

Date: 16 June 2022
Your Ref: PP-11283899
Our Ref: 006/2021/029

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

NYMNP

16/06/2022

Dear Sir/Madam

RESUBMISSION: Full/Detailed planning application for the erection of 1 no. principal residence dwelling, with associated amenity space, parking and access at land rear of Cross Farm Outbuilding, Egton. – Planning portal reference: PP11283899

I am writing to you, to inform you of the resubmission of a full/detailed planning application on behalf of the Mulgrave Estate for the erection of 1 no. principal residence dwelling with associated amenity space, parking and access at land rear of Cross Farm Outbuilding, Egton. The planning application is submitted via the Planning Portal (ref: PP-11283899).

The application plans and documents submitted to support the application are:

- Planning Application Form and Certificate of Ownership;
- Location Plan; Red Line/Blue Line Plan; and Block Plan Ref: 10-2021-1001 B;
- Dwelling Floor Plan and Elevations (proposed) Ref: 10-2021-1002 A;
- Landscaping and Boundary Treatment Plan Ref: 10-2021-1003 D;
- Biodiversity Metric Calculation and Biodiversity Net Gain Design Report (MAB, May 2022); and
- Planning, Heritage, Design and Access Statement (JLP, June 2022).

The application is a resubmission of a previously submitted planning application by the same applicant on the same site which was refused on 7 February 2022. The application is therefore treated as a 'Free Go' and an application fee is not applicable. I trust that this is everything you require to validate the planning application and to inform the Authority's consideration of the proposal. Please do contact me if you require any additional information, please do contact me.

Yours sincerely

John Long BA (hons) DipTP, MRTPI
Director
Encl.



NYMNPA

16/06/2022

PLANNING, LANDSCAPE, HERITAGE DESIGN AND ACCESS STATEMENT

Land rear of Cross Farm Outbuilding, Egton

Proposed dwelling (principal residence) (resubmitted scheme)

Resubmission of planning application ref: NYM/2021/1005/FL

Prepared by John Long Planning Ltd on behalf of the Mulgrave Estate

Date: 16 June 2022



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APPENDICES

APPENDIX 1 APPLICATION PLANS

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1 Introduction

- 1.1 This Planning, Heritage, Design and Access Statement has been prepared by John Long Planning Ltd on behalf of the Mulgrave Estate in support of a planning application for the erection of a single dwelling (principal residence) on land rear of Cross Farm Outbuilding, Egton. The red line planning application area extends to 776 sqm (0.08 ha) (0.189 acre). The application is a resubmission of a previous planning application for the site which was refused by the Authority on 7 February 2022 (ref: NYM/2021/1005/FL). The resubmission proposes a redesigned scheme following pre-application discussions with the Case Officer.
- 1.2 This Statement sets out the main planning policy considerations and the Landscape, Heritage, Design and Access matters and provides justification for the application's approval.
- 1.3 The application documents and drawings submitted as part of the application comprise of the following:
 - Covering letter;
 - Planning Application Form and Certificate of Ownership;
 - Location Plan; Red Line/Blue Line Plan; and Block Plan (various scales) Ref: 10-2021-1001B;
 - Dwelling Floor Plan and Elevations (proposed) (1:100) Ref: 10-2021-1002A;
 - Landscaping Plan (various scales) 10-2021-1003D;
 - Biodiversity Metric Calculation and Biodiversity Net Gain Design Report (MAB, May 2022); and
 - Planning, Heritage, Design and Access Statement (JLP, May 2022).
- 1.4 This Planning, Design and Access Statement demonstrates how the proposals perform against the adopted Development Plan Policies, taking account of relevant material planning considerations. It also explains how the proposal complies with relevant sections of the National Planning Policy Framework (NPPF) in terms of contributing to the achievement of sustainable development, National Parks and the conservation and enhancement of cultural heritage. It also sets out the design and access considerations. It concludes by setting out the planning justification for the proposal.

2 The Site and Local Planning Context

The Site and Surroundings

- 2.1 The application site is located within the built-up area of Egton on land to the rear of Cross Farm Outbuildings at the junction High Street and the Grosmont Road, approx. 9-10km south-west of Whitby. It has a residential property to the east, No. 1 Esk View; a former slaughterhouse to the north; a single storey barn to the west (attached to the former slaughterhouse); and a single storey outbuilding with planning consent for residential conversion to the south (Cross Farm Outbuilding). The planning application site, including the access extends to approximately 776 sqm.
- 2.2 The site is not part of the curtilage of a Listed Building and there are no Listed Buildings adjacent to the site. The nearest Listed Building is Cross View on the opposite side of High Street. The site is within the Egton Conservation Area. The site is not deemed to be at risk of flooding from rivers, surface water or reservoirs, as confirmed by the Government's long-term Flood Risk Assessment for locations in England at: <https://flood-map-for-planning.service.gov.uk/>
- 2.3 Egton village is a linear settlement, consisting of a long, broad street (High Street), with houses/buildings either side; and roads leading off, including Egton Lane running westwards; and the road to Grosmont running eastwards off the High Street. It has a range of services and facilities including two public houses, the Wheatsheaf and the Horseshoe at the entrance of the village, a village hall, surgery, general store; and primary school. It is served by public transport with regular buses and a railway station nearby at Egton Bridge. Egton is designated as a 'Larger Village' in the Adopted North York Moors National Park Local Plan (2020).
- 2.4 The site location plan; red line/blue line plan; floor plans and elevations are included at **Appendix 1** of this report; confirmation that the site is in a low-risk flood zone is included at **Appendix 2**; and a Biodiversity Net Gain Design Report is included at **Appendix 3**.

Planning History

- 2.5 The North York Moors National Park Authority online application search indicates that there have been two planning applications submitted on the application site. The applications were for the conversion of the adjacent outbuilding south of the site (Cross Farm Outbuilding), but included land which is now the subject of this planning application:
- Planning application ref: 40320076 for a change of use of the adjacent building (Cross Farm Outbuilding) from agricultural to light industrial, which was refused in October 1980;
 - Planning application ref: 40320076A, also for a change of use of the adjacent building (Cross Farm Outbuilding) from agricultural to light industrial, which was approved in December 1980;



- More recently, following the closure of the Licorice Tooth Gin Distillery, planning application ref: NYM/2020/0605/FL, was approved for the conversion of the adjacent outbuilding to form 1 no. principal residence dwelling with associated amenity space and parking. The consent does not include the amenity land subject to this application, which is now a separate planning unit; and
- Planning application ref: NYM/2021/1005/FL for the construction of 1 no. principal residence dwelling and garage/cart shed with associated amenity space, parking and access was refused on 7 February 2022 (this application is a resubmission of the refused scheme with a revised scheme).



3 The Proposal

Planning Application Details

- 3.1 The Planning application seeks detailed consent for the erection of 1 no. single storey, principal residence dwelling, with associated amenity space and parking, utilising an existing access at land to the rear of Cross Farm Outbuilding, Egton. The site extends to 776 sqm.
- 3.2 The dwelling's total gross internal area is 93.9 sqm, consisting of 70.2 sqm of habitable space (kitchen/family room, sunroom, bedrooms,) and 23.7 sqm of non-habitable space (hall, bathroom, ensuite, dressing room, cupboard):
- 30.4 M2 Kitchen/Family Room;
 - 14.4 M2 Sunroom;
 - 14.5 M2 Bedroom 1;
 - 10.9 M2 Bedroom 2
 - 0.9 M2 Bedroom 2 Cupboard;
 - 9.2 M2 Bathroom;
 - 6.4 M2 Hall;
 - 3.4 M2 Dressing Room; and
 - 3.8 M2 Ensuite.
- 3.3 The dwelling will be served by an existing access from the High Street. The access has been in continual use, including by previous occupiers of the Cross Farm Outbuilding.

4 Design and Access Statement

Site Context

- 4.1 The site is within the built-up area of Egton on land to the rear of Cross Farm Outbuilding (former Licorice Tooth Gin Distillery). It is currently an area of unused vacant land. It has previously had an agricultural use for livestock grazing.
- 4.2 To the east is a semi-detached dwelling, No.1 Esk View. To the north are a former slaughterhouse and attached outbuildings. To the west is Stoneleigh a residential property. To the south is Cross Farm Outbuilding. Access is from an existing track leading from High Street. This access has been in continual use since at least the 1980s, including by occupiers of the Outbuilding.
- 4.3 The site is within the Egton Conservation Area. The site is not considered to be an important gap in the village, and it does not contribute significantly to the amenity, form and character of the village, as it is mostly screened by existing buildings.

Site Proposals

- 4.4 The proposal is in detail/full and seeks the erection of a single storey, two bedroom detached dwelling and associated amenity space and vehicle access/parking area.

Design Considerations

- 4.5 The site is a vacant plot, surrounded by existing development with an existing access directly off High Street. Number 1 Esk View to the east is a rendered semi-detached dwelling with a clay pantile roof. Cross Farm Outbuilding to the south is traditional single storey stone building with a red clay pantile roof. Stoneleigh to the west is a two-storey stone-built building with a red clay pantile roof. The intervening single storey outbuilding (attached to the former slaughterhouse) is also stone built with a red clay pantile roof. The former slaughterhouse is a stone-faced building with part red clay pantile roof and part flat roof. The slaughterhouse and attached single storey outbuildings form part of the application site's northern and western boundary.
- 4.6 The area is generally characterised by traditional stone buildings with red clay pantile roofs. The proposed dwelling's design reflects these local characteristics and has been designed as a traditional barn style single storey stone-built dwelling, constructed of course dressed stone with timber/composite doors and windows and clay pantile roofing tiles to respect local character and appearance and reflect the materials used in the adjacent buildings.
- 4.7 The dwelling's orientation and location, tight to the existing buildings to the west seeks to minimise overlooking of the neighbouring properties and to avoid the root protection areas of boundary planting on the site's eastern boundary.



Landscaping / Boundary Treatment Considerations

- 4.8 The majority of the site's boundary is already established. The western boundary is formed by the walls of the adjacent slaughterhouse and attached outbuildings. The eastern boundary is an existing low stone wall with hedgerows/trees behind. The northern boundary is part low stone wall, fence with a hedgerow/vegetation behind. The southern boundary will be formed of the post and rail fencing approved as part of the Cross Farm Outbuilding scheme.

Drainage Considerations

- 4.9 Foul drainage is proposed to connect into the existing mains services.

Access Considerations

- 4.10 Access will be from the High Street utilising the existing access. This access has been in continual use by the tenants of the Outbuilding and the landowners of the land to the rear and a right of way over it has existed for many years.
- 4.11 A formal Statement of Truth can be provided by the applicant (owner of the Outbuilding and the land to the rear (the application site)) at the LPA's request confirming that the access has been in continual use by vehicles for at least 10 years and longer right up until the present day. This (resubmitted) application, therefore, should be considered as the previous application initially was, which is on the basis that the access has a lawful use as a vehicular and pedestrian access and is not restricted to emergency use only. Sufficient space is available to enable vehicles to enter and egress the plot in first gear. The Applicant would be content with any consent including a provision prohibiting the use of the access by the future occupants of Cross Farm Outbuilding, who will have their own parking and access arrangement adjacent to the Outbuilding.

Contamination Considerations

- 4.12 There is no history or evidence of contamination on the site.

5 Ecological Assessment

- 5.1 The scheme will convert a small area of former agricultural land for use as a domestic dwelling and garden. Whilst the habitats to be lost to the proposal are not considered highly species rich, it is accepted that there may be some limited loss of land that could otherwise be used by a range of natural flora and fauna.

Biodiversity Net Gain Metric Calculation

- 5.2 A BNG Metric Calculation has been undertaken by MAB Environmental and Ecology Ltd and is submitted with this application.
- 5.3 The proposed development will result in the loss of modified and neutral grassland. The loss equates to a -43.95% loss in habitat units or 0.22 biodiversity units.

Baseline habitats and conditions			
Date of data collection & surveyor	Jake walker BSc (Hons): 09/03/2022		
Habitat	Condition	Size (ha)	BNG Units
Modified grassland	Moderate	0.029	0.12
Other neutral grassland	Moderate	0.047	0.38

Table 1: Baseline Habitats (MAB, 2022)

Biodiversity Net Gain Design Report

- 5.4 To complement the Metric Calculation and to provide mitigation for the loss of habitat, a mitigation strategy is proposed and is set out in the Biodiversity Net Gain Design Report (MAB, May 2022).
- 5.5 The Report confirms that a scheme can be provided which mitigates habitat loss where possible and aims to create higher distinctiveness habitats to offset the unavoidable loss. The development will also look to create a 0.005-hectares of native mixed scrub and build a large ground level planter.
- 5.6 The proposed on-site habitats are considered the most feasible in terms of deliverability, quality and condition to reduce the development impact. Due to the small scale of the development and limited available land, there is unlikely to be further reduction in the biodiversity loss, whilst still retaining the characteristics of a residential dwelling. Additionally, whilst not contributing to the net gain calculation, bat and bird boxes will be incorporated into the development to enhance the site for these species.

Enhanced Habitat		
Area Habitats		
Habitat	Area (ha)	BNG Units
Other neutral grassland Traditional orchard	0.014	0.13

Table 2: Proposed retained habitat on site (MAB, 2022)

Created Habitat		
Area Habitats		
Habitat	Area (ha)	BNG Units
Developed land; sealed surface	0.014	0.00
Artificial unvegetated, unsealed surface	0.017	0.00
Modified grassland	0.0248	0.09
Urban Tree	0.0072	0.02
Ground level planter	0.002	0.00
Mixed scrub	0.005	0.03

Table 3: Proposed created habitat on site (MAB, 2022)

- 5.7 A creation and management plan for the created and enhanced habitats has been included within the report. Full details can be found in the BNG Design Report included at Appendix 3.

6 Landscape Assessment

6.1 This section considers the potential landscape impacts of the proposed residential development.

North York Moors Landscape Character Assessment

6.2 In order to determine whether the proposal would have a significant impact on the wider open countryside, a consideration of the area's landscape character, as set out in the North York Moors Landscape Character Assessment (WYG, 2003, revised 2004) has been made, and a judgement on the proposal's impact on the landscape's key sensitivities and vulnerabilities has been undertaken, taking into account the Landscape Character Assessment's proposed landscape.

