

From:

Subject: RE: NYM/2021/0291/FL

Date: 27 July 2021 13:39:42

Dear Mark

Thank you for consulting Natural England on the additional information provided for planning application NYM/2021/0291/FL.

The applicant has confirmed that the water from the package treatment plant will discharge to a soakaway prior to entry into a watercourse. We advise this would constitute suitable mitigation for phosphates and should be outlined in the Appropriate Assessment stage of the HRA.

Natural England also supports the mitigation measures outlined within the Construction Environmental Management Plan to help safeguard the designated features associated with the SSSI/SPA/SAC during the construction phase of the development.

We await the completion of the HRA.

Kind regards

Lisa Sheldon

Sustainable Development Adviser
Yorkshire and Northern Lincolnshire Area Team
Natural England
Foss House,
Kings Pool,
1-2 Peasholme Green,
York,
YO1 7PX

www.gov.uk/natural-england



All Natural England offices and our Mail Hub are currently closed due to the Covid-19 pandemic – please send any documents to me by email not post – see the latest news on Covid-19 at <http://www.gov.uk/coronavirus>.

Stay alert, control the virus, save lives

Date: 04 August 2021
Our ref: 360870
Your ref: NYM/2021/0291/FL



Megan O'Mara
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

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

T

BY EMAIL ONLY

Dear Megan O'Mara

**Planning consultation: NYM/2021/0291/FL | Alterations to roofs of attached outbuildings, removal of water tower, alterations and extensions to dwelling together with use of land for the siting of 1 no. static caravan for residential use for a temporary period.
Location: Hawthorn Hill Farm Cottage, Greenend, Goathland YO22 5LL.**

Thank you for your consultation on the above dated 02 August 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 - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of North York Moors Special Area of Conservation and Special Protection Area <https://designatedsites.naturalengland.org.uk/>.
- damage or destroy the interest features for which North York Moors Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Discharge of the package treatment plant to the soakaway prior to entry into a watercourse.
- Implementation of the measures as outlined in the Construction Environmental Management Plan (CEMP) to safeguard the designated features during the construction phase of the development.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

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

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AMENDED)

Internationally designated sites

Natural England notes that the application site is adjacent to European designated site North York Moors Special Protection Area and Special Area of Conservation. The site is also designated on a national level as North York Moors Site of Special Scientific Interest.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Further advice on mitigation

The mitigation measures identified in the HRA should be implemented to ensure no adverse effect on the designated features for which North York Moors SAC and SPA has been notified. Based on this information, Natural England advises the following conditions should be attached to any planning permission;

- Discharge of the package treatment plant to the soakaway prior to entry into a watercourse.
- Implementation of the measures as outlined in the Construction Environmental Management Plan (CEMP) to safeguard the designated features during the construction phase of the development.

Sites of Special Scientific Interest (SSSI)

The development is in close proximity to the nationally designated site North York Moors SSSI. The mitigation required to prevent impacts is listed above (Internationally designated sites).

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

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

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

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

If you have any queries relating to the advice in this letter please contact me on 07887536735 or email me at Lisa.Sheldon@naturalengland.org.uk.

We would not expect to provide further advice on the discharge of planning conditions or obligations attached to any planning permission.

Should the proposal change, please consult us again.

Yours sincerely

Lisa Sheldon
Yorkshire and Northern Lincolnshire Area Team
Natural England

Annex A – Additional Advice

Natural England offers the following additional advice:

Landscape

Paragraph 170 of the National Planning Policy Framework (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.*

Protected Species

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

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

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)². 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](#).

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

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

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.

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:

1.

- 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).

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.

Biodiversity duty

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

From: Elspeth Ingleby
Sent: 08 July 2021 14:01
To: Megan O'Mara
Subject: NYM/2021/0291/FL - Hawthorn Hill - more info needed
Importance: High

Hi Megan

I was just going through the documents for this application before drawing up the HRA, and whilst I think we now have sufficient information to determine the impact of the building work to potential habitats within the SAC at the front of the property, I note that Natural England made some comments dated 24 May which I don't think have been addressed. These will also be of pertinence to the HRA so unfortunately I will not be able to carry this out until this additional information has been received.

