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**From:** Walton, Elizabeth  
**Sent:** 16 November 2020 14:29  
**To:** Hilary Saunders  
**Subject:** South Moor Farm

Hilary

My sincere apologies for the lateness of this response.

Please can you refer back to the comments that I have made on behalf of Forestry England in relation to the previous planning applications for the air strip at South Moor Farm- those comments remain relevant to this application despite the amendment by the applicant in this application regarding the intensity of use.

Specifically with regards to this application we note the following in the submitted documentation;

- Ambiguity in the timings of flights- 52 flights per year (i.e. once per week) but on page 6 of the supporting information there is reference to one flight a day. The VMC restriction may result in a concentration of flights to the spring/summer months when flight visibility is often better and this coincides with the peak bird nesting season.
- The reference to Yorkshire Bird reports (2012, 13 & 14) and specific reference to turtle doves have been superseded by more comprehensive and up to date data- increased species surveys and casual records from the public (turtle dove project profile).

- Nightjar- the Quants environmental survey found 6 pairs directly under the flight path and stated that the flights may have an impact. Siting an old report from 2011 to suggest that the disturbance of 6 birds would not have an impact on the wider population- to ascertain this position an up to date population survey of Nightjars across the whole of Dalby would be needed.
- FE would not be in a position to liaise with applicant, as suggested, for mitigation of the impacts on Goshawks. The information we hold on the location of nests is confidential to protect the nests and we would not disclose the information.
- The documentation refers to a resurvey, to update the information held, which was carried out in August 2019. The timing of the survey is outside the main breeding/ activity season of all of the protected species and therefore it may not be an effective update of the information held. This is highlighted in the Limitations section of the Bird Vantage Report.
- The August 2019 survey focused on goshawk and honey buzzards but did not offer updated information on nightjars and turtle doves, nor did it provide information as to the effect of light aircraft on any of the species.

From our prospective we do not believe that the submitted supporting information provided in this application gives any additional information to 'satisfactorily demonstrate that protected bird species, notably Goshawk (Schedule 1, Wildlife & Countryside Act) and Nightjar (Section 41, NERC Act, Annex 1, EU Birds Directive) would not be adversely affected by the proposed development'.

Kind regards

Elizabeth

Elizabeth Walton MRICS  
Area Land Agent  
Yorkshire Forest District

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Registered Charity 1169240

North Yorkshire Moors Association 4 Station Road Castleton Whitby North Yorkshire YO21 2EG

Planning Application NYM/2020/0586/FL

**Application for use of land to form 1 no. grass runway for personal use by owner and emergency use together with erection of wind sock (revised scheme following dismissal at appeal of NYM/2016/0817/FL) at South Moor Farm, Dalby Forest Drive, Ebberston**

Dear Hillary,

The North Yorkshire Moors Association has submitted an objection to each of four previous applications for the development and use of an airfield at South Moor Farm. The applications were all refused by the National Park Planning Authority and all had appeals against the refusals dismissed by the Planning Inspectorate.

In April 2018 the National Park imposed an Article 4 Directive which blocked the 28 day rule which permits flying on 28 days of the year from a private airfield such as a grass runway (Farm Strip).

The new application NYM/2020/0586/FL requests the removal of the Article 4 Directive and a proposal to use the airstrip for flying on 52 days of the year.

***Applicants Proposal.***

*Removal of the Article 4 directive and planning permission to be granted for sole use by me of my field for the taking off and landing of my aircraft and parking when not in use.*

*Taking off the field would be used for 15 minutes.*

*Landing the field would be used for 15 minutes.*

*I fly once per week on average so would like use for 52 days.*

*Total use amounts to 26 hours approx 1 day per year.*

*The facility could also be used by emergency services and disaster relief as required. The aircraft would be parked in the screened corner and covered in blue tarpaulin as*

*it was in 2017.*

(South Moor Farm Airstrip proposal page 3 of the applicants submission)

This description of the use of the airfield is at odds with that of the consultant Phlorum whose submission in support of the application reads as follows;

*5.2 The site is proposed for use as a single grass airstrip with a small wooden building to house the movements log and pilot rest area. The number of flights will be limited to 250 per year (an average of less than one per day) with no more than five flights on any one day, each flight comprising a take-off and landing i.e. 10 aircraft movements per day. There will be no training flights, no practice circuits and no aerobatics by pilots based at South Moor Farm. All flights will be during daylight with no night flights. The site will only be used for the operation of light private aircraft under 2,000 kg. Visiting aircraft would require prior permission to control the number of movements*

(Phlorum, Evaluation and Assessment of Potential Impacts p.18)

## **Introduction**

The area around Langdale End and South Moor Farm is a delightful part of the National Park with a mixture of open landscape with distant views and extensive wooded areas. Its remoteness from any larger settlements means it is a particularly quiet area. The proximity to Dalby Forest and the Dalby Forest Trail makes it a well-used area for walkers, cyclists and horse riders.