6.3 The North York Moors Landscape Character Assessment (WYG, 2003, revised 2004) identifies the Park's key characteristics as:

- Upland plateau landscape underlain mainly by sandstone and mudstone of Middle Jurassic age, and in the south, calcareous sandstone and limestone of Upper Jurassic age, with areas of undulating land arising from deposits of glacial till, sand and gravel;
- Plateau dissected by a series of dales, often broad and sweeping, but with steep-sided river valleys in places, and floored by Lower Jurassic shales;
- Extensive areas of heather moorland on plateau and hills, creating a sense of space, expansiveness and openness;
- Arable landscape to south and east, but part still on elevated, sweeping plateau and hills;
- Sparsely settled, with population concentrated in the dales and around the fringes;
- Valley landscapes characterised by predominantly pastoral farming with clear demarcation between the enclosed fields, farms, settlements and the moorland ridges above. The transition is often marked by bracken fringes;
- Panoramic views over moorland ridges, dales, surrounding lowland vales and the sea;
- Extensive areas of coniferous plantations, especially on the Tabular Hills in the south-east and Hackness north of Pickering; with remnant areas of predominantly ancient semi-natural woodland occurring mainly on valley side slopes, on escarpments and fringing hills;
- Traditional stone walls and hedgerows enclosing fields in the dales and lower fringing farmland -now often replaced by fences;
- Farms and villages built of predominantly rubble limestone or dressed sandstone, with red pantile or slate roofs;

- Distinctive and dramatic coastal landscapes with high cliffs, small coves and bays, coastal towns and fishing villages; and
- Rich archaeological heritage from many different periods, especially on the high moorland plateaus.

6.4 The Assessment confirms that the site sits within the Lower Esk Valley Landscape Character Type (Character Area 8b).

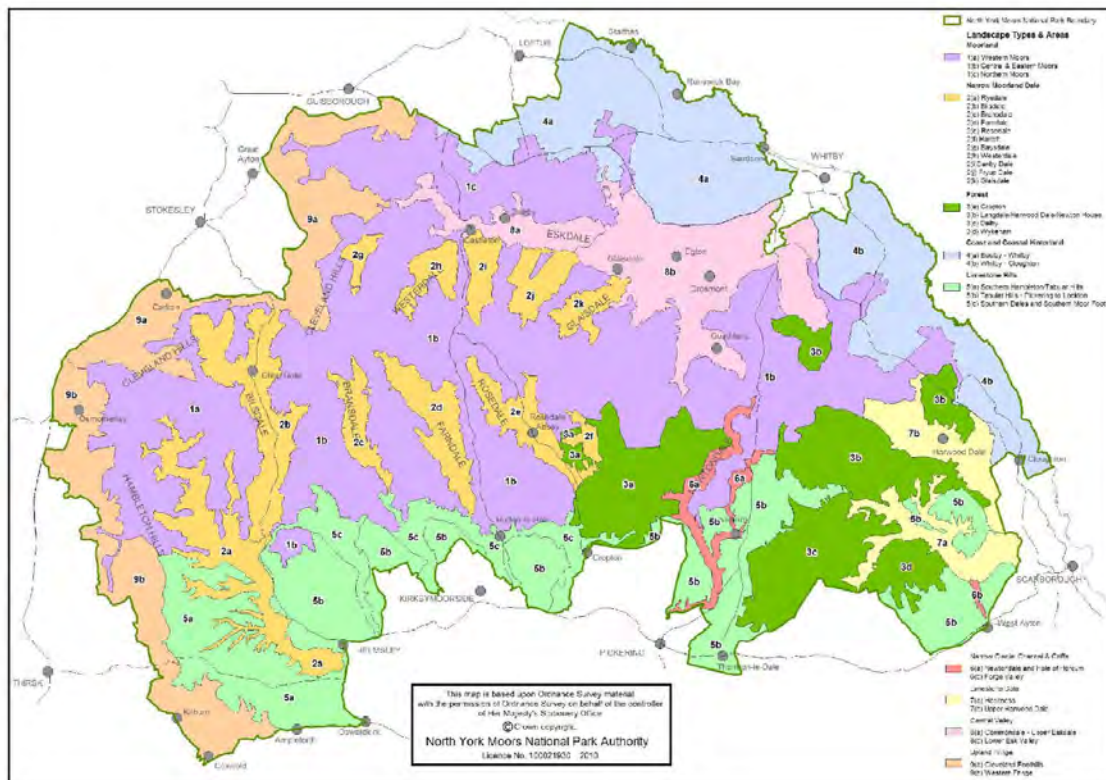


Figure 1: Extract from North York Moors Landscape Character Assessment (WYG, 2003, revised 2004): Lower Esk Valley Character Type (Character Area 8b)

- 6.5 The Lower Esk Valley Character type is characterised by a “...Broad lower valley and associated tributaries of complex topographic form resulting from extensive glacial deposition. The valley overlies deltaic sandstones and mudstones; the lower lying parts east of Carr End are underlain by Middle and Lower Lias mudstones.
- 6.6 The river cuts a narrow, steep, rocky and fast flowing meandering course through the area, dividing occasionally to leave islands isolated within the river. The course of the river alternately narrows as it follows an incised route through the glacial deposits, where it is generally hidden from view by its steep banks and fringing tree cover and widens to include a narrow flat flood plain. The river is joined

by three significant tributaries from the south, (Glaisdale Beck, Murk Esk and Little Beck) and one from the north (Stonegate Beck). Dramatic waterfalls are a feature of the Murk Esk Valley.

- 6.7 The valley sides are undulating and varied in form, frequently steep at their upper edges and close to the river, the central slopes being gentler. The tributary valleys of Murk Esk, Little Beck and Stonegate Beck have similar topography.
- 6.8 Landcover is similarly complex and varied and comprises a mixture of farmland with a high density of broadleaved woodland and areas of coniferous and mixed plantations. Small patches of scrub, bracken, rough pasture, wet grassland and areas of upland grass moor occur. A larger area of upland heath and upland heath/ bracken mosaics occurs at the remnant moorland Egton Low Moor on the northern upper valley side.
- 6.9 Farmland comprises fields of pasture for sheep and cattle with occasional arable divided by a mixture of closely trimmed and overgrown hedgerows with frequent hedgerow trees of oak and ash on the lower valley sides, giving a well-wooded appearance to the dale. Walls and wire fences are also present but are less frequent than hedges.
- 6.10 Blocks of mainly semi natural ancient woodland are widespread but are associated mainly with the steeper areas adjacent to the River Esk and on the upper valley sides and linear woodland following the course of minor becks. In some locations areas of farmland are located above mid valley side woodlands, a pattern that rarely occurs elsewhere in the Park.
- 6.11 Settlements include Eskdaleside, which has many buildings of a suburban character using mixed materials, and Egton, a hillside village constructed mainly in stone with pantile roofs. A number of settlements are influenced by their location on the railway, the Victorian railway architecture exerting a strong influence at Grosmont. Egton Bridge derives its character from the presence of the railway, the large church that dominates the village and the enclosing tree cover. Scattered farms of medium to large size are sited on the mid and upper valley sides. Goathland is elevated at 152m above sea level at the foot of the moors with upper Murk Esk. The settlement has spread along its approach roads to include modern development; it is an important tourist centre.
- 6.12 The Whitby to Middlesbrough railway line follows the valley floor, crossing the road and river in numerous locations. Carefully conserved railway stations and trackside features contribute significantly to the character of the dale. The North Yorkshire Moors Steam Railway is a key feature of Murk Eskdale, south of Grosmont, the steam trains visible by their plume of smoke.
- 6.13 Historic features include the numerous stone river bridges that are a feature of the dale and the packhorse bridge at Carr End.

- 6.14 The busy A171, located on the ridge of land to the north of the valley forms the character area boundary. The A169 briefly cross the character area to the east of Eskdaleside. A network of minor roads links the settlements along the valley sides or cross the river at the frequent historic bridging points. Railway bridges cross the road at many locations.
- 6.15 Recreational features include the rail trail between Grosmont and Goathland, the Cleveland Way and Newtondale Horse Trail and the Coast-to-Coast Walk, which follows the valley between Grosmont and Glaisdale.
- 6.16 Small quarries and small-scale mineral workings are visible on the upper valley sides where tree cover is sparse or within adjacent moorland areas.
- 6.17 Detractors include unsympathetic modern residential development and overhead utility poles. The overhead electric line to Whitby, supported on pylons, crosses the Little Beck valley. The mast at Limber Hill is a local detractor. (Source: North York Moors Landscape Character Area Assessment, WYG, 2003, revised 2004)

Site Proposals

- 6.18 The proposal is in detail and seeks the erection of a small single storey, two bedroom detached dwelling, and associated garden space and vehicle access/parking area. The building is constructed of stone with a pantile roof, similar in scale and character to nearby outbuildings.

Assessment and Landscape Impacts

- 6.19 The site is surrounded by built form. It is not a prominent site in the village and from most viewpoints, the site will be visually contained by existing buildings, including two storey buildings. Only very limited glimpses of the building will be visible from public viewpoints. When viewed from further afield, the site sits within the context of existing development.
- 6.20 The proposed dwelling's potential impact upon the landscape character will, therefore, be very localised, being mostly limited to the site itself and adjacent properties, with minimal impact on the wider landscape character area (as illustrated in the photographs below).
- 6.21 The site's development would not change the character of Egton. It would not directly impact upon any heritage features and would not have a significant impact on the character of the Conservation Area.



Photo 1 – View of site and access from High Street looking east



Photo 2 - View of application site from access looking north-east



Photo 3 – View of former slaughterhouse and attached outbuilding (application site is to the rear)



Photo 4 – View of application site from corner of outbuilding looking north-east



Photo 5 – View of site looking north (former slaughterhouse on left)



Photo 6 – View of application site looking north-west (former slaughterhouse and attached outbuilding in background (western site boundary))



Photo 7 – View of access from site looking west



Photo 8 – View of Cross Farm outbuilding looking north (application site is to rear – proposed building will not be visible)



Photo 9 – View of Cross Farm Outbuilding (site is to rear)

7 Heritage Assessment

- 7.1 Consideration has been given to the scheme's potential impact on heritage assets and the wider historic landscape. There are no adjacent Listed Buildings, although the site is within the Egton Conservation Area.

Egton Conservation Area - Significance

- 7.2 Egton Conservation Area covers the historic core of the village and its periphery. It has a linear street pattern comprising mostly two storey terrace houses of traditional style interspersed with a few detached and single storey dwellings, all set back from the High Street across green open space.
- 7.3 The buildings within the Conservation Area have a simple palette of materials, including mostly combinations of natural dressed stone walls with ashlar stone heads and cills to doors and windows; pitched roofs of red clay pantile and natural slate with stone pediment gables; red clay chimney pots on red brick or stone stacks; timber sash windows painted white, often with quadrant or Georgian multi paned glazing; and black rainwater goods, usually on stone dentils or metal brackets.
- 7.4 The Conservation Area's significance is considered to be associated with its street pattern and the collection of post-medieval/19th century buildings and the village green areas around which the buildings are placed. This is the village's historic core.

Other Heritage Assets

- 7.5 The Historic Environmental Record (HER) information confirms that there are no other heritage assets within the immediate vicinity of the application site.

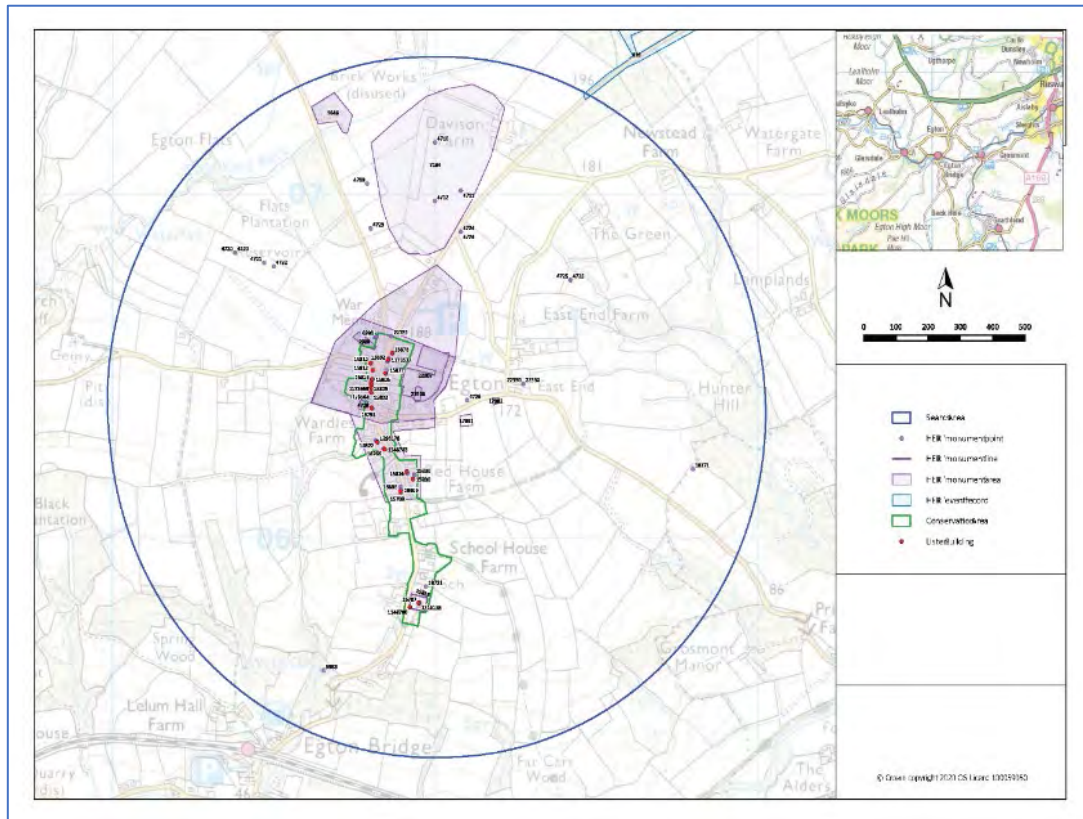


Figure 2: Egton Heritage Asset Plan

What Impact do the Works have on the Heritage Asset (Conservation Area)?

- 7.6 A consideration of the direct and indirect impacts of the proposed works on the Conservation Area and heritage assets and their setting has been undertaken in line with National and Local Planning Policy.
- 7.7 Paragraph 176 of the National Planning Policy Framework suggests that great weight should be given to the conservation of and enhancement of wildlife and cultural heritage in National Parks. Indirect impacts to the Heritage Assets i.e. to the heritage asset’s setting have also been considered. Paragraph 195 of the NPPF states that:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

7.8 Paragraph 199 goes on to state:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.”

7.9 Paragraph 201 confirms that:

“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.”

