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03 March 2020

Our Ref: BUT.A 2019.01

**PLANNING AND DESIGN AND ACCESS STATEMENT**

Dear Mrs Saunders

**Proposal:** Full Planning Application for erection of building and use of land for equine use and change of use of land for the siting of photovoltaic panels in connection with Grouse Hill Caravan Park, Blacksmith Hill, Fylingdales, Whitby, YO22 4QH

**1.0 Introduction**

1.1 Please regard this letter as comprising an explanatory supporting Planning and Design and Access Statement in connection with the above full planning application.

1.2 There are three elements to this full planning application. Firstly, it is proposed to erect a building on land to the North of Blacksmith Hill and use this for equine purposes in connection with the applicant's existing leisure and tourism business – Grouse Hill Caravan Park. Secondly, it is proposed to the use the applicant's land for equine purposes in connection with their existing leisure and tourism business, to provide space for horses to graze the land and visitors to ride and hack horses during their holiday visits to the caravan park. Thirdly, the application proposes the change of use of land for the siting of ground based photovoltaic panels to create 50kw of sustainably sourced energy for use by the applicant for their existing home and business.

1.3 The application proposals accord with the relevant sections of the adopted Core Strategy and Development Policies Document, the emerging North York Moors Local Plan and the National Planning Policy Framework.

**2.0 Application Particulars**

2.1 This application comprises of the following plans and particulars: -

- Drawing 001 Location Plan
- Drawing 002 Overview Site Plan as Existing
- Drawing 003 Site Plan as Existing

[www.edwardsonassociates.com](http://www.edwardsonassociates.com)

*Paddock House*

*10 Middle Street South*

*Driffield • East Yorkshire • YO25 6PT*

- Drawing 004 Former Chicken Shed – Floor Plan, Section, Elevations as Existing
- Drawing 101 Overview Site Plan as Proposed
- Drawing 102 Site Plan as Proposed
- Drawing 103 – Equine Building – Floor Plan, Roof Plan, Section, Elevations as Proposed
- Drawing 104 – Photovoltaic Panel Details
- Planning and Design and Access Statement (this document)
- Preliminary Ecological Appraisal by Ecology and Forestry Ltd, January 2020

### **3.0 Site Location and Description**

#### The Building

- 3.1 The former chicken building is located on the North side of Blacksmith Hill and South of the A171 at Fylingdales. For the purposes of planning the site lies in the open countryside.
- 3.2 Remnants of the former chicken building are clearly visible to see from a site inspection and using satellite imagery. We have undertaken a survey of this existing building and we refer you to enclosed Drawing 004 for details.
- 3.3 There are 2no. existing vehicular accesses serving the former chicken building; both on Blacksmith Hill. To the North side of the building there is a paddock.
- 3.4 Surrounding land uses include the applicant's paddock land to the North, beyond which is a field and then the A171. 'Bungalow Farm' is located to the East (which is within the applicant's blue line land ownership), beyond which is the Flask Inn Pub and Filling Station. There is farm land to the South of Blacksmith Hill (also owned by the applicant).
- 3.5 The site is in Flood Zone 1 (low risk). The former chicken building is not a listed building and it is not located within a designated Conservation Area. There are no other heritage assets within close proximity of the building.

#### The Land

- 3.6 The land proposed for equine use in connection with Grouse Hill Caravan Park is located to the south of Blacksmith Hill and is the larger of the two red lines on drawing 001. There is an historic access located on the northern boundary of this farmland providing access to Blacksmith Hill. The small paddock located to the north of the former chicken shed is also proposed for equine use.

#### The Photovoltaics

- 3.7 The area where the proposed photovoltaics are to be located is approximately 375 metres South of Blacksmith Hill within a rectangular paddock measuring 175 metres x 120 metres. This paddock is bounded by native species hedgerows. The applicant's dwelling is located approximately 60 metres to the South East and the applicant's well-established camping and caravan site is located a similar distance to the South.

3.8 Access to the caravan site, the applicant's dwelling and the proposed photovoltaics is from a private track which links to Blacksmith Hill to the North.

#### **4.0 The Proposals**

4.1 This is an application for full planning permission for the following development: -

##### **Erection of equine building for use in connection with Grouse Hill Caravan Park.**

4.2 Please refer to the submitted drawings for details of the former chicken building and the proposed equine building. The proposed building will be split into two sections, comprising a larger area equipped with 5(no.) loose box stables and 5(no.) tack areas, and a smaller area for hay and general storage. The building will be constructed around the remnants of the former chicken shed using green coloured fibre cement wall panels and roof sheeting. The building will measure 32m (L) x 13.7m (W) x 4.2m (E) x 6.5m (R). 2(no. roller shutter doors are proposed at both ends of the building. The two existing vehicular accesses already serving the site will be used. A crushed stone surface will be introduced around the building to improve access. Some new screen planting is proposed on the northern boundary of the paddock to help screen the building from the A171 to the north.

4.3 The new equine building will be used in connection with the applicant's existing caravan park and comprises a small scale expansion and diversification of this well-established leisure and tourism business. Visitors will be able to ride horses on the applicant's land during their stays at the caravan site and get involved with mucking out and tending the horses. The applicants will manage the equine facilities from their nearby home.

##### **Use of farmland for equine use in connection with Grouse Hill Caravan Park.**

4.4 The application proposes use of the larger area outlined in red on drawing 001 Location Plan for equine use. This will consist of the grazing of the applicant's horses and horse riding and 'hacks'. This will comprise a mix of personal equine use by the applicant and commercial equine use by visitors to the applicant's caravan park. Horses and riders will access the fields from Blacksmith Hill to the north using an established access. Please refer to the submitted drawings for details of the location of this existing access.

##### **Change of use of land for the siting of ground based photovoltaic panels to create 50kw of sustainable energy for the applicant's home and business**

4.5 The application proposals include a change of use of land for the siting of ground-based photovoltaic panels. The proposals will create 50kw of renewable energy to supply the applicant's home and Grouse Hill Caravan Park. The solar array is proposed in a low lying area of the caravan park so as not to be visually obtrusive in the National Park landscape. Please refer to drawing 101 for details of the location of the proposed photovoltaic panels and drawing 104 for details of their size, design and appearance.

## 5.0 Relevant Planning Policies

5.1 The following policies of the adopted Core Strategy and Development Policies Document, 2008 are considered to be of particular relevance to the application proposals: -

### **Adopted Local Plan**

#### Core Strategy

- Core Policy A – Delivering National Park Purposes and Sustainable Development
- Core Policy B – Spatial Strategy
- Core Policy C – Natural Environment, Biodiversity and Geodiversity
- Core Policy D – Climate Change
- Core Policy G – Landscape, Design and Historic Assets
- Core Policy H – Rural Economy
- Core Policy M – Accessibility and Inclusion

#### Development Policies

- Development Policy 1 – Environmental Protection
- Development Policy 3 – Design
- Development Policy 13 – Rural Diversification
- Development Policy 14 – Tourism and Recreation
- Development Policy 16 – Chalet and Camping Sites
- Development Policy 17 – Commercial Horse Related Development
- Development Policy 23 – New Development and Transport

5.2 The following policies of the emerging Development Plan are of relevance: -

### **Emerging Local Plan – The Submission Draft Local Plan, July 2019**

- Strategic Policy A – Achieving National Park Purposes and Sustainable Development
- Strategic Policy B – The Spatial Strategy
- Strategic Policy C – Quality and Design of Development
- Strategic Policy E – The Natural Environment
- Strategic Policy F – Climate Change and Adaptation
- Strategic Policy G – Landscape
- Strategic Policy H – Habitats, Wildlife, Biodiversity and Geodiversity
- Strategic Policy K – The Rural Economy
- Policy ENV2 – Tranquillity
- Policy ENV3 – A Strong Sense of Remoteness
- Policy ENV4 – Dark Night Skies
- Policy ENV7 – Environmental Protection
- Policy ENV8 – Renewable Energy
- Policy CO1 – Supporting New Development
- Policy CO2 – Transport
- Policy CO3 – Car Parks
- Policy CO20 – Equestrian Development for Private Use

### **National Planning Policy Framework**

5.3 The following sections of the updated National Planning Policy Framework (2019) are considered to be of particular relevance to the application proposals: -



- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-Making
- Section 6 – Building a Strong Competitive Economy
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making Effective Use of Land
- Section 12 – Achieving Well-Designed Places
- Section 15 – Conserving and Enhancing the Natural Environment

### **Other Documents**

5.4 Other documents of relevance are: -

- Renewable Energy SPD.
- Design Guide SPD (Part 1: General Principles).
- English National Parks and the Broads Circular 2010

### **6.0 Assessment Against Planning Policy**

6.1 The key material planning considerations are considered to be as follows –

1. Planning Policy and Principle
2. Design
3. Landscape Character and Visual Amenity
4. Access and Parking
5. The Natural Environment
6. Residential Amenity
7. Drainage
8. Renewable Energy

#### Expansion of an Existing Rural Business – A New ‘Equine Experience’

6.2 The proposals relate to the small scale expansion and diversification of an existing, well-established leisure and tourism business in the open countryside: Grouse Hill Caravan Park. The equine proposals will be operated as a small expansion and diversification of the existing visitor accommodation business. The intention is that visitors will be offered an ‘equine experience’ with opportunities to ride horses and get involved in ‘mucking out’ and tending to the horses. Combined with this, the applicants wish to provide power and energy to their home and business from a renewable source.

#### Meeting National Park Purposes and Delivering Sustainable Development

6.3 The scale of development and level of activity associated with proposals is small and will not have an unacceptable impact on the wider landscape or the quiet enjoyment, peace and tranquillity of the Park, nor detract from the quality of life of local residents or the experience of visitors. Moreover, the proposals will maintain the natural environment, conserve the landscape, involve the use of sustainable energy and will help to strengthen and diversify the rural economy and provide tourism based opportunities for the understanding and enjoyment of the Park’s special qualities. As a consequence, the

proposals accord with Core Policy A, which seeks to deliver National Park purposes and sustainable development.