The primary factor relates to how the package treatment plant is to be discharged. As the nearest watercourse appears to be 60m to the west I would assume that a soakaway within the garden would be most practical, but if this the intention this should be confirmed please.

With regard to NEs comments regarding potential for visual and noise disturbance to breeding birds, I believe that more mitigation than the daily time limit for works (8am – 5pm) will be required since this would not prevent impacts during the day within the

breeding season, with a number of qualifying features of the SSSI (eg curlew and lapwing) in particular likely to be nesting relatively close to the property and access road. The best measure to avoid disturbance would be for no external works to take place within the breeding season of wading birds and merlin, which would exclude March to July inclusive – would the applicant be willing to accept that?

If that is not considered acceptable, then I would welcome alternative proposals from the applicant as to how the visual and noise disturbance inherent within the construction phase of the development can be adequately mitigated during this time period. This might include measures for this time period including limiting the number of persons/vehicles on site, having a daily limit on vehicle movements to and from the site and ensuring that use of tools with high noise emissions is minimised (eg no more than 10-15 minutes use within an hour).

If any of this info has already been submitted, could you please point me to it?

Hopefully this information will be relatively quick to gather so we can proceed swiftly on to our HRA.

Best wishes

Elsbeth

Elsbeth Ingleby MA_{Cantab} ACIEEM

Ecologist

North York Moors National Park Authority

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP

Verity Allen

From: 01 June 2021 18:51
To: Planning
Subject: Comments on NYM/2021/0291/FL - Case Officer Miss Megan O'Mara - Received from Building Conservation at The Old Vicarage, Bondgate, Helmsley, York, YO62 5BP, via

No Objection to the principal of the proposals however I am disappointed of the amends to the design from preap. I do have concerns about the large glazed bi-fold section and in particular the glazed section in the roof. This will result in a tremendous amount of light seepage polluting our dark night skies. Also it is not in any way shape or form a characterful feature. Whilst I accept that this building has suffered from in appropriate alterations in the past, I see no justification to further impact the building in this way and suggest this element of the proposal is omitted.

Comments made by Building Conservation of The Old Vicarage Bondgate Helmsley York
YO62 5BP

Comment Type is Raise Concerns
Letter ID: 566294

From:
To: [Planning](#)
Subject: NYM/2021/0291/FL
Date: 03 June 2021 09:14:03

FAO Miss Megan O'Mara

Dear Megan

Further to the Parish Council meeting held last night, I would like to inform you that no objections were raised in connection to the application for Hawthorn Hill Farm Cottage and all councillors were in favour of the application.

Kind regards

Connie

Mrs Connie Wiggins
Clerk, Goathland Parish Council
Moorgarth
Mill Green Way
Goathland
Whitby
YO22 5LZ

From:
To: [Planning](#)
Subject: Hawthorn Hill Farm, Greenend, Goathland
Date: 13 May 2021 15:11:24

Your ref: NYM/2021/0291/FL
Proposal: Application for alterations to roofs of attached outbuildings, removal of water tower, alterations and extensions to dwelling together with use of land for the siting of 1 no. static caravan for residential use for a temporary period (12 months)
Address: Hawthorn Hill Farm, Green End, Goathland

With regards to the above planning consultation, I would confirm that we have no objections on housing grounds.

Subject to the caravan's use being incidental to the use of the building, a caravan site licence will not be required.

I would also like to comment in relation to the private water supply. I note from the application documents that a new borehole will be sunk. If this work goes ahead, the owners must inform Scarborough Borough Council that a new supply is to be created, and whether they will no longer access the previous spring supply, and which properties the borehole will serve. If the property is to be used for holiday accommodation then a risk assessment of the private water supply must be carried out by Scarborough Borough Council, along with testing of the water supply. I would encourage the applicant to contact me to discuss further.

Regards,

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

DISCLAIMER

This email (and any files transmitted with it) may contain confidential or privileged information and is intended for the addressee only. If you are not the intended recipient, please be aware that any disclosure, copying, distribution or any action taken is prohibited and may be unlawful - you should therefore return the email to the sender and delete it from your system.

