

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



**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**

Application No: **NYM21/1020**
Proposed Development: construction of road and turning area for forestry purposes
Location: Broxa Forest located south west of Silpho Brow Farm West, Silpho
Applicant: Yorkshire Forest District

CH Ref: **Case Officer:** Kay Aitchison
Area Ref: 4/21/93 **Tel:**
County Road No: **E-mail:**

To: North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
YO62 5BP **Date:** 11 February 2022
FAO: Helen Stephenson **Copies to:**

Note to the Planning Officer:

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

Following receipt of amended layout details, there are no changes to the previous LHA recommendation dated 24th January 2022, which are copied below for clarity.

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

MHC-03 New and altered Private Access Verge Crossing at Swang Road, Silpho

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.

- Any gates or barriers must be erected **on the site boundary** and must not be able to swing over the existing or proposed highway.

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No:

NYM21/1020

- 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.
- 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.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason for Condition

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.

MHi-C New and altered Private Access Verge Crossing – (MHC-03)

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:

https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing___ind_est_roads___street_works_2nd_edi.pdf

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

MHC-15A Construction Management Plan - amended

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 of the works:

1. the parking of contractors' site operatives and visitor's vehicles clear of the highway;
2. areas for storage of plant and materials used in constructing and operating the site clear of the highway;

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No: **NYM21/1020**

3. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes; and
4. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason for Condition

In the interest of public safety and amenity

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: _____

From:
To: [Planning](#)
Subject: Comments on NYM/2021/1020 - Case Officer Mrs Helen Stephenson - Received from David Smith - Ranger South at NYMNPA,
Date: 07 February 2022 10:02:02

Comments submitted on 26/01/22 still relevant to the amended plans.

Comments made by David Smith - Ranger South of NYMNPA

Preferred Method of Contact is: Email

Comment Type is Comment
Letter ID: 582844



Mrs Helen Stephenson
North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
North Yorkshire
YO62 5BP

Our ref: P01451189

4 February 2022

Dear Mrs Stephenson

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

**BROXA FOREST, LOCATED SOUTH WEST OF, SILPHO BROW FARM WEST,
SILPHO
Application No. NYM/2021/1020**

Thank you for your letter of 1 February 2022 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The notification consists of Amended information relating to the creation of access arrangements for the extraction of timber infected by *Phytophthora Ramorum*.

Historic England has previously provided advice to your authority on this proposal on 24th January 2022. At that time it was our advice and recommendation that we had concerns on heritage grounds owing to:

- the proximity of the access arrangements to the scheduled Bronze Age round barrow NHLE 1019625
- the lack of detail related to the manner in which the scheduled monuments would be demarcated to ensure their protection, and
- the lack of reference to any appropriate archaeological mitigation

We have now received amended information and been involved in discussion with the Head of Historic Environment in your authority and the applicant.

We can confirm that the modified access arrangements address our concerns about the proximity of the works to the scheduled Bronze Age round barrow, and we note that an agreed Written Scheme of Investigation (WSI) is forthcoming.





Whilst we are now content with proposed works, we wish to reiterate the necessity for a strong archaeological condition to be inserted into any approval, the contents of which is to be agreed with your own specialist advisors.

Recommendation

Historic England has previously provided advice to your authority on this proposal on 24th January 2022. At that time it was our advice and recommendation that we had concerns on heritage grounds.

We have now received amended information and been involved in discussion with the Head of Historic Environment in your authority and the applicant.

We can confirm that the modified access arrangements address our concerns about the proximity of the works to the scheduled Bronze Age round barrow, and we note that an agreed Written Scheme of Investigation (WSI) is forthcoming.

We now consider that the application meets the requirements of the NPPF, in particular paragraph numbers 194 and 202, and we have no concerns on heritage grounds.

In determining this application you should bear in mind the statutory duty of section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

Yours sincerely

Keith Emerick

Keith Emerick

Ancient Monuments Inspector

cc: Miles Johnson, Head of Historic Environment, NYMNPA
Katie Thorn, Forestry England



From:

Cc: [Planning](#)

Subject: NYM/2021/1020 - Broxa Forest

Date: 28 January 2022 17:52:50

Dear Helen

The proposed vehicle access track crosses a wide vegetated verge to join the road. This verge is recorded as being of botanical interest, which could be detrimentally affected by the proposals, not only from direct loss to the new access track and splay but also by vehicles trampling or damaging the surrounding areas during construction works. Please can you condition something along the lines of the following;

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.