#### Location

- 6.4 The location of the site is 'Open Countryside'. Section 5d of Core Policy B supports development to meet the needs of recreation, tourism and other rural enterprises with an essential need to locate in the countryside.

#### Environment and Ecology

- 6.5 We refer you to the Ecological Appraisal report by Ecology and Forestry Ltd. This confirms that the proposals will protect the natural environment and maintain conditions for protected species. As such the application proposals accord with Core Policy C. Furthermore, the proposals will not have any unacceptable adverse impacts on water, soil, air quality or agricultural land, will not generate unacceptable levels of noise, vibration, activity or light pollution, and there will be no adverse pollution effects, in accordance with the requirements of Development Policy 1. The appraisal sets out a number of biodiversity gain measures in Section 6.

#### Renewable Energy

- 6.6 The proposed photovoltaic panels will help to generate energy from renewable sources and are of a location, scale and design which is appropriate to the applicant's existing home and business context, and they are intended to contribute towards meeting the applicant's domestic and business energy needs only. In addition, the proposals are not affected by flood risk or other climate change hazards and therefore accord with Core Policy D.

#### Landscape and Design

- 6.7 The proposals will conserve the landscape of the National Park. The proposed equine building is to be located where there was once a building; and where the physical remnants of this previous building remain. The building is also located adjacent to an existing group of buildings. The size, scale and height of the building are not excessive and are similar to other adjacent buildings and the colour and materials are appropriate for this particular landscape setting. New landscaping is also incorporated into the layout and forms part of the proposals. Furthermore, safe vehicular access is proposed for all users. The photovoltaic panels are functional in their design and appearance, but they are to be located in a low lying area of the caravan park and will be seen in the context of the caravan park. Having regard to these factors the proposals accord with Core Policy G and Development Policy 1 which seek to conserve the landscape and maintain the distinctive character of the National Park through good design.

#### Rural Economy (Rural Diversification, Tourism and Recreation and Commercial Equine)

- 6.8 The application proposals will support business, tourism and leisure, and the rural economy of the National Park and therefore accord with Core Policy H and Development Policies 13, 14, 16 and 17, which seek to strengthen and support the rural economy, rural diversification,

tourism and recreation and commercial related horse development. The addition of a small equine strand to the applicant's caravan park business provides a sustainable opportunity for existing and future visitors to the applicant's caravan park to understand and enjoy the North York Moors National Park. Whilst the proposed building is a new structure, the site has been chosen because it is the location where there was once a building. The proposed building occupies essentially the same footprint and will be of similar size, scale and height to the previous chicken building. The scale and nature of the building will not harm the character or appearance of the locality and the existing access arrangements are appropriate for the proposed equine use. Quick and safe access from the proposed equine building to the proposed equine fields nearby will be possible using an existing field access.

- 6.9 The equine proposals will provide opportunities for visitors of varying age and experience to increase their awareness, understanding and enjoyment of the special qualities of the National Park without undermining the special qualities of the National Park and in a way that conserves and enhances the special qualities. When taking visitors out riding the applicants will pass on their knowledge, understanding and respect for the National park to others. Furthermore, the development can be satisfactorily accessed from the road network and will not generate unacceptable levels of activity or noise which would be likely to detract from the experience of visitors and the quality of life of local residents.
- 6.10 The proposals can be regarded as a small scale expansion of an existing caravan site business and are physically and functionally linked to Grouse Hill Caravan Park and can be accommodated into the established landscape setting of the caravan park without causing harm.
- 6.11 The commercial equine proposals will be managed by the applicant from their home on the caravan site. The stables are small scale and will not cause unacceptable disturbance and or smell nuisance to neighbours and the scheme makes adequate provision for parking and servicing.

#### Accessibility

- 6.12 It is recognised that Core Policy M seeks to locate development where it is accessible in order to reduce the need to travel, however Grouse Hill Caravan Park is an established visitor destination and the equine proposals are primarily aimed at existing and future visitors to the caravan park. Whilst the equine experience to be offered by this application will also be made available to those passing by or visiting and staying elsewhere in the National Park, the key use will be for visitors to Grouse Hill.

### **7.0 Conclusion**

- 7.1 The application proposes a small scale expansion and diversification of an existing rural-based leisure and tourism business: Grouse Hill Caravan Park. The applicants wish to develop a small 'equine experience' offer to their existing, established and future customers, providing a facilities on the caravan park for riding, hacking and looking after the horses. Combined with this, the applicants wish to provide some power and energy to their home using a renewable energy source.

- 7.2 We consider that the proposals are genuinely related to the existing business, are small scale and sustainable and are of a scale, nature, character and intensity which would increase awareness, understanding and enjoyment of the special qualities of the National Park without undermining the special qualities of the National Park and in a way that conserves and enhances these special qualities.
- 7.3 Please get in touch should you require any additional details or clarification on any matters. We look forward to receiving a favourable outcome in due course.

Yours sincerely

**EDWARDSON ASSOCIATES**



**Preliminary Ecological Appraisal –  
Land at Grouse Hill Caravan Park, Blacksmith Hill,  
Fylingdales, Whitby,  
North Yorkshire**

**NYMNP**

**13 MAR 2020**

January 2020



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## **Ecological Appraisal – Land at Grouse Hill Caravan Park, Blacksmith Hill, Fylingdales, Whitby, North Yorkshire**

### **1 INTRODUCTION**

Ecology and Forestry Ltd was commissioned by Edwardson Associates Ltd to undertake an ecological appraisal of land at Grouse Hill Caravan Park, Blacksmith Hill, Fylingdales, Whitby, North Yorkshire, YO22 4QH. The survey is required in connection with a planning application to the North York Moors National Park Authority.

This report details the methods used, describes the habitats and species found on the site, discusses the results and makes recommendations for further work. Annotated photographs are given in the text.

#### **1.1 Accurate lifespan of ecological data**

The majority of ecological data remains valid for only short periods of time due to the inherently transient nature of the subject. Where the species/group being surveyed for is present within the site, the data is considered to be accurate for two years. However, an update may be needed in order to obtain a European Protected Species licence, if such a licence is required. Where absent, although the data is considered accurate for two years, an update may be required if the habitats surrounding the site are of a quality that are likely to encourage the species to move into the site in the interim.

### **2 SITE DESCRIPTION**

#### **2.1 Site communities and habitats**

The site is divided into two distinct footprints.

The southern element is comprised exclusively of four improved pasture fields, located at NGR: NZ 92852 00537 (approximate centre of proposed development) is located in open countryside immediately south of Blacksmith Hill road and associated hamlet and approximately 100 metres south of the A171 between Normanby and Cloughton. The fields are subdivided by low, flail managed hawthorn *Crataegus monogyna* dominated hedgerows supporting post and wire livestock fencing. The boundaries are defined in part by further similar hedging, post and wire stock fencing alone, remnant hedging to the north west and traditional stone walling to the south west.

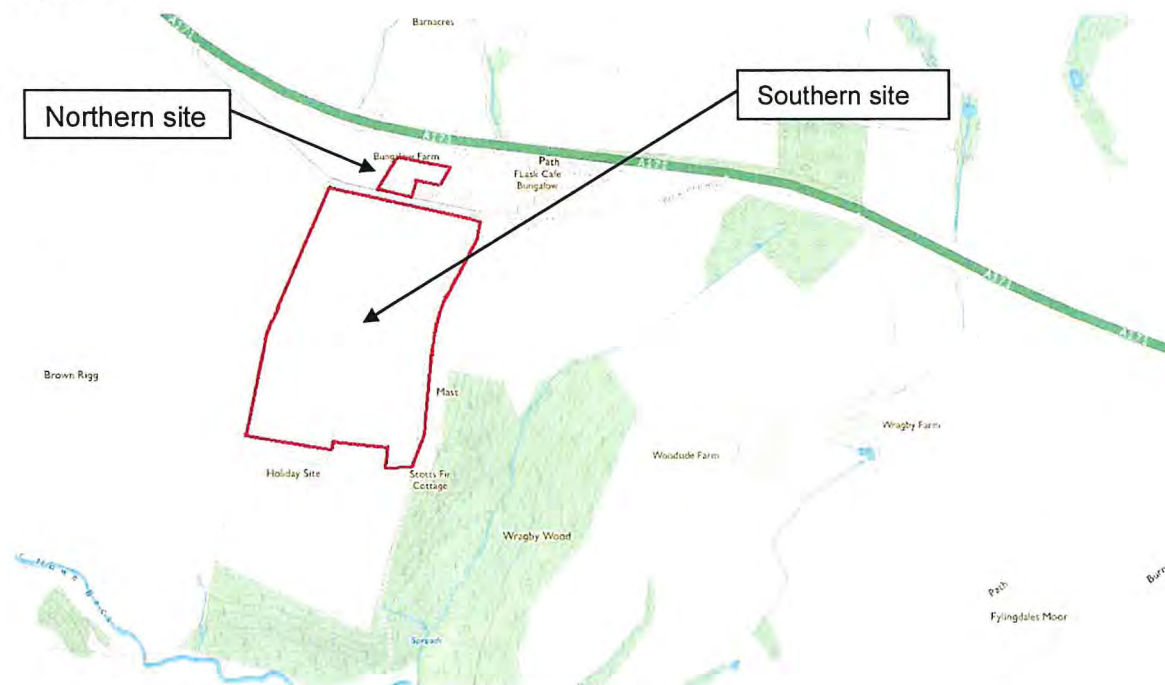
The northern element is comprised of a small improved pasture paddock containing a former concrete block walled poultry shed. It is located immediately north of the larger southern section of site between Blacksmith Hill road and the A171. It is bound by a variety of livestock



fencing types and elements of over mature hawthorn dominated hedgerow.

Site location is shown below in Figure 1. A site location layout for the northern element of site is given in Appendix 1 as Figure 2. A further site location layout for the southern element of site is given in Appendix 2 as Figure 3.