7.10 Paragraph 202 adds that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

7.11 Policy ENV 11 (Historic Settlements and Built Heritage) of the North Your Moors National Park Local Plan (2020) requires new development to ensure a positive and sympathetic relationship with traditional local architecture, materials and construction. High standards of design will be expected and should conserve, enhance or better reveal elements which contribute to the significance of the heritage asset or its setting; preserve and enhance the special character and appearance of settlements including buildings, open spaces, trees and other important features; reinforce the distinctive qualities of settlements; respect the integrity of the form of historic settlements including boundary and street patterns and spaces between buildings; for new uses, ensure the new use represents the optimal viable use of the asset which is compatible with its conservation; and adapt to climate change based on a proper understanding of the asset and its material properties and performance. Development should not harm the heritage value of any assets, and historic fabric should be preserved in situ where possible.

7.12 In light of these planning policy requirements, an assessment of the proposal and its potential impacts on the Heritage Assets and their settings has been undertaken.



7.13 The site is within the Conservation Area, but it is not a prominent site within it and it does not contribute to its significance. The proposed dwelling will not be visible or prominent in the Conservation Area. From most viewpoints, the site will be visually contained by existing buildings, including two storey buildings. Where parts of the proposed building would be visible, such as the roof, the backdrop and surroundings are existing development. The site's development would not directly impact upon any heritage features and would not have a significant impact on the character of the Conservation Area or its significance.

How has the Impact of the Proposals been minimised?

- 7.14 The above consideration of significance and potential impacts upon heritage assets demonstrate that there are no significant direct or indirect impacts on heritage assets. The dwelling is designed as a traditional style dwelling, constructed of traditional materials to ensure it is sensitive to the Character Area and reflects the form and appearance of buildings within the village's historic core.
- 7.15 The proposal would, therefore, not cause any harm and is considered to conform to Strategic Policies A, C, G, I and M and Development Management Policy ENV 11 of the NYMNP Local Plan, 2020 and the NPPF, all of which seek to ensure a protection and, where possible, enhancement of the Conservation Area.

8 Planning Policy Considerations

Local Development Plan Policies

- 8.1 The relevant Development Plan for the proposal is the North York Moors National Park Authority Local Plan, 2020. The Local Plan was submitted to the Secretary of State for Examination on the 2 July 2019 and was examined in November 2019 and adopted in July 2020. The Local Plan replaces the Core Strategy and Development Management Policies DPD (2008).

North York Moors National Park Authority Local Plan, 2020.

- 8.2 The relevant policies in the Local Plan are as follows:
- 8.3 **Strategic Policy A - Achieving National Park Purposes and Sustainable Development.** This strategic policy takes a positive approach to new development in line with the presumption in favour of sustainable development: 1. To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; 2. To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. Development is allowed that: a) Is of a high quality design and scale which respects and reinforces the character of the local landscape and the built and historic environment; b) Supports the function and vitality of communities by providing appropriate and accessible development to help meet local need for housing or services, facilities, energy or employment opportunities; c) Protects or enhances natural capital and the ecosystem services they provide; d) Maintains and enhances geodiversity and biodiversity through the conservation and enhancement of habitats and species; e) Builds resilience to climate change through adaptation to and mitigation of its effects; f) Makes sustainable use of resources, including using previously developed land wherever possible; and g) Does not reduce the quality of soil, air and water in and around the National Park.
- 8.4 **Strategic Policy B –The Spatial Strategy.** Egton is designated as a larger village in the spatial strategy. It allows for development which supports the service function of Larger Villages by providing additional housing (including principal residence and affordable housing), employment and training premises and new facilities and services for the immediate and wider locality.
- 8.5 **Strategic Policy C - Quality and Design of Development.** This strategic policy allows development where: proposals are of a high quality design that will make a positive contribution to the local environment in accordance with the principles set out in the NYMNP Authority Design Guide; the proposal incorporates good quality construction materials and design details that reflect and complement the architectural character and form of the original building and/or that of the local vernacular; the siting, orientation, layout and density of the proposal complement existing buildings and the form of the settlement, preserving or enhancing views into and out of the site and creating

spaces around and between buildings which contribute to the character and quality of the locality; the scale, height, massing and form of the proposal are compatible with surrounding buildings and will not have an adverse impact upon the amenities of adjoining occupiers; sustainable design and construction techniques are incorporated in the proposal including measures to minimise waste and energy use and where appropriate use energy from renewable sources; a good quality landscaping and planting scheme which reinforces local landscape character, increases habitat connectivity and makes use of appropriate native species forms an integral part of the proposal; Proposals to enhance local wildlife and biodiversity, for example through the inclusion of nesting boxes and bat roosts; Where appropriate, cycling facilities and car parking are provided provision and without compromising local highway safety, traffic flow or Public Rights of Way; and the proposal ensures the creation of an accessible, safe and secure environment for all potential users, including the elderly, children and those with a health condition or impairment.

- 8.6 **Strategic Policy E – The Natural Environment.** This strategic policy seeks to protect the quality and diversity of the Park’s natural environment. It restricts development that would have an unacceptable impact on the Natural Environment; and expects development to ensure natural capital is used efficiently and sustainably and to demonstrate how it makes a positive contribution to natural capital and its ability to provide ecosystem services.
- 8.7 **Strategic Policy G – The Landscape.** This strategic policy seeks to protect the high quality, diverse and distinctive landscapes of the North York Moors. Great weight will be given to landscape considerations in planning decisions and development will be supported where the location, scale and detailed design of the scheme respects and enhances the local landscape character type as defined in the North York Moors Landscape Assessment.
- 8.8 **Strategic Policy H – Habitats, Wildlife, Biodiversity and Geodiversity.** This strategic policy seeks to conserve, restore and enhance the Park’s habitats, wildlife, biodiversity and geo diversity. It expects development to maintain and enhance ecological features of value and geodiversity assets; Maximise opportunities to strengthen the integrity and resilience of the Park’s habitats and species and provide a net gain in biodiversity; and maintain and enhance existing wildlife connections and landscape features for biodiversity as well as for other green infrastructure and recreational uses.
- 8.9 **Strategic Policy I – The Historic Environment.** This strategic policy seeks to seeks to safeguard designated and non-designated assets from proposals that would harm their historic significance.
- 8.10 **Strategic Policy M – Housing.** This strategic policy seeks to meet the needs of local communities be enabling a minimum of 551 new homes (29 per year) to be completed over the plan period. These homes will be delivered through the development of sites allocated in the Helmsley Local Plan and in, Environmental Enhancement Sites; through windfall development, including custom and self-

build housing, on suitable small sites in listed settlements; through affordable housing schemes on rural exception sites and through proposals put forward in accordance with a Whole Estate Plans approved by the National Park Authority. Schemes will be expected to meet the need for smaller dwellings and all proposals should be of a high quality design and construction to ensure that the character and distinctiveness of the built environment and local landscape are maintained.

- 8.11 **Policy ENV5 - Flood Risk.** This development management policy seeks to ensure new development will only be allowed where: It meets the sequential approach to development in areas of flood risk; and it does not increase the risk of flooding elsewhere.
- 8.12 **Policy ENV11 - Historic Settlements and Built Heritage.** This development management policy requires new development to ensure a positive and sympathetic relationship with traditional local architecture, materials and construction. High standards of design will be expected and should conserve, enhance or better reveal elements which contribute to the significance of the heritage asset or its setting; preserve and enhance the special character and appearance of settlements including buildings, open spaces, trees and other important features; reinforce the distinctive qualities of settlements; respect the integrity of the form of historic settlements including boundary and street patterns and spaces between buildings; for new uses, ensure the new use represents the optimal viable use of the asset which is compatible with its conservation; and adapt to climate change based on a proper understanding of the asset and its material properties and performance. Development should not harm the heritage value of any assets, and historic fabric should be preserved in situ where possible.
- 8.13 **Policy CO2 – Highways.** This development management policy allows development where: It is of a scale which the adjacent road network has the capacity to serve without detriment to highway safety; the external design and layout and associated surfacing works take into account, as appropriate, the needs of all users including cyclists, walkers, horse riders and users of mobility aids; and highway detailing, road improvements and street furniture are sensitive to the character, heritage, built form and materials of the area, the need to conserve and enhance biodiversity and are the minimum required to achieve safe access.
- 8.14 **Policy CO7 - Housing in Larger Villages.** This development management policy allows development of principal residence dwelling within the main built up area.

National Planning Policies

- 8.15 The NPPF is a material consideration with considerable weight. The relevant national planning policies are set out in the National Planning Policy Framework (NPPF) latest revision July 2021. Paragraph 7-8 of the NPPF, the Government underlines its commitment to sustainable development and states that:

“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs⁴. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):..

- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity, and by identifying and coordinating the provision of infrastructure;
- a social objective– to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ needs health, social and cultural well-being;
- an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimise waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

8.16 At paragraph 192, the NPPF sets out the factors that LPAs should take account of when determining applications that may affect historic assets:

- a) *assess the significance of heritage assets and the contribution they make to their environment; and*
- b) *predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.*

8.17 In addition, the NPPF goes on to refer to the consideration of the impact of a proposal on a designated heritage asset and the weight to be given to the asset’s conservation. Para. 202 outlines that where a development will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use. The proposal is considered to be in conformity with the NPPF.

9 Evaluation of Scheme against Planning Policy

9.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires the proposed development to be judged against the Development Plan Policies in the first instance; and planning decisions made on the basis of its compliance with the Development Plan Policies, taking into account material planning considerations, and applying the planning balance of the scheme's impacts against the positive benefits that will be derived. The table below sets out the proposal's performance against the Development Plan:

DEVELOPMENT PLAN POLICY	CONFORMITY OF SCHEME
North York Moors National Park Authority Local Plan 2020	
Strategic Policy A - Achieving National Park Purposes and Sustainable Development	<p>The proposal is considered to be in conformity with Strategic Policy A as it is of a scale that will not have an unacceptable impact on the wider landscape or the quiet enjoyment, peace and tranquillity of the Park. It is of a scale which will support the character and function of Egton and meet the need for small dwellings.</p> <p>It will represent sustainable development and respects and reinforces the character of the local landscape and the built and historic environment.</p> <p>The scheme will provide social benefits including adding to the housing stock providing appropriate and accessible small scale housing development, which will help meet the Park's need for small principal residence housing. It will also provide economic benefits. It will provide job opportunities for local builders to develop the site and tradespeople to work on its construction. The new residents will help to support the function and vitality of Egton and its services and facilities.</p> <p>The proposal will not result in significant environmental impacts or the loss of important ecosystems or natural capital. To mitigate the loss of on-site modified and other neutral grassland to development, an area of orchard, native mixed scrub planting, enhanced boundary treatment and bat and bird boxes are proposed within a Habitat Creation and Management Plan is included in the BNG Design Report (MAB, May 2022).</p> <p>The scheme would not impact on the landscape character of the village, the Conservation Area, or the wider area.</p>
Strategic Policy B –The Spatial Strategy	The proposal is considered to be in conformity with Strategic Policy B. It proposes a principal residence dwelling within the built-up area of a Larger Village which is supported by the Policy.



DEVELOPMENT PLAN POLICY	CONFORMITY OF SCHEME
Strategic Policy C - Quality and Design of Development	The proposal is considered to be in conformity with Strategic Policy C. It is designed to reflect a traditional park style dwelling using traditional materials. It will not result in the loss of any open space which contributes to the amenity, character and setting of the settlement. Neither will the scheme have a significant adverse impact on the amenity of any neighbours. Siting and orientation of the building, and planting seeks to limit overlooking. Cross Farm Outbuilding's main fenestration is on the building's southern elevation in any case. A degree of privacy in the rear garden is provided by the location of the proposed planting.
Strategic Policy E – The Natural Environment	The proposal is considered to be in conformity with Strategic Policy E. No mature trees are proposed to be removed to accommodate the proposal. The proposal will not result in significant environmental impacts or the loss of important ecosystems or natural capital. To mitigate the loss of on-site modified and other neutral grassland to development, an area of orchard, native mixed scrub planting, enhanced boundary treatment and bat and bird boxes are proposed within a Habitat Creation and Management Plan is included in the BNG Design Report (MAB, May 2022).
Strategic Policy G – The Landscape	<p>The proposal is considered to be in conformity with Strategic Policy G as it would not impact on the Egton Conservation Area; any Listed Buildings in the immediate area; any Historic Parks and Gardens, Scheduled Ancient Monuments or other sites of Archaeological importance.</p> <p>As the scheme proposes development of a site which is surrounded by development, there will be no additional landscape impacts caused by scheme.</p> <p>The visually contained nature of the site, and the fact it has development on all sides and opposite, results in it providing only a limited contribution to the wider landscape character area. Overall, it represents an appropriate infill development opportunity in the village.</p>
Strategic Policy H – Habitats, Wildlife, Biodiversity and Geodiversity	The proposal is considered to be in conformity with Strategic Policy H. The proposal will not result in significant environmental impacts or the loss of important ecosystems or natural capital. To mitigate the loss of on-site modified and other neutral grassland to development, an area of orchard, native mixed scrub planting, enhanced boundary treatment and bat and bird boxes are proposed within a Habitat

DEVELOPMENT PLAN POLICY	CONFORMITY OF SCHEME
	Creation and Management Plan is included in the BNG Design Report (MAB, May 2022).
Strategic Policy I - The Historic Environment	The proposal is considered to be in conformity with Strategic Policy I. It will not have a detrimental impact on the Egton Conservation Area or any other designated heritage assets. The scheme proposes the development of a site which is surrounded by development, uses a traditional design and materials common within the Conservation Area.
Strategic Policy M – Housing	<p>The proposal is considered to be in conformity with Strategic Policy M. It will contribute, albeit modestly towards meeting the Policy’s aspiration of delivering a minimum of 551 new homes (29 per year) over the Plan period.</p> <p>It represents a suitable development of a small family home in a village identified in the Local Plan for small scale growth. It is considered to be the sort of development opportunity envisaged by the Policy.</p>
Policy ENV5 - Flood Risk	The proposal is considered to be in conformity with Policy ENV5 as the site is in a ‘low risk flood zone and not susceptible from risks of river or surface flooding. See EA Flood Risk Map at Appendix 2.
Policy CO2 – Highways	<p>The proposal is considered to be in conformity with Policy CO2. It is in a location that is capable of being accessed by public transport, walking or cycling. The site has an existing footpath up to its frontage which links through to Egton’s services and facilities which are no more than a 5–10-minute walk.</p> <p>Public transport is available with the 95-bus connecting the village to Whitby and nearby railway stations at Egton Bridge. There are no existing public rights of way affected by the proposal.</p> <p>It utilises an existing access and the traffic generated by an additional small two-bedroom dwelling will not cause a severe impact on the local highway network or result in impact on the safe operation of the highway network in this location. The access has been in continual use for a considerable number of years by vehicles to serve the commercial unit and land to the rear and has never been used for just emergency access only.</p>
Policy CO7 - Housing in Larger Villages	The proposal is considered to be in conformity with Policy CO7 as it proposes small scale Principal Residence housing



DEVELOPMENT PLAN POLICY	CONFORMITY OF SCHEME
	(93.9 sqm) on a suitable site using a traditional style of design within the built-up area of a defined Larger Village.

