
From: Mrs J. Marley, Clerk to Hackness & Harwood Dale Group Parish Council
Sent: 26 September 2021 18:23
To: Planning
Subject: Amended application: Comments on land at Newgate Farm, Hackness - NYM/2019/0832/FL

There is nothing in the amended application to cause the Parish Council to remove any of its original objections.

Work has carried on regardless since the original application was submitted - the NYMNP appears to have done nothing to prevent the work continuing. Essentially this application is now retrospective in almost every part. The applicant has ridden roughshod over planning and other than some minor changes (such as removal of road planings), it's a done deal.

--

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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From:
To:
Subject: Comments on NYM/2019/0832/FL - Case Officer Mrs Jill Bastow - Received from David Smith - Ranger South at NYMNPA,
Date: 06 September 2021 09:19:02

Having to look at this now as an almost totally retrospective planning application has eliminated the opportunity to have some input on how the new tracks and claimed repairs to existing tracks fit within the natural environment. The scale of the works which have been undertaken appear excessive for general agricultural and forestry purposes. Perhaps some for forestry purposes could have been temporary or were possibly unnecessary if operations were carefully planned with any surface damage repaired afterwards. In addition, there appears to be no justification for some of the track work, for example the southern ends of tracks 10 and 11.

I also think the summary of the work under records what has actually been carried out and I would regard a lot of work to existing tracks as upgrades and not simply repairs. Certainly, tracks 4, 6 and 10 have been widened. Also, track 1 (public footpath) and 10 (public bridleway) now look visually different as a result of a change to their surfaces. The summary also fails to mention that part of track 2 has been realigned and the culverting of Highdales Beck on track 3. Furthermore, aside of any planning consent, any works or disturbance to the surface of the rights of way should have had prior approval from the Ranger Service.

I think we are now at the stage where any large scale remedial works to soften the impact of the work carried out would be detrimental and undo what has started to occur naturally. I acknowledge some seeding work has been carried out to speed up the healing process and would like to see this continue in the future.

Finally, I want to stress the importance of discussing with the Ranger Service, any future work which is likely to have an impact on rights of way network. Any such discussion must be prior to works commencing on the ground.

Comments made by David Smith - Ranger South of NYMNPA

Preferred Method of Contact is: Email

Comment Type is Comment
Letter ID: 572337

From:
To: [Planning](#)
Subject: Comments on land at Newgate Farm, Hackness - NYM/2019/0832/FL
Date: 30 April 2020 11:10:27

In exercise of my delegated powers I would confirm Hackness and Harwood Group Parish Council objects to this application as submitted. Work continues to this day on the creation/improvement of these tracks despite consent not having been given. The general feeling is that these tracks have been widened or created for the benefit of the shooting enterprise on this land and not for agriculture or forestry. The newly created track through the bluebell wood at Fewler Gate Wood (which Council brought to the attention of Mark Antcliff and Elspeth Ingleby on 14th July 2019) isn't on the map. Also would point out that neither Lowdales Road or Whisperdale Road are suitable for large timber wagons.

--

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,
 ugh

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On 27/03/2020 14:15, planning@northyorkmoors.org.uk wrote:

You have received this email from North York Moors National Park Authority (Planning Service) in relation to a planning matter at land at Newgate Farm, Hackness.

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

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

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North York Moors
National Park

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From:

Subject: Comments on NYM/2019/0832/FL - Case Officer Mrs J Bastow - Received from David Smith - Ranger South at NYMNPA,

Date: 27 April 2020 15:00:48

Emailed Jill Bastow on 16 April with a request for clearer and more detailed information from the applicant before submitting final comments.

Comments made by David Smith - Ranger South of NYMNPA

Preferred Method of Contact is: Email

Comment Type is Comment

Letter ID: 541591

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



**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**

Application No: **NYM19/832/FL**

Proposed Development: proposed repairs to roads and tracks and creation of new tracks for agricultural and forestry purposes (part retrospective)

Location: land at Newgate Farm, Hackness

Applicant: 4 Gun Estates LLP

CH Ref: **Case Officer:** Kay Aitchison

Area Ref: 4/21/89A **Tel:**

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

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

Date: 17 April 2020

FAO: Rosie Gee

Copies to:

There are **no local highway authority objections** to the proposed repairs to existing tracks and construction of new tracks within the property.