**Figure 1:**



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## 2.2 Northern site

The northern site footprint is comprised of level improved pasture containing a large, redundant, open, solid concrete blockwork former poultry shed with no roof or roof timbers present. . Contained within the silage clamp are extensive shallow, (<10 cm deep), flooded areas supporting gorse *Ulex europaeus*, lesser bulrush *Typha angustifolia*, soft-rush *Juncus effuses*, common grasses and ruderal vegetation. Ivy *Hedera helix* and male-fern *Dryopteris filix-mas* are occasionally present on walls. Immediately west of the structure is a vegetated mound of soil and aggregate materials supporting bramble *Rubus fruticosus*, annual nettle *Urtica dioica*, ivy, cleavers *Galium aparine*, broad-leaved dock *Rumex obtusifolius*, male-fern, spear thistle *Cirsium vulgare*, further ruderal vegetation and self-set young and semi-mature goat willow *Salix caprea*. The southern boundary is defined by an over-mature hawthorn dominated, 'gappy' roadside hedge which on an embankment which has a shaded, leaf litter filled, dry ditch at the base. Elderberry and blackthorn are also present. Ground flora is dominated by ivy and bramble. A steep concrete site access ramp is present connecting site to Blacksmith Hill road. Immediately north of the structure is a range of modern agricultural

buildings with associated hard standing which further supports small utility structures and an area of close mown amenity grass. The eastern boundary is not physically defined within the site pasture. The northern boundary is comprised exclusively by post and wire stock fencing. Common rank grasses are present along the fence line. The western boundary is defined by an element of over-mature hawthorn dominated hedgerow, further containing elderberry *Sambucus nigra* and blackthorn *Prunus spinosa* and post and wire stock fencing. The site contains 3 x semi-mature sycamore *Acer pseudoplatanu*, 3 x pedunculated oak *Quercus robur* and 2 x fruit trees *Prunus sp* which display evidence of historic browsing by equines. Coarse grasses identified on site were restricted to red fescue *Festuca rubra*, false oat-grass *Arrhenatherum elatius*, Italian rye-grass *Lolium multiflorum*, perennial rye-grass *Lolium perenne*, cock's-foot *Dactylis glomerata* and annual meadow-grass *Poa annua*.



**Photograph 1: Representative views of southern boundary section – northern site (left) and view over concrete structure (right).**



**Photograph 2: Representative images showing the view across the northern site – west to east (left) and thick vegetation adjacent to structure and soil mound (right).**





**Photograph 3: Further representative images showing semi-mature sycamore trees present on northern site (left) and south eastern corner of site (right).**

**2.3 Southern site**

The southern site is comprised of four improved grassland fields, bound and divided by a mix of post and wire stock fencing, mechanical flail managed hawthorn dominated hedgerows and stone walling. The eastern edge of site is defined by an existing tarmac vehicular access road leading to Grouse Hill Caravan Site. This is bordered to the east by a close mown, narrow verge adjacent to a 'gappy; blackthorn dominated hedgerow, further containing hawthorn, semi-mature sycamore, ash *Fraxinus excelsior* and rowan *Sorbus aucuparia*; often planted in the verge offset from the hedgerow. Adjacent to the western side of the road is an expanse of post and wire stock fence containing elements of hawthorn dominated hedgerow. The four centrally located hedgerows which divide the site footprint proportionally and the northern boundary hedge adjacent to Blacksmith Hill road are also hawthorn dominated. All of these hedgerows are located on low hedge banks, are maintained at approximately 1.5 metres in height in a 'box' shape. Evidence of historical hedge laying is present. A shallow, mown, only partially wet ditch with grass dominated banks and no aquatic species present is located at the base of the northern hedgerow adjacent to Blacksmith Hill road. Occasionally present additional woody species present within the hedgerows include:

- dog-rose                      *Rosa canina*
- hazel                            *Corylus avellana*
- holly                            *Ilex aquifolium*
- ornamental holly            *Ilex sp*

Ground flora is largely comprised of:

- bracken                        *Pteridium aquilinum*
- Bramble                        *Rubus fruticosus*
- cleavers                        *Galium aparine*

Cock's-foot	<i>Dactylis glomerata</i>
common nettle	<i>Urtica dioica</i>
cow parsley	<i>Anthriscus sylvestris</i>
herb-robert	<i>Geranium robertianum</i>
hogweed	<i>Heracleum sphondylium</i>
Ivy	<i>Hedera helix</i>
Willowherb	<i>Epilobium</i> sp

The southern boundary is comprised exclusively of post and rail and post and wire fencing with the exception of a short length of stone walling at the eastern extremity. An element of stone walling extends from the southern boundary along the western boundary. Elements of post and wire are contained within the walling. Bracken, bramble and coarse grasses are present along the base of the wall. A short section of stone bank containing holly saplings is located at the northern end of the walling. Beyond, the western boundary is defined by post and wire stock fencing along which are occasional over-mature hawthorn 'standards' and blackthorn clumps. The site is currently sheep grazed. The utilisation of online satellite imagery suggests historical hay and silage production also. An area in the south eastern corner of site is given over to equine grazing and associated activities. This is bound by temporary electric fencing. The pasture was found to contain the following species:

bramble	<i>Rubus fruticosus.</i>
broad-leaved dock	<i>Rumex</i> sp
cock's-foot	<i>Dactylis glomerata</i>
common chickweed	<i>Stellaria media</i>
common chickweed	<i>Stellaria media</i>
common nettle	<i>Urtica dioica</i>
common ragwort	<i>Senecio jacobaea</i>
common vetch	<i>Vicia sativa</i>
creeping bent	<i>Agrostis stolonifera</i>
creeping buttercup	<i>Ranunculus repens</i>
creeping thistle	<i>Cirsium arvense</i>
daisy	<i>Bellis perennis</i>
dandelion	<i>Taraxacum</i> sp
false oat-grass	<i>Arrhenatherum elatius</i>
herb-robert	<i>Geranium robertianum</i>
hogweed	<i>Heracleum sphondylium</i>
prickly sow-thistle	<i>Sonchus asper</i>
red clover	<i>Trifolium pratense</i>
red fescue	<i>Festuca rubra</i>
ribwort plantain	<i>Plantago lanceolate</i>



rough meadow-grass	<i>Poa trivialis</i>
rye grasses	<i>Lolium sp</i>
scentless mayweed	<i>Tripleurospermum inodorum</i>
timothy	<i>Phleum pratense</i>
white clover	<i>Trifolium repens</i>
Yorkshire-fog	<i>Holcus lanatus</i>

A large covered, predominantly concrete water tank is located centrally on site at NGR: NZ 92858 00501. A number of gateways displaying evidence of vehicular and livestock ‘poaching’ are present in various locations on site. The pasture receives applications of artificial fertiliser and herbicide annually (Mr A Butterfield pers. comm).



**Photograph 4: Representative images showing the site entrance and tarmac vehicle route looking southwards (left) and view northwards along the eastern site boundary (right).**



**Photograph 5: Representative images showing the northern roadside hedgerow (left) and central dividing hedgerow (right).**

#### 2.4 Surrounding habitats

The site footprint is immediately bordered to the south by Grouse Hill Caravan Park and



associated infrastructure. To the east of the existing tarmac access road by Wragby Wood and further permanent pasture. Fylingdales Moor and permanent sheep grazed pasture, (often rush pasture), is located immediately west. Immediately north is Blacksmith Hill road and adjacent hamlet. Beyond and surrounding, is open moorland, livestock grazed pasture and steep wooded valleys.



**Photograph 6: Representative images showing southern boundary and south western corner of site (left) and western boundary wall looking south westwards over Fylingdales Moor (right).**



**Photograph 7: Representative images showing north western boundary looking north westwards over rush pasture (left) and extensive sheep browsing under blackthorn clumps on north western boundary (right).**

## **2.5 Associated buildings**

There are no directly associated buildings.

## **2.6 Proposed work**

The proposed works entail a *'Full Planning Application for the erection of building and use of land for equine use and change of use of land for the siting of Photovoltaic Panels in connection with Grouse Hill Caravan Park, Blacksmith Hill, Fylingdales, Whitby, YO22 4QH'*.

### 3 METHODS

The combined site was surveyed on 09 January 2020 by Rod Strawson (Natural England bat licence number 2016-11496-CLS-CLS and great crested newt licence number 2016-19648-CLS-CLS). All habitats and plant communities within and adjacent to the site were surveyed. Representative photographs were taken.

During the initial appraisals of the site the protected species considered likely to occur on site were identified. These were:

- Bats
- Badgers
- Water voles
- Amphibians
- Reptiles
- Common and moorland species of birds

The methods used to survey for these species are detailed below.

#### 3.1 Data search

Online Ordnance survey maps and satellite imagery was utilised to gain further insight into adjacent habitat types and land use, and the presence/location of any water bodies within 500 metres of site. A data search of 1km radius of approximate site centre was purchased from the North and East Yorkshire Ecological Data Centre (NEYEDC).

#### 3.2 Bats

##### Bat tree survey

Trees on and adjacent to the proposed site footprint were assessed for potential suitability for bat roosts by means of a walkover survey. All trees were inspected to assess their potential to hold bat roosts; the following signs were looked for:

- Holes, frost cracks, splits in branches/trunk
- Fissures, hollow sections of trunk, branches and roots
- Broken Limbs and loose bark
- Dense ivy
- Urine staining, droppings, fur rubbing and scratch marks
- Audible squeaking, strong smell of ammonia and flies around potential access points

The trees were inspected with the aid of close focusing binoculars (Minox BL 10 X 42 BR). Bat surveys of trees can be undertaken throughout the year.

A scoring system was applied to the trees using the following criteria.



**Low probability of bat interest.**

Trees with low bat interest are usually young trees without any deadwood or holes.

**Medium probability of bat interest.**

Trees in this category will have holes, cracks and crevices and loose bark suitable for roosting bats but no obvious roost signs such as staining and droppings at entrances.

