
From: Mark Antcliff

Sent: 16 February 2022 13:07

To: Helen Stephenson

Subject: RE: NYM/2021/0822/FL - land near Crosscliff car park - art installation

Helen

The basic tree survey supplied doesn't provide the information that we would normally expect for a development in such proximity to trees.(ie following the guidance in BS 5837). However; I'm content that the tree removals are reasonable, and providing any activity within the root protection areas of trees for long term retention is carried out in a suitable manner there will be no significant impact.

I would like to see a condition made that ensures all works within the root protection areas of retained trees is carried out in line with the guidance in BS5837 and/or NJUG UK Volume 4.

Mark

Mark Antcliff
Woodland Officer
North York Moors National Park Authority

www.northyorkmoors.org.uk

From: Nick Mason

Sent: 18 February 2022 13:06

To: Helen Stephenson

uk>; Miles Johnson

Cc: Conservation

Subject: Re: NYM/2021/0822/FL - land near Crosscliff Car Park

Hi Helen,

Sorry, for some reason I thought this one was dealt with. It's good to know Forestry are planning to engage an archaeological contractor for the site, I know Katie Thorn is very familiar with the process.

If there is to be no ground disturbance at all either at the site of the solar array or during the laying of the services that is great, the watching brief will not need to include those areas. I think when the WSI (methodology) is submitted for our approval, I would want to see that the contractor is prepared to observe all ground disturbance that does happen, just in case it turns out small trenches are dug or anything like that. I've not seen any foundation plans for the main structure, but presumably there will at least have to be some ground clearance and that does qualify for a watching brief given the potential sensitivities around a barrow cemetery.

Very happy with the response from Forestry, thanks. Could we put the standard ARCH02 condition on it please, and I look forward to seeing the WSI come in for approval. It should be a relatively easy site for archaeologists to observe, but if prehistoric material does arise it will need thorough preservation by record and has the potential for significant finds to be lifted. Of course I'll be happy to liaise with everyone if this does occur, and can site visit etc.

Best, Nick M

From:
To: [Planning](#)
Subject: RE: NYM/2021/0822/FL
Date: 07 March 2022 16:58:33

Hi there,

We'd just like to wholly thank the NYMNP for giving us more information about the art installation. It clarified all the councillors' questions, and they now have no objections to the application.

Kind regards
Poppy

Poppy Smalley
Clerk to Allerston and Wilton Parish Council
Orchard House
Cliff Lane
Wilton
Pickering
YO18 7LE

Lesley Myers
RFO to Allerston & Wilton Parish Council
Waterways
Main Street
Allerston
YO18 7PG

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From:
To:
Subject: NYM/2021/0822/FL
Date: 06 December 2021 10:29:43

Dear Sir/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.

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 180).

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.

One of the most important features of Ancient woodlands is the quality and inherent biodiversity of the soil; they being relatively undisturbed physically or chemically. This applies both to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS). Direct impacts of development that could result in the loss or deterioration of ancient woodland or ancient and veteran trees include:

- damaging or destroying all or part of them (including their soils, ground flora or fungi)
- damaging roots and understory (all the vegetation under the taller trees)
- damaging or compacting soil around the tree roots
- polluting the ground around them
- changing the water table or drainage of woodland or individual trees
- damaging archaeological features or heritage assets

It is therefore essential that the ancient woodland identified is considered appropriately to avoid the above impacts.

[Planning Practice Guidance](#) emphasises: '*Their existing condition is not something that ought to affect the local planning authority's consideration of such proposals (and it should be borne in mind that woodland condition can usually be improved with good management)*'.

If this application is on, adjacent to or impacting the Public Forest Estate (PFE):

- Please note that the application has been made in relation to land on the Public Forest Estate and [Forestry England](#), who manage the PFE, is a party to the application. They therefore should also be consulted separately to the Forestry Commission.

If the planning authority takes the decision to approve this application, we may be able to give further support in developing appropriate conditions and legal agreements in relation to woodland management mitigation or compensation measures. Please note however that the Standing Advice states that *“Ancient woodland, ancient trees and veteran trees are irreplaceable. Consequently you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal”*.

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

This response assumes that as part of the planning process, the local authority has given due regard as to whether or not an Environmental Impact Assessment is needed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 or the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended. If there is any doubt regarding the need for an Environmental Impact assessment (Forestry), including for forest roads, please contact us.

We would also like to highlight the need to remind applicants that tree felling not determined by any planning permission may require a [felling licence](#) from the Forestry Commission.

Please see notes from the woodland officer on this planning application:

“It looks to me that the main art installation is outside of the ancient woodland within the conifer block. I can see no major concerns with this part of the application. However the proposed solar array is within the footprint of the ancient woodland and we should object to any development within the boundary of an ancient woodland.”

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.

If you would like to see more information on the role of the FC in planning please see :

<https://www.gov.uk/guidance/planning-applications-affecting-trees-and-woodland>

If the planning authority takes the decision to approve this application, we may be able to give further support in developing appropriate conditions in relation to woodland management mitigation or compensation measures. Please note however that the Standing Advice states that *“Ancient woodland, ancient trees and veteran trees are irreplaceable. Consequently you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal.”*

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

biodiversity of the woodland.

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

Yours faithfully,

Henry Wardell

Y&NE Area Technical Support Officer
Forestry Commission
Yorkshire & North East Area
Foss House, King's Pool,
1-2 Peasholme Green,
York
YO1 7PX

Please note our new email address, please update your records.

