
From: Mark Antcliff
Sent: 28 July 2021 15:23
To: Jill Bastow
Cc: Elspeth Ingleby
Subject: High Dales - Newgate Farm NYM/2020/0951/FL

Jill

The proposed works to the semi-mature woodland on the west side proposed lakes will result in a direct loss of woodland area of approximately 0.1 ha. This equates to about 100 trees. This will need to be compensated for elsewhere on site to comply with our policies in respect of trees and woodland.

The proposed management for the retained woodland area adjacent to the lake is potentially acceptable (in part it may stem from advice I gave to the forestry agent when I looked at a potential felling licence application to remove it). The idea of partial felling leaving selected trees and replanting with shrub species to be managed then as coppice with standards could actually deliver biodiversity benefit. The precise details of this would need to be set out and form part of a landscaping condition. The details required would be as follows:

- Number and distribution of trees to be retained to form the standards (consider marking these on the ground)
- Number and species of shrubs to be planted and the planting density. My suggestion would be 70% Hazel, 15% Field Maple, 5% Hawthorn, 2% holly, and 8% Sweet chestnut. With a stocking density of 1100/ha (3m spacing).
- The coppice rotation length.

The agents email states 20% of this area would be open space along the west side of the lake. This would in effect mean a further reduction of the established semi-mature woodland and therefore I would request that this is open space element is removed. Given that ancient woodland flora is slowly establishing across the semi-mature woodland it's imperative that woodland cover (coppice or otherwise) is maintained over as large an area as possible. If this additional area of amenity grassland is required then it should form part of the proposal and mapped accordingly rather than being within the area of retained woodland.

The thinning of the semi-mature woodland between the area referred to above and the ancient woodland is prescribed as "thinned out and suitably managed". This doesn't provide sufficient detail. There is no reference to the intensity or type of thinning and the term suitably managed needs qualification. This area is floristically quite diverse and the management should reflect its ecological requirements.

No reference is made to the trees affected by the construction of the lake to the east. There is a belt or line of trees alongside the beck that will be affected by the development. This appears to be some 240m of linear riparian woodland. I assume that

these are to be removed to facilitate the development? The applicant will need to provide a tree survey for this area indicating the tree removals. The survey will need to categorise the trees in line with the guidance in BS 5837. If the trees are to be retained then given the proximity to works we will require a tree survey and arboricultural impact assessment to be submitted.

No compensatory works have been suggested for trees to be lost through the development. The applicant may wish to consider this aspect once they have established the precise extent of tree losses across the area. They may wish to refer to Local Plan Policy ENV1 and Design Guide Supplementary Planning Document - Part 3 - Trees and Landscape.

Mark

Mark Antcliff
Woodland Officer
North York Moors National Park Authority

From:

Subject: FW: High Dales - Newgate Farm - 2020/0951

Date: 04 August 2021 11:34:57

Ecology comments to book in please

From: Elspeth Ingleby

Sent: 05 May 2021 15:02

To: David Smith

Subject: RE: High Dales - Newgate Farm

Hi all

Sorry, a little late to the party on this. Have just scanned through the recent updates, and the first thing that grabbed me is the 'alternative access' route coming from Reasty Bank which seems to feature in some of David's photos of the site. Looking at the application 2019/0832 for the proposed access improvements (which I don't think has yet been determined?) this alternative access includes areas of new track not yet approved, plus an area not marked on maps as track at all across an area of woodland. Based on the most recent aerial imagery, at least a third to a half of the route is not on an 'existing' track (as of 2018).

As stated in my previous comments, based on the ecological report I don't object in principle to the lake itself, but I remain concerned about the potential loss of woodland area (they are proposing the replanting to be 20% open space – but wholly next to the lake making the wood in actuality 20% smaller) as well as the loss of the beck side trees. When compounded by the apparent loss of a small scrub woodland on site already, this appears to compound a general loss of wooded habitat in the valley as a whole.

I think the argument about water storage is also potentially disingenuous. Yes the lake could create additional storage volume for water, but this would require the water level to be held as standard some distance below the 'maximum' water level so as to provide that additional storage volume. If you have regular large fluctuations in water table, particularly on a water body large enough to encounter a degree of wave action, this could lead to the unsightly bare edges often seen around the edges of reservoirs which is not only not ideal for biodiversity but would also I assume not be desirable by the applicants due to its less attractive nature. Some serious thought needs to go into the design of the lake to minimise wave action and its erosive capability, to determine the preferred holding level of the lake as well as the maximum water level, and to consider the establishment of vegetation around the lake edges in light of the other aspects so that it achieves the stated aims. I can't remember if I asked for a condition regarding any new planting into the lake, but if I didn't we certainly need one (we need to have site of any species proposed for planting/quantity/source to ensure that no non-native species are introduced etc).