**High probability of bat interest.**

Trees within this category will contain all the obvious roost features such as holes, cracks and crevices and loose bark and will also contain staining and droppings at the roost entrance or have been identified as a roost via a visual sighting of an exiting bat. (A licence is normally required for removal/development.)

**3.2.1 Bat Activity survey**

No bat activity survey was undertaken.

**3.3 Badgers**

The site footprint and surrounding pasture were searched for signs of the presence of badger setts, footprints, padways, feeding signs and latrines.

**3.4 Water voles**

The site and immediately adjacent drainage ditches were assessed for any potential to support water voles and a search was made for signs of use by water voles including feeding stations, burrows, latrine sites/droppings, runs through the vegetation, characteristic 'plop' sound as the animals enter the water and cropped grass around burrow entrances.

**3.5 Amphibians**

All habitats on site were assessed for their potential to support amphibians as either breeding or terrestrial habitat. Where access allowed, habitats on adjacent land were also assessed. All potential refugia/habitat piles on site which were considered suitable for use as shelter for amphibians were identified. Hand searching was undertaken.

**3.6 Reptiles**

All habitats on site were assessed for the potential to support common reptiles based on factors such as the presence of suitable sites for basking and the presence of refugia or vegetation offering sufficient structure for shelter and hibernation.



### 3.7 Common and moorland species of birds

All habitats were assessed for their potential to support nesting and foraging birds. All bird species seen or heard were noted. All disused and active nests were recorded.

### 3.8 Other statutorily protected species

As part of the extended walkover of the site and its environs, a search for signs of use by other statutorily protected species was also undertaken. Particular attention was focused on the habitats and plants and the presence of any additional ponds.

### 3.9 Survey Constraints

There were no constraints to the survey, with full access available to the site and adjacent farmland.

It should be noted that the absence of protected or rare species within the survey does not rule out them being present on site. There is always a risk of protected or rare species being over-looked, either owing to the timing of the survey or the scarcity of the species at the site.

The survey undertaken was an ecological appraisal, therefore species lists recorded would not be complete for the site; although sufficient information was gathered to determine the character of the habitat types present and species lists were compiled for each of the habitat types present.

## 4 RESULTS

### 4.1 Data search

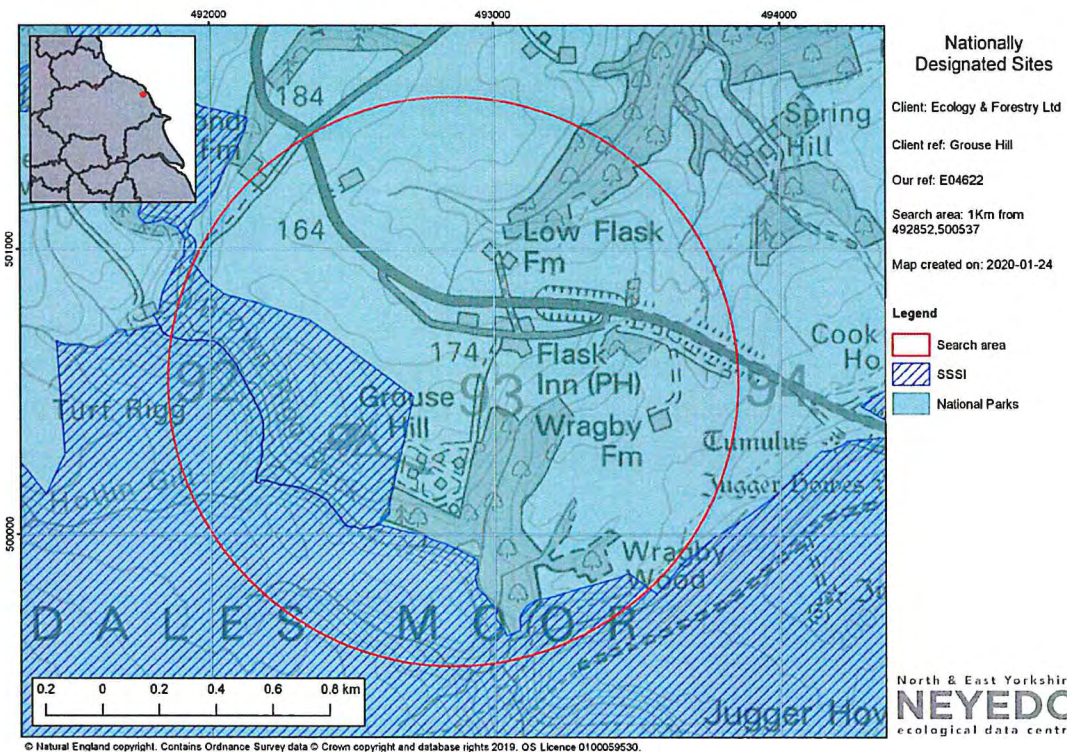
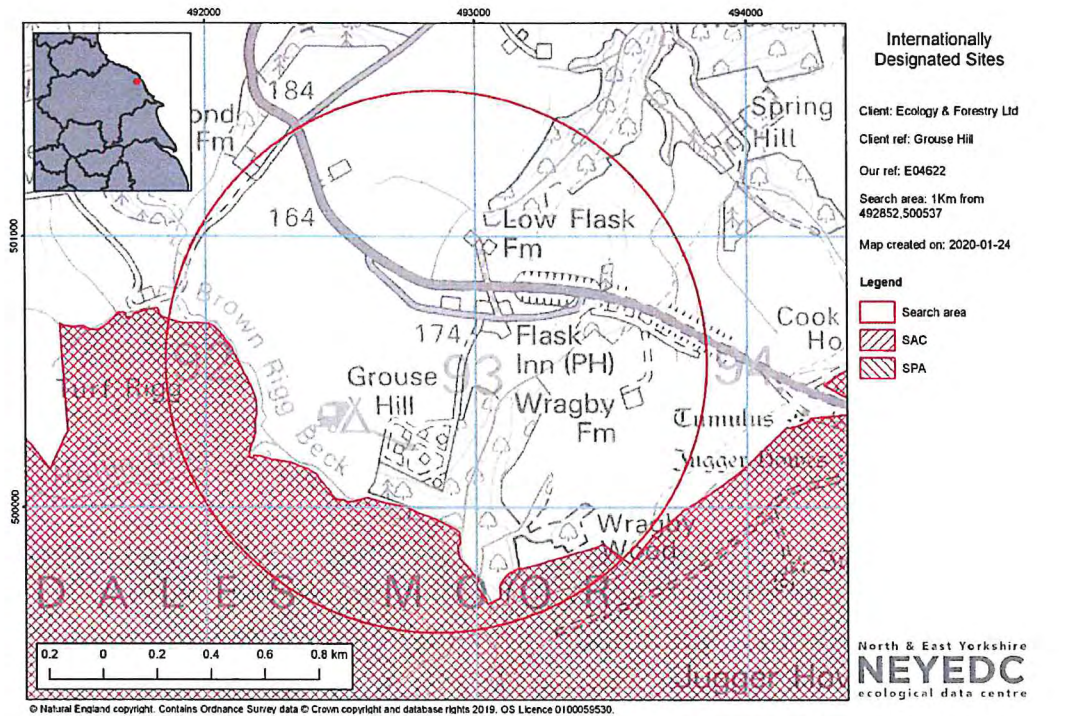
The entire data search area is located within the North York Moors National Park (NYMNP). No Sites of Importance for Nature Conservation (SINC) are located within the NYMNP. The following designated habitat types were recorded within the data search. See table 1 below:

**Table 1.**

<i>Designation</i>	<i>Name or location of site</i>	<i>Grid Reference</i>
Special Areas of Conservation	North York Moors	SE924998
Special Protection Areas		
<i>Designation</i>	<i>Name or location of site</i>	<i>Grid Reference</i>
Sites of Special Scientific Interest	North York Moors	SE924998
	Biller Howe Dale	NZ923004

(See below). No Local Nature Reserves (LNR) or Yorkshire Wildlife Trust Reserves (YWT Reserves) are located within the search area.





## 5 SPECIES LIST

Table 2 below lists all species records relating to birds within the search area. A total of 38 species are recorded. Of the 38 species, 16 species were thought likely to potentially forage on site and 8 species were thought to have the potential to utilise site for nesting.



Table 2:

