

From:

Subject: Re: NYM/2020/0702/FL
Date: 03 September 2022 18:37:27
Attachments: [0.png](#)

Dear Team

Thank you for your email, and the parish council at its meeting on the 1 September resolved no further comments to make. Please note that a representative from the parish council will not be able to attend the meeting on the 8 September 2022.

Regards

Victoria Pitts
Parish Clerk
Newholm cum Dunsley Parish Council
c/o Davison Farm, Egton, Whitby, YO21 1UA

From:
To:
Subject: Re: NEW APPLICATION POST - NYM/2020/0702/FL - Raithwaite Estate, Sandsend Road, Sandsend - Parish
Date: 12 July 2022 08:14:18
Attachments: [image001.png](#)

Dear Team

The parish council wishes to reiterate the previous objection and associated comments it made in response to the revised plans.

Kind regards

Victoria Pitts
Parish Clerk

From:

Subject: RE: NYM/2020/0702/FL Raithwaite Estate

Date: 11 July 2022 16:19:22

Dear Hilary

With regard to this application, I can confirm that the modifications proposed address my key concerns and therefore I withdraw my objection to the application. Planning conditions, as proposed in my previous comments, should still be applied.

Kind regards

Elsbeth

Elsbeth Ingleby ACIEEM

Senior Ecologist

Conservation & Climate Change Department

North York Moors National Park Authority

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

From:
To: [Planning](#)
Subject: NYM/2020/0702/FL FAO Hilary Saunders
Date: 08 July 2022 11:11:30

Dear Hilary,

Proposal **Application for erection of 5 no. single storey lodges to provide woodland rooms ancillary to existing Hotel with associated linkage paths**

Location **Raithwaite Estate Sandsend Road Sandsend**

Thank you for giving North Yorkshire Police the opportunity to comment on this amended planning application. In relation to designing out crime, having reviewed the documents submitted, the comment I made in my response dated 25 September 2020 that safety and security has been taken into consideration for this proposal is still pertinent. I have no further comments to make regarding the proposal.

If I can be of further assistance, do not hesitate to contact me.

Kind regards

Richard

Mr Richard Ball, MPlan
Designing out Crime Officer
Police Station, Fulford Road, York, North Yorkshire, YO10 4BY

From:
To: [Planning](#)
Subject: Re: NYM/2020/0702/FL
Date: 08 July 2022 10:46:49
Attachments: [0.png](#)

Dear Team

Please can we ask for extension to respond whilst I ascertain feedback from Cllrs as to whether a response would fit in with delegated powers. Otherwise, the parish council will not be able to meet deadline response due to next meeting scheduled for September.

Regards

Victoria Pitts
Parish Clerk
Newholm cum Dunsley Parish Council
c/o Davison Farm, Egton, Whitby, YO21 1UA

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NORTH YORKSHIRE FIRE & RESCUE SERVICE

NYFRS Reference:

Premises: 00307855
Job: 1248176

Scarborough Fire Station
North Marine Road
Scarborough
North Yorkshire
YO12 7EY

When telephoning please ask for: S Dargue

04 July 2022

Dear Sir or Madam

Raithwaite Estates, Raithwaite Hall Hotel, Sandsend Road, Sandsend, Whitby, YO21 3ST

FIRE SAFETY - COMMUNICATION WITH THE PLANNING AUTHORITY

Receipt is acknowledged of your planning communication:

Dated: 1st July 2022
Plans No: NYM/2020/702FL

Your communication has been dealt with as follows:

At this stage in the planning approval process the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority have no objection/observation to the proposed development. The North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority.

The majority of information we collect regarding business fire safety is non-personalised information, however any personal data we collect will be managed in accordance with our Privacy Notice which can be viewed on our website, www.northyorksfire.gov.uk/about-us/data/privacy-policies/.

Under the Regulatory Reform Order 2005 we are obliged to publish a public register of enforcement action which can be viewed via our website, www.northyorksfire.gov.uk/about-us/financial/lists-and-registers/.

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

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Should you require further information please contact the officer whose name appears at the head of the letter.

Yours faithfully

S Dargue

From:
To: [Planning](#)
Cc:
Subject: NYM/2020/0702/FL Raithwaite Estate
Date: 05 July 2022 15:11:31

NYM/2020/0702/FL Raithwaite Estate

The revised details for this application have addressed the main arboricultural concerns and therefore I am able to withdraw my objection to the development.