It would be really helpful to have an internal discussion about both the lake and tracks proposals if we can, given they are now pretty much entwined. I think it would be helpful to have that discussion before making formal comments in response to the reconsult.

Thanks

Elspeth

From:

Subject: FW: NYM/2020/0951/FL
Date: 04 August 2021 11:39:19

Please book in/upload under consultation responses (public)

From: Leslie Atkinson
Sent: 05 January 2021 15:36
To: Jill Bastow
Subject: Re: NYM/2020/0951/FL

Thank you Jill for this. No wonder we were confused as to which building it was. It seems it is no longer a farm but a private holiday home for private use and they are wanting to make the field private too, I will write a formal letter saying what we feel to this application now I know a bit more. Thanks. Les A.



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On Tue, 5 Jan 2021 at 09:36, Jill Bastow <j.bastow@northyorkmoors.org.uk> wrote:

Dear Mr Atkinson

Thank you for your email.

The application to which you refer (NYM/2020/0951/FL) relates to a property known as Newgate Farm but identified on the map as Highdales. I am not sure when the name change took place.

In October 2020 planning permission was granted for the demolition of the rear two-storey extension and the construction of a replacement single storey rear extension along with a single storey link extension to the rear outbuildings together with a single storey side extension to create a family home along with the conversion of the two storey outbuilding to form 2 no. units of annexe accommodation, the conversion of barn to form garaging and storage and the erection of detached storage barn. I not aware that works have commenced in relation to this planning permission and when I last visited a few months ago the property was vacant and certainly not let as a holiday cottage.

I trust I have answered your questions but please do not hesitate to contact me should you require any further information.

Kind regards,

Jill Bastow

Senior Planning Officer

My normal working hours are Tuesday 9am – 5pm, Wednesday to Friday 9am - 2pm

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

From: Leslie Atkinson
Sent: 02 January 2021 16:24
To: Jill Bastow
Subject: NYM/2020/0951/FL

Dear Mrs Bastow.

On the O/S map the farm is called Highdales Farm . On the application it's called Newgate Farm . Has the Farm been renamed ? Is it now a holiday home.?
Les M Atkinson .Footpath Secretary Scarborough Ramblers Group.



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North York Moors
National Park

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From: Christine Murray
Sent: 04 May 2021 18:06
To: Julia Jewitt; Planning
Subject: Proposal to reroute footpaths Newgate Farm, Highdales, Hackness, Scarborough

I am writing with my grave concerns about the work being carried out, the revised proposal to re-route existing footpaths and the alternative vehicle access to and around the above property. I have walked the paths in and around Broxa forest regularly and feel it is a beautiful natural area which should be maintained for the use of the public as it stands.

The new owners have requested a revised proposal to re-route the footpath which runs past Newgate Farm up to Oak Rigg. The new route would take walkers away from the valley and up a steep path (the proposal states it will give walkers an elevated view of the valley floor). I would personally prefer to walk the valley floor and up to Oak Rigg as it is now. It does not interfere with Newgate Farm and in my opinion is totally unnecessary to have a new footpath. Having walked there recently work has been carried out on a huge scale to alter paths, tarmac roads and make new vehicle access down to the farmhouse. The footpath signs had been removed and the path from Newgate cottage to Springwood was impassable due to felled trees.

At present vehicles are also using an alternative access route from Reasty Bank using existing forestry roads to the property. The amended plans state that these tracks have been used without issue for the heavy machinery they are using. Without issue for the heavy machinery perhaps, but at detriment to other users of the forestry who are not driving these large vehicles which do not want to give way or slow down when encountering, walkers, dogs, cyclists etc. Vans in particular appear to drive without a thought for the area they are using. Prior to these tracks being opened up for the large amount of traffic now encountered, this forestry could be used without constantly having to listen for vehicles. Forestry England drivers are always courteous and considerate so never an issue with them. Is this to be permanent access to the property? Once these construction vehicles cease to use the route as often will this be opened up to all the visitors to Newgate Farm rather than through Lowdales and Highdales?