## SPECIES LIST

Scientific name	Common name	Taxonomic group	Year	Designated as
<i>Acanthis flammea</i>	Common (Mealy) Redpoll	bird	2008	Bern-A2; Bird-Amber; Bird_RedList_GB_post2001-CR_Breeding; Bird_RedList_GB_post2001-VU_NonBreeding
<i>Accipiter gentilis</i>	Goshawk	bird	2014	Bird_RedList_GB_post2001-NT_Breeding; CMS_A2; ECCITES-A; WACA-Sch1_part1
<i>Alauda arvensis</i>	Skylark	bird	2007	Bird-Red; England_NERC_S.41
<i>Anser anser</i>	Greylag Goose	bird	2008	Bird-Amber; CMS_A2; WACA-Sch1_part2
<i>Anthus pratensis</i>	Meadow Pipit	bird	2007	Bern-A2; Bird-Amber
<i>Apus apus</i>	Swift	bird	2006	Bird-Amber; Bird_RedList_GB_post2001-EN_Breeding
<i>Ardea cinerea</i>	Grey Heron	bird	2007	Bird_RedList_GB_post2001-NT_Breeding
<i>Branta canadensis</i>	Canada Goose	bird	2006	CMS_A2; INNS
<i>Buteo buteo</i>	Buzzard	bird	2014	CMS_A2; ECCITES-A
<i>Carduelis carduelis</i>	Goldfinch	bird	2014	Bern-A2
<i>Cinclus cinclus</i>	Dipper	bird	2008	Bern-A2; Bird-Amber; Bird_RedList_GB_post2001-NT_Breeding
<i>Corvus frugilegus</i>	Rook	bird	2008	Bird_RedList_GB_post2001-NT_Breeding
<i>Cuculus canorus</i>	Cuckoo	bird	2006	Bird-Red; Bird_RedList_GB_post2001-VU_Breeding; England_NERC_S.41
<i>Cyanistes caeruleus</i>	Blue Tit	bird	2014	Bern-A2
<i>Delichon urbicum</i>	House Martin	bird	2014	Bern-A2; Bird-Amber; Bird_RedList_GB_post2001-VU_Breeding
<i>Emberiza citrinella</i>	Yellowhammer	bird	2014	Scar_LBAP; Bern-A2; Bird-Red; England_NERC_S.41
<i>Emberiza schoeniclus</i>	Reed Bunting	bird	2006	Scar_LBAP; Bern-A2; Bird-Amber; England_NERC_S.41
<i>Erithacus rubecula</i>	Robin	bird	2007	Bern-A2
<i>Falco tinnunculus</i>	Kestrel	bird	2014	Bern-A2; Bird-Amber; Bird_RedList_GB_post2001-VU_Breeding; CMS_A2; ECCITES-A
<i>Gallinago gallinago</i>	Snipe	bird	1996	Bird-Amber; Bird_RedList_GB_post2001-NT_NonBreeding; CMS_A2
<i>Hirundo rustica</i>	Swallow	bird	2014	Bern-A2
<i>Lagopus lagopus</i>	Willow Ptarmigan	bird	2006	Bird-Amber
<i>Larus argentatus</i>	Herring Gull	bird	2006	Bird-Red; Bird_RedList_GB_post2001-EN_NonBreeding
<i>Linaria cannabina</i>	Linnet	bird	2006	Scar_LBAP; Bern-A2; Bird-Red; Bird_RedList_GB_post2001-NT_Breeding
<i>Motacilla alba</i>	Pied Wagtail	bird	2007	Bern-A2
<i>Numenius arquata</i>	Curlew	bird	2007	Bird-Red; Bird_RedList_GB_post2001-EN_Breeding; CMS_A2; England_NERC_S.41; RedList_Global_post2001_NT
<i>Oenanthe oenanthe</i>	Wheatear	bird	2008	Bern-A2
<i>Parus major</i>	Great Tit	bird	2014	Bern-A2
<i>Periparus ater</i>	Coal Tit	bird	2008	Bern-A2
<i>Phoenicurus phoenicurus</i>	Redstart	bird	2006	Bern-A2; Bird-Amber
<i>Phylloscopus trochilus</i>	Willow Warbler	bird	2007	Bird-Amber
<i>Pluvialis apricaria</i>	Golden Plover	bird	2014	BirdsDir-A1; CMS_A2

<i>Pyrrhula pyrrhula</i>	Bullfinch	bird	2008	Bird-Amber
<i>Saxicola rubetra</i>	Whinchat	bird	2007	Bern-A2; Bird-Red; Bird_RedList_GB_post2001-NT_Breeding
<i>Saxicola rubicola</i>	Stonechat	bird	2007	Bern-A2
<i>Troglodytes troglodytes</i>	Wren	bird	2007	Bern-A2
<i>Turdus philomelos</i>	Song Thrush	bird	2007	Bird-Red
<i>Turdus viscivorus</i>	Mistle Thrush	bird	2014	Bird-Red; Bird_RedList_GB_post2001-VU_Breeding

Table 3 below lists all species records relating to mammals within the search area. A total of 3 species are recorded. No records for bat species *Chiroptera* or badger *Meles meles* or reptiles are recorded within the locality.

Table 3.

Scientific name	Common name	Taxonomic group	Year	Designated as
<i>Arvicola amphibius</i>	European Water Vole	terrestrial mammal	1985	Scar_LBAP; England_NERC_S.41; RedList_GB_post2001-EN; WACA-Sch5_sect9.4a; WACA-Sch5_sect9.4b
<i>Lutra lutra</i>	European Otter	terrestrial mammal	1999	Scar_LBAP; Bern-A2; ECCITES-A; England_NERC_S.41; HabDir-A4; HabReg-Sch2; WACA-Sch5_sect9.4b; WACA-Sch5_sect9.5a
<i>Neovison vison</i>	American Mink	terrestrial mammal	1995	INNS

### 5.1 Habitats and plant species

The habitat types and plant species recorded on the site, lack structural diversity and are common and widespread in North Yorkshire. There are no individual habitats or plants of local importance or significance. None of the plant species recorded on site appear on Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). No nationally rare or scarce plants as defined by Wigginton (1999) and Stewart *et al* (1994) respectively were found.

### 5.2 Bats

#### Bat tree survey

All trees contained within the site footprint and immediately adjacent were considered to offer a 'low probability' of bat interest.

Boundary hedgerows and woodland within the locality were thought to offer potential as bat flight and foraging corridors.

### 5.3 Badger

No evidence of badgers occupation or activity was recorded on or adjacent to site.

Rabbit *Oryctolagus cuniculus*, brown hare *Lepus europaeus*, fox *Vulpes vulpes*, roe deer *Capreolus capreolus*, field vole *Microtus agrestis*, brown rat *Rattus norvegicus* and mole *Talpa europaea* activity was noted on or adjacent to site.

### 5.4 Water voles

No water voles or water vole activity was recorded on or adjacent to site. The ditches located on the northern boundary of the southern site element and southern boundary of the northern site element, adjacent Blacksmith Hill road, are considered sub-optimal.

### 5.5 Amphibians

No water bodies or ponds are present on site. OS maps indicate that only one pond is located within 500 metres of site. A large pond located at NGR: SE 92907 99961 is situated approximately 350 metres south/south east of the southern element of the site. It is separated



from site by Wragby Wood and Grouse Hill Caravan Park.

Whilst potentially suitable potential terrestrial habitat for amphibians is present on site, in particular, site boundary hedgerows; overall the site is considered sub-optimal. .

No amphibians were recorded on site. No records for great crested newt or any amphibian species is recorded in the locality.

## 5.6 Reptiles

The site was considered largely suboptimal reptile habitat due to a lack of any open sheltered glades/ basking areas. No records for any reptile species is recorded in the locality.

## 5.7 Birds

A typical assemblage of common British birds was recorded on the site and in the immediate environs of the site. A total of 10 species were noted; these are listed below in Table 4.

**Table 4:**

English Name	Latin Name	Birds of conservation concern status
Blackbird	<i>Turdus merula</i>	Green list
Blue Tit	<i>Cyanistes caeruleus</i>	Green list
Carrion Crow	<i>Corvus corone</i>	Green list
Chaffinch	<i>Fringilla coelebs</i>	Green list
Chiff Chaff	<i>Phylloscopus collybita</i>	Green list
Common Magpie	<i>Pica pica</i>	Green list
Pheasant	<i>Phasianus colchicus</i>	Introduced
Robin	<i>Erithacus rubecula</i>	Green list
Winter Wren	<i>Troglodytes troglodytes</i>	Green list
Yellow Hammer	<i>Emberiza citrinella</i>	Red list

Red and Amber list species are compiled by the Royal Society for the Protection of Birds (RSPB, 2001) to identify species that have experienced a significant decline in range or population over the past 25 years. Typically Red list species have declined by more than 50% in the past 25 years, and Amber list species by more than 25%.

Mature hedgerows, semi-mature trees and rough grassland are found within site. Woodland, moorland and rush pasture are located immediately adjacent to the site, providing suitable nesting and foraging habitat for a potentially broad range of breeding birds.

No disused nests were found on the site footprints.

No schedule 1 birds or associated field signs were recorded on site.

## 5.8 Other statutorily protected species

The potential for other statutorily protected species likely to be affected by the proposed works is considered to be very low and no further work is recommended.

## 6 DISCUSSION AND RECOMMENDATIONS

### 6.1 Habitats and plant species

The site footprints are lacking in botanical and structural diversity. Boundary hedgerows are of value as they provide structural diversity and potential habitat to a broad range of species. Bordering land types support both important moorland species and generally higher levels of biodiversity.

#### 6.1.1 Recommendations

The opportunity exists to provide a biodiversity gain should the proposal be granted planning permission.

#### 1. High Biodiversity Grassland

Open grass areas created/retained within the proposed site footprints should be enhanced where appropriate with a ground flora seed mix of high biodiversity value. Careful planning is required in order to establish a healthy ground flora sward. Consideration should be given to existing ground vegetation and the general condition of the ground. It is recommended that mechanical cutting of existing vegetation and the removal of any arisings if necessary, followed by an application of an approved herbicide such as Glyphosate. Establishment prescriptions, (cultivation methodology, sowing rates and timings) recommended by the seed provider must be followed.

Seed should be obtained from specialist suppliers and preferably be of local genetic stock.