9.2 The main material considerations relevant to the site include National Planning Policy Framework (NPPF) and the North York Moors National Park Design Guide.

NATIONAL PLANNING POLICY	CONFORMITY OF SCHEME
Paragraph 11 confirms that objective of achieving sustainable development and that decisions on planning applications that accords with the Development Plan should be approved without delay.	The proposed development is in conformity with this part of the revised NPPF. The application, as demonstrated in the previous section, confirms that the scheme would contribute to achieving sustainable development and is in conformity with the Development Plan.
Paragraph 47 confirms that applications for planning permission must be made in accordance with the Development Plan unless material considerations indicate otherwise. It also requires the Council to approve development that accords with the Development Plan without delay.	The proposed development is in conformity with this part of the revised NPPF. The application, as demonstrated in the previous section, is in conformity with the Development Plan.
Paragraphs 60-80 set out the Government's intention to boost housing supply. Housing should be considered in the context of the presumption in favour of sustainable development. The Council should positively seek opportunities to meet the development needs of their area, including taking account of the Custom and Self Build register; and development in rural areas to help enhance or maintain the vitality of rural areas.	The proposed development is in conformity with this part of the revised NPPF. Whilst modest, the proposal will provide an addition to the local supply of housing.

NATIONAL PLANNING POLICY	CONFORMITY OF SCHEME
<p>Paragraphs 104-113 seek to ensure movement is minimised and sustainable transport modes maximised. Parking should take account of accessibility; type and mix of development, opportunity for public transport and local car ownership levels. Proposals should not have an unacceptable impact on highway safety.</p>	<p>The proposed development is in conformity with this part of the revised NPPF. The site is located within walking distance of a range of services and facilities. It is also close to public transport facilities.</p>
<p>Paragraphs 119-125 seek to ensure the efficient use of land and appropriate densities.</p>	<p>The proposed development is in conformity with this part of the revised NPPF. The scheme proposes the re-use of a vacant and underused area of land.</p>
<p>Paragraphs 126-136 emphasises the importance of good design, and the need to achieve high quality buildings and public spaces. It acknowledges the role of design guidance but cautions that it should avoid unnecessary prescription or detail and should concentrate on the overall scale, density, massing, height, landscape, layout, materials and access.</p>	<p>The proposed development is in conformity with this part of the revised NPPF. The scale, density, likely layout, height, massing and materials reflects the local surrounding character.</p>
<p>Paragraphs 152-169 set out the Government's aim to support a low carbon future taking account of climate change and reduce flood risk.</p>	<p>The proposed development is in conformity with this part of the revised NPPF. The site is not located in a high-risk flood area and would not increase the risk of flooding elsewhere.</p>
<p>Paragraphs 174-182 set out the Government's aim to conserve and enhance the natural environment and biodiversity. Requiring Council's to refuse applications that have significant harm on the biodiversity unless it can be mitigated or compensated.</p>	<p>The proposed development is in conformity with this part of the revised NPPF. No ecological designations will be affected, and no significant harm to biodiversity will be caused.</p>
<p>Paragraphs 189-208 set out the Government's aim to conserve and enhance the Historic Environment.</p>	<p>The proposed development is in conformity with this part of the revised NPPF. No heritage assets will be adversely affected by the proposal.</p>



- 9.3 The above demonstrates that the scheme is in conformity with the Development Plan and national planning policy and local supporting design guidance.
- 9.4 The scheme will provide social and economic benefits including adding to the housing stock by providing appropriate and accessible development, which will help meet the Park's need for a small two bedroom principal residence housing; providing job opportunities for local builders to develop the site and trades people to work on its construction, and once built, the new residents will help to support the function and vitality of Egton and its services and facilities.
- 9.5 The proposal will not result in significant environmental impacts or the loss of important ecosystems or natural capital. It provides scope for a net gain in biodiversity through conditioning any consent to require new boundary planting to use native species, and installation of bird and bat roost boxes.
- 9.6 Due to the benefits derived from the proposed development, and the lack of any adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme when assessed against the Development Plan Policy, and relevant material considerations, including the revised NPPF as a whole, the scheme can be considered sustainable development.

10 Conclusion

- 10.1 In conclusion, the outline application is considered to be in accordance with the Development Plan, as required by Section 38(6) of the Planning Act (2004) (The Act). The Adopted NYMNP Local Plan includes Strategic Policy B and Development Management Policy CO7, which allow for Principal Residence housing in 'Larger Villages', which Egton is now classified as.
- 10.2 The site can be described as a 'suitable site' in line with the Local Plan's expectations. It is within the built-up area of Egton, surrounded by residential and small-scale commercial development and a former commercial property to the south (with an unimplemented planning permission for residential development), with its own existing access and is incapable of providing more than five dwellings.
- 10.3 The application site does not have a current amenity function, either visually or in use terms. It is not a domestic/residential rear garden or public open space area. It is tucked away from most public viewpoints, and does not form an important part of the character of the area. It is a former agricultural/garden area.
- 10.4 The site is an example of the types of sites anticipated by the Local Plan to come forward for development in Larger Villages such as Egton (along with gaps in frontages). The scheme relates well to the form and grain of the existing surrounding residential development (1 Esk View to the east and Stoneleigh to the west), both of which are 2 storey dwellings. Stoneleigh is a substantial two storey detached residential dwelling; no. 1 Esk View is a more modest two storey semi-detached property.
- 10.5 The proposed dwelling is similar in scale, character and appearance to nearby outbuildings. Neighbouring property amenities are not affected. The existing single storey barn to the west of the proposal site is not a residential property and neither is the former abattoir to the north, which at the time of writing is being converted for commercial use. The former abattoir building has a number of different elements, including flat and pitched roofs, with some elements at a similar height to nearby two storey buildings. The taller elements of the abattoir are higher/further up the slope than the proposed dwelling. Additional planting is proposed to further protect the amenity of garden areas of existing dwellings to the north and the proposed garden area of Cross Farm Outbuilding.
- 10.6 The application site is not currently a domestic/residential rear garden, it is an unused piece of former agricultural grazing/garden land. It is accepted that the site is to the rear of existing development without a direct frontage onto a road, however, parts of Egton are very much characterised by development to the rear of street frontage buildings. In the immediate locale, the adjacent abattoir does not have a direct frontage onto the road and sits behind frontage development. To the north-west of the site, commercial development is evident to the rear of frontage properties on the High



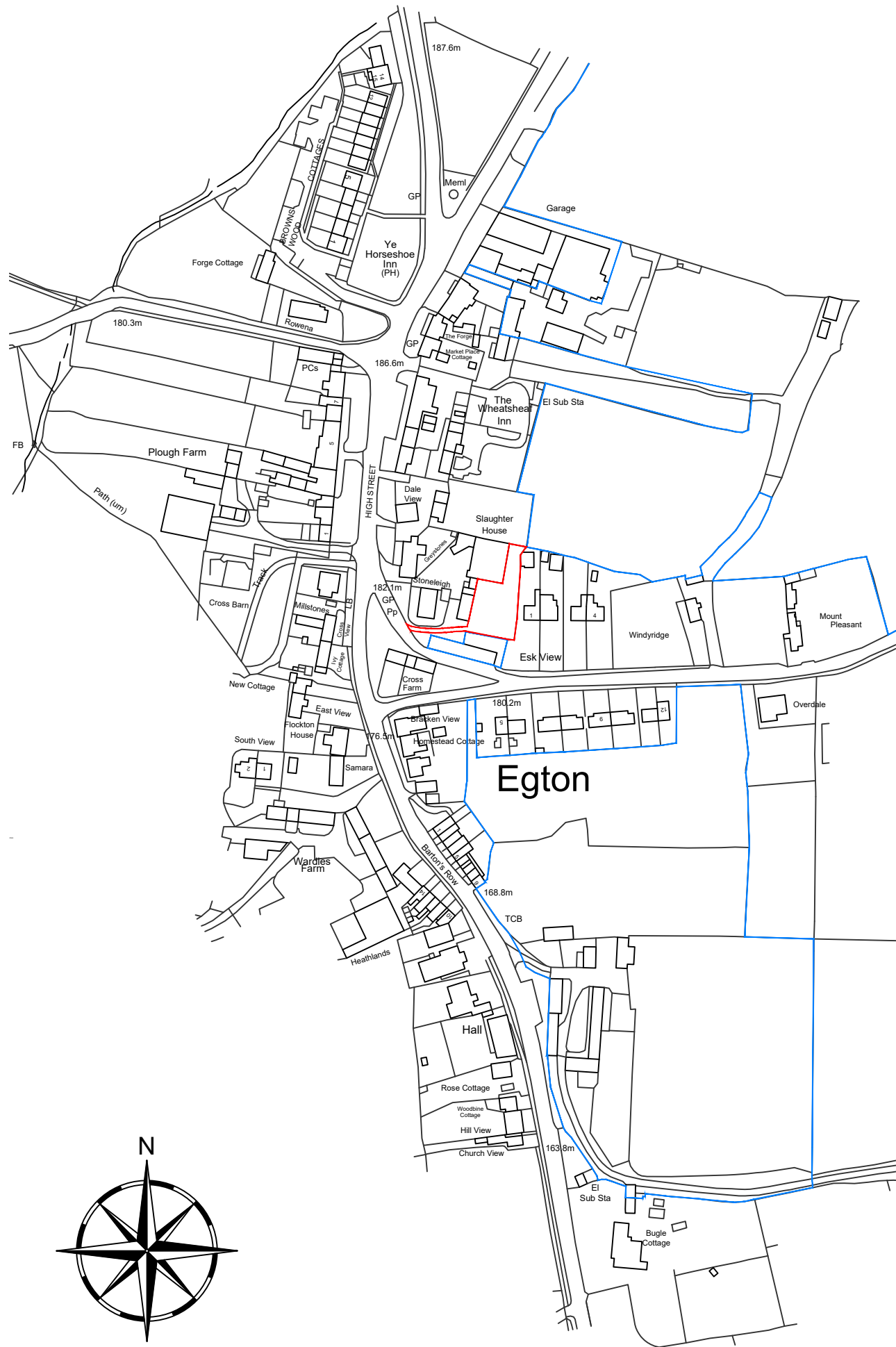
Street, and northwards there is residential development to the rear of the Wheatsheaf Inn. Further north, there is a considerable amount development to the rear of the Witching Post Inn. In this regard, the proposal actually fits neatly into the form and grain of the surrounding area.

- 10.7 The proposal will not result in significant environmental impacts or the loss of important ecosystems or natural capital. To mitigate the loss of on-site modified and other neutral grassland to development, an area of orchard, native mixed scrub planting, enhanced boundary treatment and bat and bird boxes are proposed within a Habitat Creation and Management Plan is included in the BNG Design Report (MAB, May 2022) .
- 10.8 With the above in mind, and taking into account the potential social, environmental and economic benefits derived from the scheme, it is considered to constitute sustainable development as described by the Development Plan, the NPPF and local supplementary design guidance.
- 10.9 There are no other relevant material considerations that would individually or collectively indicate the application should not be approved. Furthermore, in applying the planning balance, the scheme derives a number of benefits with no adverse impacts that would significantly and demonstrably outweigh the benefits. Therefore, and in accordance with the NPPF, the planning application should be permitted without undue delay.