The elevated position of South Moor Farm and the exposure of the holding also mean that the proposal will make it unmistakably an airfield rather than a farm holding. Even though the proposed aircraft movement may be reduced from the previous applications the proposed level of activity on such a regular basis will change the location from an area in which visitors can enjoy peace and tranquillity, to one disturbed by aircraft noise, from low flying aircraft, particularly that of landing and taking off.

Furthermore the risk of harm to protected wildlife is of great concern especially at a time when there is such a loss of biodiversity and the reduction in population of many bird species.

After considering this new application NYM/2020/0586/FL the North Yorkshire Moors Association would like once again to register our objections.

In dismissing the last appeal in February 2018 the inspector identified the main issues as (a) The likely effect of the proposed development on protected species in the vicinity of the site; (b) Whether the proposal would accord with the statutory purposes of the National Park; (c) The impact on landscape character.

Our objections to the current proposal are the same in many respects as the objections we have raised before with previous applications for the airfield and are in accord with the main issues raised by the Inspector at the last appeal hearing. They are that the new proposed development is contrary

to National Park Policies which are established to support and to protect the statutory purposes of the Park.

The Statutory Purposes are;

- i) to conserve and enhance the natural beauty, wildlife and cultural heritage of the area;
- ii) To promote opportunities for the understanding and enjoyment of the special qualities of the area by the public.

These purposes are an intrinsic part of the National Park Local Plan which became effective in July 2020. The statutory purposes are also recognised in the Governments **National Planning Policy Framework (NPPF)**, at paragraph 172. *Note 46 of the NPPF points to further guidance in **English National Parks and the Broads: UK Government Vision and Circular 2010** with relevant statements in section 4*

### **National Planning Policy Framework**

*“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty”  
(Paragraph 172)*

### **English National Parks and the Broads UK Government Vision and Circular 2010**

*“Large numbers of people visit and learn about the Parks every year, drawn by their landscapes, the chance to escape day to day pressures and above all to experience the sense of freedom, peace, adventure and enrichment which generations have enjoyed since the Parks were first established.  
No two Parks are the same and the Government looks to individual authorities to identify the special qualities of their Park including those associated with the cultural heritage, wide open spaces, coastlines, the sense of wildness and tranquillity and the dark night skies that Parks offer”.  
(Section 4 Para. 23)*

### **North York Moors National park Local Plan**

The Local Plan is written to help deliver the statutory purposes of the National park designation and Strategic Policy A states that ;

*“The Plan gives great weight in decision making to the importance of landscape” p.14  
“The Environment chapter contains policies aimed at protecting many of the National Park special Qualities, as well as policy protecting landscape there are specific policies on three of these special qualities; tranquillity, a strong feeling of remoteness and dark skies” p.19.*

### **Strategic Policy E - The Natural Environment**

*“The quality and diversity of the natural environment of the North York Moors National Park will be conserved and enhanced”*

*Development which has an unacceptable impact on the natural environment, the wildlife it supports and the environmental benefit it provides will not be permitted” para4.1*

*“The intention of this policy is to reinforce consideration of how new development can contribute to the first National Park Statutory Purpose”para4.2*

### **Strategic Policy G – Landscape**

*“Development which would have an unacceptable impact on the natural beauty, character and special qualities of the areas of moorland, woodland coast and foreshore as defined in the Section Conservation Map or on the setting of the Howardian Hills AONB or local seascape will not be Permitted” para4.8*

### **Strategic Policy H – Habitats, Wildlife, Biodiversity and Geodiversity**

*1. The conservation, restoration and enhancement of habitats, biodiversity and geodiversity in the North York Moors National Park will be given great weight in decision making.*

*2. All development and activities will be expected to:*

*a) Maintain and where appropriate enhance features of ecological value and recognise geodiversity assets*

*b) Maximise opportunities to strengthen the integrity and resilience of habitats and species within the National Park and provide a net gain in biodiversity, including those species for which the National Park supports a significant proportion of the regional or national populations and those found at the end of their range. Examples would include nightjar, honey buzzard, goshawk and turtle dove. para 4.18*