It appears to me that planning permission has been sought but a high volume of work has been carried out without it.

Yours faithfully
Christine Murray

35 High Street,
Burniston,
Scarborough
YO13 0HH

From: Leslie Atkinson
Sent: 09 May 2021 19:32
To: Planning
Subject: 2nd planning application NYM/2020/0951/FL

For the attention of Mrs J. Bastow.

It is quite clear from this new application that the owners want to privatise the whole valley of High Dale. The proposal to close the existing footpaths and substitute them with a new path which runs parallel with the existing Bridleway to the east is a joke. Why create a new footpath to run next to the Bridleway? It doesn't make sense. It is also clear that the new owners want to turn this old farm into a Hunting, Shooting and Fishing Lodge for wealthy patrons, hence all the trouble to try and get rid of the present RoW which have been in existence for hundreds of years with free access for everyone, not just people with money.

We have been walking these paths for the last 40 odd years starting at Reasty bank C/P and going back up by Whisper dales, walking in the bottom of the dales not hidden away in the forestry as these people want. The actual lake could be a real asset to the Area and local environment. It would help to attract wildlife and would be enjoyed by parents with children who love water too. but only if there were a path round it with access. It would also be nice for disabled people with limited ability too.

There is absolutely no reason why the footpath 020 cannot be pulled to the West to skirt the edge of the proposed lake and join where it does now,

The reason why there is one path each side of High Dales Beck is that it is difficult to cross till you get to the Farm so going round the lake will make it more scenic for everyone. That is why National Parks were created to give everyone the right to the countryside as more and more land is lost to the public to enjoy, plus the chance to preserve woodland and nature, wildlife, birds and wild flowers and PRow all for the many, not just the few. If these people can't agree to this compromise to their wishes which would cost them nothing, I can't see this going ahead at all, as it would be wrong. The right result is so simple to achieve and it is the one which everyone I have spoken to wants without any encouragement from me. Surely it isn't too much to ask. It is all that the local community desire too. Nothing would be deleted and nothing would have to be newly created as the paths are already there just a slight adjustment to one to go round the edge of the lake. As for the new suggested RoW I'm sorry but that is just a laugh as an insult to us all. The idea that the dale should be privatised for those who can afford it is going back in time not forward.

I represent thousands of people who love the Park and the right to enjoy and appreciate nature in the wild and not in an artificial environment which seems to be what is being created here with the earthworks I have seen. Therefore I'm afraid with this second Application I thought we would see some positive moves to accommodate some of the recommendations asked after the first one, unfortunately this hasn't happened. There is no way I can agree to this latest one. This is worse than the first. So with that I absolutely object to this application and I sincerely hope it is rejected for the benefit of the public, to continue enjoying this Dale as it is and the paths as they are.

Leslie M. Atkinson. Footpath Secretary, Scarborough Ramblers Group/

From: Mrs J. Marley, Clerk to Hackness & Harwood Dale Group Parish Council
Sent: 09 May 2021 14:57
To: Planning
Subject: Comments on amendments NYM/2020/0951/FL

Create lake, land to south of Newgate Farm, Rice Gate, Hackness

These amendments have been considered by Hackness & Harwood Dale Group Parish Council.

The proposed amendments do not change Council's original view and Council continues to object to the application in the strongest possible terms.

The application remains undetermined but work is going on apace to carry out various related aspects of work, such as the public right of way signs have been removed and people are being told the right of way has been closed and to use the supposed diverted route. Tower with tree house type structure have been erected - possible for use to site the machines used for clay pigeon shooting. Additionally no consideration has been given to the ecology of the beck downstream of the lake - sand eels etc which live in there. Trees are being felled and earthworks are taking place

Council has written to NYMNP Planning under separate cover to draw your attention to these breaches and to ask for enforcement and prohibition in order to prevent the area being further damaged beyond repair.