Mark Antcliff
Woodland Officer
North York Moors National Park Authority

From:
To: [Planning](#)
Subject: Raithwaite Estate, Sandsend Road, Sandsend - Application for erection of 5 no. single storey lodges to provide woodland rooms ancillary to existing Hotel with associated linkage paths NYM/2020/0702/FL
Date: 01 July 2022 13:35:59

FAO Mrs Hilary Saunders

Raithwaite Estate, Sandsend Road, Sandsend - Application for erection of 5 no. single storey lodges to provide woodland rooms ancillary to existing Hotel with associated linkage paths NYM/2020/0702/FL

I refer to your e-mail of the 1st July 2022 in respect of the above application. I hereby confirm that I have no objections to the proposals on housing or environmental health grounds.

Thanks

Steve

Steve Reynolds DipAc, DipEH, BSc, DMS, MSc(ENG), MCIEH, CEnvH, CMIWM
Residential Regulation Manager
Scarborough Borough Council

From:

Cc:

Subject: NYM/2020/0702/FL - Raithwaite woodland lodges - upload in full as confidential and a public version redacted as set out below

Date: 19 November 2021 11:43:16

Dear Hilary

The revised proposals now specify two separate groups of woodland rooms being created, either side of the ridge that separates the application site. The western group of five lodges are located within mature mixed woodland within Raithwaite Gill, alongside Dunsley Beck, whilst the eastern group of five lodges are situated within young deciduous woodland, open space and mature non-native shrubs on an eastern facing slope immediately adjacent to the main hotel complex of Raithwaite Hall. As such the setting of the two groups is considerably different, with woodland rooms 6 to 10 being sited in the context of the existing established development of the main hotel, access road and other man-made features, whilst rooms 1-5 are located within a tranquil, secluded wooded gill not visibly connected to any established feature of the existing development other than a narrow informal access track that runs from north to south through the site and the presence of temporary fabric canopies. Raithwaite Gill in its entirety is currently devoid of development with the exception of an established clearing outside of the National Park that was included within the scheme approved by Scarborough Borough Council in 2018, and is located well elevated above and away from the beck.

The woodland area within which cabins 1-5 are located is part of a contiguous band of woodland habitat which runs from Heulah Plantation, next to Heulah Farm in the south west down to the coast that includes the Raithwaite Gill/Dunsley Beck SINC and extensive stretches of intact and replanted Ancient Woodland. (It is also important to note that the absence of SINC designated sites within the National Park is connected to the fact that the whole of the National Park area should be considered as important for nature conservation due to our statutory purposes, and not that sites not covered by a SINC designation in the NP are implicitly of less value). The submitted ecological information establishes the woodland within the western part of the site as of local to county value, meaning it has value to the wider region, and it is also an important wildlife corridor bracketed by areas of relatively intensive agriculture and are therefore less permeable to wildlife, thus increasing the importance of this connection.

The application site is only 20m from the edge of an area of PAWS (Plantation on Ancient Woodland Sites). This is at the lowest part of the range of what an appropriate buffer should be for Ancient Woodlands (minimum 15m, but in some cases buffers should be 50-100m or greater), and it could be argued that in this case a more generous buffer is likely to be needed due to the presence of similar habitat within the buffer and application site which therefore allows them at present to support communities of mycorrhizal fungi and other microorganisms which will in turn support trees within the ancient woodland area. No evidence has been presented as to why the 20m buffer is sufficient in this case. Whilst I am pleased to note that adjustments have been made to minimise the number of trees that need to be removed on the application site, it is important to note that two mature high ecological value trees are still to be removed to make the site safe for the proposed development, along with the felling of

other less mature trees which will lead to a reduction in canopy cover and have an impact on the existing link between areas of Ancient Woodland.

It should be noted that much of the trees relied on to screen this part of the development are of larch. With the encroachment of *Phytophthora ramorum* into the National Park in recent years (with numerous sanitary felling actions required this year alone), increased footfall into these area will increase the risk of spread of this disease, with an infection requiring the removal of all larch trees on the site, leaving the development effectively unscreened. I acknowledge that measures have been included in proposals to mitigate for this with gradual thinning and planting of alternative species but these will of course take many years to fully establish.

Ecological surveys have identified moderate to high levels of bat activity across the application site with seven species present making the site one of the highest in species richness in the National Park.

I am in general satisfied that mitigation measures are adequate to reduce the likelihood of direct harm to protected species, but am concerned regarding degradation of the wildlife corridor, reducing permeability and causing alterations in behaviour which could lead to reduced use or diversity of the area. Creation of new habitat where compensatory woodland planting and enrichment of the meadow is to be undertaken is of course welcome and will compensate for some of the impacts but will not improve connectivity of the areas and so cannot directly compensate for the impacts on the integrity of the wildlife corridor.