Suitable native wildflower species include:

<b>Grasses</b>	
Common bent	<i>Agrostis capillaris</i>
Crested dog's-tail	<i>Cynosurus cristatus</i>
Meadow fescue	<i>Festuca pratensis</i>
Red fescue	<i>Festuca rubra</i>
Rough meadow-grass	<i>Poa trivialis</i>
Small timothy	<i>Phleum bertolonii</i>
Smooth meadow-grass	<i>Poa pratensis</i>
Sweet vernal-grass	<i>Anthoxanthum odoratum</i>
Yellow oat-grass	<i>Trisetum flavescens</i>
<b>Herbs</b>	
Bird's-foot trefoil	<i>Lotus comiculatus</i>
Black knapweed	<i>Centaurea nigra</i>
Common cat's-ear	<i>Hypochoeris radicata</i>
Common sorrel	<i>Rumex acetosa</i>



Common vetch	<i>Vicia sativa</i>
Cowslip	<i>Primula veris</i>
Field scabious	<i>Knautia arvensis</i>
Lady's bedstraw	<i>Galium verum</i>
Meadow buttercup	<i>Ranunculus acris</i>
Meadow vetchling	<i>Lathyrus pratensis</i>
Oxeye daisy	<i>Leucanthemum vulgare</i>
Red clover	<i>Trifolium pratense</i>
Selfheal	<i>Prunella vulgaris</i>
Yarrow	<i>Achillea millefolium</i>

## 2. Native Trees

- i) A number of native hard wood trees could potentially be planted.
- ii) Suitable species include a mix of: pedunculate oak *Quercus robur*, beech *Fagus sylvatica*, holly *Ilex aquifolium*, yew *Taxus baccata* and hazel *Corylus avellana*
- iii) All trees should be 80 – 100 cm bare rooted transplants which should be pit planted utilising a 75 – 120 cm tubular tree guard supported by a stake.
- iv) A tree maintenance schedule is given below:

<b>YEAR 1</b>	
March	Check shelters
April	Apply contact herbicide
July	Assess plant losses
September	Check shelters. Remove (cut or pull) tall weeds
November	Replace failed plants
<b>YEAR 2</b>	
March	Check shelters
April	Apply contact herbicide
July	Assess plant losses
September	Check shelters. Remove (cut or pull) tall weeds
November	Replace failed plants
<b>YEAR 3</b>	
January	Consider residual herbicide application
March	Check shelters
April	Apply contact herbicide
July	Assess plant losses
September	Check shelters. Remove (cut or pull) tall weeds
November	Replace failed plants
<b>YEAR 4</b>	
March	Check shelters
April	Apply contact herbicide
<b>YEAR 5 ONWARDS</b>	Gradual removal of guards and canes Continued spot treatment with contact herbicide as required

## **6.2 Bats**

### **6.2.1 Legal protection**

In England, Scotland and Wales, all bats are strictly protected under the Wildlife and Countryside Act 1981 (and as amended); in England and Wales this legislation has been amended and strengthened by the Countryside and Rights of Way (CRoW) Act 2000.

Bats are also protected by European legislation; the EC Habitats Directive is transposed into UK law by The Conservation of Habitats and Species Regulations 2010 – often referred to as 'The Habitat Regs'. Taken together, all this legislation makes it an offence to:

- Deliberately capture (or take), injure or kill a bat
- Intentionally or recklessly disturb a group of bats where the disturbance is likely to significantly affect the ability of the animals to survive, breed, or nurture their young or likely to significantly affect the local distribution or abundance of the species whether in a roost or not
- Damage or destroy the breeding or resting place of a bat
- Possess a bat (alive or dead) or any part of a bat
- Intentionally or recklessly obstruct access to a bat roost
- Sell (or offer for sale) or exchange bats (alive or dead) or parts of bats

A roost is defined as being 'any structure or place that is used for shelter or protection', and since bats regularly move roost site throughout the year, a roost retains such designation whether or not bats are present at the time.

### **Biodiversity and Government Policy**

In addition to the legislation described above, which is in place to safeguard species such as bats (and their roosts) and barn owls, there is also legislation and policy which imposes duties to take account of statutorily protected species such as bats and also to undertake action to prevent loss of biodiversity and species/habitats which have been identified as priorities for the UK. In England and Wales, the Natural Environment and Rural Communities (NERC) Act 2006, imposes a duty on all public bodies (including Local Authorities and statutory bodies) to conserving biodiversity – including the restoration and/or enhancement of a population or habitat. In addition, government planning policy guidance throughout the UK, provided in OPDM Circular 06/2005, states that Protected Species are a 'material consideration' when assessing development proposals and requires that local planning authorities must take account of protected species issues prior to determining planning applications. Section 15 of the NPPF further supports this by stating that the planning system should contribute to and enhance the natural and local environment by: 'minimising impacts on biodiversity and



providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'.

### 6.2.2 Recommendations

The proposed works will not affect any buildings or mature and over-mature boundary trees.

The survey results indicate that the site is unlikely to be key to the overall conservation status of bats in the local area and the enhancement of the site would not alter the ability of bats to survive and reproduce; therefore there is no constraint on the enhancement of the site and no requirements for any mitigation or further survey work. The 'ecological functionality' of bats in the local area will not be adversely affected by the proposed development.

### 6.2.3 Recommended conservation measures

*Ten species of bat are currently known to occur in the North York Moors National Park and all are covered by this plan. UK BAP species present include the soprano pipistrelle, the noctule and the brown long-eared. The other species recorded are the common pipistrelle, Nathusius' pipistrelle, whiskered, Brandt's, Daubenton's and Natterer's bats. Alcaethoe bat is a recent addition to the UK bat species list and was discovered at the windy pits in 2010.*

(North York Moors Biodiversity Action Plan – Bat Species Action Plan 2013-2017)

The site is believed to offer good foraging potential for a number of bat species, particularly along existing hedgerows on the wider site. Retention and enhancement of site boundaries is to be encouraged. Their retention could be further enhanced by the erection of 6 x Schwegler 1FD bat boxes or similar in suitable locations on surrounding trees. One hibernation bat box (Schwegler 1FW) could also be installed on a mature tree or erected telegraph pole, to provide a potential hibernation sites.

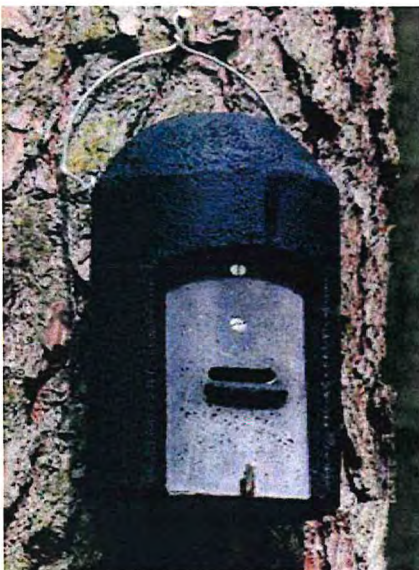




2F Schwegler Bat Box  
Cost £29.95 (approx.)



1FF Schwegler Bat Box With Built-in Wooden  
Rear Panel – Cost £61.96 (approx.)



1FD Schwegler Bat Box  
Cost £55.95 (approx.)



1FF Schwegler Bat Box With Built-in Wooden  
Rear Panel – Cost £187.96 (approx.)

All boxes are available from various natural history supply companies, including <http://www.nhbs.com/>

Schwegler bat roosting boxes are made from 'Woodcrete', a long lasting material and a specification suitable for use on trees.

#### 6.2.4 Recommendations - lighting

The ecological effect of artificial lighting in the countryside is a topic of increasing concern. Recent estimates have shown a 24% increase in light pollution in the UK between 1993 and 2000. Lighting schemes can damage bat foraging habitat directly through loss of land and fragmentation, or indirectly by severing commuting routes from roosts.

It is recommended that any proposed security lighting on site is placed as far from the site boundaries as possible, that light spillage on hedgerows is avoided by using shields to direct light to the target area only. The impact on bats can be minimised by the use of low pressure sodium lamps or high pressure sodium instead of mercury or metal halide lamps. The height of lighting columns in general should be as short as is possible as light at a low level reduces the ecological impact. The possibility of using a sensor should also be considered, to provide some dark periods on site.

### **6.3 Badger**

#### **6.3.1 Legal protection**

Badgers are legally protected under The Protection of Badgers Act 1992.

Under this piece of legislation it is an offence:

- To wilfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so;
- To recklessly or deliberately interfere with a sett by damaging or destroying it;
- To recklessly or deliberately obstruct access to, or any entrance of, a badger sett;
- To disturb a badger when it is occupying its sett.

A badger sett is defined in the legislation as 'any structure or place which displays signs of current use by a badger'. If a sett is clearly unused and has been so for a period of 12 months or more then it can be considered disused and it falls outside the Protection of Badgers Act 1992.

Any sett disturbance/destruction must only be carried out under licence from Natural England, the Statutory Nature Conservation Organisation.

No evidence of occupation by badgers was recorded. No further action is considered necessary.

It is considered that it is possible to undertake the proposed work without the risk of a breach in the legislation protecting badgers.

#### **6.3.2 Recommendations**

It is considered that badgers are likely to be present within the vicinity of the survey site, with the potential to be attracted to forage over the grassland on site for earthworms, their primary food source. Therefore good working practices should be adhered to during any future work, with any trenches covered overnight and any pipes over 200mm in diameter capped off at night.



## 6.4 Water vole

### 6.4.1 Legal protection

Water vole is a mammal species which in the United Kingdom typically inhabits well vegetated banks of slow flowing rivers, ditches, dykes and other water bodies such as ponds and lakes. They feed on fringe vegetation and live in extensive burrow systems in banks and densely matted vegetation along the margins of such water bodies.

In recent years water voles have undergone a substantial decline in their numbers in many parts of the United Kingdom as a result of habitat degradation, pollution and predation by introduced American mink *Mustela vison*.

The protection to water vole under the Wildlife & Countryside Act 1981 (as amended) has been extended since 6 April 2008. This means that water vole is now fully protected under section 9 of the WCA. This legal protection makes it an offence to:

- intentionally kill, injure or take (capture) a water vole;
- possess or control a live or dead water vole, or any part of a water vole;
- intentionally or recklessly damage, destroy or obstruct access to any structure or place which water voles use for shelter or protection or disturb water voles while they are using such a place;
- sell, offer for sale or advertise for live or dead water voles.

### 6.4.2 Recommendations

No evidence of occupation by water voles was recorded. No mitigation is required in relation to this species.

## 6.5 Great crested newts

### 6.5.1 Legal protection

In England, Scotland and Wales, great crested newts are fully protected under the Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way (CROW) Act 2000. They are also protected under European legislation, being included on Schedule 2 of The Conservation of Habitats and Species Regulations 2010. Taken together, this legislation makes it illegal, inter alia to:

- Intentionally or recklessly kill, injure or capture a great crested newt
- Damage or destroy habitat which a great crested newt uses for shelter or protection
- Deliberately disturb a great crested newt when it is occupying a place it uses for shelter and protection.

These provisions apply to all life-stages of protected animals, and in the case of amphibians,



to both their terrestrial and aquatic habitats.

### 6.5.2 Recommendations

No evidence of occupation by amphibians was recorded. The site is considered largely sub-optimal. No records relating to amphibians were provided in the data search. For this site, given the physical nature of the site, it is possible to undertake the proposed work without the risk of a breach in the legislation protecting great crested newts. No mitigation is required in relation to this species.