--
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
YO13 0HN

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



**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**

Application No: **NYM20/0951/FL**
Proposed Development: Application for creation of a lake to the south of Newgate Farm
Location: land to the south of Newgate Farm, Rice Gate, Hackness
Applicant: Mr and Mrs Ramsey

CH Ref: **Case Officer:** Kay Aitchison
Area Ref: 4/21/89B **Tel:**
County Road No: **E-mail:**

To: North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
YO62 5BP **Date:** 11 May 2021
FAO: Jill Bastow **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:

There are no highway objections to the revised details to the construction of a lake to the south of Newgate Farm on the clear understanding that all construction traffic is routed via the forest road from Reasty Bank carpark as shown on **1346_AR10_05_A**

Consequently the Local Highway Authority recommends that the following **Conditions** are attached to any permission granted:

MHC-15B Construction Phase Management Plan- Small sites

No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No: **NYM20/0951/FL**

2. restriction on the use of **TRACK FROM REASTY BANK CAR PARK SHOWN ON 1346_AR10_05_A** for construction purposes;

8. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason for Condition

In the interest of public safety and amenity

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Signed:</p> <p style="text-align: center;"><i>Kay Aitchison</i></p> <p><i>For Corporate Director for Business and Environmental Services</i></p> | <p>Issued by: Whitby Highways Office Discovery Way Whitby North Yorkshire YO22 4PZ</p> <p>e-mail:</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|

Mrs J Bastow
North York Moors National Park
Development Control
The Old Vicarage Bondgate
Helmsley
York
YO62 5BP

Our ref: RA/2020/142558/02-L01
Your ref: NYM/2020/0951/FL
Date: 28 April 2021

Dear Mrs Bastow

Proposal: APPLICATION FOR CREATION OF LAKE
Location: LAND TO THE SOUTH OF NEWGATE FARM, RICE GATE, HACKNESS

Thank you for your consultation regarding the above proposal which was received on 26 April 2021.

We have reviewed the further information submitted with the application and we have no objection to the proposal. Our comments in our letter dated 22 December 2020 still apply and are repeated below for clarity.

Environment Agency position

We have no objection in principle to this proposal.

The creation of the lake as proposed will involve works in or near to a watercourse. These works may require extra permissions and precautions to be undertaken to further protect the watercourse during construction.

Impoundment Licence

The works to create a new lake as proposed involve impoundment of Highdales Beck. This will require an application to the Environment Agency for an Impoundment Licence. Further assessment of the impact this will have on the local water resources, will be undertaken at this time. Details on impoundment licences are available on the [.gov.uk website](https://www.gov.uk).

Informative – Environmental Permit and water quality

We note that a recent related planning application ref. NYM/2019/0619/FL has been consented which indicated that foul sewage for the new development would be treated by a package treatment plant. It is likely that the proposed lake and surrounding groundwater has the potential to be affected by the discharge. There is no current Environment Permit for this discharge.

Environment Agency
Lateral 8 City Walk, LEEDS, LS11 9AT.

www.gov.uk/environment-agency

Cont/d..

The site lies within a Source Protection Zone (SPZ) 1 of a public water supply abstraction. This means that pollutants have been assessed to have the potential to rapidly migrate to the potable source. We have strict requirements for pollution control within SPZ1. For foul sewage discharges to the environment within SPZ 1, our position is described in: <https://www.gov.uk/government/publications/groundwater-protection-position-statements>

Position G2 of this document relates to "sewage effluent discharges inside SPZ1". This states that:

"Inside SPZ1 all sewage effluent discharges to ground must have an environmental permit. All permit applications will be considered on the basis of risk assessment and the appropriateness of the discharge with respect to the local environmental setting."

We are likely to grant an application for this environment permit if the package plant is appropriately designed and operated. Any risk assessment, will need to consider the proposed lake as a receptor.

We trust the above advice is useful.

If I can be of any further assistance, please don't hesitate to contact me.

Yours sincerely

Mrs Frances Edwards

Sustainable Places Planning Advisor

cc Bramhall Blenkharn



Mrs J Bastow
North York Moors National Park
Development Control
The Old Vicarage Bondgate
Helmsley
York
YO62 5BP

Our ref: RA/2020/142558/01-L01
Your ref: NYM/2020/0951/FL
Date: 26 January 2021

Dear Mrs Bastow

Proposal: APPLICATION FOR CREATION OF LAKE
Location: LAND TO THE SOUTH OF NEWGATE FARM, RICE GATE, HACKNESS

Thank you for your consultation regarding the above proposal which was received on 22 December 2020.

We have reviewed the information submitted with the application and we have no objection to the proposal. Our detailed comments are as follows.

Environment Agency position

We have no objection in principle to this proposal.

