Cc: Planning;

Subject: RE: High Farm, Ugglebarnby - NYM/2020/0659/FL and 0660/FL

Date: 05 February 2021 16:09:38

Dear Ailsa

I have now had time to consider both the detailed outputs of the SCAIL modelling and the Ammonia Emissions Report as produced by Promar International.

My concerns with regards to this development related to the potential for harmful emissions of ammonia from the development and the potential impact these may have on surrounding designated sites which are vulnerable to elevated levels of ammonia and other pollutants due to deleterious impacts on notified habitats and species. When considering the outputs of the SCAIL modelling, it is clear that the **background levels** of some or all of ammonia (NH₃), nitrogen deposition and acid deposition **exceed** the critical level/load for the following designated sites: North York Moors SSSI, SAC and SPA, Littlebeck Wood SSSI, Whitby-Saltwick SSSI, Biller Howe Dale SSSI, Robin Hoods Bay:Maw Wyke to Beast Cliff SSSI and Beck Hole SSSI. It is important to note that the process contribution of the development has not been considered, since the modelled emissions of the new development is equivalent to that modelled from the existing buildings, and are therefore incorporated into the background level readings (pre-date 2018).

With regard to the Habitat Regulations I therefore assert that;

- The development is not necessary for the management of any European designated site; and that
- The development may lead to a Likely Significant Effect on a European designated site, since the development could maintain an existing exceedance of critical thresholds above which deleterious impacts on habitats and species is expected.

A Habitat Regulations Assessment is therefore required.

As the application site is not located on, or adjacent to, any designated site, and no increase in stock numbers or vehicle movements which may be remote from the site are expected, direct impacts, non-aerial vectors and aerial vectors remote from the application site can be screened out of further assessment. When carrying out this Habitat Regulations Assessment, it is therefore only necessary to consider the indirect impact of the development through the elevated levels of aerial pollutants on the notified habitats and species or their supporting habitat of the designated sites.

The Ammonia Emissions Report provided by Promar International has assessed that there are benefits of the development over the existing baseline conditions, with improved building design and herd management methods estimated to deliver a likely 10% reduction in ammonia emissions from the development when compared to the current situation. Moving the feed lots indoors will also reduce spoiling of feed (and therefore costs/emissions sourced from its manufacture and transport) and eliminate diffuse pollution currently running from the feed lot site onto surrounding land thereby removing a potential water pollutant and removing a source of further ammonia emissions. Several other management actions are also detailed, each of which will lead to an expected decrease in ammonia emissions of between 7 and 20%.

Although it is noted that in combination the reduction in emissions may not equal the

addition of each of these savings if measured in isolation, it is clear that, if the management recommendations and new building design is implemented as proposed, there will be a **net reduction in emissions** from the holding compared to the current situation. This net reduction will contribute to one of the conservation objectives for the North York Moors SAC and SPA which sets out to; "Restore the concentrations and deposition of air pollutants to below the site-relevant Critical Load or Level values given for these features of the site on the Air Pollution Information System". In the absence of other impacts, the development may therefore be considered beneficial for the condition of the nearby European designated sites.

It is therefore possible to **rule out a Likely Significant Effect** on the nearby European designated sites; the North York Moors SAC and SPA. As a net reduction is ammonia emissions is also likely to be beneficial for the conservation status of surrounding SSSIs as well, and certainly cannot be considered detrimental to any, we can also further rule out any risk of harm to nationally designated sites.

I would therefore support this application, provided that section 2.3.1 of the Ammonia Emissions Report by Promar International and dated 23 Jan 2021 is conditioned to secure the proposed management improvements that will produce this reduction in emissions.

Kind regards

Elspeth

Elspeth Ingleby MA_{Cantab} ACIEEM Ecologist

North York Moors National Park Authority The Old Vicarage, Bondgate, Helmsley, York YO62 5BP

Main office: 01439 772700

From:

Sent: 26 January 2021 07:20

To: Ailsa Teasdale **Cc:** Elspeth Ingleby

Cc: Elspeth Ingleby ; Planning

<planning@northyorkmoors.org.uk>

Subject: High Farm, Ugglebarnby - NYM/2020/0659/FL and 0660/FL

Dear Ailsa – I hope you are fit and well.

Please find attached final SCAIL report in connection with the above site for your consideration and approval.

If you are able to let us have a new determination date that would be helpful many thanks.

Cheryl Ward Planning MSc MRTPI





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Before printing, think about the environment

Planning

 Subject:
 RE: NYM/2020/0659/FL

 Date:
 04 February 2021 17:35:02

Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice.

The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.

Generic advice is provided in the Annex attached.

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 \$28G of the Wildlife & Countryside Act 1981 (as amended). The National Planning Policy Framework (paragraph 175c) states that development likely to have an adverse effect on SSSIs should not normally be permitted. 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 Natural England Open Data Geoportal. 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.

