Please upload public

Kind regards

Hilary

H. Saunders

Mrs Hilary Saunders MRTPI Planning Team Leader Development Management

*Due to the current Covid-19 restrictions we are all working from home. Therefore, please can we request that you continue to contact us by email and not by post. Thank you.

The Authority charges for providing planning and administration advice. A copy of the charging schedule is available to view on the Authority's website.

From: Elspeth Ingleby Sent: 24 August 2020 16:25 To: Hilary Saunders Subject: RE: Hogarth Hall Farm

Hi Hilary

Can I assume you mean 2020/0420? 2020/0329 is a CVC for the Old Vicarage, Osmotherley which has been decided...

Yes the same condition would be appropriate. I think there should be far less debris/rubble for this app given it is infill development, but doesn't hurt to remind them GCN might be about and clean water separation is still appropriate.

Thanks

Elspeth

From: Hilary Saunders Sent: 24 August 2020 15:49 To: Elspeth Ingleby Subject: Hogarth Hall Farm

2020/0329

Hi Elspeth,

NE have decided they don't want a scail.

You suggested the below for the last app here – do you want me to put the same conditions on?

From: Elspeth Ingleby To: Harriet Frank Cc: Planning Subject: NYM/2019/0329/FL - Hogarth Hall, Boggle Hole Road Date: 29 May 2019 17:15:13 Dear Harriet, No details are given in the application regarding how clean water from the roof will be separated from any dirty water arising from the shed due to the presence of livestock. Guttering funneling into a soakaway or similar would be appropriate. If approved it should also be conditioned that any rubble, machinery or other debris within the vicinity of the new building that is to be cleared must be cleared by hand prior to construction. This is due to the small risk that great crested newt may be utilizing the area given the proximity of ponds and records in the wider area. If any newts are found, work must immediately cease and Natural England consulted for advice. Best wishes, Elspeth Elspeth Ingl

Thanks

Hilary

H. Saunders

Mrs Hilary Saunders MRTPI Planning Team Leader Development Management

*Due to the current Covid-19 restrictions we are all working from home. Therefore, please can we request that you continue to contact us by email and not by post. Thank you.

The Authority charges for providing planning and administration advice. A copy of the charging schedule is available to view on the Authority's website.

Date: 04 August 2020 Our ref: 321859 Your ref: NYM/2020/0420/FL

North York Moors National Park Authority

BY EMAIL ONLY



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

Dear Hilary Saunders,

Planning consultation: Email below from the agent in relation to application response **Location:** Hogarth Hill Farm, Boggle Hole Road, Fylingdales

Thank you for your consultation on the above dated 09 July 2020 which was received by Natural England on 09 July 2020

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites

Natural England's generic advice on other natural environment issues is set out at Annex A.

European sites

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The

dataset and user guidance can be accessed from the data.gov.uk website

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

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Danielle Priestner Consultations Team

Annex - Generic advice on natural environment impacts and opportunities

Sites of Special Scientific Interest (SSSIs)

Local authorities have responsibilities for the conservation of SSSIs under <u>s28G of the Wildlife &</u> <u>Countryside Act 1981 (as amended). The National Planning Policy Framework (paragraph 175c) states</u> <u>that development likely to have an adverse effect on SSSIs should not normally be permitted.</u> Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the <u>Natural England Open Data Geoportal</u>. Our initial screening indicates that one or more Impact Risk Zones have been triggered by the proposed development, indicating that impacts to SSSIs are possible and further assessment is required. You should request sufficient information from the developer to assess the impacts likely to arise and consider any mitigation measures that may be necessary.

Biodiversity duty

Your authority has a <u>duty</u> to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available <u>here</u>.

Protected Species

Natural England has produced <u>standing advice¹</u> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. The list of priority habitats and species can be found <u>here²</u>. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found <u>here</u>.

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland <u>Inventory</u> which can help identify ancient woodland. Natural England and the Forestry Commission have produced <u>standing</u> <u>advice</u> for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

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

²<u>http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx</u>

Protected landscapes

For developments within or within the setting of a National Park or Area or Outstanding Natural Beauty (AONB), we advise you to apply national and local policies, together with local landscape expertise and information to determine the proposal. The National Planning Policy Framework (NPPF) (paragraph 172) provides the highest status of protection for the landscape and scenic beauty of National Parks and AONBs. It also sets out a 'major developments test' to determine whether major developments should be exceptionally be permitted within the designated landscape. We advise you to consult the relevant AONB Partnership or Conservation Board or relevant National Park landscape or other advisor who will have local knowledge and information to assist in the determination of the proposal. The statutory management plan and any local landscape character assessments may also provide valuable information.

Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Heritage Coasts are protected under paragraph 173 of the NPPF. Development should be consistent the special character of Heritage Coasts and the importance of its conservation.

Landscape

Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in <u>GOV.UK guidance</u>. Agricultural Land Classification information is available on the <u>Magic</u> website on the <u>Data.Gov.uk</u> website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra <u>Construction Code of Practice for the Sustainable</u> <u>Use of Soils on Construction Sites</u>, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Access and Recreation

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

where appropriate.