The creation of the lake as proposed will involve works in or near to a watercourse. These works may require extra permissions and precautions to be undertaken to further protect the watercourse during construction.

Impoundment Licence

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Environment Agency
Lateral 8 City Walk, LEEDS, LS11 9AT.

Cont/d..

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Position G2 of this document relates to "sewage effluent discharges inside SPZ1". This states that:

"Inside SPZ1 all sewage effluent discharges to ground must have an environmental permit. All permit applications will be considered on the basis of risk assessment and the appropriateness of the discharge with respect to the local environmental setting."

We are likely to grant an application for this environment permit if the package plant is appropriately designed and operated. Any risk assessment, will need to consider the proposed lake as a receptor.

We trust the above advice is useful.

If I can be of any further assistance, please don't hesitate to contact me.

Yours sincerely

Mrs Frances Edwards
Sustainable Places Planning Advisor

cc Bramhall Blenkharn

From:

Subject: NYM/2020/0951/FL - Newgate Farm, Hackness
Date: 15 January 2021 15:33:53

Dear Jill

The accompanying Preliminary Ecological appraisal with this application carried out by Wold Ecology and dated April 2020 is comprehensive and thorough, identifying the potential impacts of the proposal on ecological interest as well as identifying possible enhancements. Whilst the exact plan of the proposed lake has changed slightly since the PEA was carried out, with the traditional orchard and hedgerow no longer directly impacted, the changes are not significant enough to make the assessment no longer applicable. Since the PEA was carried out, white-clawed crayfish has been shown to be absent from the site on the basis of eDNA surveys conducted at the optimum time of year.

Apart from concerns relating to the impact on and/or loss of woodland which require further information, as set out in Mark's response, I accept the balanced findings of the PEA and conclude that the development is not likely to have a significant impact on the surrounding ecology and has the potential to be an enhancement provided the recommendations of the report (where still valid) are carried out. In order to ensure the inclusion of the recommendations and that an enhancement for biodiversity is secured a number of conditions will be required if the proposal is approved:

- Prior to any works commencing to clear the site in preparation for construction, a detailed Ecological Construction Method Statement and Wildlife Enhancement Plan must be submitted to the Authority and approved in writing. Works and subsequent management must be in accordance with the method statement and plan so agreed.
- The lake must not be artificially stocked with fish (this will reduce its ecological value – it may of course in time be colonised naturally)
- Any planting of aquatic or marginal plants must be of native species, obtained from native stock and ideally of local origin.
- No feeding of game birds and/or waterfowl can be carried out within a buffer area around the edge of the proposed lake. I would suggest this buffer should be at least 50m, however I am happy for this to be specified by the applicant's ecologist within the required wildlife enhancement plan. The reason for this is to prevent the lake becoming soiled by nitrogen from high numbers of wildfowl or from water run-off from intensive pheasant management which would cause the lake waters to become enriched encouraging algal growth and greatly decreasing both its attractiveness and its suitability for supporting wildlife.
- There will be no artificial lighting connected with the lake development (if this needs to be specified! I assume such would need a separate granting of permission anyway?)

Many thanks

Elsbeth

From:
To:
Subject: RE: NYM/2020/0951/FL
Date: 06 January 2021 09:20:28

Dear Wendy

Thank you for the information and I can confirm there are no comments to add concerning the application.

Kind regards

James

James A Raynar MRICS FAAV

Assistant Area Land Agent

Yorkshire Forest District

Forestry England

Outgangs Road

Pickering

YO18 7EL

)

Subject: RE: NYM/2020/0951/FL

This Message originated outside your organisation.

From:

Subject: NYM/2020/0951/FL Land to south of Newgate Farm
Date: 08 January 2021 17:36:09

NYM/2020/0951/FL - Land to south of Newgate Farm

The construction of the lake will involve the loss of a narrow belt of riparian woodland adjacent to the beck. Although described in the ecological assessment there is no tree survey that identifies and categorises trees to be retained or removed. This will be required for us to quantify tree losses and to guide any requirements for compensatory planting if appropriate. As these trees are proposed for removal the tree survey will only need to provide species, age class and quality category (as defined in BS 5837)

On the west side of the proposed lake the fence around the existing semi-mature woodland is to be moved to the west to “*allow space for earthworks associated with lake formation*”. There doesn’t appear to be any details of what these earthworks entail. Can we ask for clarification of this please? If there is to be operation of construction equipment and or changes to soil levels in the root protection areas of trees then this will need to be detailed.

