

Town and Country Planning Act 1990
North York Moors National Park Authority

**Notice of Decision of Planning Authority on Application for
Permission to Carry out Development**

To: Yorkshire Forest District
fao: Mr John Harkness
Outgang Road
Pickering
YO18 7EL

The above named Authority being the Planning Authority for the purposes of your application validated 22 December 2021, in respect of proposed development for the purposes of **construction of road and turning area for forestry purposes at Broxa Forest located south west of Silpho Brow Farm West, Silpho** has considered your application and has **granted** permission for the proposed development subject to the following:

Condition(s):

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Location plan	N/A	22 Dec 2021
Site plan	CE2122606-02 Rev C	08 Feb 2022
Entrance cross-section and kerb detail	CE2122606-03 Rev A	08 Feb 2022
Flockrake Noddle, Broxa Ecological Statement	N/A	09 Feb 2022

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. The development must not be brought into use until the access to the site at Swang Road, Silpho has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

The crossing of the highway verge must be constructed in accordance with the approved details and Standard Detail number E7 and the following requirements:

 - a) Any gates or barriers must be erected on the site boundary and must not be able to swing over the existing or proposed highway.
 - b) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.
 - c) The final surfacing of any private access within 15 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
 - d) Measures to enable vehicles to enter and leave the site in a forward gear. All works must accord with the approved details.

Continued/Condition(s)



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4. No development on the site 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 Construction Management Plan. The Plan must include, but not be limited to, arrangements for the following in respect of the works:
 - the parking of contractors' site operatives and visitor's vehicles clear of the highway;
 - areas for storage of plant and materials used in constructing and operating the site clear of the highway;
 - details of the routes to be used by HGV construction traffic and highway condition surveys on these routes; and
 - contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
5. Where possible no works are to be undertaken from, or vehicles or materials stored on, the valuable road verge habitat either side of the proposed access. Where such impact cannot be avoided, existing vegetation should be turf stripped and nurtured (including watering to maintain viability of existing vegetation) for replacement on completion of works. Assessment of the verge must be undertaken post works to ensure successful re-establishment of vegetation. If re-establishment of the turves fails, re-establishment of vegetation should be undertaken through the collection and spreading of seed from surrounding areas of the verge within 2 years of the completion of works.
6. No development shall take place on site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological monitoring shall provide for the clearance of the footprint of the development including the verge access and a forested area and the limits of the scheduled remains shall be visibly marked out to include a buffer zone within which plant and machinery cannot operate.
7. Any trees identified for removal that lie within the scheduled area or identified buffer zone shall not be extracted using heavy plant.

Informative(s)

1. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the [County Council's web site](#). The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.



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2. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately, and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.
3. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured, or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from [Natural England](#). Further information on wildlife legislation relating to birds can be found on the [RSPB's website](#).
If advice is needed, please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.

Reason(s) for Condition(s)

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan, which seek to conserve and enhance the special qualities of the National Park.
3. In accordance with Policy CO2 of the North York Moors Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
4. In accordance with Policy CO2 of the North York Moors Local Plan and in the interests of highway safety and the general amenity of the area.
5. In order to comply with the provisions of Policy ENV1 of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.
6. In order that any remains of archaeological importance can be adequately investigated and recorded before any development takes place on the site and to comply with Strategic Policy I and Policy and Policy ENV10 of the North York Moors Local Plan which seeks to conserve and enhance the historic assets and cultural heritage of the National Park.

Continued/Reason(s) for Condition(s)



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7. In order that any remains of archaeological importance can be adequately investigated and recorded before any development takes place on the site and to comply with Strategic Policy I and Policy and Policy ENV10 of the North York Moors Local Plan which seeks to conserve and enhance the historic assets and cultural heritage of the National Park.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



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Please Note your Rights of Appeal are attached to this Decision Notice

Rights of Appeal

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to:
 - a) refuse an application for planning permission or grant it subject to conditions;
 - b) refuse an application for any consent, agreement or approval required by a condition imposed on a grant of planning permission or grant it subject to conditions; or
 - c) refuse an application for any approval required under a development order

they may appeal to the Secretary of State of Department of Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice (12 weeks in the case of a minor commercial application). The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the council of the county/district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Note: If an aggrieved applicant wishes to exercise their right of appeal as above mentioned, they should do so using a form which you can get from the Secretary of State at:

Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 00 00) or online at www.planningportal.gov.uk/planning/appeals

Notes

1. Please note, only the applicant possesses the right of appeal.
2. No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed Development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations, and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.
3. In your own interests your attention is particularly drawn to the conditions under which approval has been given to your proposals. Failure to comply fully with the conditions could lead to enforcement action resulting in work already done being demolished or prosecution in Magistrates' Court.
4. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice.
5. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.