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

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website <u>www.nationaltrail.co.uk</u> provides information including contact details for the National Trail Officer.

Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links. Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

From:	
To:	Planning
Subject:	Fwd: New application post - NYM/2020/0420/FL - Hogarth Hill Farm, Boggle Hole Road, Fylingdales - Natural England
Date:	03 August 2020 20:44:16
Attachments:	image002.png image004.png image001.png

Please upload public

Sent from my Samsung Galaxy smartphone.

----- Original message ------From: "SM-Defra-Plan Cons Area Team (Yorkshire & Northern Lincolnshire) (NE)"

Date: 03/08/2020 12:21 (GMT+00:00) To: Hilary Saunders Subject: RE: New application post - NYM/2020/0420/FL - Hogarth Hill Farm, Boggle Hole Road, Fylingdales - Natural England

Dear Hilary

We have reviewed our previous response to application NYM/2020/0420/FL. Based on the relatively small size of development, and the low ammonia emission factor of sheep, we have decided that a SCAIL assessment is not required for this development. We will send a formal revised response shortly.

Kind regards

Lisa Sheldon

Sustainable Development Adviser Yorkshire and Northern Lincolnshire Area Team Natural England Foss House, Kings Pool, 1-2 Peasholme Green, York, Y01 7PX

www.gov.uk/natural-england

From:	
То:	<u>Planning</u>
Subject:	Comments on NYM/2020/0420/FL - Case Officer Mrs H Saunders - Received from Fylingdales Parish Council at c/o Ms Stephanie Glasby, Gilders Holme , Raw, North Yorkshire , YO22 4PP, Via Email:

Date: 21 July 2020 08:48:40

No Objections

Comments made by Fylingdales Parish Council of c/o Ms Stephanie Glasby Gilders Holme Raw North Yorkshire YO22 4PP

Preferred Method of Contact is: Email

Comment Type is Comment Letter ID: 546971 Dear Sir or Madam,

Thank you for seeking the Forestry Commission's advice about the impacts that this application may have on Ancient Woodland. As a non-statutory consultee, the Forestry Commission is pleased to provide you with the attached information that may be helpful when you consider the application:

- Details of Government Policy relating to ancient woodland
- Information on the importance and designation of ancient woodland

Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed. This applies equally to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS).

It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless "*there are wholly exceptional reasons and a suitable compensation strategy exists*" (National Planning Policy Framework paragraph 175).

We also particularly refer you to further technical information set out in Natural England and Forestry Commission's <u>Standing Advice on Ancient Woodland</u> – plus supporting <u>Assessment Guide and Case Decisions</u>.

As a Non Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather we are including information on the potential impact that the proposed development would have on the ancient woodland.

These comments are based upon information available to us through a desk study of the case, including the <u>Ancient Woodland Inventory</u> (maintained by Natural England), which can be viewed on the <u>MAGIC Map Browser</u>, and our general local knowledge of the area.

We suggest that you take regard of any points provided by Natural England about the biodiversity of the woodland.

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

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

Yours faithfully,

Inez Hein

Technical Support Officer- Yorkshire and North East Area Forestry Commission England Foss House, Kings Pool 1-2 Peasholme Green York YO1 7PX

www.gov.uk/forestrycommission

Following the government's guidance issued about the Coronavirus (COVID-19) outbreak, I am working at home Monday to Friday. You can contact me by email or on my mobile number.

Most Forestry Commission offices are currently closed for the safety of our staff.

If you need to contact us about a grant or felling licence please contact the Admin

All felling licence applications are now processed through <u>Felling Licence Online</u>. To register an account and start your application online, visit <u>www.gov.uk/forestrycommission</u>

A summary of Government policy on ancient woodland

Natural Environment and Rural Communities Act 2006 (published October 2006). Section 40 – "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".

National Planning Policy Framework (published July 2018).

Paragraph 175 – "development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists".

National Planning Practice Guidance – Natural Environment Guidance. (published March 2014)

This Guidance supports the implementation and interpretation of the National Planning Policy Framework. This section outlines the Forestry Commission's role as a non statutory consultee on "development proposals that contain or are likely to affect Ancient Semi-Natural woodlands or Plantations on Ancient Woodlands Sites (PAWS) (as defined and recorded in <u>Natural England's Ancient</u> <u>Woodland Inventory</u>), including proposals where any part of the development site is within 500 metres of an ancient semi-natural woodland or ancient replanted woodland, and where the development would involve erecting new buildings, or extending the footprint of existing buildings" It also notes that ancient woodland is an irreplaceable habitat, and that, in planning decisions, **Plantations on Ancient Woodland Sites (PAWS) should be treated equally in terms of the protection afforded to ancient woodland in the National Planning Policy Framework**. It highlights the Ancient Woodland Inventory as a way to find out if a woodland is ancient.