Air quality impacts on SSSIs

The interest features of affected designated sites may be sensitive to impacts from aerial pollutants, To determine any likely air quality impacts arising from this proposal, 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: http://www.scail.ceh.ac.uk/. 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.

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 advice</u> 11 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. The list of priority habitats and species can be found here 12. 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 12.

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 Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice 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.

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 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.

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 www.nationaltrail.co.uk 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.
- $\bullet \ \ \mathsf{Planting} \ \mathsf{trees} \ \mathsf{characteristic} \ \mathsf{to} \ \mathsf{the} \ \mathsf{local} \ \mathsf{area} \ \mathsf{to} \ \mathsf{make} \ \mathsf{a} \ \mathsf{positive} \ \mathsf{contribution} \ \mathsf{to} \ \mathsf{the} \ \mathsf{local} \ \mathsf{landscape}.$
- $\bullet \quad \text{Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.}$
- 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: planning@northyorkmoors.org.uk <planning@northyorkmoors org.uk>

Sent: 28 January 2021 15:52 To: SM-NE-Consultations (NE) Subject: NYM/2020/0659/FL Importance: High

Reference: NYM/2020/0659/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 rela ion 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.

The Authority is following Government advice concerning Covid-19 as such our working arrangements may change. We will ensure our letters and website are updated as and when required in order to provide our customers with the most up to date information.

Kind regards

Chris France

Chris France Director of Planning North York Moors National Park Authority The Old Vicarage Bondgate Helmsley, York YO62 5BP Tel: 01439 772700 www.northyorkmoors.org.uk



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[2] http://webarchive nationalarchives gov uk/20140711133551/http://www naturalengland org uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance aspx
Department for Environment, Food and Rural Affairs (Defra) This email and any attachments is intended for the named recipient only If you have received it in error you have no authority to use, disclose, store or copy any of its contents and you should destroy it and inform the sender Whilst this email and associated attachments will have been checked for known viruses whilst within Defra systems we can accept no responsibility once it has left our systems Communications on Defra's computer systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes

 $^{~~\}coprod \underline{\text{https://www gov uk/protected-species-and-sites-how-to-review-planning-proposals}}$

To: Planning

Subject: Re: NYM/2020/0659/FL **Date:** 28 January 2021 16:44:07

Dear Team

Please be advised that the parish council is unable to respond to this amended application as currently meetings have been cancelled due to Covid19 lockdown regulations.

Regards

Victoria Pitts Clerk Eskdaleside cum Ugglebarnby Parish Council Davison Farm Egton North Yorkshire YO21 1UA

Tel:

Email: esk.ugg@gmail.com

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On Thu, 28 Jan 2021 at 15:52, color of the colo

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Chris France

www.northyorkmoors.org.uk

Chris France
Director of Planning
North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley, York YO62 5BP
Tel: 01439 772700



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From: Victoria Pitts

Sent: Friday, 8 January 2021 20:07

To: Ailsa Teasdale

Subject: Re: FW: NEW APPLICATION POST - NYM/2020/0659/FL - High Farm, Foss Hill,

Ugglebarnby

Dear Ailsa

Thank you for getting back to me. The parish council resolved to reiterate the comments it made about the drainage issues that it submitted in response to the previous application last year, and I copy the response below:

"Eskdaleside cum Ugglebarnby Parish Council Resolved No Objections to the building itself; however, it has concerns with regards to drainage from the building and would like to it to be ensured that there is adequate draining from the building. Unfortunately, there is history of foul water from the fields and farm flowing into the nearby beck and Tom Bell's Lane."

With best wishes

Victoria

Victoria Pitts Clerk Eskdaleside cum Ugglebarnby Parish Council Davison Farm Egton North Yorkshire YO21 1UA

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To: Planning

 Subject:
 Re: NYM/2020/0659/FL

 Date:
 23 December 2020 18:01:08

Dear Team

Our next meeting is scheduled for the 4 January 2021, as such please can we ask for an extension to respond to after this regarding the application?

Regards

Victoria

Victoria Pitts Clerk Eskdaleside cum Ugglebarnby Parish Council Davison Farm Egton North Yorkshire YO21 1UA

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On Tue, 1 Dec 2020 at 14:05, cplanning@northyorkmoors.org.uk wrote:

Reference: NYM/2020/0659/FL.

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Kind regards

Chris France

Chris France
Director of Planning
North York Moors National Park Authority

The Old Vicarage Bondgate Helmsley, York YO62 5BP Tel: 01439 772700

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From To:

CC

RE: NYM/2020/0659/FL

Date

10 December 2020 16:28:05 Importance High

Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice.

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Air quality impacts on SSSIs

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Biodiversity duty

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- 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.
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Subject: NYM/2020/0659/FL Importance: High

Reference: NYM/2020/0659/FL.