For information about how we process data please see our Privacy Notice at www.scarborough.gov.uk/gdpr

Any opinions expressed are those of the author of the email, and do not necessarily reflect those of Scarborough Borough Council.
Please note: Incoming and outgoing email messages are routinely monitored for compliance with our policy on the use of electronic communications.
This email has been checked for the presence of computer viruses, but please rely on your own virus-checking procedures.

From: [Mark Antcliff](#)
To: [Planning](#)
Cc: [Elspeth Ingleby](#)
Subject: NYM/2021/0291/FL - Hawthorn Hill Farm Cottage, Greenend
Date: 19 May 2021 16:56:31

Aerial photographs show trees on and adjacent to the site. We don't know any details or the current status so we will need to ask for a tree survey and arboricultural impact assessment.

Mark Antcliff
Woodland Officer
North York Moors National Park Authority

From: [Victoria Franklin](#)
To: [Planning](#)
Subject: Bird bat and swift informatives 03.05.2021-09.05.2021
Date: 19 May 2021 10:54:50

Hi planning,

If the following applications are approved please can a **bat informative** be included within the decision notice

NYM/2021/ 0331/FL - 8 Low Lane, Mickleby
0317/FL - 2 Elm Grove, Robin Hoods Bay
0291/FL - Hawthorn Hill Farm Cottage, Greenend, Goathland

If the following applications are approved please can a **bird informative** be included within the decision notice

NYM/2021/ 0317/FL - 2 Elm Grove, Robin Hoods Bay
0310/FL- Langhills, Church Lane, Thornton le Dale
0291/FL- Hawthorn Hill Farm Cottage, Greenend, Goathland
0322/FL - 1 Rockcliff Court, Easington

If the following applications are approved please can a **swift informative** be included within the decision notice

NYM/2021/ 0317/FL - 2 Elm Grove, Robin Hoods Bay
0310/FL- Langhills, Church Lane, Thornton le Dale
0291/FL- Hawthorn Hill Farm Cottage, Greenend, Goathland

Thanks,
Victoria

From: [Elspeth Ingleby](#)
To: [Megan O'Mara](#)
Cc: [Planning](#); [Holly Ramsden](#); [Mark Antcliff](#)
Subject: NYM/2021/0291/FL - Hawthorn Hill Farm Cottage, Greenend
Date: 19 May 2021 14:15:03

Dear Megan

From the plans submitted, it appears that the garage and hall alterations will require a small alteration in the footprint of the building which will extend this area slightly to the north of its current footprint – is this correct? This is pertinent as the boundary of the North York Moors SSSI, SAC and SPA appears on our mapping to align flush with the northern aspect of the current building, and so any extension north however small would likely be into the footprint of the designated sites. Whilst Natural England may deem the area affected to be functionally excluded from the designations due to hard standing or domestication predating the site designation, this will need further scrutiny. If extending further to the north it will also encroach slightly onto the registered area of common land which is also flush to existing building line and the local Court Leet should be consulted if that is the case. It is likely that careful consideration will need to be given to any works being conducted from the northern elevation due to the risk of harming the adjacent designated sites, including submission of a Construction Environmental Management Plan to set out how works will be conducted to minimise/eliminate impacts on the natural environment, setting out details including where and how materials will be stored, how fuel and other spillages on the designated sites will be avoided and how prevent impact from mortars or other potentially harmful building materials on the surrounding acidic, low nutrient habitat. Hopefully Natural England will be able to provide a response setting out in more detail what they require.

The caravan, package treatment plant and borehole are all close to established mature trees. I suspect Mark will require more arboricultural details, but in the interim it would be helpful if the applicant could provide details on the proposed drainage from the new package treatment plant – ie will it discharge to watercourse or drainage field and the locations of the outflow as these could also affect the roots of the surrounding tree, or if discharging to watercourse then elevated levels of cleanliness may be required due to the proximity of the SSSI, SPA and SAC.

The glazing to the southern façade – particularly the family room area where the proposed floor to ceiling glazing extends into the roof – appears excessive and does not accord with our dark skies policies. This is an extremely sensitive location in an elevated and exposed position set against an undeveloped moorland backdrop and therefore we must be extremely cautious regarding the potential harmful impact of unregulated light spill from interior as well as exterior lighting. Whilst I cannot comment on the existing level of glazing on the property, I would welcome proposals for how impact can be reduced which could include fewer/smaller windows, deep reveals and films on glazing to reduce the amount of light escaping from internal lighting (without reducing passive light from outside in) which should all be considered prior to the reliance on blinds/curtains which are of course dependant on human action to be effective. An external lighting condition would be required if approved.

