

**Town and Country Planning Act 1990
North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for
Permission to Carry out Development**

To: Scarborough Borough Council
c/o Fairhurst
fao: Mr Josh Murphy
1 Arngrove Court
Newcastle upon Tyne
NE4 6DB

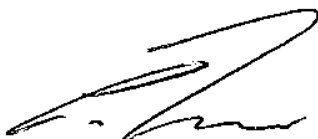
The above named Authority being the Planning Authority for the purposes of your application validated 28 June 2019, in respect of proposed development for the purposes of **works to existing car parks, creation of footpaths, earthworks, installation of interpretation boards and construction of footbridge** at **Forge Valley Woods National Nature Reserve, Seavegate, East Ayton** has considered your application and has **granted** permission for the proposed development subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
New bridge crossing and existing car parking	128858/8004 rev.G	20 Sept 2019
Existing Car Park and Landscape/Footpath Enhancement		
	128858/8005 Rev.G	20 Sept 2019
Car Park - Old Mans Mouth	128858/8003 Rev.B	20 June 2019
Proposed footbridge plan & elevation details	128858/3000	20 June 2019
Site boundary plan	128858/8001 Rev.B	20 June 2019

- or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. The development hereby approved shall be carried out in accordance with the submitted Flood Risk and Drainage Assessment (by Fairhurst, dated September 2019, reference 128858 Forge Valley) and the following mitigation measures it details:
 - i) The bridge soffit levels shall be set no lower than 35.84mAODThese mitigation measures shall be fully implemented prior to being brought into use 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.
 4. The development hereby approved shall be carried out in strict accordance with the Construction Method Statement by Fairhurst September 2019.
 5. The development hereby approved shall be carried out in strict accordance with the mitigation measures set out in the Tree Survey, Arboricultural Method Statement and Arboricultural Impact Assessment prepared by EcoNorth dated September 2019.

Continued/Conditions



Mr C M France
Director of Planning

Date 21 October 2019

Please Note your Rights of Appeal are attached to this Decision Notice

Town and Country Planning Act 1990

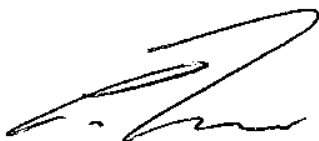
Continuation of Decision No. NYM/2019/0444/FL

6. The development hereby approved shall be carried out in strict accordance with Section 6 "Mitigation and Compensation Strategy" of the Extended Phase 1 Habitat Survey prepared by EcoNorth dated June 2019 and Section 6 "Mitigation and Compensation Strategy" of the Protected Species Survey prepared by EcoNorth dated July 2019.
7. No development shall take place on site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
8. 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
 - a. 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.
 - b. The new footway within the highway boundary shall be constructed in accordance with Standard Detail number E6W.
 - c. 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.All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority
9. 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.
10. Prior to the development being brought into use details of a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for additional tree planting and shall specify plant species, sizes and planting densities for all new areas of planting. The approved details shall be carried out no later than the first planting season following the completion of the development or in accordance with a programme agreed by the Local Planning Authority. The approved landscaping scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Informatives

1. The developer is advised that 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.

Continued/Informatives



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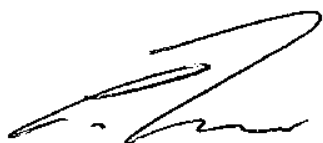
Continuation of Decision No. NYM/2019/0444/FL

2. The developer is advised that 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.
3. 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.

Reasons for Conditions

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
3. In order to comply with the provisions of NYM Development Policy 2 which seeks to mitigate the impact of flood damage to new development within areas at high risk from flooding and prevent additional flood risk to other properties.
4. In order to comply with the provisions of NYM Core Policy C which seeks to conserve and enhance the quality and diversity of the natural environment.
5. The trees within the vicinity of the site are of significant amenity value and every effort shall be made to protect them in accordance with NYM Core Policy C which seeks to conserve and enhance the quality and diversity of the natural environment.
6. In order to comply with the provisions of NYM Core Policy C which seeks to conserve and enhance the quality and diversity of the natural environment.
7. In order that any remains of archaeological importance can be adequately investigated and recorded before any development takes place on the site and to comply with NYM Core Policy G which seeks to conserve and enhance the historic assets and cultural heritage of the National Park.
8. In accordance with NYM Development Policy 23 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.
9. In accordance with NYM Development Policy 23 and in the interests of road safety.

Continued/Reasons for Conditions



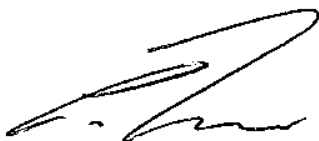
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10. In order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



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Rights of Appeal

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State of Department of Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice (12 weeks in the case of a minor commercial application). The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the council of the county/district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Note: If an aggrieved applicant wishes to exercise their right of appeal as above mentioned, they should do so using a form which you can get from the Secretary of State at:

Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 00 00) or online at www.planningportal.gov.uk/planning/appeals

Notes

1. Please note, only the applicant possesses the right of appeal.
2. No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed Development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.
3. In your own interests your attention is particularly drawn to the conditions under which approval has been given to your proposals. Failure to comply fully with the conditions could lead to enforcement action resulting in work already done being demolished or prosecution in Magistrates' Court.
4. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice.
5. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.