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Kind regards

Chris France

Chris France Director of Planning North York Moors National Park Authority

To: Planning

Subject: Re: NYM/2020/0659/FL **Date:** 18 October 2020 18:51:45

Dear Team

Eskdaleside cum Ugglebarnby Parish Council Resolved No Objections to the building itself; however, it has concerns with regards to drainage from the building and would like to it to be ensured that there is adequate draining from the building. Unfortunately, there is history of foul water from the fields and farm flowing into the nearby beck and Tom Bell's Lane.

Kind regards

Victoria
Victoria Pitts
Clerk
Eskdaleside cum Ugglebarnby Parish Council
Davison Farm
Egton
North Yorkshire
YO21 1UA

On Fri, 11 Sep 2020 at 09:43, cplanning@northyorkmoors.org.uk wrote:

You have received this email from North York Moors National Park Authority (Planning Service) in relation to a planning matter at The Old Vicarage, Bondgate, Helmsley, .

The attached correspondence contains important information; please retain it for your records.

If this is a consultation/re-consultation and you are set up with a log-in username and password, please click the link http://tinyurl.com/z5qmn4j

In any correspondence, please quote the Authority reference number, which is included in the attached letter.

If you are a statutory consultee and would like to use electronic correspondence via our e-consultation site please contact the Planning Dept via email at planning@northyorkmoors.org.uk who will be happy to set you up with a log-in username and password..

If you cannot open the attachment you can download the following software free of charge:

- Microsoft Word Viewer for Word attachments.

Cc: Planning

Subject: NYM/2020/0660/FL and NYM/2020/0659/FL - High Farm, Foss Hill, Ugglebarnby

Date: 24 September 2020 12:25:22

Dear Ailsa

These applications propose the installation of two new agricultural buildings for use for feeding of cattle and dairy cubicles to replace external straw bedded yards. Building one (0659/FL) has a floor area of 592m² whilst building two (0660/FL) has a floor area of 219m², leading to a combined additional internal floor area of 811m². All livestock produce gaseous emissions which can contribute to local air pollution impacts on surround site of natural environment importance. Natural England has produced Impact Risk Zones for sites designated as important for nature, including SSSIs, SACs and SPAs. The application for building one has triggered the risk zones for air pollution due to potential impacts it may have on surrounding designated sites due to its size and location.

Whilst I accept that the applications clearly state that it is not anticipated that livestock numbers will increase as a result of this application, and that the buildings are to replace open air feed lots where livestock are likely to be similarly concentrated within a restricted area, we do not have sufficient information available to estimate how moving the emission sources to an internal environment will affect emission dispersal from the site and therefore whether local air quality will be positively, negatively or neutrally affected by the proposed buildings. I would therefore request that a SCAIL assessment is carried out (this can be done by following this link; http://www.scail.ceh.ac.uk/) to screen the likely impact of the proposals on local air quality in isolation and therefore enable us to determine whether further information is required to determine the relative impact, whether positive or negative of the proposals. As a minimum this assessment will need to be carried out on the basis of the larger building (building one) which triggered the risk zone, however I would strongly recommend that both buildings are included in the assessment to give an accurate reflection of the emissions from the new development in its entirety which would be required should 'in combination assessment' be required. If the applicant has access to information relating to the impact of enclosing feed and cubicle areas on air quality in comparison to open straw bedded cubicle and feed areas from a recognised credible and authoritative source that they wish to submit as supporting information then that would be helpful.

With regard to the information in the application forms and supporting statements I am a little confused whether foul sewage from the buildings is to be directed to the old weeping wall slurry store or the new slurry lagoon that was approved in March 2018. The application forms state the weeping wall store, but the planning statement for building one states the slurry lagoon. It would be helpful if this could be cleared up and confirmation received that the additional wastes will be easily stored within capacity of the units without any impact on the farm's ability to comply with minimum winter storage etc.

Many thanks

Elspeth

Ecologist

North York Moors National Park Authority The Old Vicarage, Bondgate, Helmsley, York YO62 5BP Date: 14 September 2020

Our ref: 327622

Your ref: NYM/2020/0659/FL



Mrs Ailsa Teasdale Planning Officer North York Moors National Park Authority

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

BY EMAIL ONLY

Dear Mrs Teasdale,

Planning consultation: Application for erection of general purpose agricultural building (Building 1 only)

Location: High Farm, Foss Hill, Ugglebarnby

Thank you for your consultation on the above dated 11 September 2020 which was received by Natural England on 11 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.

NOT ABLE TO PROVIDE DETAILED ADVICE

Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice.

The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local planning authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.

Generic advice is provided in the Annex attached.

Please send further correspondence, marked for my attention, to quoting our reference 324933

Yours sincerely

Corben Hastings Consultations Team

Annex - Generic advice on natural environment impacts and opportunities

Air quality impacts on SSSIs

The interest features of affected designated sites may be sensitive to impacts from aerial pollutants, To determine any likely air quality impacts arising from this proposal, 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: http://www.scail.ceh.ac.uk/. 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.