*c) Maintain and where appropriate enhance existing wildlife connections and landscape features such as water courses disused railway lines, hedgerows and tree lines for biodiversity as well as for other green infrastructure and recreational use.*

*3. Development proposals that will have a harmful impact on protected or valuable sites or species will only be permitted where it can be demonstrated that:*

*a) There are no alternative options that would avoid or reduce the harm to the protected or valuable interest.*

### **National Sites and Protected Species**

*“Proposals that would adversely affect the special interest features of a Site of Special Scientific Interest or a National Nature Reserve or the nature conservation interest of a national protected species will only be permitted where the benefits of a development clearly outweigh the impact on the protected interest”*

### **Policy ENV2 – Tranquillity**

*Tranquillity in the National Park will be maintained and enhanced. Development proposals will only be permitted where there is no unacceptable impact on the tranquillity of the surrounding area.*

*All proposals will be considered in relation to:*

- 1 Visual intrusion;*
- 2 Noise;*
- 3 Activity levels; and*
- 4 Traffic generation*

## **Conclusions**

The Local Plan makes it clear that with regard to The Statutory Purposes and Duty that the Plan;

*“Must assume a policy of restraint and protection, based upon the need to fulfil the first purpose, and it must make sure that the Park can be enjoyed and appreciated for its special qualities. In the event of any potential conflict between the two statutory purposes the first takes precedence (known as the Sandford principle)” p19 what are the main influences on the Plan*

The current proposal is for the personal recreational use of an aircraft and as a possible landing area for visiting flyers. We agree with the Inspector at the last appeal hearing who said that;

*“Tranquillity is not just confined to noise. Though there is no common definition in use it must surely include other senses. Dictionary definitions includes the words ‘serene’, ‘stillness’ and undisturbed. In my judgement the proposal would at times interfere with these qualities which are currently evident in this part of the National Park. That interference could be intense at times”.*

And

on the perceptual matter of tranquillity he considered that;

*“the proposal would adversely impact on the tranquil character of this part of the Park. This would adversely affect enjoyment of the Park by some visitors” (Appeal Decision para 26)*

The Inspector also reached the conclusion that with regard to protected birds;

*“There is a real risk that all the species considered in this appeal would be disturbed sufficiently to abandon breeding or even leave the area completely.”(Appeal Decision para14)*

*“on the first main issue the proposed development would be in conflict with the first purpose since it would fail to conserve and enhance wildlife within the National Park”(Appeal Decision para19)*

We also agree with the conclusion of the Inspector at the third appeal hearing that there was a risk that protected species of birds would be harmed;

*“Based on the information before me I cannot conclude that the proposal would not harm protected species. I take into account the conservation of wildlife is explicit in the statutory purposes of the National Park and having regard to the Sandford Principle this harm must carry greater weight than the stated benefits”*

Even though there is a reduced amount activity in the present proposal we feel there is likely to be sufficient aircraft movement to impact on the wildlife of the area and a threat to the protected species. We concur with the Inspectors view on tranquillity having regard to the special qualities of the National Park in the area of the airfield site.

We welcome the offer of the use of the airfield for emergency landings and other emergencies but this should not be used as a bargaining chip for wider recreational use by the applicant or others. For the reasons we have expressed in this submission, we respectfully ask that this planning application is refused.

Tom Chadwick (Chairman NYMA)



**From:**  
**To:** [Planning](#)  
**Subject:** Comments on NYM/2020/0586/FL - Case Officer Mrs H Saunders - Received from Mrs Ellen Milner at Yorkshire Wildlife Trust, 1 St Georges Place, YORK, YORK, YO241GN  
**Date:** 14 October 2020 16:26:05

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Yorkshire Wildlife Trust works across the whole of Yorkshire, managing more than 100 reserves and with a membership of over 44,000. It is the second oldest of the 46 Wildlife Trusts which work in partnership to cover the whole of the UK. Yorkshire Wildlife Trust's mission is to create a Yorkshire rich in wildlife for the benefit of everyone with more wildlife, more wild places and more people having a strong connection to nature. Yorkshire needs a recovery of wildlife on land and sea. This can be achieved by creating and protecting and connecting, wildlife-rich landscapes and seas (living landscapes and living seas) in a Society where nature matters.

