

North York Moors National Park Authority

Ward: Scarborough Borough Council (South)
Parish: Harwood Dale

App No. NYM/2018/0275/FL
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Proposal: creation of wildlife pond

Location: land south east of Thirley Beck, Harwood Dale Road, Harwood Dale

Applicant: Mr David Newham, Highlands Farm, Lindhead Road, Burniston, Scarborough, North Yorkshire, YO13 0DL

Agent:

Date for Decision: 21/12/2018

Extended to: 14/08/2020

Grid Ref:

Director of Planning's Recommendation

Approval subject to the following condition(s):

1.	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.										
2.	PLAN01	<p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table><thead><tr><th>Document Description</th><th>Date Received</th></tr></thead><tbody><tr><td>Location Plan</td><td>8 June 2020</td></tr><tr><td>Site Layout Plan</td><td>8 June 2020</td></tr><tr><td>Cross-sections of pond - A-A1, B-B1 and C-C1</td><td>8 June 2020</td></tr><tr><td>Explanatory Email from Elaine Newham</td><td>8 June 2020</td></tr></tbody></table> <p>or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.</p>	Document Description	Date Received	Location Plan	8 June 2020	Site Layout Plan	8 June 2020	Cross-sections of pond - A-A1, B-B1 and C-C1	8 June 2020	Explanatory Email from Elaine Newham	8 June 2020
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3.	MISC00	The development hereby permitted shall be carried out outside of the bird breeding season (March to August inclusive) to avoid impact on any nesting birds which may be nesting within the work area or the immediate surroundings.										
4.	MISC00	The wildlife pond hereby permitted shall not be stocked with fish, nor should supplementary feeding (for example of ducks and gamebirds) be carried out within or around the edges of the pond in order to ensure that the wildlife value of the pond is maximised.										

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Informative(s)

1.	MISCINF12	<p>Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx. Further information on wildlife legislation relating to birds can be found at www.rspb.org.uk/images/WBATL_tcm9-132998.pdf.</p> <p>If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.</p>
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Reason(s) for Condition(s)

1.	TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2.	PLAN01	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Local Plan Strategic Policy A and Strategic Policy C which seek to conserve and enhance the special qualities of the NYM National Park.
3.	MISC00	In order to comply with the provisions of NYM Local Plan Strategic Policy H which seeks to conserve and enhance habitats, wildlife, biodiversity and geodiversity in the North York Moors National Park.
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Consultations

Parish – No objections

Site Notice/Advertisement Expiry Date – 27 November 2020

Background

This application relates to the creation of a wildlife pond in a low lying area in Harwood Dale, to the south of Harwood Dale Road. The proposed pond would measure 45 metres by 20 metres with a variable depth of 0.1 to 0.3 metres, the design of which has been informed by the RSPB's Conservation Advisor. The pond would be shallow around the edges where to enhance habitat for species that thrive living amongst low submerged grasses and wetland herbs at the water's edge. It would be constructed from the natural clay that makes up the land at Thirley Beck and will be excavated and "puddled" by a mechanical digger with a small amount of spoil being used immediately surrounding the pond to create a small earth bund wall. All other spoil will be removed from the site.

In support of the applicant the applicant advises that the proposal "would ensure that the quality and diversity of the natural environment is conserved, and hopefully enhanced."

Main Issues

The most relevant policy of the adopted Local Plan is Strategic Policy H (Habitats, Wildlife, Biodiversity and Geodiversity) which gives great weight to the conservation, restoration and enhancement of habitats, wildlife, biodiversity and geodiversity in the National Park. All development proposals are expected to enhance features of ecological value; strengthen the integrity and resilience of habitats and species within the National Park; and enhance existing wildlife connections and landscape features. Also of relevance are Strategic Policy A (Achieving National Park Purposes and Sustainable Development), Strategic Policy E (The Natural Environment) and Strategic Policy G (Landscape).

The proposed wildlife pond would be located in a low lying area of Hardwood Dale where there are a number of becks and streams, ponds, and areas of wetland, and as such would be in keeping with the local landscape character., although limited public vies will be afforded of the pond due to its well screened location.

With regard to biodiversity the Authority's Ecologist has commented that the creation of a wildlife pond in this area of the specification proposed would be very beneficial to a wide variety of species, including water vole. It has been located so as to lie within the Tufted Hair Grass dominating the site, preserving the important fen area immediately to the south east.

In view of the above it is considered that the proposed wildlife pond constitutes an important enhancement for biodiversity, in keeping with the local landscape character and approval is recommended.

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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.