Signed:

Kay Aitchison

For Corporate Director for Business and Environmental Services

Issued by:

Whitby Highways Office
Discovery Way
Whitby
North Yorkshire
YO22 4PZ

e-mail:

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

Our ref: RA/2020/141434/01-L01
Your ref: NYM/2019/0832/FL
Date: 08 April 2020

Dear Mrs Gee

**APPLICATION FOR PROPOSED REPAIRS TO ROADS AND TRACKS AND
CREATION OF NEW TRACKS FOR AGRICULTURAL AND FORESTRY PURPOSES
(PART RETROSPECTIVE)
LAND AT NEWGATE FARM, HACKNESS YO13 0JU**

Thank you for your consultation regarding the above proposal which was received on 27 March 2020.

We have reviewed the information submitted with the application and have no comment to make on any issues that are within our remit.

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



NYMNP

Your Ref
Our Ref 20/00688/OA

7 April 2020

Dear Sir or Madam

Proposal Application for proposed repairs to roads and tracks and creation of new tracks for agricultural and forestry purposes (part retrospective)
NYM/2019/0832/FL

Site Address Land At Newgate Farm Hackness

I refer to the above consultation which was received at this office on 27 March 2020.

There are no objections to the proposal.

If you require any further assistance please contact me at the above address.

Yours faithfully

D Walker

Mr D Walker
Planning Services Manager



From: [Elsbeth Ingleby](#)
To: [Jill Bastow](#); [Planning](#)
Subject: NYM/2020/0832/FL - land at Newgate Farm, Hackness
Date: 06 April 2020 16:12:33

Dear Jill, Planning,

There appear to be a number of discrepancies between the two maps provided which makes it difficult to ascertain the exact impact of the works proposed/carried out. Key issues I have noted are;

- Track to SW of Highdales farmstead extending up Longhill as marked in red line plan appears to be omitted it from the annotated map
- The new track numbered 9 on the annotated map (north west edge of Broxa forest above Whisperdales) is omitted from the red line plan
- The new portion of track annotated under section 8 is marked on the annotated map as two arrows, but on the red line plan as one – are two tracks proposed here or is this in error?
- A section of track is indicated on the red line plan connecting the main Whisperdale track and Broxa forest to the south (between SE96189339 and SE96309329) but is not shown on the annotated map and appears to be omitted from any description.
- No. 10 on the annotated map is not included in the legend, is this represented by the slightly blueish line around the bottom of Broxa forest from SE96219319 to SE96629288?
- The overall gist I get from the red line plan is that the thick lines indicate a new track whereas the thin lines indicate repairs to existing tracks, as there doesn't appear another reason to mark differently otherwise. If so then there are further discrepancies with the annotated map in that;
 - The main track up Whisperdales parallel to the stream is on the annotated map as no. 8 indicating repair, but on the red line plan as a thick red line.
 - Item 7 on the annotated map is described as a new track but marked as a thin line on the red line plan.
 - The new section of track under item 8 is marked with a thin line
 - Item 10 is described as a new track but (assuming my fourth point regarding its location above is correct) marked on the red line plan as a thin line

If it is intended that the annotated map is to supersede and replace the red line plan then it would be helpful if that could be made clear.

Please could you clarify the above so I can make an assessment of the potential for ecological impact to be/have been caused by the works?

Many thanks

Elsbeth

Elsbeth Ingleby MA_{Cantab} ACIEEM

Ecologist

North York Moors National Park Authority

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

From: [FS, Yorkshire and North East Area](#)
To: [Planning](#)
Subject: RE: land at Newgate Farm, Hackness - NYM/2019/0832/FL
Date: 31 March 2020 16:05:13

Dear Sir or Madam,

Thank you for seeking the Forestry Commission's advice about the impacts that this application may have on Ancient Woodland. As a non-statutory consultee, the Forestry Commission is pleased to provide you with the attached information that may be helpful when you consider the application:

- Details of Government Policy relating to ancient woodland
- Information on the importance and designation of ancient woodland

Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed. This applies equally to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS).