Yorkshire Wildlife Trust wish to register an objection to this application. The application site is in close proximity to the North York Moors Special Protection Area (SPA) and North York Moors Special Area of Conservation (SAC) which are European sites, also designated as the North York Moors SSSI. Applications which may affect the designating or interest features of European sites should undergo a Habitats Regulation Assessment to determine if a Likely Significant Effect may occur as a result of the proposal. This is detailed within the consultation response from Natural England, which we support.

To date it does not appear that sufficient evidence has been submitted to conclude that important bird species would not be adversely affected by the proposals. Based on the information available, disturbance to the following key species is of most concern: -turtle dove (Birds of Conservation Concern Red listed), honey buzzard (Birds of Conservation Concern Amber listed and Wildlife and Countryside Act 1981 Schedule 1), nightjar (Birds of Conservation Concern Amber listed) and goshawk (Wildlife and Countryside Act 1981 Schedule 1). We support the comments of Scarborough Birders and Yorkshire Naturalists' Union with respect to the potential impacts of the proposed scheme.

Comments made by Mrs Ellen Milner of Yorkshire Wildlife Trust, 1 St Georges Place, YORK, YORK, YO241GN

Comment Type is Object with comments

**From:**  
**To:** [Planning](#)  
**Subject:** FW: NYM/2020/0586/FL  
**Date:** 13 October 2020 12:58:17

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Please upload public

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**From:** Catriona Cook  
**Sent:** 13 October 2020 11:32  
**To:** Hilary Saunders  
**Subject:** NYM/2020/0586/FL

Dear Hilary,

I am writing on behalf of the British Horse Society about the above planning application for a runway and wind sock at South Moor Farm.

The BHS objects to this proposal; despite it being cut back in scale from the previous applications. If it was given permission, it would be the start of an escalation in a project which is against National Park principles.

No element of low flying aircraft should be entertained in the proximity of a bridleway and all purpose road. Such aircraft are a danger to riders safety and an intrusion of their enjoyment of quiet and solitude to be found in that area. The landing and takeoff of low flying aircraft will not only affect the immediate surrounds of South Moor Farm but will blight a considerable distance around the farm, which is well served by bridleways and forest racks used by riders.

Yours sincerely,

Catriona Cook MBE (Mrs)  
BHS Access Officer



The countryside charity  
North Yorkshire

PO Box 189  
York  
YO7 9BL

Branch President  
The Lord Crathorne KCVO  
Branch Chair  
Mr S White

**Authority:** North York Moors National Park Authority

**Type of consultation:** planning application

**Full details of application/consultation:** NYM/2020/0586/FL - use of land to form 1 no. grass runway for personal use by owner and emergency use together with erection of wind sock (revised scheme following dismissal at appeal of NYM/2016/0817/FL)

**At land at:** South Moor Farm, Dalby Forest Drive, Ebberston

**Type of response:** Objection

**Date of Submission:** 5<sup>th</sup> October 2020

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

All CPRE North Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

## Comment

CPRE North Yorkshire ('CPRENY') welcomes the opportunity to comment on the above application submitted by Mr Walker ('the applicant') to the North York Moors National Park Authority ('NPA'). CPRENY has taken the opportunity to review the documentation submitted in support of the application and note that this proposal is the latest in a series of applications for the same usage which have been both refused and dismissed at appeal, commencing in 2013.

CPRENY object to the proposal at this location as a detrimental impact on protected species can not be ruled out given the lack of relevant up to date information submitted by the applicant. Furthermore, CPRENY are concerned that that the proposal will impact on the nationally designated landscape of the North York Moors National Park ('NP') and could, particularly when in use, distract users of the Dalby Forest Drive contrary to national policy.

## Planning Analysis

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application should be determined in accordance with the development plan unless material planning considerations indicate otherwise. The planning system should contribute to achieving sustainable development. The National Planning Policy Framework ('NPPF') (2019) aims to deliver sustainable development through the implementation of its policies. Paragraph 11 states that for decision making this means:

- c) *'approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:*
  - I. *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - II. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

The Development Plan relevant to this application is the North York Moors National Park Authority Local Plan and was adopted in July 2020, having recently been through Examination in Public and found sound by an independent Inspector. As such the policies contained within, can be given full weight in the planning balance when determining this application.

The Statutory Duties of the NPA are to:

- Conserve and enhance the natural beauty, wildlife and cultural heritage of the North York Moors National Park;
- Promote opportunities for the understanding and enjoyment of the special qualities of the National Park; and
- Whilst achieving the above, seek to foster the economic and social well-being of local communities.

