

From:

Subject: FW: NYM/2020/0935/FL
Date: 21 December 2020 15:58:40
Attachments: [NYM_2020_0935_FL.pdf](#)
Importance: High

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 [Standing Advice on Ancient Woodland](#) – plus supporting [Assessment Guide and Case Decisions](#).

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 [Ancient Woodland Inventory](#) (maintained by Natural England), which can be viewed on the [MAGIC Map Browser](#), 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,

Serena Clifford

Y&NE Area Administration Officer
Forestry Commission
Yorkshire & North East Area
Foss House, King's Pool,
1-2 Peasholme Green,
York
YO1 7PX

Protecting and expanding England's forests and woodlands, and increasing their value to society and the environment

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 [Natural England’s Ancient Woodland Inventory](#)), 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)”.

[Keepers of Time](#) – 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 [Assessment Guide](#). This guide sets out a series of questions to help planners assess the impact of the proposed development on the ancient woodland.

[Biodiversity 2020: a strategy for England’s wildlife and ecosystem services](#) (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 wood-pasture 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

[Felling Licences](#) - 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.

[Environmental Impact Assessment](#) - 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.

Subject: NYM/2020/0935/FL

Importance: High

This Message originated outside your organisation.

Reference: NYM/2020/0935/FL.

The North York Moors National Park Authority Planning Service welcomes public engagement in all aspects of its work. You have received this email in relation to a current planning matter. The attached correspondence contains important information which you are advised to retain for your records. If you have any queries, please do not hesitate to contact us. When replying it's best to quote our reference number, which is included in the attached letter.



PLANNING APPLICATION PERMISSION DECISIONS

Full Parish Council meeting held on

Wednesday 16th December 2020 at 7pm via Zoom

1. Planning applications

These planning permissions were identified in the advertised agenda

Planning App. No.	Address	Detail of application	Council discussion motion
NYM/2020 /0935/FL	Hogarth Hall, Boggle Hole Road, Fylingdales	Application for erection of nine holiday lodges with associated internal access tracks, parking and landscaping works and creation of multi -use access tracks bypassing existing cottages (part retrospective)	The Council discussed this at length. They felt that it was a blot on the landscape, would create light pollution, damage to the landscape, there would be significant access and traffic issues and that the development would be seen from the right of way and thus affect the look of the area. The Council also felt proper planning should have been sought before any development. <ul style="list-style-type: none"> <i>Motion to strongly reject the planning application was proposed, seconded and unanimously agreed. Motion passed.</i>
NYM/2020 /0837/LB	Wesley Cottage, The Square, RHB	Listed Building consent for re-plastering works and reinstatement of staircase removed to facilitate the work	The Council discussed this at length. They felt the work was being done sympathetically and it was appropriate. <ul style="list-style-type: none"> <i>Motion to state 'No Objections' to the planning application was proposed, seconded and unanimously agreed. Motion passed.</i>

These planning permissions were identified in the Clerk's report

Planning App. No.	Address	Detail of application	Council discussion motion
NYM/2020 /0945/LB.	Darnholm, The Square, Robin Hoods Bay	Listed Building consent for internal alterations, installation of new and replacement dormer	The Council discussed this at length. The Councillors noted that there was scaffolding already in place and that some of the issues for the planning may have been caused by a lack of



Fylingdales Parish Council



... at the heart of the community, for the community...

NYM/2020 /0944/FL	Darnholm, The Square, Robin Hoods Bay	Alterations, installation of new and replacement dormer windows	<p>maintenance. They discussed that they would understand why the dormer should be replaced but that it should be at the same dimensions and look of the original – not to increase the size at all or the appearance.</p> <p>The Councillors agreed that while the property has two planning applications, they should be considered both at the same time and any decision to apply to both.</p> <p>The Chair asked for two motions:</p> <ul style="list-style-type: none"> • <i>Motion to state that the current dormer can be renovated and restored 'like for like' was proposed, seconded and unanimously agreed. Motion passed.</i> • <i>Motion to OBJECT to any new dormer on the site was proposed, seconded and unanimously agreed. Motion passed.</i>
NYM/2020 /0734/LB	Seascape, King Street, Robin Hoods Bay	Listed Building consent for erection of railings and gate to road side boundary and laying of stone flags to terrace	<p>The Council discussed this at length. They agreed that the application and the reasons did have specific reasons which would make the area look nicer be in line with what the community needs.</p>
NYM/2020 /0729/FL	Seascape, King Street, Robin Hoods Bay	Erection of railings and gate to road side boundary and laying of stone flags to terrace	<p>The Councillors agreed that while the property has two planning applications, they should be considered both at the same time and any decision to apply to both.</p> <ul style="list-style-type: none"> • <i>Motion to state 'No Objections' to the planning application was proposed, seconded and unanimously agreed. Motion passed.</i>
NYM/2020 /0885/FL.	Maryondale Cottage and Chip Shop, Albion Street, Robin Hoods Bay	change of use of upper floors to dual use (2 no. principal residence dwellings or 2 no. holiday cottages) together with relocation and replacement of extractor flue	<p>The Council discussed this at length. The Councillors felt as the building is in poor condition it was appropriate that it be brought back to a good standard. The Council was aware that the new extractor fan would be a lot quieter.</p> <p>The Councillors agreed that while the property has two planning applications, they should be</p>



