

**From:**  
**To:** [Planning](#)  
**Subject:** Parish Council responses to applications  
**Date:** 18 February 2021 09:46:10

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NYM/2020/0792/FL - revised plan for Middlewood Lane Holiday Park.

Object on the following grounds:- greater volume of heavier vehicles using the local roads that were not build for the volume and size of present vehicles, vans, motor homes and caravans. This includes Church Lane, Middlewood Lane, Thorpe Green Bank and 'back' Church Lane. From the cross roads in Fylingthorpe Church Lane is virtually one way until the junction with the back road, further up towards Old Stephen's Church the road is narrow and has sharp bends.

NYM/2020/0915/FL - Keeper's Cottage, Demesne Farm, Fylingdales

No objection.

NYM/2021/0034/LB - Old School House, Thorpe Green Bank, Fylingthorpe.

No objection. Note: please could construction work/traffic not obstruct the bus stop on Thorpe Bank.

NYM/2021/0019/FL - Selbourne House, Sunnyside, Robin Hood's Bay

No objection.

Fylingdales Parish Council

Jane Mortimer,  
Chairman, Fylingdales Parish council

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



**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**

**Application No:** **NYM20/0915/FL**

**Proposed Development:** Application for variation of condition 3 of planning approval  
NYM/2004/0851/FL to  
allow continued use as managers accommodation

**Location:** Keepers Cottage, Demesne  
Farm, Fylingdales

**Applicant:** Demesne Farm Holiday

**CH Ref:** **Case Officer:** Ged Lyth

**Area Ref:** 4/29/706 **Tel:**

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

**To:** North York Moors National Park  
Authority  
The Old Vicarage  
Bondgate  
Helmsley  
YO62 5BP **Date:** 16 February 2021

**FAO:** Rob Smith **Copies to:**

The proposals are not anticipated to have any significant impact on the publicly maintainable highway, therefore, 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:**

**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Page 2 of 2

Application No:

**NYM20/0915/FL**

Date: 04 February 2021  
Our ref: 341929  
Your ref: NYM/2020/0915/FL



Mr R. Smith  
North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
York  
YO62 5BP

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

**BY EMAIL ONLY**

Dear Mr Smith,

**Planning consultation:** Application for variation of condition 3 of planning approval NYM/2004/0851/FL to allow continued use as managers accommodation at Keepers Cottage, Demesne Farm, Fylingdales

**Location:** Keepers Cottage, Demesne Farm, Fylingdales

Thank you for your consultation on the above, dated and received by Natural England on 29 January 2021.

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

**SUMMARY OF NATURAL ENGLAND'S ADVICE**

**NO OBJECTION**

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

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

**Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006**

The consultation documents indicate that this development includes an area of priority habitat, namely Priority Headwater Habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006.

**Sites of Special Scientific Interest Impact Risk Zones**

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

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

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

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

Yours sincerely,

Elizabeth Ball  
Consultations Team

## **Annex - Generic advice on natural environment impacts and opportunities**

### **Sites of Special Scientific Interest (SSSIs)**

Local authorities have responsibilities for the conservation of SSSIs under s28G 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.

### **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.

### **Protected Species**

Natural England has produced standing advice<sup>1</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. The list of priority habitats and species can be found here<sup>2</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.

### **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**

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

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

For developments within or within the setting of a National Park or Area of 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](http://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.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

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

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



**From:**  
**To:** [Planning](#)  
**Subject:** FW: Keepers Cottage, Demesne Farm, Fylingdales - variation of condition 3 of NYM/2004/0851/FL to allow continued use as managers accommodation NYM/2020/0915/FL  
**Date:** 29 January 2021 16:19:29

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FAO Rob Smith

**Keepers Cottage, Demesne Farm, Fylingdales - variation of condition 3 of NYM/2004/0851/FL to allow continued use as managers accommodation NYM/2020/0915/FL**

Further to the email below, I would like to point out that Demesne Farm and associated holiday cottages appear to be supplied by a private water supply. Therefore the private water supply falls under the Private Water Supply (England) Regulations 2016 and thus the supply needs to be sampled on an annual basis for parameters set out in the above regulations, in addition to a five yearly risk-assessment to ensure the continued wholesomeness of the water supply. I would encourage the applicant to contact me to arrange such.

Regards,

Technical Officer (Residential Regulation Team)  
Environmental Health  
Scarborough Borough Council  
e:  
w: [www.scarborough.gov.uk](http://www.scarborough.gov.uk)

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

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**From:**  
**Sent:** 29 January 2021 10:25  
**To:** 'planning@northyorkmoors.org.uk'  
**Subject:** Keepers Cottage, Demesne Farm, Fylingdales - variation of condition 3 of NYM/2004/0851/FL to allow continued use as managers accommodation NYM/2020/0915/FL

FAO Rob Smith

**Keepers Cottage, Demesne Farm, Fylingdales - variation of condition 3 of NYM/2004/0851/FL to allow continued use as managers accommodation NYM/2020/0915/FL**

I refer to your e-mail of the 29<sup>th</sup> January b2021 regarding the above application. I hereby confirm that I have no objections on environmental health or housing grounds.

Thanks

Steve

Stephen Reynolds DipAc, DipEH, BSc, DMS, MSc(ENG), MCIEH, CEnvH, CMIWM  
Residential Regulation Manager

Scarborough Borough Council

tel:

[www.scarborough.gov.uk](http://www.scarborough.gov.uk)

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**Subject:** Keepers Cottage, Demesne Farm, Fylingdales - variation of condition 3 of NYM/2004/0851/FL to allow continued use as managers accommodation NYM/2020/0915/FL  
**Date:** 29 January 2021 10:25:03

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FAO Rob Smith

**Keepers Cottage, Demesne Farm, Fylingdales - variation of condition 3 of NYM/2004/0851/FL to allow continued use as managers accommodation NYM/2020/0915/FL**

I refer to your e-mail of the 29<sup>th</sup> January 2021 regarding the above application. I hereby confirm that I have no objections on environmental health or housing grounds.

Thanks

Steve

Stephen Reynolds DipAc, DipEH, BSc, DMS, MSc(ENG), MCIEH, CEnvH, CMIWM  
Residential Regulation Manager  
Scarborough Borough Council

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