The Sandford Principle dictates that where there is an irreconcilable conflict between the statutory purposes, greater weight will be attached to the first purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park.

The NPPF places great weight on the protection of nationally designated landscapes at paragraph 172 including to conserving and enhancing landscape and scenic beauty alongside the conservation and

enhancement of wildlife and cultural heritage. The applicant has not included any assessment setting out what the impact would be on the landscape quality at this location. The site is located to the south east of the Farmhouse in an area of open agricultural land between forestry. It is immediately adjacent to Dalby Forest Drive, a publicly accessible route through the forest use by visitors and residents. This large expanse of agricultural land is a change in character to that of the forest, however, the addition of a permanent grassed runway and aircraft (no hanger/shed is proposed) would alter this rural character type. Should the applicant indeed only seek to utilise the aircraft once per week for approx. 30minutes at a time, the plane would be sat idle for the majority of the time and would not be at all in keeping with this landscape.

Strategic Policy G sets out the NPAs priorities for landscape. *“Great weight will be given to landscape considerations in planning decisions”*. The application site falls into landscape character type ‘3 – forest’. Paragraph 4.14 explains that *“individual trees, groups of trees, woodland, hedgerows and walls are also an important element of the quality of the National Park’s environment”*. CPRENY, therefore, believe that the proposed airstrip contained within a forest clearing could potentially impact detrimentally on the forest and ecosystems within. The applicant alludes to noise monitoring by MAS Environmental, although this does not appear to have been submitted with the application. As no assessment has been made as to how the proposal and aircraft will assimilate into the landscape at this location or impact on the surrounding forest, the proposal must be considered contrary to Strategic Policy G.

CPRENY are of the opinion that a Habitats Regulations Assessment will be required to be undertaken as dictated by the Conservation of Habitats and Species Regulations 2017, often known as the ‘Habitats Regulations’ to assess the potential impacts on internationally important sites. The proposed site is located in close proximity to North York Moors Special Protection Area (SPA) and North York Moors Special Area of Conservation (SAC) which are European protected sites. The sites are also designated nationally as North York Moors Sites for Special Scientific Interest (SSSI). In order to carry out this duty in line with the Regulations, the NPA will require sufficient detailed information to be provided by the applicant prior to planning permission being determined, in order for them to be able to make the assessment.

The applicant has submitted several bird surveys to support his application. The most recent of which was an update considering the likely impact on Goshawks and Honey Buzzard, both of which are protected species. However, no other survey updates were undertaken for other notable species present in the vicinity including *“a total of 13 red listed and seven amber listed bird species were recorded during the breeding bird surveys including declining farmland and woodland species and species nesting in the South Moor Farm buildings”* as stated in the applicants 2018 report at paragraph 5.13. Those surveys were undertaken in spring/summer 2018 and as such are considered out of date for planning purposes. The NPA, therefore, cannot determine that that will not be a detrimental impact on birds listed within Schedule 1 of the Wildlife and Countryside Act and Section 41 of the Natural Environment and Rural Communities Act 2006 and as such the proposal should be refused.

Strategic Policy E sets out that *“development which has an unacceptable impact on the natural environment, the wildlife it supports and the environmental benefits it provides will not be permitted.”* It is hard to see how the proposals conform to this policy given the above. Strategic Policy H deals specifically with Habitats, Wildlife, Biodiversity and Geodiversity. It reinforces Strategic Policy E and sets out how proposals affecting designated sites for nature conservation interest will be considered.

Policy ENV2 sets out that tranquillity in the National Park should be maintained and enhanced. It goes on to state that all proposals will be considered in relation to: Visual intrusion, noise, activity levels and traffic generation. Tranquillity is not limited to sound but also movement. Both of these elements are synonymous with the proposed development and usage. CPRENY consider that the introduction of regular aircraft activity at this location would impact on the tranquillity of the forest location.

The NPPF sets out at paragraph 108 that, when assessing planning proposals, it should be ensured that “*safe and suitable access to the site can be achieved for all users*” and “*any significant impacts from the development on [...] highway safety, can be cost effectively mitigated to an acceptable degree.*” CPRENY are concerned that the location of the proposed airstrip is adjacent to Dalby Forest Drive, and as such the aircraft will be required to fly low in order to land / take-off. As such there could be a danger to users of the Forest Drive in terms of being distracted. CPRENY would seek to ensure that the NPA are satisfied that there are no safety concerns as a result of low-flying aircraft which would impact on users of the highway prior to determination.