It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless "*there are wholly exceptional reasons and a suitable compensation strategy exists*" (National Planning Policy Framework paragraph 175).

We also particularly refer you to further technical information set out in Natural England and Forestry Commission's [Standing Advice on Ancient Woodland](#) – plus supporting [Assessment Guide and Case Decisions](#).

As a Non Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather we are including information on the potential impact that the proposed development would have on the ancient woodland.

This planning consultation response is in line with our usual procedures, providing no opinion supporting or objecting to the proposals. This response provides factual information on related policy which the planning authority may take account of when making its decision.

These comments are based upon information available to us through a desk study of the case, including the [Ancient Woodland Inventory](#) (maintained by Natural England), which can be viewed on the [MAGIC Map Browser](#), and our general local knowledge of the area.

We suggest that you take regard of any points provided by Natural England about the biodiversity of the woodland.

We also assume that as part of the planning process, the local authority has given a screening opinion as to whether or not an Environmental Impact Assessment is needed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. If not, it is worth advising the applicant to approach the Forestry Commission to provide an opinion as to whether or not an Environmental Impact Assessment is needed under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended.

We hope these comments are helpful to you. If you have any further queries please do not

hesitate to contact me.

Yours faithfully,

Inez Hein

Technical Support Officer- Yorkshire and North East Area
Forestry Commission | Foss House | Kings Pool | 1-2 Peasholme Green | York | YO1 7PX

[uk/forestrycommission](https://www.gov.uk/forestrycommission)

Following the government's guidance issued about the Coronavirus (COVID-19) outbreak, I am working at home Monday to Friday. You can contact me by email or on my mobile number.

Most Forestry Commission offices are currently closed for the safety of our staff.

If you need to contact us about a **grant or felling licence** please contact the Admin Hub on: adminhub.buckshornoak@forestrycommission.gov.uk

For all general enquiries, or to contact a Woodland Officer please email yne@forestrycommission.gov.uk

<https://www.gov.uk/coronavirus>

All felling licence applications are now processed through [Felling Licence Online](https://www.gov.uk/forestrycommission). To register an account and start your application online, visit www.gov.uk/forestrycommission

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

A summary of Government policy on ancient woodland

[Natural Environment and Rural Communities Act 2006](#) (published October 2006).

Section 40 – “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.

[National Planning Policy Framework](#) (published July 2018).

Paragraph 175 – “*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists*”.

[National Planning Practice Guidance](#) – Natural Environment Guidance. (published March 2014)

This Guidance supports the implementation and interpretation of the National Planning Policy Framework. This section outlines the Forestry Commission's role as a non statutory consultee on “*development proposals that contain or are likely to affect Ancient Semi-Natural woodlands or Plantations on Ancient Woodlands Sites (PAWS) (as defined and recorded in [Natural England's Ancient Woodland Inventory](#)), including proposals where any part of the development site is within 500 metres of an ancient semi-natural woodland or ancient replanted woodland, and where the development would involve erecting new buildings, or extending the footprint of existing buildings*”

It also notes that ancient woodland is an irreplaceable habitat, and that, in planning decisions, **Plantations on Ancient Woodland Sites (PAWS) should be treated equally in terms of the protection afforded to ancient woodland in the National Planning Policy Framework**. It highlights the Ancient Woodland Inventory as a way to find out if a woodland is ancient.

[The UK Forestry Standard](#) (4th edition published August 2017).

Page 23: “Areas of woodland are material considerations in the planning process and may be protected in local authority Area Plans. These plans pay particular attention to woods listed on the Ancient Woodland Inventory and areas identified as Sites of Local Nature Conservation Importance SLNCIs”.