The UK Forestry Standard (4th edition published August 2017).

Page 23: "Areas of woodland are material considerations in the planning process and may be protected in local authority Area Plans. These plans pay particular attention to woods listed on the Ancient Woodland Inventory and areas identified as Sites of Local Nature Conservation Importance SLNCIs)".

<u>Keepers of Time</u> – A Statement of Policy for England's Ancient and Native Woodland (published June 2005).

Page 10 "The existing area of ancient woodland should be maintained and there should be a net increase in the area of native woodland".

Natural Environment White Paper "The Natural Choice" (published June 2011)

Paragraph 2.53 - This has a "renewed commitment to conserving and restoring ancient woodlands".

Paragraph 2.56 – "The Government is committed to providing appropriate protection to ancient woodlands and to more restoration of plantations on ancient woodland sites".

Standing Advice for Ancient Woodland and Veteran Trees (first published October 2014, revised November 2018)

This advice, issued jointly by Natural England and the Forestry Commission, is a material consideration for planning decisions across England. It explains the definition of ancient woodland, its importance, ways to identify it and the policies that are relevant to it.

The Standing Advice refers to an <u>Assessment Guide</u>. This guide sets out a series of questions to help planners assess the impact of the proposed development on the ancient woodland.

<u>Biodiversity 2020: a strategy for England's wildlife and ecosystem services</u> (published August 2011).

Paragraph 2.16 - Further commitments to protect ancient woodland and to continue restoration of Plantations on Ancient Woodland Sites (PAWS).

Importance and Designation of Ancient and Native Woodland

Ancient Semi Natural Woodland (ASNW)

Woodland composed of mainly native trees and shrubs derived from natural seedfall or coppice rather than from planting, and known to be continuously present on the site since at least AD 1600. Ancient Woodland sites are shown on Natural England's Inventory of Ancient Woodland.

Plantations on Ancient Woodland Site (PAWS)

Woodlands derived from past planting, but on sites known to be continuously wooded in one form or another since at least AD 1600. They can be replanted with conifer and

broadleaved trees and can retain ancient woodland features, such as undisturbed soil, ground flora and fungi. Very old PAWS composed of native species can have characteristics of ASNW. Ancient Woodland sites (including PAWS) are on Natural England's Inventory of Ancient Woodland.

Other Semi-Natural Woodland (OSNW)

Woodland which has arisen since AD 1600, is derived from natural seedfall or planting and consists of at least 80% locally native trees and shrubs (i.e., species historically found in England that would arise naturally on the site). Sometimes known as 'recent semi-natural woodland'.

Other woodlands may have developed considerable ecological value, especially if they have been established on cultivated land or been present for many decades.

Information Tools – The Ancient Woodland Inventory

This is described as provisional because new information may become available that shows that woods not on the inventory are likely to be ancient or, occasionally, vice versa. In addition ancient woods less than two hectares or open woodland such as ancient woodpasture sites were generally not included on the inventories. For more technical detail see *Natural England's Ancient Woodland Inventory*. Inspection may determine that other areas qualify.

As an example of further information becoming available, Wealden District Council, in partnership with the Forestry Commission, Countryside Agency, the Woodland Trust and the High Weald AONB revised the inventory in their district, including areas under 2ha. Some other local authorities have taken this approach.

Further Guidance

<u>Felling Licences</u> - Under the Forestry Act (1967) a Felling Licence is required for felling more than 5 cubic metres per calendar quarter. Failure to obtain a licence may lead to prosecution and the issue of a restocking notice.

<u>Environmental Impact Assessment</u> - Under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended, deforestation which is likely to have a significant impact on the environment may also require formal consent from the Forestry Commission. Date: 06 July 2020 Our ref: 321032 Your ref: NYM/2020/0420/FL

North York Moors National Park Authority

BY EMAIL ONLY



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

Dear Sir or Madam,

Planning consultation: Application for erection of 2 no. agricultural livestock buildings **Location:** Hogarth Hill Farm, Boggle Hole Road, Fylingdales

Thank you for your consultation on the above dated 29 June 2020 which was received by Natural England on 29 June 2020.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Insufficient information provided

There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Please provide the information listed below and re-consult Natural England. Please note that you are required to provide a further 21 day consultation period, once this information is received by Natural England, for us to respond.

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

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

Our Impact Risk Zones¹ have identified that interest features of designated sites North York Moors, Robin Hoods Bay: Maw Wyke to Beast Cliff, Biller Howe Dale and Newtondale Sites of Special Scientific Interest may be sensitive to impacts from aerial pollutants, such as those emitted from this proposed development. The consultation documents provided do not include any assessment of air quality impacts.

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

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

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

Should the developer wish to explore options for avoiding or mitigating effects on the natural environment with Natural England, we recommend that they use our <u>Discretionary Advice Service</u>.

Please send further correspondence to <u>consultations@naturalengland.org.uk</u> quoting our reference 321032.

Yours faithfully,

Danielle Priestner Consultations Team