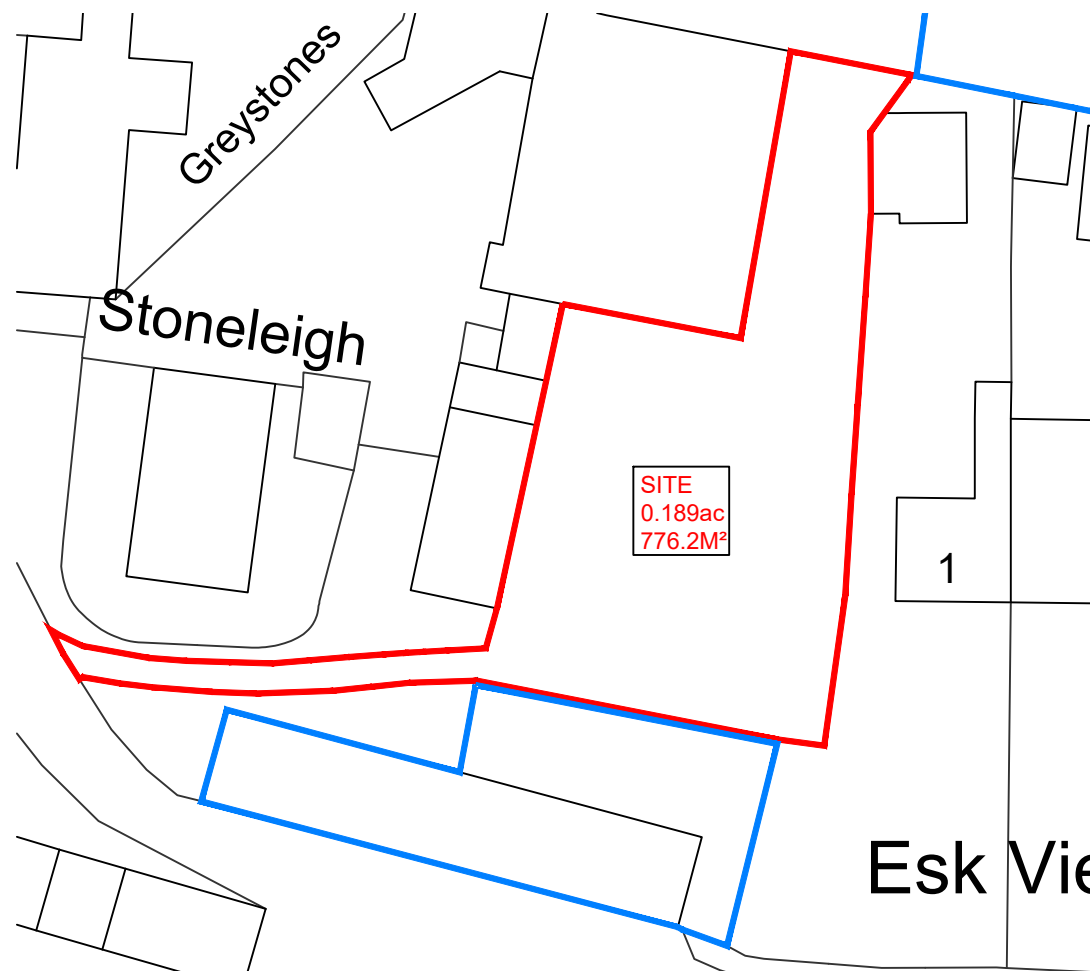
APPENDIX 1

APPLICATION PLANS

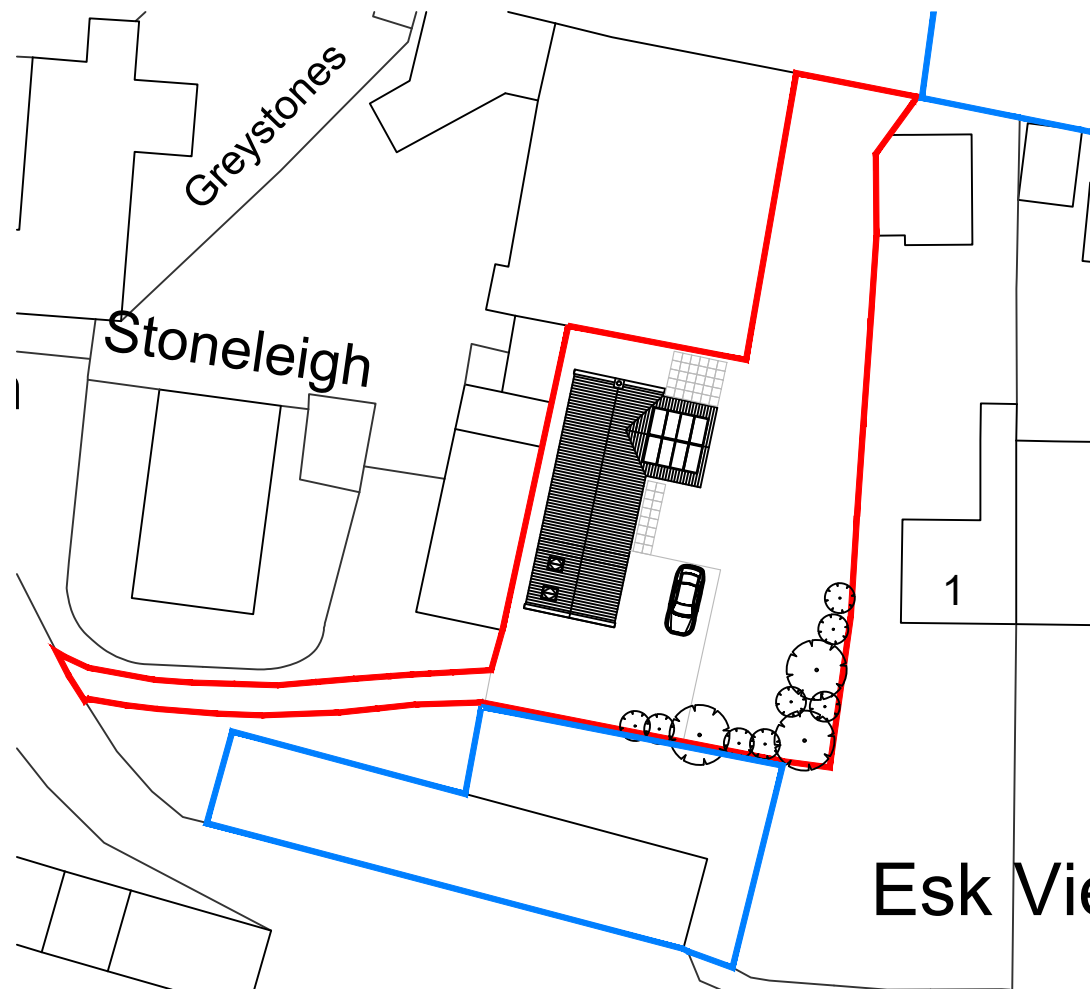


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LOCATION PLAN (Scale 1:1250)



REDLINE PLAN (Scale 1:500)



BLOCK PLAN (Scale 1:500)

Rev	Date	Description	Drawn	Check	Approve
A	09/05/2022	RE-DESIGN FOLLOWING PLANNING DISCUSSIONS & GUIDANCE	JG	JL	RC
B	16/06/2022	AMENDMENT TO BLUE LINE	JG	JL	RC

SCOPE OF WORKS

PROPOSAL TO CONSTRUCT A 2 BEDROOM DWELLING ON THE SITE BEHIND CROSS FARM BARN, EGTON

THE PROJECT WILL AIM TO COMPLIMENT THE LOCAL PROPERTIES AND ENHANCE THE AREA & USE SUSTAINABLE MATERIALS AND ECO PRODUCTS WHERE AVAILABLE.

HOUSE MATERIAL SCHEDULE

EXTERIOR WALLS: BUFF STONE FACING

INTERIOR WALLS: BLOCK WORK WITH PLASTER SKIM

ROOF: RED CLAY PANTILE

RAINWATER GOODS: BLACK

DOORS & WINDOWS: TIMBER & COMPOSITE

SITE

BOUNDARIES: REPAIRS TO ANY TRADITIONAL DRY STONE WALLING

POST & RAIL FENCING TO OTHER AREAS WHERE REQUIRED

NATIVE MIX HEDGES

ACCESS/EGRESS: FROM ROAD (AS SHOWN)

NOTE 1: EXISTING SITE LEVELS TO REMAIN UNCHANGED

NOTE 2: STRUCTURAL CALCULATIONS & FOUNDATION DESIGN BY OTHERS

NOTE 3: BUILDING REGULATIONS & CONSTRUCTION DETAILS BY OTHERS

NOTE 4: SITE AREA = 0.076 ha (0.189 Acre)

BS 1192: Part 3 - CONSTRUCTION DRAWING PRACTICE

THESE DRAWINGS ARE INTENDED FOR PLANNING PURPOSES ONLY.



Client: MULGRAVE ESTATE

Project: LAND BEHIND CROSS FARM BARN EGTON, WHITBY

Drawing: NEW DWELLING LOCATION, REDLINE & BLOCK PLANS

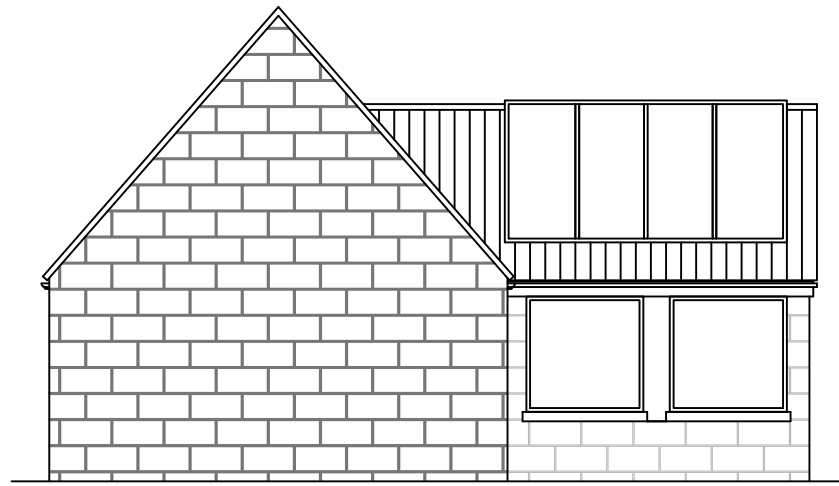
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Scale	VARIOUS	Sheet	1 OF 1	Rev	B
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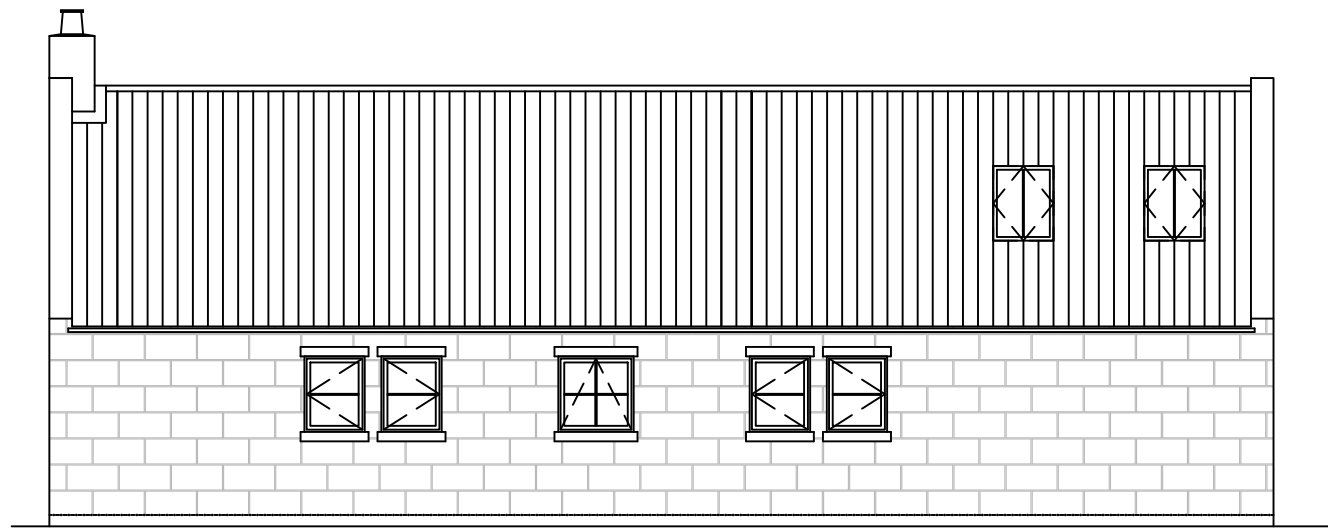
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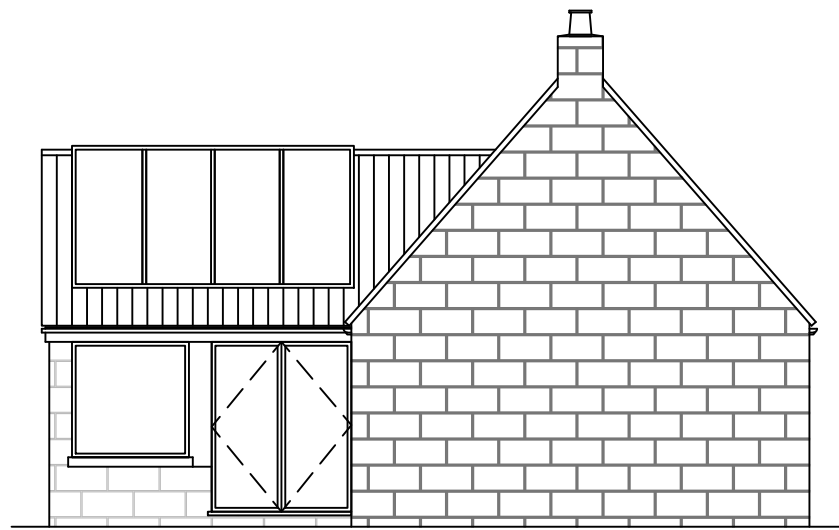
Rev	Date	Description	Drawn	Check	Approve
A	09/05/2022	RE-DESIGN FOLLOWING PLANNING DISCUSSIONS & GUIDANCE	JG	JL	RC



SIDE ELEVATION



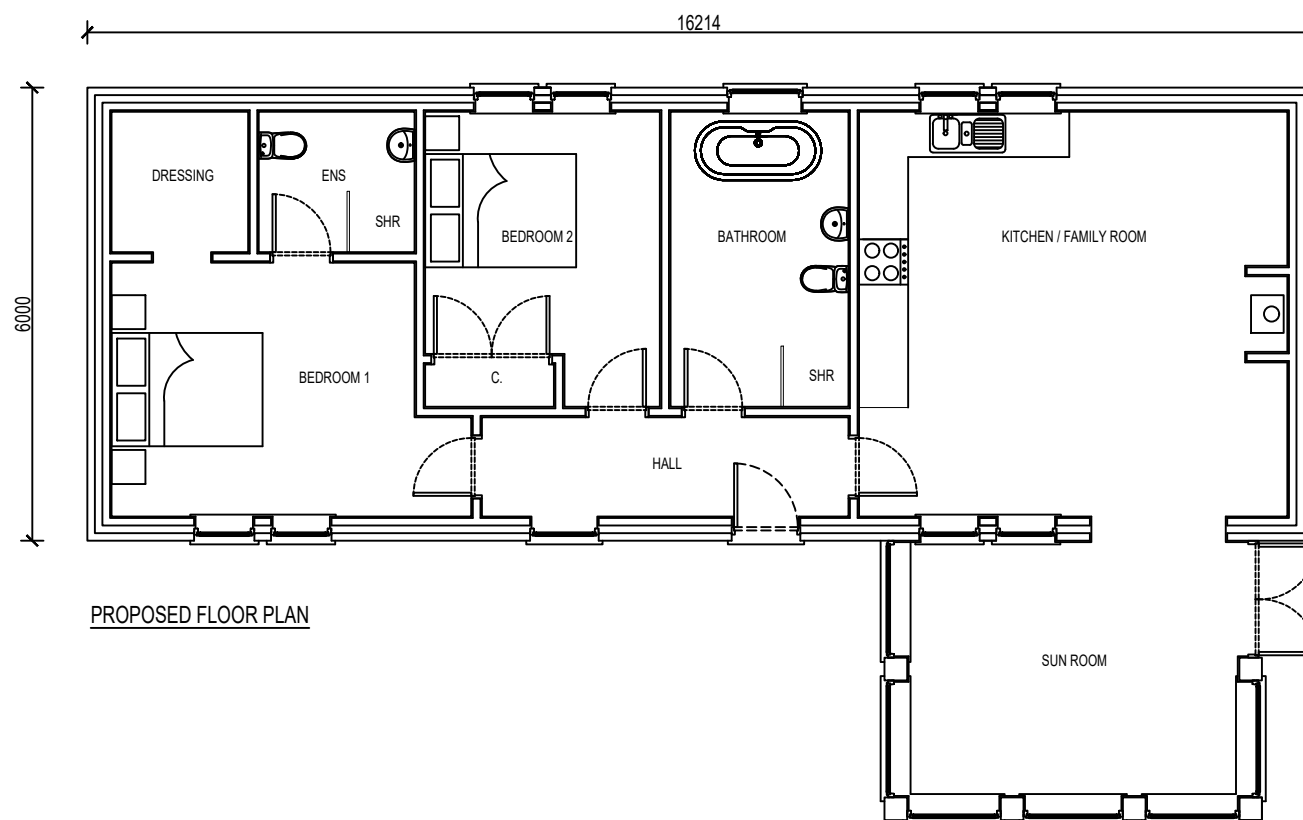
REAR ELEVATION



SIDE ELEVATION



FRONT ELEVATION



PROPOSED FLOOR PLAN

SCOPE OF WORKS

PROPOSAL TO CONSTRUCT A 2 BEDROOM DWELLING ON THE SITE BEHIND CROSS FARM BARN, EGTON

THE PROJECT WILL AIM TO COMPLIMENT THE LOCAL PROPERTIES AND ENHANCE THE AREA & USE SUSTAINABLE MATERIALS AND ECO PRODUCTS WHERE AVAILABLE.