The semi-mature woodland to the west of the lake is a relatively recent extension to an ancient woodland site further west. Characteristic ancient woodland flora has started to spread into this area especially towards the south. It is therefore of some potential value and should be retained. Some loss along the eastern edge may be acceptable if compensated for by planting elsewhere or by some conservation works in the ancient woodland site to the west (if in the same ownership). I would be able to advise further on this if necessary once we have a better idea of what the tree/woodland losses will be.

Mark Antcliff
Woodland Officer
North York Moors National Park Authority

From:

Subject: NYM/2020/0951/FL Creation of a lake
Date: 14 January 2021 11:30:29
Attachments: [image006.png](#)
[image007.png](#)

Hi

Thank you for your consultation on the above planning application that we received on 22 December 2020. Our standard 21 day response target date is today 14 January 2021. Christmas leave caused delays and issues with the site being within a Source Protection Zone which require additional advice mean that we are unable to meet this deadline. I am therefore writing to ask if it would be acceptable to have a two week extension to Thursday 28 January 2021. I will of course provide a response before that date if at all possible.

If you have any queries please do not hesitate to contact me.

Kind regards

Frances

Frances Edwards MSc PIEMA

Planning Advisor, Sustainable Places (Yorkshire)

Environment Agency | ~~Lateral, 8 City Walk, Leeds, LS11 9AT~~ office currently closed – please use email or phone



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



**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**

Application No: **NYM20/0951/FL**
Proposed Development: Application for creation of a lake to the south of Newgate Farm
Location: land to the south of Newgate Farm, Rice Gate, Hackness
Applicant: Mr and Mrs Ramsey

CH Ref: **Case Officer:** Kay Aitchison
Area Ref: 4/21/89B **Tel:**
County Road No: **E-mail:**

To: North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
YO62 5BP **Date:** 11 January 2021
FAO: Jill Bastow **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 application is for the construction of a large lake and diversion of a watercourse to the south of the existing farm house. These proposals are quite extensive requiring substantial movements of earth in a very rural location with the site being accessed by a very narrow single track highway with very few passing places, most of which are un-constructed. There is no available verge space to provide additional passing places as the road is bounded by a river on one side and high verges on the other. The local highway authority has concerns that the construction traffic and equipment needed to excavate a large lake would not be suitable in terms of size and weight for the existing highway and could cause severe damage to the carriageway and unsupported banks of both Lowdales Beck and Highdales Beck. During an inspection of the route it is evident that large vehicles have already begun to encroach onto the unsupported verge close to the edge of the river bank. The previous application NYM2019/0619/FL required the provision of a construction method statement to prevent any damage to the highway or the unsupported bank side prior to any works to renovate or extend the house, this has not been seen yet.

Consequently, the Local Highway Authority recommends that Planning Permission is **REFUSED** for the following reasons:

1. R1 ROADS LEADING TO THE SITE

The Planning Authority considers that the roads leading to the site are by reason of their poor alignments, poor junctions, insufficient widths, poor condition, proximity of an unsupported river bank and lack of passing places and lack of turning area considered unsuitable for the traffic which would be likely to be generated by this proposal.

2. R4 WIDTH OF EXISTING HIGHWAY

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No: NYM20/0951/FL

The Planning Authority considers that the public highway leading to the site is of insufficient width to accommodate the increase in heavy traffic, without serious damage to the carriageway and verges of the highway and loss in amenity value

However if the local planning authority is minded to grant permission it is requested that the following conditions and informatives are attached to the permission:

MHC-15B Construction Phase Management Plan- Small sites

No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. details of the measures to be taken to survey and document the condition of the highway and the bank sides and
3. details of the measures to be taken for the protection of the highway and the unsupported bank sides; and
4. details of repairs to the highway and the bank side should any damage be caused
5. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason for Condition

In the interest of public safety and amenity

MHi-A Other Permissions required from the Local Highway Authority

Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).

Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

Signed:

Kay Aitchison

For Corporate Director for Business and Environmental Services

Issued by:

Whitby Highways Office
Discovery Way
Whitby
North Yorkshire
YO22 4PZ

From:

[Planning](#)

Subject: Comments on NYM/2020/0951/FL

Date: 12 January 2021 11:02:32

Create lake, land to south of Newgate Farm, Rice Gate, Hackness

This proposed lake was originally within NYM/2019/0619/FL. That application had been amended since originally submitted with the omission of the proposed lake to the south of the buildings and significant alterations to the proposed extension to the farmhouse and the conversion of the outbuildings following concerns expressed by NYMNP Officers.