Furthermore, CPRENY cannot support the applicant’s assertion in his supporting statement that a benefit of the proposal is a reduction in travel by road. The NPA must consider benefits of the proposal when determining the application and weigh these against any negative impacts in the planning balance when determining the application. However, as the airstrip is proposed for private usage, the cessation of the applicant driving his car to Leven and return is not an advantage that the NPA will benefit from more widely. Whilst the NPPF asserts that Local Plans should consider ways to reduce greenhouse gas emissions this is not what it had in mind. CPRENY consider that this would be an advantage for the applicant rather than the NPA and, therefore, should not be taken into account when considering this application.

The applicant also cites the fact that the airstrip could be used in emergency circumstances, such as during the recent (and current) pandemic in cases of national lockdown. When viewing the site on google maps, one can clearly see a grassed air strip already. If such an emergency state were to occur again, the site could already be used in such cases.

In conclusion, CPRENY consider that insufficient evidence has been presented to illustrate that there would not be a detrimental affect on the special qualities of the NP, particularly the landscape and protected species, should the proposal be favourably determined, therefore, the proposal should be refused as being contrary to both local and national planning policies.

**From:**

[Planning](#)

**Subject:**

Comments on NYM/2020/0586/FL - Case Officer Mrs H Saunders - Received from David Smith - Ranger South at NYMNPA,

**Date:**

09 October 2020 01:02:02

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Whilst I acknowledge the proposed use will be less than in the previous applications for this site and that warning signs will be erected, I still have some concern regarding the safety of the public using the public rights of way on or close to the development site, especially the potential danger to horse riders using the public bridleway. Due to the unpredictable behaviour of a horse and the way it may react to low flying aircraft and noise, it is highly possible this will create a serious risk of injury to a rider should their horse decide to bolt, more so where the horse and rider have very little experience of being so close to such an activity or situation. My other concern is the element of the application regarding emergency use. If permission is granted, I think some form of control and monitoring would be useful to ensure the use of the airstrip doesn't become excessive under the umbrella of 'emergency use'.

Comments made by David Smith - Ranger South of NYMNPA

Preferred Method of Contact is: Email

Comment Type is Comment

Letter ID: 551120

Date: 25 September 2020  
Our ref: 327042  
Your ref: NYM/2020/0586/FL



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

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

**BY EMAIL ONLY**

Dear Mrs H Saunders

**Planning consultation: NYM/2020/0586/FL. Application for use of land to form 1 no. grass runway for personal use by owner and emergency use together with erection of wind sock. Location: South Moor Farm, Dalby Forest Drive, Eberston.**

Thank you for your consultation on the above dated 04 September 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**

**FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES**

As submitted, the application could have potential significant effects on North York Moors SPA, SAC and SSSI. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- A Habitats Regulations Assessment (HRA).

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

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

**Additional Information required**

**European Sites**

The application site is in close proximity to a European designated site (also commonly referred to



as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The application site is in close proximity to North York Moors Special Protection Area (SPA) and North York Moors Special Area of Conservation (SAC) which are European sites. The sites are also notified at a national level as North York Moors SSSI.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>1</sup>. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site and it is unclear as to whether a significant effect can be ruled out at this stage. Please see below for the information required to carry out a HRA:

- In Natural England's letter dated 31 January 2017 we requested further information on proposed direction of flights from the airstrip as part of application NYM/2016/0817/FL. We note information is provided within the Bird Assessment which details the sub-500ft flight path, however section 3.1 states "*raptor disturbance behaviours related to aircraft have been recorded in literature at distances out to 800-850m*". For this reason, we advise information detailing whether flight paths would be towards the North York Moors SPA is still required to undertake the HRA. This will determine whether there is potential for disturbance to the SPA site itself, or if assessment should focus on functionally linked land;
- Natural England notes the inclusion of bird survey data within the submitted documents. The report advises that merlin were observed using the survey site. As the report is dated November 2016 the NYMNPAs should ascertain whether the findings are still valid to inform the HRA;
- Potential air quality impacts to the North York Moors Special Area of Conservation should also be assessed.

### **North York Moors Site of Special Scientific Interest (SSSI)**

Natural England notes the development is in close proximity to the designated site North York Moors SSSI. Based on the plans submitted, Natural England considers that the proposed development could have potential significant effects on the interest features for which the sites have been notified. The information required to determine any potential impacts is listed above (European sites).