HOUSE MATERIAL SCHEDULE

EXTERIOR WALLS: BUFF STONE FACING

INTERIOR WALLS: BLOCK WORK WITH PLASTER SKIM

ROOF: RED CLAY PANTILE

RAINWATER GOODS: BLACK

DOORS & WINDOWS: TIMBER & COMPOSITE

SITE

BOUNDARIES: REPAIRS TO ANY TRADITIONAL DRY STONE WALLING

POST & RAIL FENCING TO OTHER AREAS WHERE REQUIRED

NATIVE MIX HEDGES

ACCESS/EGRESS: FROM ROAD (AS SHOWN)

NOTE 1: EXISTING SITE LEVELS TO REMAIN UNCHANGED

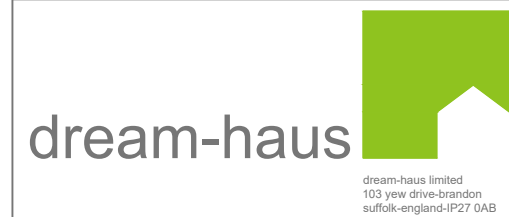
NOTE 2: STRUCTURAL CALCULATIONS & FOUNDATION DESIGN BY OTHERS

NOTE 3: BUILDING REGULATIONS & CONSTRUCTION DETAILS BY OTHERS

NOTE 4: SITE AREA = 0.076 ha (0.189 Acre)

BS 1192: Part 3 - CONSTRUCTION DRAWING PRACTICE

THESE DRAWINGS ARE INTENDED FOR PLANNING PURPOSES ONLY.



Client: MULGRAVE ESTATE

Project: LAND BEHIND CROSS FARM BARN EGTON, WHITBY

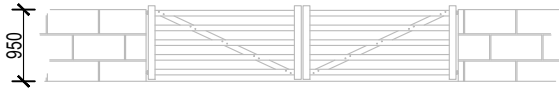
Drawing: NEW DWELLING FLOOR PLAN & ELEVATIONS

Drawing Number: 10-2021-1002

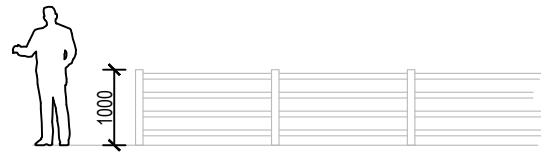
Scale: 1:100 Sheet: 1 OF 1 Rev: A

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Rev	Date	Description	Drawn	Check	Approve
A	09/05/2022	RE-DESIGN FOLLOWING PLANNING DISCUSSIONS & GUIDANCE	JG	JL	RC
B	13/05/2022	BOUNDARY TREATMENT CLARIFIED & SHOWN	JG	JL	RC
C	20/05/2022	AMENDMENTS FOLLOWING ECOLOGIST RECOMMENDATIONS	JG	JL	RC
D	27/05/2022	AMENDMENTS FOLLOWING ECOLOGIST RECOMMENDATIONS	JG	JL	RC

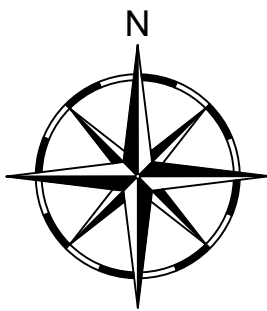


BOUNDARY TREATMENT - W1 (SCALE 1:100)
 TRADITIONAL STONE WALL (IN KEEPING WITH NEIGHBORING PROPERTIES)
 PAIR OF TIMBER TRADITIONAL 5 BAR GATES



BOUNDARY TREATMENT - W2 (SCALE 1:100)
 TIMBER POST & RAIL FENCE
 WITH NATIVE SPECIES MIX HEDGE BEHIND (NOT SHOWN FOR CLARITY)

NOTE:
 2 x BAT & 2 x BIRD BOXES WILL BE INSTALLED ON THE BUILDING/ BOUNDARY WALLS
 (EXACT LOCATION TBC)



GROUND LEVEL PLANTER
 (20 M²)

TRADITIONAL ORCHARD
 (120 M²)

PATIO AREA

GRASSED AREA

GRAVELLED DRIVE & TURNING AREA

MIXED SCRUB & TREES
 (50 M²)

LANDSCAPING PLAN (Scale NTS)

SCOPE OF WORKS

PROPOSAL TO CONSTRUCT A 2 BEDROOM DWELLING ON THE SITE BEHIND CROSS FARM BARN, EGTON

THE PROJECT WILL AIM TO COMPLIMENT THE LOCAL PROPERTIES AND ENHANCE THE AREA & USE SUSTAINABLE MATERIALS AND ECO PRODUCTS WHERE AVAILABLE.

HOUSE MATERIAL SCHEDULE

- EXTERIOR WALLS: BUFF STONE FACING
- INTERIOR WALLS: BLOCK WORK WITH PLASTER SKIM
- ROOF: RED CLAY PANTILE
- RAINWATER GOODS: BLACK
- DOORS & WINDOWS: TIMBER & COMPOSITE

SITE

- BOUNDARIES: REPAIRS TO ANY TRADITIONAL DRY STONE WALLING
 POST & RAIL FENCING TO OTHER AREAS WHERE REQUIRED
 NATIVE MIX HEDGES
- ACCESS/EGRESS: FROM ROAD (AS SHOWN)

NOTE 1: EXISTING SITE LEVELS TO REMAIN UNCHANGED

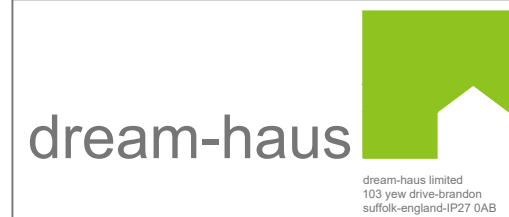
NOTE 2: STRUCTURAL CALCULATIONS & FOUNDATION DESIGN BY OTHERS

NOTE 3: BUILDING REGULATIONS & CONSTRUCTION DETAILS BY OTHERS

NOTE 4: SITE AREA = 0.076 ha (0.189 Acre)

BS 1192: Part 3 - CONSTRUCTION DRAWING PRACTICE

THESE DRAWINGS ARE INTENDED FOR PLANNING PURPOSES ONLY.



Client: MULGRAVE ESTATE

Project: LAND BEHIND CROSS FARM BARN EGTON, WHITBY

Drawing: NEW DWELLING LANDSCAPING PLAN

Drawing Number: 10-2021-1003

Scale: VARIOUS Sheet: 1 OF 1 Rev: D

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APPENDIX 2

FLOOD RISK INFORMATION

Flood map for planning

Your reference
Cross Farm

Location (easting/northing)
480879/506373

Created
13 May 2020 16:11

Your selected location is in flood zone 1, an area with a low probability of flooding.

This means:

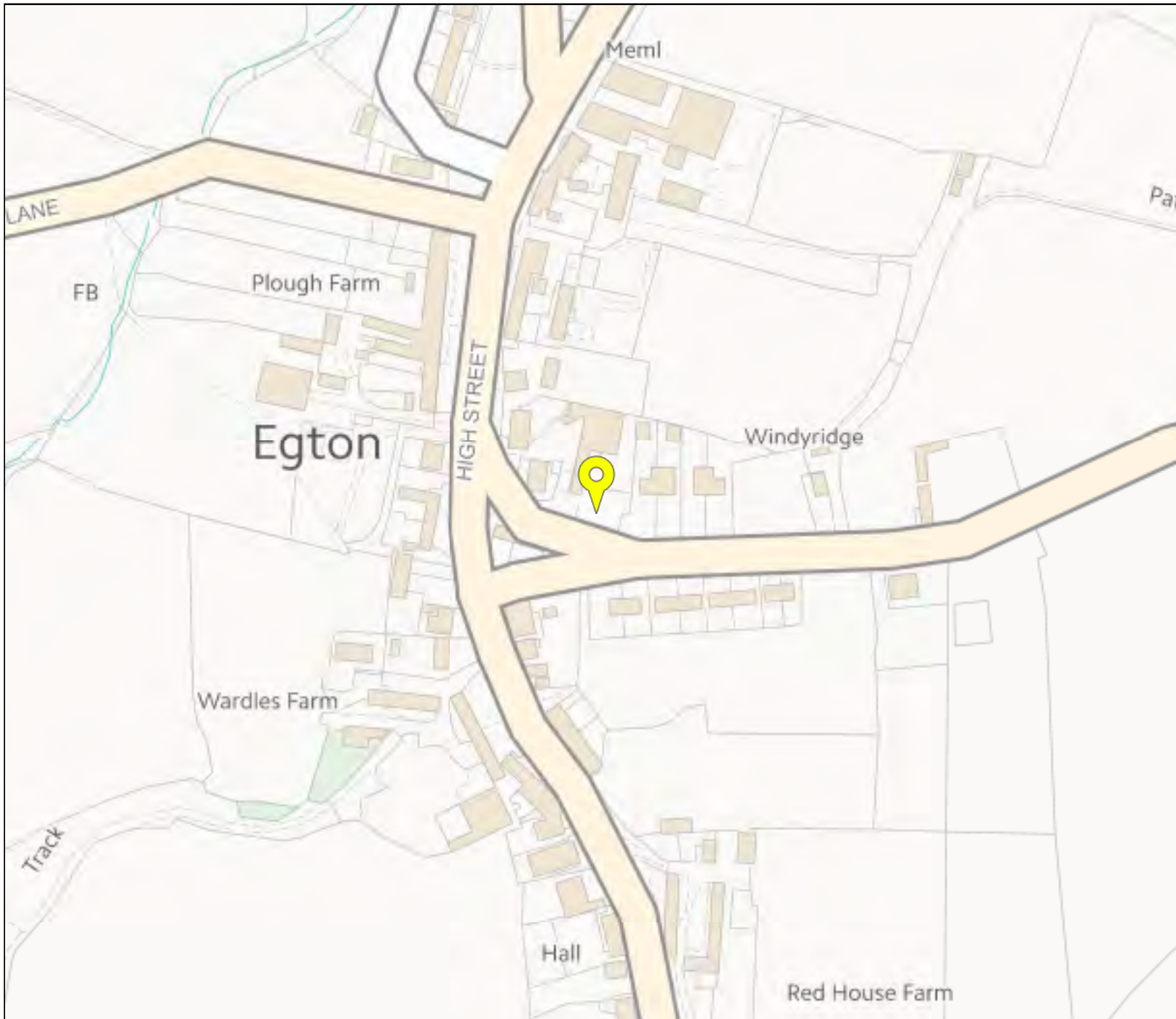
- you don't need to do a flood risk assessment if your development is smaller than 1 hectare and not affected by other sources of flooding
- you may need to do a flood risk assessment if your development is larger than 1 hectare or affected by other sources of flooding or in an area with critical drainage problems

Notes

The flood map for planning shows river and sea flooding data only. It doesn't include other sources of flooding. It is for use in development planning and flood risk assessments.

This information relates to the selected location and is not specific to any property within it. The map is updated regularly and is correct at the time of printing.

The Open Government Licence sets out the terms and conditions for using government data.
<https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>



Flood map for planning

Your reference

Cross Farm

Location (easting/northing)









480879/506373

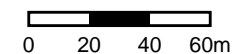
Scale

1:2500

Created

13 May 2020 16:11

-  Selected point
-  Flood zone 3
-  Flood zone 3: areas benefiting from flood defences
-  Flood zone 2
-  Flood zone 1
-  Flood defence
-  Main river
-  Flood storage area





APPENDIX 3

BIODIVERSITY NET GAIN DESIGN REPORT

BIODIVERSITY NET GAIN DESIGN REPORT

Cross Farm, Egton

May 2022



MAB Environment & Ecology Ltd
11a Kirkgate, Thirsk YO7 1PQ

Registered in the U.K. no.6504129

Registered office: The Old Chapel, Knayton, Thirsk YO7 4AZ

Biodiversity Net Gain Design Report: Land behind Cross Farm, Egton

Author	Jake Walker BSC (Hons)	
Status	Date	Approved by:
Final	31-05-2022	Ione Bateau MCIEEM

Site:

Land behind Cross Farm Barn,
Egton,
Whitby

Dates:

Surveyed: Wednesday 9th March 2022

Client:

Mulgrave Estate

Client's agent:

John Long Planning

Local Planning Authority: North York Moors National Park

MAB ref: 1302-2022

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1 Summary

A Biodiversity Net Gain (BNG) metric has been undertaken for a proposed residential development. Modified and other neutral grassland will be lost to the development. The development has sought to mitigate habitat loss where possible and will aim to create higher distinctiveness habitats to off-set the unavoidable losses. Proposed mitigation will seek to enhance a 0.014-hectare section of other neutral grassland → Traditional orchard.

The development will also look to create a 0.005-hectares of native mixed scrub and build a large ground level planter.

The proposed development will result in a -43.95% loss in habitat units. This equates to 0.22 biodiversity units.

The proposed habitats on-site are considered the most feasible in terms of deliverability, quality and condition to reduce the development impact. Due to the small scale of the development and limited available land, there is unlikely to be further reduction in the biodiversity loss, whilst still retaining the characteristics of a residential dwelling.

Whilst not contributing to the net gain calculation, bat and bird boxes will be incorporated into the development to enhance the site for these species.

A creation and management plan for the created and enhanced habitats has been included within the report. Full details can be found in Section 9 and 10.

2 Introduction

MAB Environment and Ecology Ltd was commissioned by Mulgrave Estate to compile a Biodiversity Net Gain Design Report for land behind Cross Farm barn to accompany a planning application for construction of a single residential dwelling.

The site comprises a mixture of modified grassland, and other neutral grassland, with scattered tall herbs. The site is located at within Egton village, OS Grid Ref NZ80860638. The site location is shown on Figure 1.

The objectives of this report are to:

- Establish baseline conditions on-site.
- Provide habitat baseline plan, and proposed design plans.
- Determine feasibility of the development achieving Biodiversity Net Gain (BNG)
- Provide a BNG Monitoring and Management Plan (MMP)

Ecologists from MAB Environment and Ecology Ltd are members of the Chartered Institute of Ecology and Environmental Management (CIEEM) and follow the Institute's Code of Professional Conduct when carrying out ecological work.