NYM/2020 /0887/LB	Maryondale Cottage and Chip Shop, Albion Street, Robin Hoods Bay	Listed Building consent for relocation and replacement of extractor flue and internal alterations to enable use of upper floors as 2 no. principal residence dwellings or 2 no. holiday cottages	<p>considered both at the same time and any decision to apply to both.</p> <p>The Council stated they would prefer the development to be residential due to car parking issues but appreciate this can be only be a request not a stipulation</p> <ul style="list-style-type: none"> • <i>Motion to state 'No Objections' to the planning application was proposed, seconded and unanimously agreed. Motion passed.</i>
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2. Planning application at Middlewood Farm Holiday Park

The Clerk had previously in the Clerk Report had explained the current position.

From:
To: [Planning](#)
Subject: NYM/2020/0935/FL
Date: 15 December 2020 16:14:21

Dear Hilary

Thank you for consulting CPRENY on the above referenced planning application at Boggle Hole Road, Fylingdales.

Having taken the opportunity to consider the documents, CPRENY have no comments to make at this time.

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Yours Sincerely

Fran Evans | Administrator

Twitter: [CPRENY](#) | Facebook: [CPRENY](#)
LinkedIn: [CPRE North Yorkshire](#) | Instagram: [cpre_northyorkshire](#)

Address: P.O. Box 189, York, YO7 9BL



The countryside charity
North Yorkshire

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



**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**

Application No:	NYM20/0935/FL
Proposed Development:	Application for erection of 9 no. holiday lodges with associated internal access tracks, parking and landscaping works and creation of multi use access track bypassing existing cottages (part retrospective)
Location:	Hogarth Hall, Boggle Hole Road, Fylingdales
Applicant:	Mr and Mrs D and A Pattinson

CH Ref:		Case Officer:	Ged Lyth
Area Ref:	4/29/300L	Tel:	k

To:	North York Moors National Park Authority The Old Vicarage Bondgate Helmsley YO62 5BP	Date:	18 December 2020
FAO:	Hilary Saunders	Copies to:	

Note to the Planning Officer:

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

The Local Highway Authority (LHA) have expressed concerns previously about the public highway junction that vehicles would use after leaving the application site to turn from Bridge Holm Lane onto the A171. The junction has below standard visibility for drivers to view on coming traffic. The LHA would object to any development that would significantly increase the amount of traffic using this junction. However, there are no recorded collisions for the current 5 years data set that is available. Although any increase in the amount of traffic is increasing the risk, the LHA would *not* see this application as making a *significant* increase in the amount of traffic compared with the amount of traffic that currently uses Bridge Holm Lane.

It should be noted that the LHA does have further concerns about the type of vehicles using the junction onto the A171, particularly slow moving vehicles with drivers who are not familiar with the road. For this reason the LHA would object to any future proposals for a caravan site off Bridge Holm Lane.

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Page 2 of 2

Application No:

NYM20/0935/FL

Consequently there are **no local highway authority objections** to the proposed development

Signed:

Ged Lyth

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: Hogarth Hall, Boggle Hole Road, Fylingdales, YO22 4QQ
Date: 08 December 2020 18:52:50

Your ref: NYM/2020/0935/FL
Proposal: Application for erection of 9 no. holiday lodges with associated internal access tracks, parking and landscaping works and creation of multi-use access track bypassing existing cottages (part retrospective)
Address: Hogarth Hall, Boggle Hole Road, Fylingdales

With reference to the above planning application, I confirm that we have no objections on housing grounds to the granting of planning consent.

However, it would appear that the property is served by a private water supply. The applicant should be aware that should the development proceed, they will be required, under the Private Water Supplies (England) Regulations 2015, to have the water supply tested annually by the local authority to ensure it complies with the regulations stated above. The cost of the sampling will fall on the relevant person(s). The applicant should also be aware that the local authority will need to carry out a risk assessment of the water supply (again, the costs for this fall on the relevant persons). Where works are identified the relevant persons will need to ensure that they are carried out in a timely manner. I recommend the applicant makes contact to discuss this further as a matter of urgency.

Regards,

Stephanie Baines
Technical Officer (Residential Regulation Team)
Environmental Health
Scarborough Borough Council

Office: Town Hall, St Nicholas Street, Scarborough, North Yorkshire, YO11 2HG

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