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

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<sup>1</sup> Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

## Other advice

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

## Protected Landscapes

The proposed development is for a site within a nationally designated landscape, namely North York Moors National Park. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

The landscape advisor/planner for the National Park will be best placed to provide you with detailed advice about this development proposal. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the park's management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Relevant to this is the duty on public bodies to 'have regard' for those statutory purposes in carrying out their functions (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended)). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

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

If you have any queries relating to the advice in this letter please contact me on 02080268724 or email me at [Lisa.Sheldon@naturalengland.org.uk](mailto:Lisa.Sheldon@naturalengland.org.uk).

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our [Discretionary Advice Service](#).

Please consult us again once the information requested above, has been provided.

Yours sincerely

Lisa Sheldon  
Yorkshire and Northern Lincolnshire Area Team  
Natural England

## Annex A- Additional Advice

Natural England offers the following additional advice:

### **Best and most versatile agricultural land and soils**

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

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

### **Protected Species**

Natural England has produced [standing advice](#)<sup>2</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

### **Local sites and priority habitats and species**

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)<sup>3</sup>. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

### **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.

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<sup>2</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

<sup>3</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

- 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.

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).

### **Biodiversity duty**

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

**From:**  
**To:** [Planning](#)  
**Subject:** Comments on NYM/2020/0586/FL - Case Officer Mrs H Saunders - Received from Mrs Linda Mclaughlin at EBBERSTON, YEDINGHAM & BICKLEY PARISH COUNCIL, Mill House, Mill Lane, SCARBOROUGH, North Yorkshire, YO13 9nl  
**Date:** 24 September 2020 11:47:05

---

We would like to register our objections to the above planning application.

Our belief is that approval of the airstrip would disturb the peace and tranquillity of the residents, wildlife and birds in the Bickley, Langdale and Crosscliffe areas. It has been noticeable during the Covid 19 situation a significant increase in bird life in this area due to the lack of aircraft activity in general. It also presents health and safety issues in form of bird strikes and horses and riders which may be using the bridle path that follows the curtilage of the airstrip site. The applicant has shown a lack of understanding of the safety measures required under the CAA requirements with regard to aircraft safety and the well being of avian species in the area.

There are other airstrips in the vicinity therefore why the need for more? Our concern would also be that whilst this application has advised it would be used for personal use only how would this be policed?

We also note the application contravenes the Sandford Principle.

Comments made by Mrs Linda Mclaughlin of EBBERSTON, YEDINGHAM & BICKLEY PARISH COUNCIL, Mill House, Mill Lane, SCARBOROUGH, North Yorkshire, YO13 9nl

Preferred Method of Contact is Email

Comment Type is Strongly Object

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



**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**

**Application No:** **NYM20/0586/FL**

**Proposed Development:** Application for use of land to form 1 no. grass runway for personal use by owner and emergency use together with erection of wind sock (revised scheme following dismissal at appeal of NYM/2016/0817/FL)

**Location:** South Moor Farm, Dalby Forest Drive, Ebberston

**Applicant:** Mr Robert Walker

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

**Area Ref:** 4/21/53F **Tel:**

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

**To:** North York Moors National Park  
Authority  
The Old Vicarage  
Bondgate  
Helmsley  
YO62 5BP **Date:** 28 September 2020

**FAO:** Hilary Saunders **Copies to:**

Although there are **No Highway Objections** to this application it should be noted that the Highway Authority has concerns regarding the presence of an aircraft runway visible from the live carriageway, Dalby Forest Drive. As this will only be used occasionally it is felt that the distraction of an occasional light aircraft landing or taking off could distract drivers and be prejudicial to highway safety. Dalby Forest Drive is a private toll road and any warning signage should be agreed with The Forestry Commission.

**Signed:**

***Kay Aitchison***

*For Corporate Director for Business and Environmental Services*

**Issued by:**

Whitby Highways Office  
Discovery Way  
Whitby  
North Yorkshire  
YO22 4PZ

**e-mail:**

**From:**  
**To:** [Planning](#)  
**Subject:** RE: NYM/2020/0586/FL  
**Date:** 28 September 2020 14:33:38

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Hi

Sorry for the delay in responding to this application

The Parish Council objects on the grounds of the potential disturbance of the wildlife and protected species of birds which nest in the area. The councillors feel it is not the correct use of National Park land.

There are plenty of other private airfields in the local area which could be used in an emergency. If planning permission was to be granted the Council would request that the use of the airfield was monitored closely.

