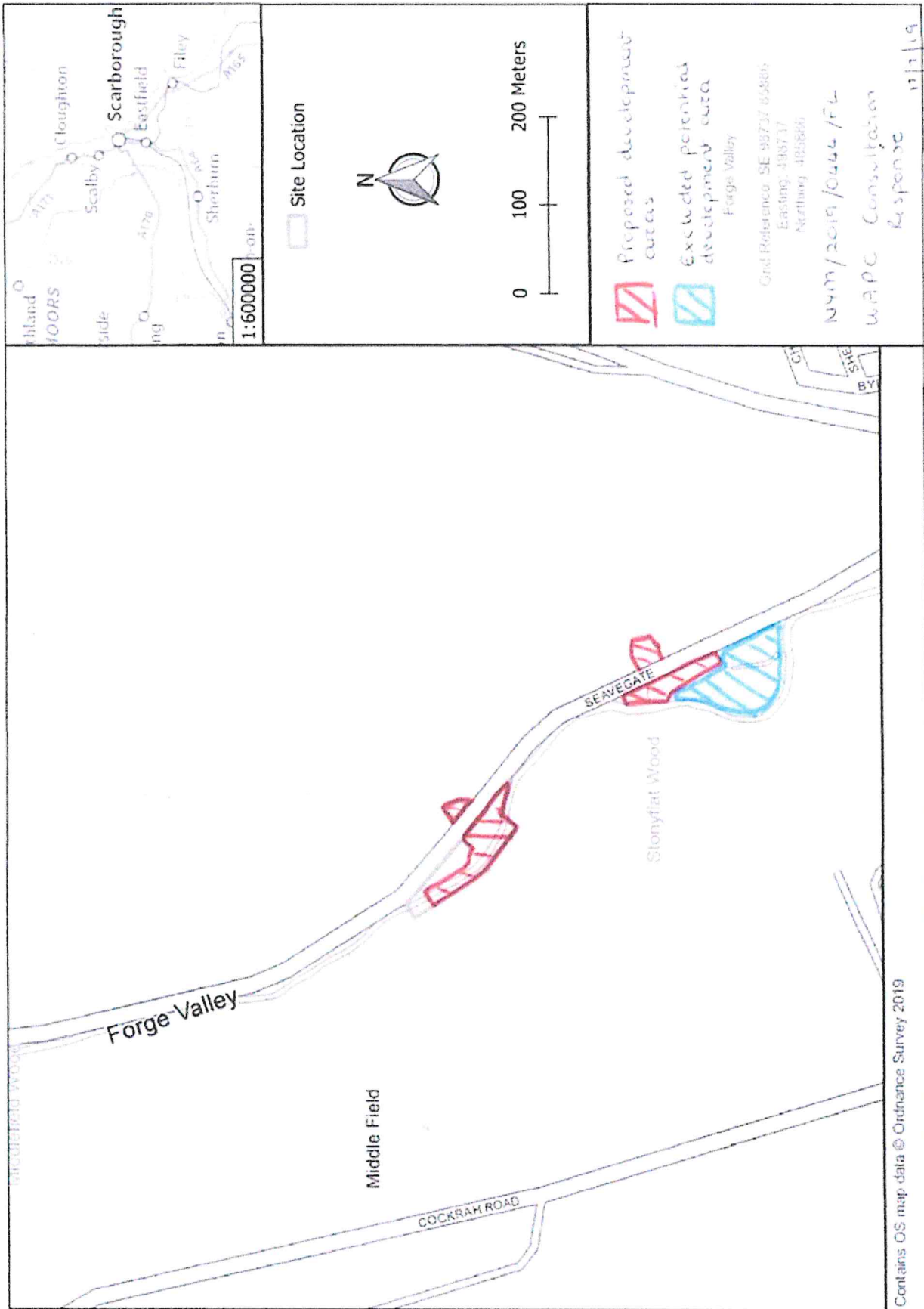
23. NYM Preferred Options Draft Local Plan CO4 (Fairhurst doc. Paras 6.52 to 6.54)

Sensitive refurbishment of the existing boardwalk PROW is essential to provide continuing access in the NNR. However, increasing the volume of visitors by creating an additional entry point will cause overcrowding on the boardwalk at busy times and damage to surrounding sensitive areas.



24. NYM Preferred Options Draft Local Plan ENV5 (Fairhurst doc. Para 6.55)
See point 18 above re increasing flood risk.
25. NYM Preferred Options Draft Local Plan Strategic Policy G (Fairhurst doc. Para 6.56)
The plan should include the degraded area at the south end of the valley if the landscape is to be enhanced in this area.
26. NYM Preferred Options Draft Local Plan Strategic Policy H (Fairhurst doc. Paras 6.57 to 6.58)
Increasing visitor numbers in the sensitive valley area along the boardwalk will have negative impacts on the SSSI and water quality in the River Derwent as mentioned above and in the attached document. Two of the key target species, otter and water vole, should be present in the valley because of the suitable habitats, however they are likely to be deterred by the disturbance caused by walkers on the boardwalk and dogs in the river.