Thanks

Elsbeth

Elsbeth Ingleby MA_{Cantab} ACIEEM

Ecologist

North York Moors National Park Authority

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

From: [p](#)
To: [Planning](#)
Subject: Comments on NYM/2021/1020 - Case Officer Mrs Helen Stephenson - Received from David Smith - Ranger South at NYMNPA, via email:
Date: 26 January 2022 12:14:51

Are there any plans to restrict public vehicular access to this proposed development site when not in use? The area has an ongoing problem with fly tipping so I do not want to see the new road and turning area give further opportunities for fly tipping.

Comments made by David Smith - Ranger South of NYMNPA

Preferred Method of Contact is: Email

Comment Type is Comment
Letter ID: 581256

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



**LOCAL HIGHWAY AUTHORITY
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Location: Broxa Forest located south west of Silpho Brow Farm West, Silpho
Applicant: Yorkshire Forest District

CH Ref: **Case Officer:** Kay Aitchison
Area Ref: 4/21/93 **Tel:**
County Road No: **E-mail:**

To: North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
YO62 5BP **Date:** 24 January 2022
FAO: Helen Stephenson **Copies to:**

Note to the Planning Officer:

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

The application seeks to construct an access into existing Forestry England land to allow foresting and harvesting works of diseased trees to be more easily undertaken. The new access would allow direct access from the site to the highway and the agreed forestry extraction route via Harwood Dale.

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

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Reason for Condition

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.

MHi-C New and altered Private Access Verge Crossing – (MHC-03)

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https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing___ind_est_roads___street_works_2nd_edition.pdf

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

MHC-15A Construction Management Plan - amended

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 of the works:

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2. areas for storage of plant and materials used in constructing and operating the site clear of the highway;

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Continuation sheet:

Application No: **NYM21/1020**

3. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes; and
4. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason for Condition

In the interest of public safety and amenity

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 Helen Stephenson
North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
North Yorkshire
YO62 5BP

Our ref: P01451189

24 January 2022

Dear Mrs Stephenson

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

**BROXA FOREST, LOCATED SOUTH WEST OF, SILPHO BROW FARM WEST,
SILPHO
Application No. NYM/2021/1020**

Thank you for your letter of 5 January 2022 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

This is a Full planning application for the creation of a new vehicle access and transfer facility to enable the safe removal of infected (*Phytophthora Ramorum*) timber from Broxa Forest.

The application site is immediately adjacent to two nationally important Scheduled Monuments:

- Round barrow on Flockrake Noddle, 550m SSW of Silpho Brow Farm, NHLE 1019625
- The Thieves' Dyke: prehistoric linear boundaries and associated features, NHLE 1019627.

Significance of the designated sites:

Round Barrow NHLE 1019625

Of Bronze Age date, the monument includes a round barrow situated in a prominent position towards the top of the eastern scarp edge of the Hackness Hills.





The barrow has an earth and stone mound which stands up to 1m high and has a maximum diameter of 13m. In the centre of the mound there is a slight hollow which is the result of partial excavation in the past. The mound was originally surrounded by a ditch up to 2m wide but this has become infilled over the years by soil slipping from the mound so that it is no longer visible as an earthwork.

The barrow lies in an area where there are many other prehistoric burial monuments. Despite limited disturbance, the round barrow on Flockrake Noddle, 550m SSW of Silpho Brow Farm has survived well. Information about the original form of the barrow and the burials placed within it will be preserved.

Evidence for earlier land use and the contemporary environment will also survive beneath the barrow mound and within the buried ditch. The barrow was originally among a group of at least twelve burial monuments distributed across the south eastern part of Suffield Moor. Such clusters provide important insight into the development of ritual and funerary practice during the prehistoric period.

Thieves' Dyke NHLE 1019627

The monument includes five prehistoric linear boundaries situated in Broxa Forest, on a level plateau at the top of the eastern scarp edge of the Hackness Hills. Also included are a round barrow, a square barrow and an area of intersecting hollow ways adjacent to the linear boundaries.