3 Methodology

3.1 Desktop study

3.1.1 DEFRA's interactive MAGIC map was used for a baseline assessment of available environmental information of over 300 datasets including Priority Habitats & Species inventories, Designations, Environmental & Historic Landscape Agreements, SSSI impact zones, and Wildlife Licenses.

3.1.2 Aerial imagery from Google Earth and government websites 'MAGIC' and were used to search for ponds within 250m of the site.

3.2 Field survey, Mapping, and Metric Calculations

3.2.1 Baseline site surveys were undertaken in May 2022 by Jake Walker who is a consultant ecologist and a qualifying member of CIEEM. He has worked for MAB since 2020 and holds a Class Survey Licence WLM-A34 (Bat Survey Level 1) registration number 2021-51430-CLS-CLS and a Level 1 Class Survey Great Crested Newt Licence 2022-10177-CL08-GCN.

3.2.2 UK HABS habitat survey of the site was conducted following standard published guidelines (Butcher et al, 2020). This involved a walkover of the site, mapping all habitats present which fell into the appropriate Minimum Mapping Units (MMU). MMU's were decided upon pre survey. Small scale MMU's = Area 25m², linear feature 5m. Large scale MMU = Area 400m², Linear feature 20m. Species proportions were recorded where possible using the DAFOR scale where D is dominant, A is abundant, F is frequent, O is occasional and R rare. The survey was extended to include records of protected or notable fauna and the habitats were evaluated for their potential to support such fauna. Any invasive plant species listed on Schedule 9 of the Wildlife and Countryside Act were also recorded.

3.2.3 Spatially accurate digital baseline and proposed habitat maps were created using QGIS3. UK Habs symbology was used to show habitat types, and linear features within the site; OS Mastermaps were used in conjunction with British National Grid OSG:2700 co-ordinate system to obtain accurate habitat dimensions.

3.2.4 Biodiversity Metric 3.0 was used to determine baseline metric calculations and biodiversity scores post-development.

4 Limitations

There were no limitations regarding survey data or BNG calculations

5 Baseline ecological conditions

5.1 Current Site conditions

The site is comprised of modified grassland and other neutral grassland. The section of modified grassland has been managed by regular mowing, with a short, uniformed sward height. Other neutral grassland is unmanaged, with the presence of tall herb species including, mugwort (*Artemisia vulgaris*), common nettle (*Urtica dioica*) rosebay willowherb (*Chamerion angustifolium*), and hogweed (*Heracleum sphondylium*).

The baseline assessment was undertaken outside of the flowering season, however, vegetative remains of the flowering forbs, and grass species, has allowed for confidence in habitat assessment.

Baseline habitats and conditions			
Date of data collection & surveyor	Jake walker BSc (Hons): 09/03/2022		
Habitat	Condition	Size (ha)	BNG Units
Modified grassland	Moderate	0.029	0.12
Other neutral grassland	Moderate	0.047	0.38

Table 1: Baseline habitats.

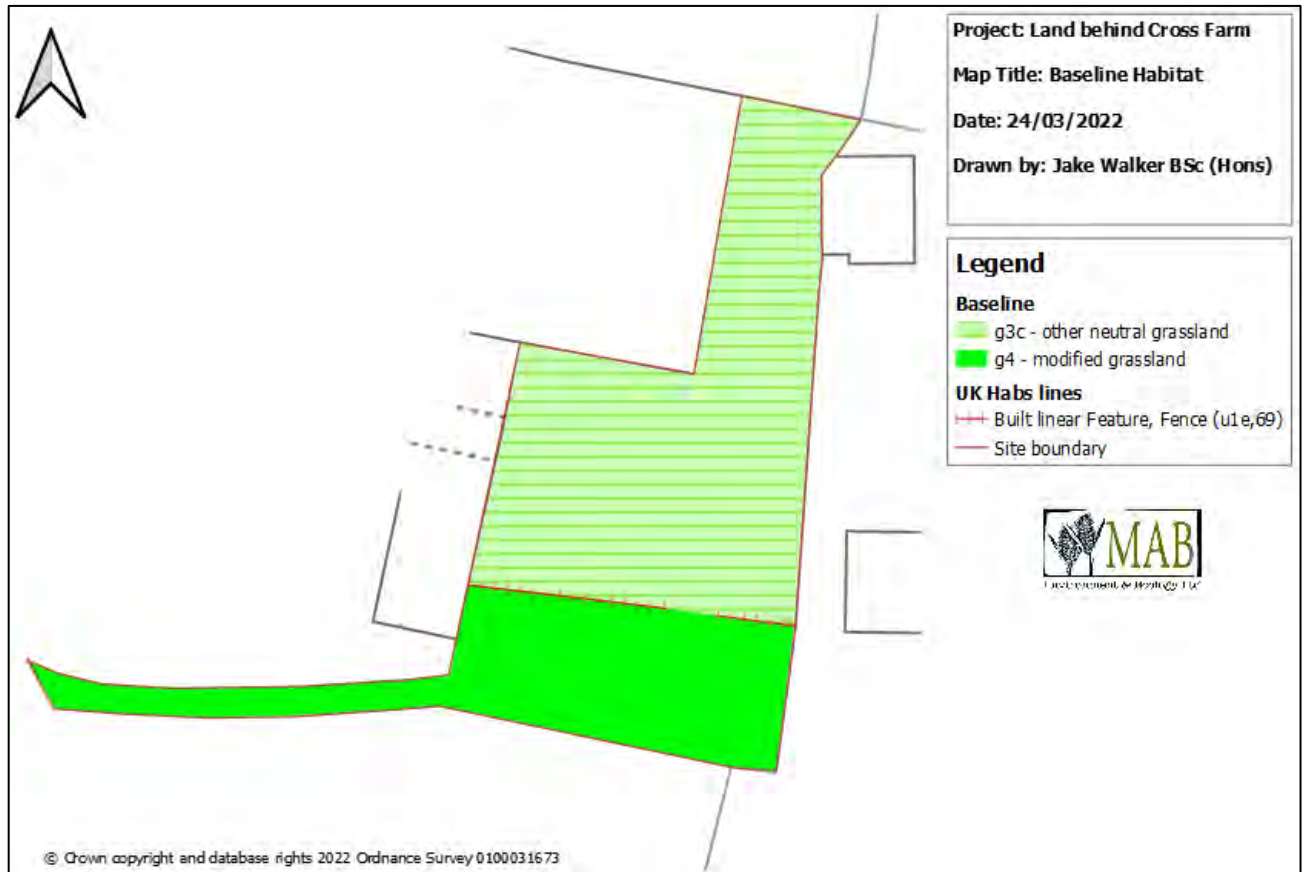


Figure 1: UK Habitat map of baseline habitats.

5.2 Priority habitats

5.2.1 A search of priority habitats on MAGIC within 1km of the site returned results for deciduous woodland. No priority habitats are found within the site and the small scale of the development is unlikely to impact priority habitats within the locale.

5.3 Protected species

5.3.1 There is no evidence to suggest that the development will impact protected species.

5.4 Designated sites

5.4.1 A search of MAGIC maps for designated sites within 1km of the site, showed that there are no SAC's, or SSSI's. The site is however, located within the North York Moors National Park.

5.5 Baseline Metric calculations

Ref	Habitats and areas			Distinctiveness		Condition		Strategic significance			Suggested action to address habitat losses	Ecological baseline Total habitat units
	Broad habitat	Habitat type	Area (hectares)	Distinctiveness	Score	Condition	Score	Strategic significance	Strategic significance	Strategic Significance multiplier		
1	Grassland	Modified grassland	0.029	Low	2	Moderate	2	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same distinctiveness or better habitat required	0.12
2	Grassland	Other neutral grassland	0.047	Medium	4	Moderate	2	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same broad habitat or a higher distinctiveness habitat required	0.38
3												
4												
5												
			0.08									0.49

Figure 2: Baseline biodiversity metric.

6 Good Practice Principles

6.1.1 **Apply mitigation hierarchy:** Where possible the development has retained and enhanced habitats, avoided impacts and looked at compensatory measures to offset the impacts of the development.

6.1.2 **Avoid losing biodiversity that cannot be offset elsewhere:** There are no habitats on-site that could not be offset elsewhere.

6.1.3 **Be inclusive and equitable:** the client has looked to incorporate BNG into the proposal, altering designs and layouts to address comments made by the local authority and to best achieve mitigation measure in relation to BNG.

6.1.4 **Address risk:** Risks in creating and maintaining mitigating habitats have been addressed.

6.1.5 **Make a measurable net gain contribution:** The development will not make a measurable net gain contribution. However, there will be a gain in habitat diversity from the development.

6.1.6 **Achieve the best outcomes for biodiversity:** The development will enhance existing grassland on-site to a higher distinctiveness habitat.

6.1.7 **Be additional:** The development will incorporate integral bat and bird boxes into the development.

6.1.8 **Create a net gain legacy:** enhancement of the grassland, and planting of mixed scrub have been incorporated into the design plans, aiming to ensure longevity.

6.1.9 **Optimise sustainability:** Where appropriate BNG has been optimised/prioritised.

6.1.10 **Be transparent:** Development of the site and BNG proposals have been co-ordinated in a transparent fashion between, the architect, ecologist and client.

7 Proposed design

7.1.1 The proposed development is for the construction of a single residential dwelling with associated landscaping and access. Figure 3 shows the proposed development; Figure 4 highlights the proposed design with overlaid proposed habitats.

7.1.2 Within the proposed development and landscape design, there shall be enhancement of the northern section of other neutral grassland. The grassland will be enhanced to a traditional orchard via native tree planting and management. Additionally, a section of mixed scrub shall be planted along the southern boundary, and a rain garden created along the northern elevation of the proposed house.

7.1.3 Additionally, whilst not contributing to the overall BNG metric, bat and bird boxes shall be integrated into the development.



Figure 3: Proposed development and landscape design.

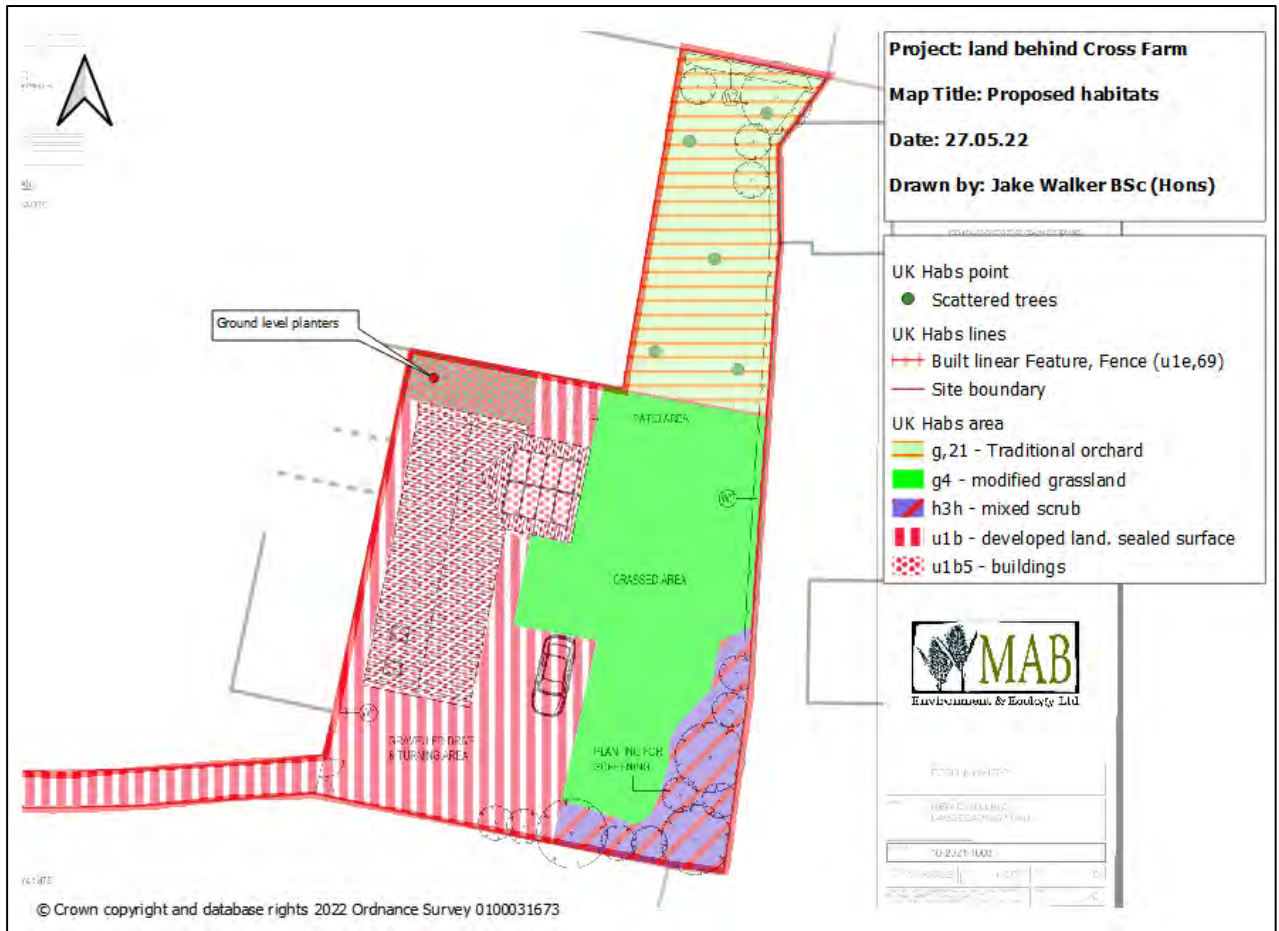


Figure 4: Proposed habitats, with overlay of the proposed development plan; orchard trees in approximate planting formation & number.

Enhanced Habitat		
Area Habitats		
Habitat	Area (ha)	BNG Units
Other neutral grassland → Traditional orchard	0.014	0.13

Table 2: Proposed retained habitat on-site.

Created Habitat		
Area Habitats		
Habitat	Area (ha)	BNG Units
Developed land; sealed surface	0.014	0.00
Artificial unvegetated, unsealed surface	0.017	0.00
Modified grassland	0.0248	0.09
Urban Tree	0.0072	0.02
Ground level planter	0.002	0.00
Mixed scrub	0.005	0.03

Table 3: Proposed created habitats on-site.

8 Biodiversity Net Gain Metric

8.1.1 The proposed development will result in a -43.95% reduction in biodiversity, this equates to a loss of -0.22 habitat units. Whilst the trading standards of the biodiversity 3.0 metric have not been satisfied, enhancement of the grassland, planting of mixed scrub and installation of ground level planters will increase habitat complexity of the site: providing an increase in habitat diversity.