▨ Proposed development areas
▨ Excluded potential development areas

Grid Reference SE 98737 65886
 Easting: 488737
 Northing: 485886

NYM/2019/0444/FL
 WAPC Consultation Response

17/7/19

NYMNP
 19 JUL 2019

Contains OS map data © Ordnance Survey 2019

FORGE VALLEY BOARDWALK REPLACEMENT SCHEME – Fairhurst Consultation

(Ref: Planning application NYM/2019/0444/FL)

Comments on the proposals prior to the planning application – 24 May 2019

Adopted by West Ayton Parish Council – 10 June 2019

None of the proposals for the Scheme discussed at the consultation in West Ayton on 20 May 2019 appeared to address the environmental impact on the Raincliffe Woods & Forge Valley SSSI, wildlife or the water quality in the River Derwent. There was no mention of measures to protect the SSSI (Site of Special Scientific Interest), improve or enhance the habitats and biodiversity of this designated site. Although public access to the National Nature Reserve (NNR) is desirable, it already exists and is well used but it is resulting in habitat deterioration, as shown in the attached photographs.

Creating a new point of access at the southern end of the boardwalk, with a bridge across the river adjacent to Wallis Quarry, is likely to result in increased damage to key features of the SSSI on the western bank of the river. The trees, plants, wildlife and water features are the main attraction of this SSSI/NNR and the Landowner is legally required to maintain it in 'Favourable Condition'.

Potential impact of the Scheme on the SSSI

My concerns regarding the SSSI relate to the official list (OLD1001353) of 'Operations Likely to Damage the Special Interest' of this site, which are the statutory conditions the Landowner must comply with. (Full details for this SSSI can be found on www.magic.gov.uk.)

There are 28 OLDs for this site and the following have relevance to this Scheme; either as a direct effect of the proposed work, an existing issue or an issue that will be exacerbated by increased access, especially at the new bridge point.

OLD ref. no. 7 – Dumping, spreading or discharge of any materials

- The old boardwalk will need to be removed and disposed of off-site.
- Litter left in illegal camp sites in the woods is also a regular problem during the summer.
- Dog fouling on the boardwalk and surrounding areas is already an issue and will increase with more access.
- Faecal material washed into the river will cause eutrophication and changes in aquatic vegetation.
- Faeces left on the land adjacent to the boardwalk could increase soil fertility and alter the species diversity of the ground flora.

OLD ref. no. 8 - burning

- Illegal camping and bonfires in the woods on the western slope of the valley are likely to increase because of the potentially easier access from the new car park and bridge. This activity already occurs.

OLD ref. no. 10 – The killing or removal of any wild animal (mammal, reptile, amphibian, bird, fish or invertebrate) excluding pest species

- The current boardwalk is regularly used by dog walkers and many owners allow their dogs to enter the river off-lead. This will deter key protected mammal species such as water vole and otter and also fish species.



- Increased sediment from bank erosion caused by dogs (see attached photographs) will cover fish spawning beds.
- Topical flea and tick treatments used on dogs could also damage invertebrate populations in the river.
- Access via the new bridge will increase these problems in an area that is already badly damaged unless substantial remedial work is carried out on a regular basis.

OLD ref.no.11 – The destruction, displacement, removal or cutting of any plant or plant remains, including any tree, shrub, herb, hedge, dead or decaying wood, moss, lichen, fungus, leaf mould or turf

- Replacing the boardwalk will cause damage to the surrounding vegetation in the wet woodland and boggy areas in this narrow valley floor. Details need to be given of how the work will be done to minimise damage to these important habitats, also the timing and duration of the work.
- If the boardwalk is to be widened then mitigation measures to cover for the loss of species-rich habitats need to be provided.
- Installing the foundations for a bridge will damage the riverbank and surrounding vegetation in a very narrow section of the valley floor on the west side, as shown in the photographs.

The issues for OLD 11 are also relevant to the following:

OLD ref.no. 21 – Construction, removal or destruction of roads, tracks, walls, fences, hardstands, banks, ditches or other earthworks.

OLD ref.no. 23 – Erection of permanent or temporary structures, or the undertaking of engineering works, including drilling.

OLD ref.no. 26 – Use of vehicles or craft likely to damage or disturb features of interest.

OLD ref.no. 27 – Recreational or other activities likely to damage or disturb features of interest.

- Creating a car park on the east side of the river and providing access to the west side with a new bridge will encourage more people to park up to exercise their dogs in the river and in the adjacent meadow outside of the SSSI.
- As mentioned previously, unrestrained dogs are a major cause of damage to the riverbanks and the bank vegetation, resulting in soil erosion and sediment loading in the river with subsequent impacts on water quality for drinking water abstraction downstream.
- Dog fouling and litter are likely to increase at this new access point.
- Increased numbers of walkers, pushchairs and wheelchairs on a narrow boardwalk are likely to impact on the vegetation alongside it, as there is little room to spread out and overtake.
- Increasing numbers of cyclists are also using the boardwalk which can create problems for other users.