[Keepers of Time](#) – A Statement of Policy for England’s Ancient and Native Woodland (published June 2005).

Page 10 “The existing area of ancient woodland should be maintained and there should be a net increase in the area of native woodland”.

[Natural Environment White Paper “The Natural Choice”](#) (published June 2011)

Paragraph 2.53 - This has a “renewed commitment to conserving and restoring ancient woodlands”.

Paragraph 2.56 – “The Government is committed to providing appropriate protection to ancient woodlands and to more restoration of plantations on ancient woodland sites”.

[Standing Advice for Ancient Woodland and Veteran Trees](#) (first published October 2014, revised November 2018)

This advice, issued jointly by Natural England and the Forestry Commission, is a material consideration for planning decisions across England. It explains the definition of ancient woodland, its importance, ways to identify it and the policies that are relevant to it.

The Standing Advice refers to an [Assessment Guide](#). This guide sets out a series of questions to help planners assess the impact of the proposed development on the ancient woodland.

[Biodiversity 2020: a strategy for England’s wildlife and ecosystem services](#) (published August 2011).

Paragraph 2.16 - Further commitments to protect ancient woodland and to continue restoration of Plantations on Ancient Woodland Sites (PAWS).

Importance and Designation of Ancient and Native Woodland

Ancient Semi Natural Woodland (ASNW)

Woodland composed of mainly native trees and shrubs derived from natural seedfall or coppice rather than from planting, and known to be continuously present on the site since at least AD 1600. Ancient Woodland sites are shown on Natural England’s Inventory of Ancient Woodland.

Plantations on Ancient Woodland Site (PAWS)

Woodlands derived from past planting, but on sites known to be continuously wooded in one form or another since at least AD 1600. They can be replanted with conifer and

broadleaved trees and can retain ancient woodland features, such as undisturbed soil, ground flora and fungi. Very old PAWS composed of native species can have characteristics of ASNW. Ancient Woodland sites (including PAWS) are on Natural England's Inventory of Ancient Woodland.

Other Semi-Natural Woodland (OSNW)

Woodland which has arisen since AD 1600, is derived from natural seedfall or planting and consists of at least 80% locally native trees and shrubs (i.e., species historically found in England that would arise naturally on the site). Sometimes known as 'recent semi-natural woodland'.

Other woodlands may have developed considerable ecological value, especially if they have been established on cultivated land or been present for many decades.

Information Tools – The Ancient Woodland Inventory

This is described as provisional because new information may become available that shows that woods not on the inventory are likely to be ancient or, occasionally, vice versa. In addition ancient woods less than two hectares or open woodland such as ancient wood-pasture sites were generally not included on the inventories. For more technical detail see [Natural England's Ancient Woodland Inventory](#). Inspection may determine that other areas qualify.

As an example of further information becoming available, Wealden District Council, in partnership with the Forestry Commission, Countryside Agency, the Woodland Trust and the High Weald AONB revised the inventory in their district, including areas under 2ha. Some other local authorities have taken this approach.

Further Guidance

[Felling Licences](#) - Under the Forestry Act (1967) a Felling Licence is required for felling more than 5 cubic metres per calendar quarter. Failure to obtain a licence may lead to prosecution and the issue of a restocking notice.

[Environmental Impact Assessment](#) - Under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended, deforestation which is likely to have a significant impact on the environment may also require formal consent from the Forestry Commission.

From: planning@northyorkmoors.org.uk

Sent: 27 March 2020 14:17

To: FS, Yorkshire and North East Area

Subject: land at Newgate Farm, Hackness - NYM/2019/0832/FL

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Historic England

North East and Yorkshire

Mrs R Gee
North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

Our ref:

2 April 2020

Dear Mrs Gee

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**NEWGATE FARM, HACKNESS, SCARBOROUGH, YO13 0JU
Application No. NYM/2019/0832/FL**

Thank you for your letter of 27 March 2020 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Yours sincerely

Anna Gallie
Business Officer



37 TANNER ROW YORK YO1 6WP

HistoricEngland.org.uk