8.1.2 Due to the small scale of the development, there are limited options/availability for habitat creation/enhancement. The proposed habitats on-site are considered the most feasible in terms of deliverability, quality and condition to reduce the developments impact. Without more modern solutions for biodiversity net gain (i.e green roofs) there is unlikely to be further reduction in the biodiversity loss, whilst still retaining the characteristics of a residential dwelling.

On-site baseline	<i>Habitat units</i>	0.49
	<i>Hedgerow units</i>	0.00
	<i>River units</i>	0.00
On-site post-intervention <small>(Including habitat retention, creation & enhancement)</small>	<i>Habitat units</i>	0.28
	<i>Hedgerow units</i>	0.00
	<i>River units</i>	0.00
On-site net % change <small>(Including habitat retention, creation & enhancement)</small>	<i>Habitat units</i>	-43.95%
	<i>Hedgerow units</i>	0.00%
	<i>River units</i>	0.00%
Off-site baseline	<i>Habitat units</i>	0.00
	<i>Hedgerow units</i>	0.00
	<i>River units</i>	0.00
Off-site post-intervention <small>(Including habitat retention, creation & enhancement)</small>	<i>Habitat units</i>	0.00
	<i>Hedgerow units</i>	0.00
	<i>River units</i>	0.00
Total net unit change <small>(including all on-site & off-site habitat retention, creation & enhancement)</small>	<i>Habitat units</i>	-0.22
	<i>Hedgerow units</i>	0.00
	<i>River units</i>	0.00
Total on-site net % change plus off-site surplus <small>(including all on-site & off-site habitat retention, creation & enhancement)</small>	<i>Habitat units</i>	-43.95%
	<i>Hedgerow units</i>	0.00%
	<i>River units</i>	0.00%
Trading rules Satisfied?	No - Check Trading Summary	

Figure 5: Headline results.

9 Biodiversity Net Gain: Habitat Creation and Enhancement

9.1 Mixed scrub

9.1.1 Mixed scrub should be planted with native species. Recommended species include hawthorn, gorse, elder, bramble, and hazel.

Planting guidance

- Plant in clumps
- Leave unplanted gaps to create open ground as part of the mosaic
- Mix species randomly
- Use hand tools to plant
- Plant between November-March
- Scallop the edges of the scrub or scrub mosaic. To achieve this, plant patches of shrub in semi-circles and create areas of open ground in between.

9.2 Other neutral grassland → Traditional Orchard

9.2.1 Enhancement of the other neutral grassland → traditional orchard should be undertaken via planting of native fruit trees and management of the grassland.

9.2.2 Tree planting guidance has been taken from *Natural England Technical Information Note TIN014 © Natural England 2010 Second edition 19 October 2010 Traditional orchards: planting and establishing fruit trees.*

Planting guidance

- Trees should be planted in an approximation of the Quincunx formation. Four trees should be planted in 6-10m distances around a central tree (see Figure 4).
 - Tree species should be UK naturalised fruit bearing trees. Suitable species include common plum (*Prunus domestica*), apple (*Malus x domestica*), cherry plum (*Prunus cerasifera*) and pear (*Pyrus communis*)
 - Bare-rooted fruit trees should be planted from November to March, avoiding any periods of drought, or hard frost (January/February). Generally, it is best to plant in late autumn/early winter to allow the trees to become established before spring.
-

- Prior to planting, all grass and weeds should be removed in a 1 m diameter circle around each tree station. This should be done by either by physical stripping or spraying with a suitable non-residual herbicide.
- Further planting guidance can be found in *Natural England Technical Information Note TIN014 © Natural England 2010 Second edition 19 October 2010 Traditional orchards: planting and establishing fruit trees.*

9.3 Bat and Bird boxes

9.3.1 Examples of suitable integral habitat include Schwegler 1FR/2RF, 1WI Schwegler Summer and Winter Bat Box, and Bat access bricks which allow access into cavity walls. These should be placed in a location agreed upon by a suitably qualified ecologist.

9.3.2 Examples of suitable integral bird habitat includes Schwegler sparrow terrace 1SP, brick sparrow box, and Ibstock Eco-habitat for Swifts.

10 Habitat management

10.1 Mixed scrub

Establishment

- Once planted the scrub should be allowed to establish and mature for a period of 6-8 years. No management should be undertaken during this time.

Management

- Once established the scrub should endure an annual cut back. 10% of the scrub should be cut each year (65sqm).
- Areas of scrub should be cut in rotation – this will allow an age range of species to form alongside rides and glades within the scrub.
- Cuttings should be stacked on-site as habitat piles.

10.2 Traditional orchard

Establishment

- The 1m diameter circle should be left maintained for at least 3 years to allow the tree to establish and avoid competition for nutrients. This can be achieved by careful use of an appropriate herbicide (making sure to avoid the trunk), by hoeing (taking care not to damage the roots), by using weed suppressing membranes or mats, or by mulching.
- Regular watering may be required during the first 5 years of establishment.

Management

- Once the trees have established, the surrounding grass can be allowed to grow up to the trunk. The surrounding grassland be subjected to annual cuttings, undertaken in from mid-July to August, and in late autumn if there has been heavy grass growth. This will create a tussocky sward with varying heights.
- The grassland should be cut using a heavy-duty mower (e.g., sickle-bar mowers and motor scythes or a two-wheel strimmer) – these will create a sward of differing heights, creating microclimates for invertebrates.
- Once the trees have matured, they should be managed sympathetically for wildlife, i.e. retention of deadwood.
- Log piles can be created within the orchard area to create habitat for invertebrates.

11 References

BS42020. *Biodiversity - Code of Practice for planning and development*. British Standards Institution 2013.

Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System.

<http://www.communities.gov.uk/publications/planningandbuilding/circularbiodiversity>

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

National Planning Policy Framework 2018: <https://www.gov.uk/government/collections/revised-national-planning-policy-framework#revised-national-planning-policy-framework>

UK Biodiversity Action Plan Priority Species and Habitats List. <http://jncc.defra.gov.uk>

Butcher, B., Carey, P., Edmonds, R., Norton, L. Treweek, J. (2020). *UK Habitat Classification – Habitat Definitions V1.1* at <http://ukhab.org>

STEPHEN PANKS ^A, NICK WHITE ^A, AMANDA NEWSOME ^A, JACK POTTER ^A, MATT HEYDON ^A, EDWARD MAYHEW ^A, MARIA ALVAREZ ^A, TRUDY RUSSELL ^A, SARAH J. SCOTT ^B, MAX HEAVER ^C, SARAH H. SCOTT ^C, JO TREWEEK ^D, BILL BUTCHER ^E and DAVE STONE ^A 2021. Biodiversity metric 3.0: Auditing and accounting for biodiversity – User Guide. Natural England.

Natural England (2010) *Technical Information Note TIN014 Traditional orchards: planting and establishing fruit trees*

Appendix 1: Relevant policy and legislation

Planning policy

National Planning Policy Framework (England) NPPF February 2021

National planning guidance for ecological issues is set out in the updated July 2021 National Planning Policy Framework (NPPF). The requirements are consistent with those specified in the updated February 2019 NPPF; which advocate biodiversity net gain and improvement where possible, as evidenced below.

Paragraph 179 refers to the requirement of plans to “protect and enhance biodiversity and geodiversity” In order to do this, “plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”

In paragraph 180 the NPPF indicates that “when determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- c) 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; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”

The accompanying ODPM / Defra Circular 06/2005 remains pertinent; circular 06/2005 is prescriptive in how planning officers should deal with protected species, see paragraphs 98 and 99:

The presence of a protected species is a material consideration when considering a proposal that, if carried out, would be likely to result in harm to the species or its habitat (see ODPM/Defra Circular, para 98)

LPA's should consider attaching planning conditions/entering into planning obligations to enable protection of species. They should also advise developers that they must comply with any statutory species protection issues affecting the site (ODPM/Defra Circular, para 98)

The presence and extent to which protected species will be affected must be established before planning permission is granted. If not, a decision will have been made without all the facts (ODPM/Defra Circular, para 99)

Any measures necessary to protect the species should be conditioned/planning obligations used, before the permission is granted. Conditions can also be placed on a permission in order to prevent development proceeding without a Habitats Regulations Licence (ODPM/Defra Circular, para 99).

The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances.

Further to NPPF and ODPM Circular 06/2005, Section 40 of the Natural Environment and Rural Communities Act (2006) states that ‘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'. Section 40(3) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Local Planning Policy

The quality and diversity of the natural environment of the North York Moors National Park will be conserved and enhanced. Development which has an unacceptable impact on the natural environment, the wildlife it supports and the environmental benefits it provides will not be permitted.

All development will be expected to:

1. Ensure that natural capital is used in efficient and sustainable ways.
2. Demonstrate, where appropriate, how it makes a positive contribution to natural capital and its ability to provide ecosystem services.

The intention of this policy (and the wider Plan) is to reinforce consideration of how new development can contribute to the first National Park statutory purpose – to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park. It requires that development proposals should show how their function and design can maintain or enhance the existing stock of environmental resources or 'natural capital' and the benefits that flow from them.

Strategic Policy G - Landscape

The high quality, diverse and distinctive landscapes of the North York Moors will be conserved and enhanced. Great weight will be given to landscape considerations in planning decisions and development will be supported where the location, scale and detailed design of the scheme respects and enhances the local landscape character type as defined in the North York Moors Landscape Assessment. Development which would have an unacceptable impact on the natural beauty, character and special qualities of the areas of moorland, woodland, coast and foreshore as defined by the Section 3 Conservation Map or on the setting of the Howardian Hills AONB or local seascape will not be permitted.

Strategic Policy H - Habitats, Wildlife, Biodiversity and Geodiversity

1. The conservation, restoration and enhancement of habitats, wildlife, biodiversity and geodiversity in the North York Moors National Park will be given great weight in decision making.

2. All development and activities will be expected to:

- a) Maintain and where appropriate enhance features of ecological value and recognised geodiversity assets;
- b) Maximise opportunities to strengthen the integrity and resilience of habitats and species within the National Park and provide a net gain in biodiversity; including those species for which the National Park supports a significant proportion of the regional or national populations and those found at the edge of their range. Examples would include nightjar, honey buzzard, goshawk and turtle dove; and

c) Maintain and where appropriate enhance existing wildlife connections and landscape features such as water courses, disused railway lines, hedgerows and tree lines for biodiversity as well as for other green infrastructure and recreational uses.

3. Development proposals that are likely to have a harmful impact on protected or valuable sites or species will only be permitted where it can be demonstrated that:

a) There are no alternative options that would avoid or reduce the harm to the protected or valuable interest;

b) Suitable mitigation measures to avoid or reduce the harm have been incorporated into the proposals and will be maintained in order to retain their biodiversity or geodiversity benefits;

c) Any residual harmful impacts have been offset through appropriate habitat enhancement, restoration or creation on site or elsewhere; and

d) The wider sustainability benefits of the development outweigh the harm to the protected or valuable interest.

Proposals will be considered in accordance with the following hierarchy:

International Sites and Protected Species:

Proposals that have a likely significant effect on European sites (comprising Special Areas of Conservation, Special Protection Areas and Ramsar sites) will be subject to an Appropriate Assessment in accordance with the Habitats Regulations. Where the assessment indicates that it is not possible to ascertain that the proposal, either on its own or in combination with other plans or projects, would have no adverse effect on the integrity of the site, development will only be permitted in exceptional circumstances where there are no alternative solutions, there is an imperative over-riding public interest and compensation measures are secured. This protection will be extended to proposed or potential European sites and significant weight will be given to this policy in areas where the presence of internationally important features is recognised but no formal designation process has begun.

National Sites and Protected Species:

Proposals that would adversely affect the special interest features of a Site of Special Scientific Interest or National Nature Reserve or the nature conservation interest of a nationally protected species will only be permitted where the benefits of the development clearly outweigh the impact on the protected interest.

Regional and Local Sites and other Valuable Habitats and Species:

Proposals that would adversely affect any locally designated site such as a Local Nature Reserve, Local Wildlife Site, Regionally Important Geological or Geomorphological Site, Sensitive Marine Area, Marine Conservation Zone, or other valuable habitat or species (including Local or National Biodiversity Action Plan priority habitats or species) will only be permitted where the benefits of the development clearly outweigh the impact on the protected interest.

Where a proposed development would attract a significant number of additional visitors to an area or facility, it should be demonstrated how any potential impact upon the area or feature of biodiversity interest will be managed as part of the new development.

The Authority will therefore expect all development proposals to provide appropriate protection for the diverse ecological and geological assets in the National Park and, wherever possible, to incorporate features that will enhance biodiversity, for example, by planting with appropriate native species and providing nesting and roosting opportunities for birds and bats in suitable locations. Applicants should ensure that sufficient information is provided regarding any wildlife sites or species that may be affected by a proposal, seeking qualified advice as appropriate.

Policy ENV1 - Trees, Woodlands, Traditional Orchards and Hedgerows

There will be a presumption in favour of the retention and enhancement of existing trees, woodland, traditional orchards and hedgerows of value on all developments.

Where a development would result in the unavoidable loss of an existing tree, orchard or hedgerow but the wider sustainability benefits of the development clearly outweigh the loss, proposals will be expected to minimise harm and provide a net biodiversity and amenity gain, with appropriate replacement of lost trees or hedgerows.

Development will not be permitted that would lead to loss of or damage to ancient woodland and aged or veteran trees found outside ancient woodland unless there are wholly exceptional reasons and the need for, and benefits of the development in that location clearly outweigh the loss.

Policy ENV8 - Renewable Energy

... The Authority will therefore expect all development proposals to provide appropriate protection for the diverse ecological and geological assets in the National Park and, wherever possible, to incorporate features that will enhance biodiversity, for example, by planting with appropriate native species and providing nesting and roosting opportunities for birds and bats in suitable locations. Applicants should ensure that sufficient information is provided regarding any wildlife sites or species that may be affected by a proposal, seeking qualified advice as appropriate.

All proposals will be expected to incorporate appropriate mitigation measures on site to minimise any unavoidable harm to wildlife and ecological or geological assets. The scale of these measures will depend on the proposal, however the expectation is that any scheme likely to attract significant numbers of visitors (that is of sufficient volume to potentially cause harm to habitats) will need to provide evidence as to how management will avoid or mitigate this potential harm. Agreed mitigation measures may include arrangements for the long-term management of biodiversity enhancements which would be secured through a planning condition. In exceptional cases where it is not possible to incorporate mitigation measures on site, the Authority may consider compensatory measures in an alternative location, secured through a Section 106 legal agreement. Applicants should be aware that some features and habitats, for example veteran trees, ancient woodland and peatlands are by their nature irreplaceable and harm to these assets cannot be mitigated or compensated for and in such cases planning permission will not normally be granted.

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