Of Bronze Age date, the earthwork sections of the Thieves' Dikes are in a good state of preservation. Stratigraphic relationships between the components of the multiple dyke sections will survive and provide evidence for the sequence of construction and development of the boundary system.

Important environmental evidence which can be used to date the boundaries and determine contemporary land use will be preserved within the lowest ditch fills. Evidence for earlier land use will be preserved in the old ground surface beneath the banks. The lowest ditch fills of the plough-levelled boundaries will also preserve valuable environmental evidence.

The Thieves' Dikes are thought to represent a system of territorial land division which was constructed to augment natural topographical divisions of the landscape. Many more such groups are found on the Tabular Hills.

The close association of these boundaries and their relationships with the Bronze and Iron Age burial monuments in the landscape surrounding them will provide valuable insight into the division and use of the landscape for social, ritual and agricultural purposes during the later prehistoric period. The reuse of the boundaries in the Anglo-





Saxon and medieval periods provides important evidence for the continuity of land division from the prehistoric period onwards.

The archaeological potential of the application site is unknown, but could be high.

Impact of the proposal on significance:

We completely understand the necessity for the facility, the problems associated with *Phytophthora Ramorum* and the need to remove infected timber safely.

However, a considerable part of the significance of the two monuments lies in the currently unknown archaeological connections between them, and the degree of visual connection between the two sites. The application in its current form does not include any provision for archaeological recording, or provide any clear assessment of the significance of the Scheduled Monuments.

The proposal in its current form would generate 'harm' to the significance of the nationally important monuments, and we consider that this harm can be lessened or removed through the development of a less sensitive location and imposition of a programme of archaeological supervision during the works programme.

Policy relating to the proposal:

The proposal in its present form does not meet the requirements of the National Planning Policy Framework (NPPF), specifically paras 194 and 202.

Position of Historic England:

Historic England has concerns on heritage grounds with regard to this development proposal in its current form. The close proximity of the development proposal (and its construction method) to the scheduled Bronze Age barrow is a matter of considerable concern.

We consider that a more sensitive arrangement of the proposed facility would deliver the environmental needs and cause less harm to the significance of the scheduled monuments and their associated archaeological deposits:

A smaller and slightly rearranged footprint is to be used for the storage and turning area. The development area should be reduced by circa 30%, making it slightly narrower as well as shorter, and moving the turning spur further to the south west, so that it is a few metres closer to the road.

The development is to be subject to an archaeological condition ensuring monitoring of the clearance of the footprint including the verge access as well as the





afforested area. The developer is to appoint an archaeological contractor for this, with a Written Scheme of Investigation (WSI) to be agreed by your authority prior to commencement of the development.

It is not clear from the supporting information who will mark out the scheduled monuments. It is to be a condition that the appointed archaeologist visibly marks out the limits of the scheduled remains, including a clear buffer zone within which plant cannot operate. This task should be included within the WSI.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

This is a Full planning application for the creation of a new vehicle access and transfer facility to enable the safe removal of infected (*Phytophthora Ramorum*) timber from Broxa Forest.

The application site is immediately adjacent to two nationally important Scheduled Monuments:

- Round barrow on Flockrake Noddle, 550m SSW of Silpho Brow Farm, NHLE 1019625
- The Thieves' Dyke: prehistoric linear boundaries and associated features, NHLE 101962

A considerable part of the significance of these monuments lies in the currently unknown archaeological relationship between them and their visual relationship, and therefore the close proximity of the development proposal to the scheduled Bronze Age barrow is of considerable concern.

The application in its present form does not include any provision for archaeological monitoring and supervision.

In order to reduce the harm to the nationally important scheduled monuments and their associated archaeological deposits, we recommend that:

A smaller and slightly rearranged footprint is to be used for the storage and turning area. The development area should be reduced by circa 30%, making it slightly narrower as well as shorter, and moving the turning spur further to the south west, so that it is a few metres closer to the road.

The development is to be subject to an archaeological condition ensuring monitoring of the clearance of the footprint including the verge access as well as the afforested area. The developer is to appoint an archaeological contractor for this,





with a Written Scheme of Investigation (WSI) to be agreed by your authority prior to commencement of the development.