Councillors had objections to some aspects of NYM/2019/0619/FL (including the lake) and are not in the least happy that the proposal for a lake has resurfaced. It has been suggested that the applicant, having been unsuccessful to get everything they wanted in one fell swoop, is now trying to get what they want by doing multiple smaller applications.

It is not known what effect the creation of the lake will have on the surrounding land drainage, the impact it will have on Highdales Beck or whether it will be used to supplement the number of ponds on the wider estate which, in 2017, offered duck shooting.

There are two public rights of way in the area, one of which will be under the proposed lake. Why should a PROW have to be moved in order to accommodate this lake? Other than the applicant's wish what justification is there? The NYMNP's own Local Plan clearly states that "By keeping routes whole and not allowing them to be severed by new development, their future use will not be prejudiced".

It is stated that the creation of the lake will assist with attenuation of water and reduce seasonal flooding on the road through Highdales and Lowdales to Hackness. Councillors are not convinced.

Looking at Strategic Policies E (Natural Environment) and G (Landscape) Council questions whether, on balance, this application complies with them.

Council therefore objects to the application as submitted on the grounds:-

- it does not accord with Adopted Local Plan Policy CO4 (Public Rights of Way and Linear Routes) by virtue of its unacceptable and harmful impact on the public rights of way
- it is not in the spirit of Strategic Policies E (Natural Environment) and G (Landscape)

--

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

From:
To: [Planning](#)
Subject: Comments on NYM/2020/0951/FL - Case Officer Mrs J Bastow - Received from David Smith - Ranger South at NYMNPA,
Date: 12 January 2021 19:34:12

The proposed lake development will flood part of public footpath 20. The supporting information submitted with planning application suggests extinguishing the affected section of footpath 20 - diverting it from south of the lake in an easterly then northerly direction to connect up with public footpath 712. However, this would result in a loss of 240 metres of public footpath from the rights of way network which is not going to be acceptable. (305 metres of footpath 20 lost to the new lake; 65 metres of footpath added as a diversion to link footpath 20 with footpath 712).

Two possibilities to address this could be:

1. Divert footpath 20 to the west of the proposed lake.
2. Look to add to the rights of way network in the immediate vicinity to make up the 240 metre shortfall highlighted above.

Comments made by David Smith - Ranger South of NYMNPA

Comment Type is Comment
Letter ID: 558765

Application NYM/2020/0951/FL

Reading the 35 pages on Animal and Bird welfare in this I find there is not one mention of human welfare or loss, in this application which is of great concern to me.

This year due to Covid we have had more visitors to the NP and Coast than ever before seeking peace, tranquillity and solitude which shows how important the access to the RoW network is to the General Public. Parking is at a premium at Sands end, Whitby, RHB. & Ravenscar all trying to escape into the Countryside for recreation.

England has 117,800 miles of footpaths. A hundred years ago it was twice that. we cannot afford to lose any more, such is the demand for them, as this Virus has proven. So the request to close one is ultra important. At first glance it might seem a sensible thing to do, to close FP 317020 and just use FP 317712 but we have walked it for over 40 years and it has been walked for hundreds of years before that. The lake sounds a good idea and would improve that narrow strip of land and there does not seem to be any reason whatsoever why the footpath cannot be moved over to the West and follow the contour of the new lake as there is plenty of room for it. The landowners can't claim privacy as this piece of land has never been private with this public footpath going through it. Visitors will get enormous pleasure from walking around this new lake seeing the wildlife which will inhabit it. It would not cost the owners a penny as the path would be re-established and maintained by volunteers and a Park Ranger. And I would be the first to do so as I organise a Volunteer Work Group for the Park too.

The Ramblers have no objection to the creation of a lake provided that Footpath 317020 is preserved and moved to the west edge and follows the contour of it. If the owners can't agree to this then we can't agree to its elimination just to create a private lake and the land and path must just stay as it is. That is our objection

I have pointed out the reasons above why, and we will fight tooth and nail to preserve any similar Row for the public to use. The land is for everyone not just a few.

L.M. Atkinson, Footpath Secretary, Scarborough Ramblers Group.