## 6.6 Reptiles

### 6.6.1 Legal protection

Common Lizards, Slow Worms, Grass Snakes and Adders are protected under the Wildlife and Countryside Act 1981 (as amended) they are listed as a schedule 5 species therefore part of Section 9(1) and section 9(5) apply; the Countryside and Rights of Way Act 2000 (CROW) also strengthens their protection.

It is offence to:

- Intentionally, or recklessly, kill or injure any of the above species, and/or;
- Sell, or attempt to sell, any part of the species, alive or dead.

If a proposed development is likely to have an impact on these reptiles the statutory nature conservation organisation must be consulted.

The rare Sand lizard and Smooth Snake receive 'full protection' under the Wildlife and Countryside Act (1981) Section 9 and the Conservation (Natural Habitats &c.) (Amendment) Regulations 2007; the Sand Lizard and Smooth Snake are listed on Schedule 2 thus regulation 39 applies. Read together it is an offence:

- Deliberately kill, injure or capture any wild animal of European protected species;
- Deliberately disturb wild animals of any European protected species in such a way to be likely to significantly affect:
  - The ability of any significant groups of animals of that species to survive, breed, rear or nurture their young; or
  - The local distribution of that species.
- Recklessly disturb sheltering European protected species or obstruct access to their resting place;
- Damage or destroys breed sites or resting places of such animals;
- Deliberately takes or destroys the eggs of such an animal;
- Possess or transport or any part of a European protected species, unless acquired

legally;

- Sell, barter or exchange any part of a European protected species.

The maximum fine per offence is £5000 and if more than one animal is involved, the fine is £5000 per animal (Wildlife and Countryside Act 1981 Section 21) The Countryside and Rights of Way Act 2000 (CROW) amendment contains a provision for a custodial sentence of up to 6 months instead of, or in addition to, a fine. Along with a lengthy development delay until appropriate mitigation has been agreed and completed.

Natural Environment and Rural Communities Act 2006 (NERC) lists all reptile species as a species of principle importance under Section 41. Section 40 requires every public body in the exercising of its functions 'have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity' (all biodiversity and not just section 41 species and habitats); therefore making reptiles a material consideration in the planning process and requiring a detailed ecological reptile survey before planning permission can be granted. In addition, local authority planning departments should also meet the requirements of the Planning Policy Statement 9 (PPS9); which requires planners not only to protect biodiversity, but where possible to enhance it.

#### **6.6.2 Recommendations**

No evidence of occupation by reptiles was recorded. The site is considered largely sub-optimal. No records relating to amphibians were provided in the data search. For this site, given the physical nature of the site, it is possible to undertake the proposed work without the risk of a breach in the legislation protecting great crested newts. No mitigation is required in relation to this species.

### **6.7 Birds**

#### **6.7.1 Legal protection**

All common wild birds are protected under The Wildlife and Countryside Act 1981 (and as amended). Under this legislation it is an offence to:

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while it is in use or being built
- Take or destroy the egg of any wild bird

Certain rare breeding birds are listed on Schedule 1 of The Wildlife and Countryside Act 1981 (and as amended). Under this legislation they are afforded the same protection as common wild birds and are also protected against disturbance whilst building a nest or on or near a nest containing eggs/unfledged young.



### 6.7.2 Recommendations

The following extract is taken from the RSPB Policy Briefing on solar energy, December 2014:

Type of Solar Energy	Description	RSPB Position
Ground-mounted solar photovoltaic (PV) arrays	Arrays of PV panels mounted on agricultural fields or other unsealed land.	Supportive at the scale of deployment currently envisaged , unless there are site specific concerns. Concerns are most likely when located in or close to protected areas or species, or close to water features where development could pose risks to aquatic invertebrates.

*‘The wildlife impact of a ground-mounted solar array scheme will be largely determined by location. Where proposals are not within or close to protected areas and functionally linked land, it is unlikely that the RSPB will have major concerns. However, this will depend on the ecological characteristics of the site and its sensitivity to the proposed changes. In all cases, we should seek to ensure implementation of appropriate mitigation and enhancement measures’*

RSPB (2014)

To minimise any potential impact or disturbance to protected breeding birds, any site clearance or works likely to cause disturbance should be undertaken outside the bird breeding season, i.e. from late-August and be completed by late February.

If work is to be carried out in the breeding season then a nesting bird search should be undertaken immediately in advance of works. An ecologist should be consulted, and it is likely that work will have to stop, if breeding birds are found in the vegetation present. It may then be necessary to undertake further more detailed breeding bird surveys immediately prior to the work to search for nests.

Given the current agricultural land use and the physical nature of site a breeding bird survey is thought unlikely to produce any additional species above those provided in the data search or provide further valid information as to the potential utilisation of site by birds.

The following habitat enhancement measures to benefit bird species on site are recommended for the southern element of site given the proximity to a SSSI and SAC:



1. The retention and enhancement of all site boundaries
2. The provision of extensive rough grassland margins adjacent to site boundaries, in particular the western boundary.
3. Planting wild bird seed or nectar mixes, or other cover crops could benefit birds and other wildlife. For example, pollen and nectar strips provide food for pollinating insects through the summer period, and wild bird seed mixes provide food for wild birds through the winter.

## **6.8 Additional species**

### **6.8.1 Legal protection**

Proposed works do not require licencing due to the species likely to be impacted upon not being protected by law, but that avoidance measures are necessary in relation to other species under the Animal Welfare Act 2006 which requires land owners to have a duty of care.

## 7 REFERENCES

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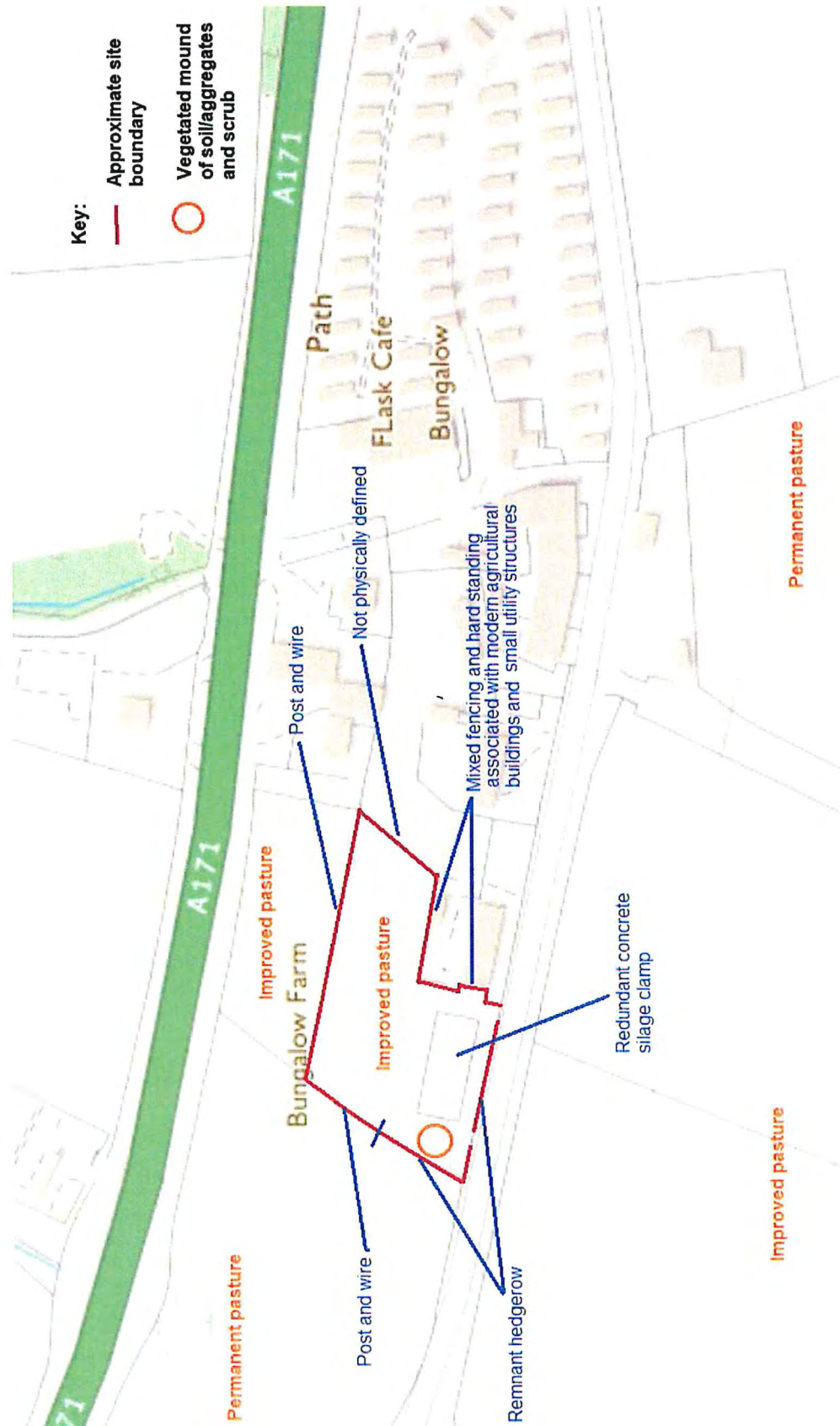


North York Moors Biodiversity Action Plan – Bat Species Action Plan 2013-2017

<https://www.northyorkmoors.org.uk/looking-after/biodiversity/biodiversity-action-plan-2013-2017/Bats-SAP-2013-2017.pdf>