It is to be a condition that the appointed archaeologist visibly marks out the limits of the scheduled remains, including a clear buffer zone within which plant cannot operate. This task should be included within the WSI

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 194 and 202 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Yours sincerely

Keith Emerick

Keith Emerick
Ancient Monuments Inspector

cc: Miles Johnson, Head of Historic Environment, NYMNPA
Katie Thorn, Forestry England



From:
To: [Planning](#)
Subject: Planning 03/01/2022 to 09/01/2022
Date: 21 January 2022 17:17:16

Hello,

If the following are approved please can a bat informative be included:

NYM/2021/1021 - The Gatehouse, Porret Lane, Hinderwell

NYM/2021/1020 - Broxa Forest located south west of Silpho Brow Farm

NYM/2021/1010 - Tannery Barn, Coxwold

If the following are approved please can a bird informative be included:

NYM/2021/1021 - The Gatehouse, Porret Lane, Hinderwell

NYM/2021/1020 - Broxa Forest located south west of Silpho Brow Farm

NYM/2021/1010 - Tannery Barn, Coxwold

All the best,

Ellie Davison
Conservation Trainee

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

From:

Subject: NYM/2021/1020 construction of road and turning area for forestry purposes, Broxa Forest
Date: 20 January 2022 12:03:31

Many thanks for consulting on this forestry related development.

The Historic England Inspector has expressed some concerns about this application given the proximity of the development to two scheduled prehistoric monuments, the Thieves Dyke NHLE1019627 and round barrow on Flockrake Noddle NHLE1019625. I share those concerns as this is an area of clear archaeological sensitivity.

I visited the proposed storage and turning area at Broxa yesterday afternoon, and talked to John Harkness the FE engineer who was able to explain a little more about the project constraints. The issue of phytopthera does mean that there is not really any scope for relocating the development site, however, John suggested there is some flexibility in terms of the scale and layout of the development. Having discussed the development on site and considered the plan, my recommendations are that the proposal is acceptable subject to the following changes:

- That a smaller and slightly rearranged footprint is used for the storage and turning area. I would advise reducing the development area by circa 30%, making it slightly narrower as well as shorter, and moving the turning spur further to the south west, so that it is a few metres closer to the road. I would be happy to be consulted on a revised plan showing this.
- That the development be subject to conditioned archaeological monitoring of the clearance of the footprint including the verge access as well as the afforested area. The developer will need to appoint an archaeological contractor for this, and the Authority will need to agree a written scheme of investigation prior to commencement of the development.
- I would advise that the appointed archaeologist visibly marks out the limits of the scheduled remains, including a clear buffer zone within which plant cannot operate. This task should be included within the WSI.
- I understand that the felling will include all conifers in the area around the scheduled barrow to reduce the risk of damage through windthrow. I agree that this is a sensible approach, any conifers that lie within the buffer/scheduled area should not be extracted using heavy plant.

I would be happy to discuss further as needed.

Kind Regards,

Miles

Miles Johnson
Head of Historic Environment

North York Moors National Park Authority
The Old Vicarage
Bondgate

From:

Subject: NYM/2021/1020 construction of road and turning area for forestry purposes, Broxa Forest
Date: 17 January 2022 16:28:37

The above application may have some archaeological implications, it is located in close proximity to two scheduled monuments and the HE inspector has raised some concerns. I am intending to visit either this Wednesday (FE permission contingent), or on Weds 26th. If I am unable to visit until the 26th, then my comments to HE (and their consultation response) will come a little later than the published consultation deadline – is this okay?

Kind Regards,

Miles

Miles Johnson
Head of Historic Environment

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

www.northyorkmoors.org.uk

From:
To: [Planning](#)
Subject: Comments on NYM/2021/1020
Date: 16 January 2022 18:08:08

Construct road and turning area for forestry purposes at Broxa Forest, land south west of Silpho Brow Farm West, Silpho

This application was considered at the January 2022 meeting of Hackness and Harwood Dale Group Parish Council.

Council has no objections to the application. It does however request that the plan dimensions etc are checked so as to ensure the opposite (south west) verge will not be impacted by the turning vehicles. In the past similar turning areas have been constructed and while they have been fine for the side of the road on which they have been constructed, the size and turning circle of the HGV removing the timber has resulted on the verges on the opposite side of the road being turned into a muddy morass. Council does not wish to see this happen here. If there's a risk of this then either the verge should be stoned before use or it should be re-instated after use.

--

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