Impact of a new car park opposite Wallis Quarry

The proposed plan is to create a hard-standing car park in a small wooded area to the east of the road and west of the road. The woodland is just outside the SSSI. Although the recently planted tree species, such as oak, are not appropriate for the wet ground conditions, there are several woodland ground flora indicator species for semi-natural woodland in this area. These include dog's mercury, ramsons, wood anemone, bluebell and ferns (23 May 19). So there is good potential to enhance this habitat.



This site is also important as a buffer for flood water from the river, surface water from the road and also for salt run-off. Creating a hard standing in this woodland will increase the risk of run-off and pollution into the river.

Litter and dog poo bags are likely to be a problem and regular bin emptying and litter picking would need to be agreed with Scarborough Borough Council. Fly tipping is on the increase in the valley and a secluded car park would be a magnet for fly tippers. Overnight camping in the area will also increase.

Instead of a car park and bridge in this woodland area, the habitat should be enhanced with more appropriate native tree species to provide a mitigation area to compensate for damage caused elsewhere in the SSSI.

Impact on water quality in the River Derwent

The River Derwent is a priority catchment in North Yorkshire and a key source of drinking water for the Yorkshire Water treatment works at Irton. There is a Catchment Sensitive Farming programme in place upstream, a collaboration between the Environment Agency, Natural England and local farmers with the aim of reducing soil erosion into water courses, sediment loading in river water and faecal contamination from livestock.

The west bank of the river in Forge Valley has numerous point sources of soil erosion along the route of all of the boardwalk where dogs enter the river. Some examples are shown in the attached photographs which also show the sediment in the river. High water levels in the river will also increase the soil lost from these unvegetated areas.

Soil erosion raises the levels of nitrates and phosphates in the river water resulting in algal growth (eutrophication) and changes in aquatic vegetation. Sediment loading, nitrates and faecal contamination in drinking water are priority issues of the Drinking Water Directive and the YW abstraction sinkhole is just downstream of the boardwalk, to the north of East Ayton.

The above issues already exist in the river and will only be exacerbated by increased public access. Restoration work is already required to repair the western riverbank next to the boardwalk and both sides of the river nearer to the sinkhole to improve water quality.

Impact on farmland and livestock

Increased public access into the meadows south of the boardwalk and into the Castle field will increase the risk of livestock being attacked by unrestrained dogs and disease spread especially to pregnant sheep from faecal contamination.

Public safety on the road

The Forge Valley road has a 60mph speed limit and vehicles are driven to the limit down this road. It is often used as a 'rat run' to avoid traffic in Scarborough. There will be a safety risk to pedestrians if parking is increased especially at Wallis Quarry and in the proposed new car park as there is a blind corner nearby.



Seavegate Gill

The area in between the road and the river opposite Seavegate Gill is currently used for recreational activities but these are unregulated and are causing damage. There is substantial riverbank erosion and soil bike ramps have been constructed near to notable veteran trees. There is scope for a range of improvement works in this area to repair the riverbanks and create public access facilities, such as a riverside walk, picnic area, information boards, improved parking, litter facilities, educational access. This area is much closer to the village and more accessible on foot. The impact on water quality is still an issue and would need to be managed closely to avoid problems but it would be more contained and visible in this area.

Old Man's Mouth car park

I agree that improvement works to this car park and foot bridge are needed and they should also include riverbank repairs to prevent soil erosion.

Replacement boardwalk

I agree with the proposals to repair or replace the boardwalk providing the existing footprint is maintained and no additional habitat or land is lost from the SSSI, bearing in mind the issues raised above. The refurbishment work is likely to damage the SSSI and will need to be done extremely sensitively.

In conclusion

The objectives of the North Yorkshire National Park Authority include the need to protect and enhance the special habitats and places in the National Park. Forge Valley is a special place with many special habitats. Increasing public access should not be allowed to take precedence over the protection and enhancement of the designated habitats, biodiversity and water quality in Forge Valley SSSI and NNR, nor take away the obligations of the Landowner to manage and maintain the special features.

Sue Ogilvy
West Ayton Resident
24/05/2019

Adopted by West Ayton Parish Council on 10/06/2019



Forge Valley SSSI – riverbank erosion at the southern end of the boardwalk – May 2019



Riverbank erosion in the meadow south of the boardwalk, both sides of the river



NYMNP
19 JUL 2019

From: [Elspeth Ingleby](#)
To: [Jill Bastow](#)
Cc: [Planning](#)
Subject: NYM/2019/0444/FL - Forge Valley Woods NNR
Date: 15 July 2019 15:33:14

Hi Jill,

I have read through the Extended Phase 1 Habitat survey and associated plans and documents. The ecological constraints of the sites do appear to have been adequately considered and the mitigation proposed proportionate to the potential impact. The survey was carried out at an appropriate time of year to adequately identify constraints present.

If approved, section 6 of the Extended Phase 1 Habitat Survey report (Mitigation and Compensation Strategy) should be conditioned. This covers the time limitations of works (eg to take place outside of the bird breeding season), additional surveys required and precautions required for working in/near aquatic habitats.

Many thanks,

Elspeth

Elspeth Ingleby MA_{Cantab} 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.