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.

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From:
To:
Cc:
Subject: NYM/2021/0822/FL Cross Cliff art installation
Date: 16 November 2021 16:02:55

Hi Helen,

The application for an art installation and solar array at Cross Cliff in Dalby Forest will require an archaeological watching brief condition if successful, please.

The documents do not fully describe the ground disturbance the application would require, but as David Smith has pointed out presumably there will be have to be some below ground electrical installation, and some clearance and ground preparation for the singing room platform.

Cross Cliff Brow is known for several Scheduled Bronze Age round barrows, these making up what is certainly a more complex barrow cemetery on the ridge line. We have records that indicate there are at least two badly damaged barrows within 50m of the application site. These examples have suffered from forestry ploughing, and are undesignated assets, but that does not necessarily preclude them from retaining significant archaeology below ground. As we likely do not know the full extent of the cemetery on Cross Cliff, I think it necessary to have a watching brief in case prehistoric archaeology should be present.

Should features be identified during ground works, it is likely that archaeologists would only need to record the top level stratigraphy. However, without knowing the planned depth of groundworks, foundations, electrical trenches, drainage etc, it is possible that more complex features or finds may have to be recorded leading to more time on site. In this event hopefully the applicants agree it would be a good news story for Dalby Forest!

As usual the condition should include the submission of a Written Scheme of Investigation prior to any works commencing. If the applicants, artist or anyone else would like to discuss heritage issues raised here I'm happy to be contacted.

Best,

Nick Mason
Archaeology Officer

North York Moors National Park Authority

www.northyorkmoors.org.uk

From:
To:
Subject: RE: NYM/2021/0822/FL
Date: 18 November 2021 16:20:29

Hi there

I see that we can make comments until 01/12/2021. I will forward this on to the woodland officer to view as I'm keen to see if they have any comments on this proposed plan as it is adjacent to ASNW

Regards,

Henry Wardell

Technical Support Officer
Yorkshire & North East

Forestry Commission England
Foss House
1-2 Peasholme Green
York
YO1 7PX

www.gov.uk/forestrycommission

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



**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**

Application No: **NYM/2021/0822/FL**

Proposed Development: Application for proposed art installation with associated accessible access path and ground mounted solar array

Location: near Cross Cliff Car Park, Dalby forest

Applicant: PETRA YOUNG

CH Ref: **Case Officer:** Vikki Orange

Area Ref: **Tel:**

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

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

Date: 17 November 2021

FAO: Helen Stephenson **Copies to:**

The proposals as outlined within the associated planning application documents do not generate conditions considered detrimental to highway safety therefore: there are **no local highway authority objections** to the proposed development

Signed:

Vikki Orange

For Corporate Director for Business and Environmental Services

Issued by:

Kirby Misperton Highway Office
Beansheaf Industrial Park
Tofts Road
Kirby Misperton
YO17 6BG

e-mail:

From:
To: [Planning](#)
Subject: NYM/2021/0822/FL near Cross Cliff Car Park, Dalby forest
Date: 08 November 2021 17:57:23

NYM/2021/0822/FL near Cross Cliff Car Park, Dalby Forest

Although I expect this development is unlikely to have any significant impact on the surrounding trees (most of which will eventually be harvested I assume) we should still request a basic tree survey, arboricultural impact assessment and tree protection plan in line with similar developments in wooded locations. This will need to relate to the structure, new paths, the array, and any laying of services.

Mark

Mark Antcliff
Woodland Officer
North York Moors National Park Authority

www.northyorkmoors.org.uk

From:
To: [Planning](#)
Subject: RE: NYM/2021/0822/FL
Date: 07 November 2021 15:14:59

Hi

The Parish council has some questions about this application.

The application is for a singing room. Are there going to be toilets on the site. How long will people attend for.

There are solar panels on the roof – what are these for. Are there going to be lights on the site.

This is an area of wildlife and there is concern from the Councillors that the wildlife will be disturbed at night by lights. It is in a dark sky area the Councillors believe.

Thanks for your help with these matters.

Kind regards

Lesley

Lesley Myers
Clerk to Allerston & Wilton Parish Council
Waterways
Main Street
Allerston
Pickering
YO18 7PG

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From: planning@northyorkmoors.org.uk
To: [Planning](#)
Subject: Comments on NYM/2021/0822/FL - Case Officer Mrs Helen Stephenson - Received from David Smith - Ranger South at NYMNPA,
Date: 04 November 2021 11:47:09

Additional comments - To connect the solar array to the singing hut is likely to involve digging up the public bridleway. During the construction phase the bridleway must remain open and safe to use at all times. Any disturbance to the bridleway surface must be made good and back to the original condition as soon as possible.

Comments made by David Smith - Ranger South of NYMNPA

Comment Type is Comment
Letter ID: 577247

From: planning@northyorkmoors.org.uk
To: [Planning](#)
Subject: Comments on NYM/2021/0822/FL - Case Officer Mrs Helen Stephenson - Received from David Smith - Ranger South at NYMNPA,
Date: 03 November 2021 15:28:25

It is unclear from the information provided just how close the solar array installation will be to the public bridleway. I'm happy with the proposal subject to the solar array being set back at least 5 metres from the edge of the bridleway

Comments made by David Smith - Ranger South of NYMNPA

Comment Type is Comment
Letter ID: 576867