**APPENDIX 1**  
**Figure 2: Northern site element**

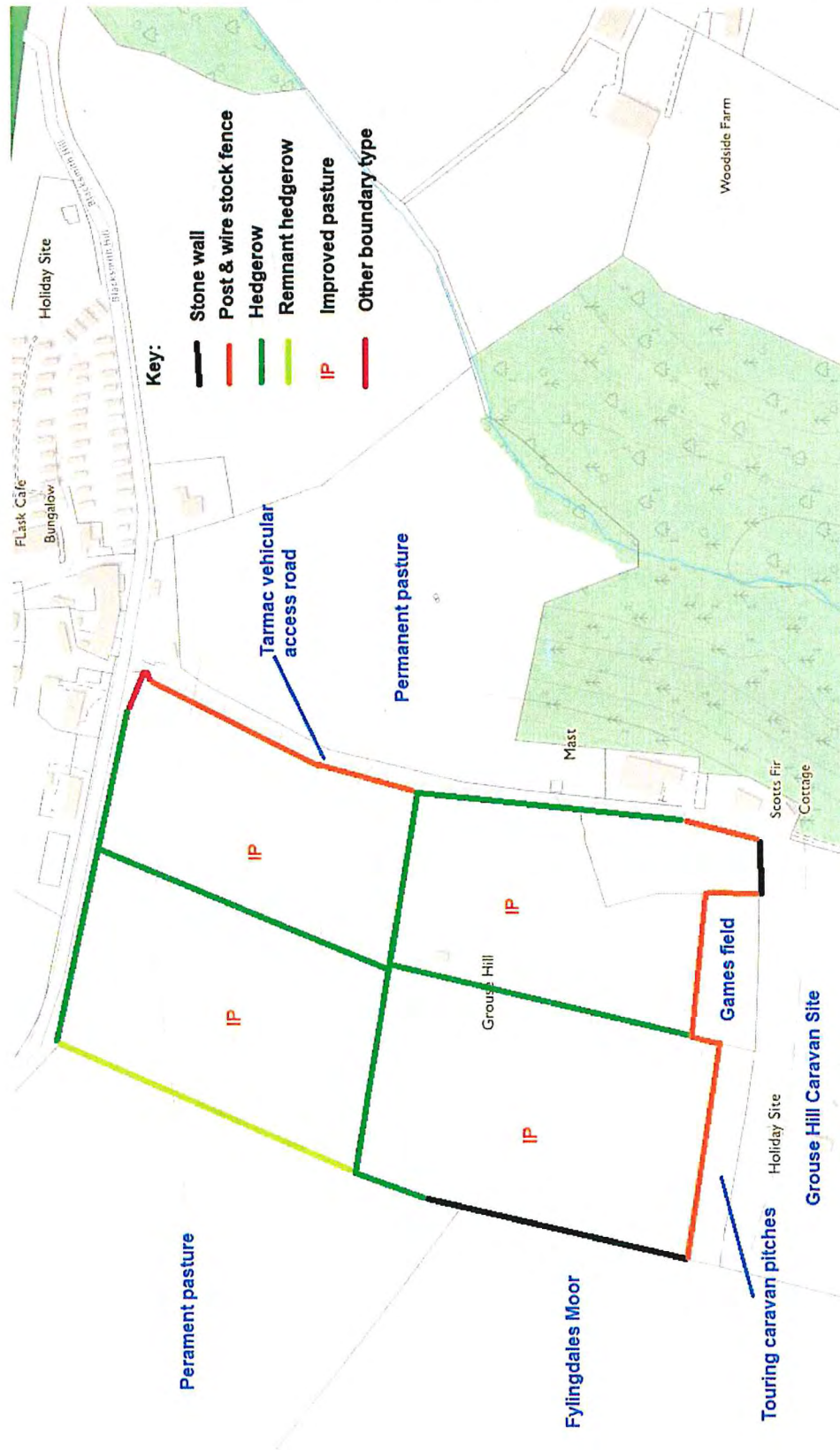




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**APPENDIX 2**  
**Figure 3: Southern site element**





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**Planning Application Ref:** NYM/2020/0182/NEW

**Description:** Application for removal of chicken shed and construction of equine building, use of land for equine purposes together with use of land for the siting of photovoltaic panels

**Location:** Grouse Hill Caravan Park, Blacksmith Hill, Fylingdales

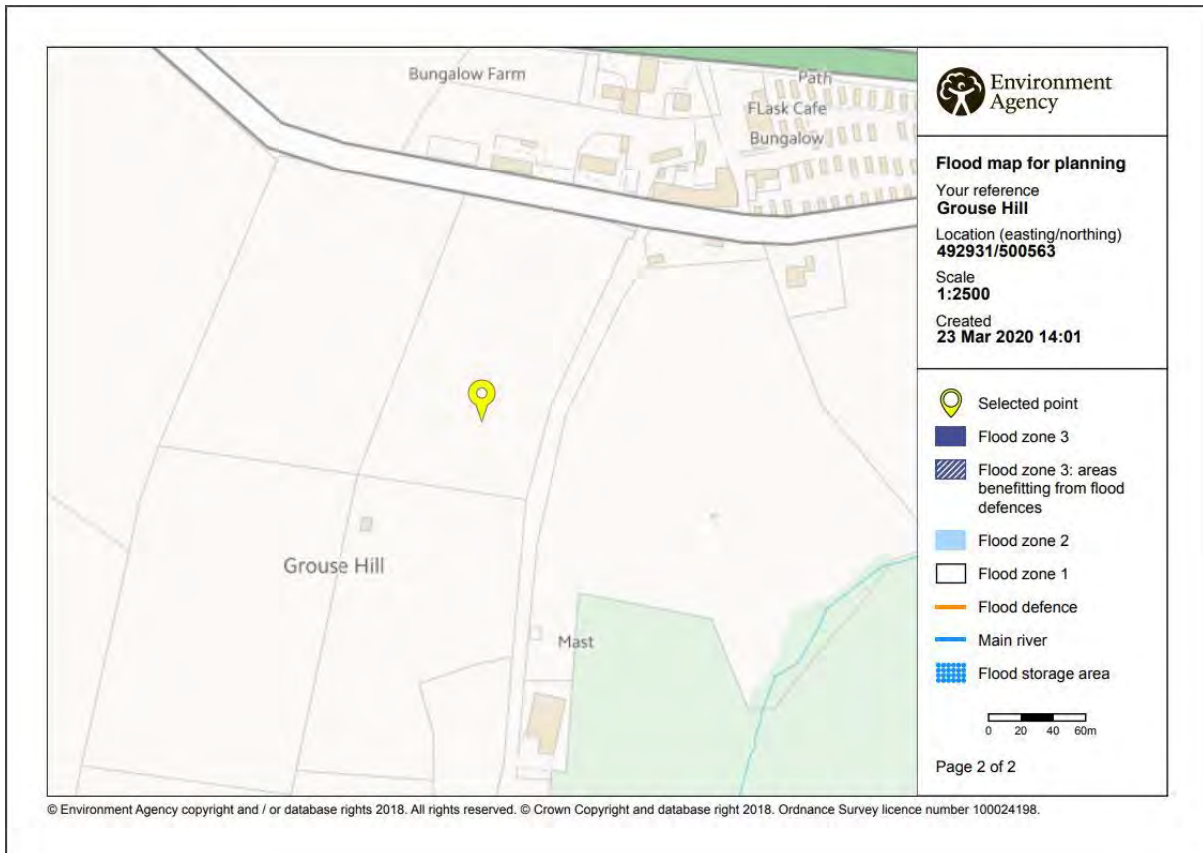
## Flood Risk Assessment

### Introduction

The area of land which is subject to a change of use exceeds 1 hectare, therefore a Flood Risk Assessment is required to ensure that the implications of flooding are satisfactorily addressed. Having said that, the area to be developed by the proposed equine building and the photovoltaic panels is less than 1 hectare (0.23ha). It is therefore only the change of use of agricultural land to equestrian land that takes the application site area above 1 hectare triggering the requirement to submit a Flood Risk Assessment.

### Flood Risk

The whole of the application site area lies in Flood Zone 1 and so is at low risk. Furthermore, the application site is not affected by any other sources of flood risk, such as surface water or reservoir. Please refer to the Environment Agency flood map extracts below which confirm this is the case.



Environment Agency Flood Map, 23 March 2020 – Flood Zone 1.



# Learn more about this area's flood risk

Select the type of flood risk information you're interested in. The map will then update.



Extent of flooding from surface water

Environment Agency Flood Map March 2020 – Surface Water Flooding

## Sequential Test

A sequential test has been applied to ensure that the proposed development is entirely located in Flood Zone 1 (an area with a low probability of flooding). There are also no other sources of flooding affecting the site.

## Flood Risk Vulnerability

Land used for outdoor sports and recreation is classed as water-compatible development. Assembly and Leisure is classed as 'Less Vulnerable'. Sites used for holiday or short-let caravans and camping (subject to a specific warning and evacuation plan) are classed as 'More Vulnerable'. The use of land for equestrian (horse riding) is arguably land used for sport and recreation, which is water compatible, but if it is considered to fall into assembly and leisure it would still only be classed as less vulnerable; as would the equestrian building. Renewable energy development is not subject to the sequential test.

## Flood Risk Vulnerability and Flood Zone 'Compatibility'

All development is considered compatible with and appropriate in Flood Zone 1, as per the table below sourced from the Government's Planning Practice Guidance on Flood Risk. Therefore, all

elements of this application are compatible and appropriate – the equestrian building, the renewable energy and the use of land for equestrian.

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	X	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	X	X	X	✓*

Key:

✓ Development is appropriate

X Development should not be permitted.

### Impacts and Mitigation

Given that the site is not at risk from any sources of flooding and the application proposals are compatible and appropriate, it is not considered that there will be any flood risk implications associated with the site and therefore no mitigation is required.

The proposed equestrian building replaces an existing developed footprint (the chicken shed) and so there will be no material increase in impermeable area affecting surface water run-off. The use of land for the siting of photovoltaics and for exercising horses will likewise have no material flooding or surface water run-off implications.

### Conclusion

The site is located in Flood Zone 1 and there are no other sources of flood risk. All forms of development are compatible with and appropriate in Flood Zone 1. There are no material surface water run-off implications associated with the development.

Edwardson Associates, March 2020.