Kind regards

Lesley

Lesley Myers  
Clerk to Allerston and Wilton Parish Council  
Waterways  
Main Street  
Allerston  
Pickering  
North Yorkshire  
YO18 7PG

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Ministry  
of Defence

# Defence Infrastructure Organisation

Safeguarding Department  
Statutory & Offshore

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

Defence Infrastructure Organisation  
Kingston Road  
Sutton Coldfield  
West Midlands  
B75 7RL

[www.mod.uk/DIO](http://www.mod.uk/DIO)

17 September 2020

Your reference: **NYM/2020/0586/FL**

Our reference: 10038304

Dear Mrs Saunders

## **MOD Safeguarding – RAF Fylingdales**

**Proposal:** Application for use of land to form 1 no. grass runway for personal use by owner and emergency use together with erection of wind sock (revised scheme following dismissal at appeal of NYM/2016/0817/FL)

**Location:** Moor Farm, Dalby Forest Drive, Eberston

**Grid Ref:** 490477 490321

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office on 04/09/20. I can confirm the MOD has no safeguarding objections to this proposal.

I trust this is clear however should you have any questions please do not hesitate to contact me.

Yours sincerely

Debbie Baker



DIO safeguarding

**From:**

**Subject:** NYM/2020/0586/FL South Moor Farm airstrip archaeology comments

**Date:** 15 September 2020 11:51:29

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Hi Hilary,

There are no objections from an archaeological perspective to the current proposal for an airstrip and windsock to be installed at South Moor Farm. The removal of new buildings and below-ground cabling from previous proposals removes the need for archaeological mitigation, the windsock installation is unlikely to require attention. There remains a high potential for significant non-designated archaeology to be present beneath the ground at the site, so the applicant should be aware that any future planned works would require mitigation, probably in the form of watching briefs.

Furthermore, the applicants proposal that the strip be used for 30 minutes by a single aircraft on 52 days of the year reduces the impact on the setting of the nearby heritage and Scheduled Monuments to an acceptable level, as indicated by Historic England's response. If the application is approved, please could this usage be conditioned to prevent more aircraft movement, which would have a significant detrimental impact on the local tranquillity and setting of Scheduled Monuments.

Best regards,

**Nick Mason**  
**Archaeology Officer**

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

**From:**  
**To:** [Planning](#)  
**Subject:** RE: NYM/2020/0586/FL [SG30368]  
**Date:** 15 September 2020 10:30:10  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

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Our Ref: SG30368

Dear Sir/Madam

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully

**NATS**

**NATS Safeguarding**

4000 Parkway, Whiteley,  
Fareham, Hants PO15 7FL  
[www.nats.co.uk](http://www.nats.co.uk)



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**From:** [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk) <[planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)>  
**Sent:** 04 September 2020 11:37  
**To:** NATS Safeguarding  
**Subject:** NYM/2020/0586/FL  
**Importance:** High

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Historic England

Mrs H Saunders  
North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley, York  
North Yorkshire  
YO62 5BP

Our ref: **W:** P01246030

8 September 2020

Dear Mrs Saunders

**T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**SOUTH MOOR FARM, DALBY FOREST DRIVE, EBBERSTON, SCARBOROUGH,  
YO13 0LW  
Application No. NYM/2020/0586/FL**

Thank you for your letter of 4 September 2020 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Yours sincerely

**Keith Emerick**  
Ancient Monuments Inspector



37 TANNER ROW YORK YO1 6WP



**From:**  
**To:** [Planning](#)  
**Subject:** Comments on NYM/2020/0586/FL  
**Date:** 14 September 2020 11:18:11

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**Use of land to form 1no. grass runway for personal use by owner and emergency use together with erection of windsock (revised scheme following dismissal at appeal of NYM/2016/0817) at South Moor Farm, Dalby Forest Drive, Ebberston**

The above application has been considered by Hackness and Harwood Dale Group Parish Council.

Council has no objections to the application as submitted providing any consent is conditioned so as to ensure the consent is personal to the applicant and there is no commercial use.

While not mentioned at the Parish Council meeting, it is suggested the planning authority outlines the definition of emergency use so as to ensure such use is genuine and not 'conveniently engineered' so that other private aircraft are using the runway for non-emergency purposes.

--

J Marley (Mrs) CiLCA  
Clerk to Hackness and Harwood Dale Group Parish Council  
(comprising the parishes of Broxa cum Troutsdale, Darncombe cum Langdale End, Hackness, Harwood Dale, Silpho, and Suffield cum Everley).

Annan,  
41 Scalby Road,  
Burniston,  
Scarborough

name before your call is accepted.)

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