I believe bat, bird and swift informative have also been requested to be included in the decision notice if approved.

Best wishes

Elsbeth

Elsbeth Ingleby MA_{Cantab} ACIEEM

Ecologist

North York Moors National Park Authority

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP

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



**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**

Application No: **NYM21/0291/FL**

Proposed Development: Application for alterations to roofs of attached outbuildings, removal of water tower,
alterations and extensions to dwelling together with use of land for the siting of 1 no.
static caravan for residential use for a temporary period

Location: Hawthorn Hill Farm
Cottage, Greenend, Goathland

Applicant: Mr & Mrs A & C Nicholson

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

Area Ref: 4/30/283 **Tel:**

k

To: North York Moors National Park
Authority
The Old Vicarage
Bondgate
Helmsley
YO62 5BP **Date:** 21 May 2021

FAO: Megan O'Mara **Copies to:**

It is not anticipated that this will have any significant impact on the highway network, 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:

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Page 2 of 2

Application No:

NYM21/0291/FL

Date: 24 May 2021
Our ref: 352235
Your ref: NYM/2021/0291/FL



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

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

BY EMAIL ONLY

Dear Mark Hill

Planning consultation: NYM/2021/0291/FL Application for alterations to roofs of attached outbuildings, removal of water tower, alterations and extensions to dwelling together with use of land for the siting of 1 no. static caravan for residential use for a temporary period.

Location: Hawthorn Hill Farm Cottage, Greenend, Goathland.

Thank you for your consultation on the above dated 05 May 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

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

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

The following information is required:

- A Habitats Regulations Assessment (HRA);
- Information pertaining to whether there will be further treatment of phosphates discharged from the package treatment plants into the watercourse.

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

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

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

Additional Information Required

European Sites

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

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

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

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

1. Evidence produced by Natural England suggests a lack of clarity in whether package treatment plants are effective in removing phosphates from treated water, especially when discharged directly into a watercourse or drain. Tertiary treatment of the effluent would substantially reduce phosphates and impacts to the protected sites. Therefore, we request further information as to whether sewage will be subject to a suitable phosphate treatment such as:
 - a phosphate removal unit as part of the development;
 - discharge of the water from the package treatment plant into a reedbed system;
 - discharge of the water from the package treatment plant to a soakaway.
2. Please note, tertiary treatment of the effluent would constitute mitigation, therefore the HRA will need to proceed to Appropriate Assessment stage.
3. The HRA should also consider potential for noise and visual disturbance impacts to designated breeding bird species during external construction work. If required, appropriate mitigation measures to prevent or reduce impacts should be considered.

Sites of Special Scientific Interest (SSSI)

Natural England notes the development is in close proximity to the designated sites North York Moors SSSI. Based on the plans submitted, Natural England considers that the proposed development could have potential significant effects on the interest features for which the sites have

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

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

been notified. The information required to determine any potential impacts is listed above (European sites).

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

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

If you have any queries relating to the advice in this letter please contact me at Lisa.Sheldon@naturalengland.org.uk.

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

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

Yours sincerely

Lisa Sheldon
Yorkshire and Northern Lincolnshire Area Team
Natural England

Annex A – Additional Advice

Natural England offers the following additional advice:

Landscape

Paragraph 170 of the National Planning Policy Framework (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.*

Protected Species

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

Local sites and priority habitats and species

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

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)³. 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](#).

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

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

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.

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).

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.

Biodiversity duty

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

From:
To: [Planning](#)
Subject: Re: NYM/2021/0291/FL
Date: 05 May 2021 12:34:30

Dear team.

Unfortunately this has missed our May meeting and will be discussed in the 2 June meeting. I will respond as soon as this has been discussed.

I apologise for any inconvenience this may cause.

Kind regards

Connie

Mrs Connie Wiggins
Clerk, Goathland Parish Council
Moorgarth
Mill Green Way
Goathland
Whitby
YO22 5LZ