As part of the mitigation measures proposed, a Woodland and Ecology Management and Monitoring Plan has been proposed for the woodlands under the same ownership within the National Park. These propose introducing woodland management to areas that are currently effectively unmanaged. Whilst these measures are of course welcome, including the intention to support the regeneration/planting of a broader range of native species and reduce the cover of non-natives, I am disappointed that there is not the ambition over the 50 year lifetime of the plan to aim towards a complete removal of non-native and invasive rhododendron and cherry laurel, instead only looking to limit 'spread', particularly given the sensitive nature of the site and the presence of Ancient Woodland soils.

In conclusion, I acknowledge the significant efforts made by the applicant to minimise and mitigate the impact of the proposals on the surrounding environment, however I believe that the introduction of lodges into the Raithwaite Gill area will lead to unacceptable and unmitigatable impacts on the landscape and habitat integrity from disturbance (noise, light, movement, ground disturbance of surrounding areas and, if permitted, dogs) to a tranquil, secluded and relatively intact area of mixed woodland and riparian habitat and plantation on ancient woodland habitat which supports a range of priority species and acts as a valuable corridor for the movement of wildlife. I would not object to the five eastern lodges (6-10 as marked on the updated site plans) which are proposed to be sited within young regenerating habitat within the setting of the hotel complex, subject to the proposed mitigation measures being undertaken and a proportionate level of compensatory planting.

Should, on the balance of planning consideration, the Authority decide to approve this application as it stands I would request that the following conditions are incorporated;

- Submission of a Construction Environment Management Plan prior to works commencing on site – to bring together proposed mitigation actions and

incorporate the methods taken by the contractor(s) engaged for the work.

- Submission of a Habitat and Species Management Plan prior to works commencing on site – to bring together the recommendations and required mitigation activities set out within the updated Ecological Statement, including the updated surveys required, to aid implementation of these actions.
- Condition the delivery of the Woodland and Ecology Management and Monitoring Plan (although as stated above I would prefer this to be amended to include removal of rhododendron and cherry laurel as a long term ambition for the site).
- An external lighting condition – to provide more detail to the lighting strategy set out in the application.

Best wishes

Elsbeth

Elsbeth Ingleby MA_{Cantab} ACIEEM

Ecologist

North York Moors National Park Authority

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

From:
To:
Subject: NYM/2020/702/FL - Raithwaite Estate lodges
Date: 29 October 2021 16:27:15

Hi Hilary, planning

I received a reconsult for this planning app in mid-October, but looking on the planning portal there do not appear to be any documents more recent than the July ones. I am aware that I am well overdue responding to this application, but want to check I am looking at the most up to date information when I do – have we received anything new I need to take into consideration?

Thanks very much

Elsbeth

Elsbeth Ingleby MA_{Cantab} ACIEEM

Ecologist

North York Moors National Park Authority

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



NORTH YORKSHIRE FIRE & RESCUE SERVICE

NYFRS Reference:

Premises: 00397758
Job: 1232637

Scarborough Fire Station
North Marine Road
Scarborough
North Yorkshire
YO12 7EY

When telephoning please ask for: M Logan

01 November 2021

Dear Sir or Madam

Raithwaite Hall, New Lodges, Sandsend Road, Sandsend, Whitby, YO21 3ST

FIRE SAFETY - COMMUNICATION WITH THE PLANNING AUTHORITY

Receipt is acknowledged of your planning communication:

Dated: 11 October 2021
Plans No: NYM 2020/0702/FL

Your communication has been dealt with as follows:

The proposals/plans should ensure that they demonstrate compliance with the requirement B5 of Schedule 1 to the Building Regulations 2010 (as amended), access and facilities for the fire service.

The majority of information we collect regarding business fire safety is non-personalised information, however any personal data we collect will be managed in accordance with our Privacy Notice which can be viewed on our website, www.northyorksfire.gov.uk/about-us/data/privacy-policies/.

Under the Regulatory Reform Order 2005 we are obliged to publish a public register of enforcement action which can be viewed via our website, www.northyorksfire.gov.uk/about-us/financial/lists-and-registers/.

Raithwaite Hall
New Lodges
Sandsend Road
Sandsend
Whitby
YO21 3ST

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www.northyorksfire.gov.uk

Should you require further information please contact the officer whose name appears at the head of the letter.

Yours faithfully

M Logan

From:
To:
Subject: Re: NYM/2020/0702/FL
Date: 16 October 2021 14:41:59

Dear Team

Further to earlier email, whilst the parish council cannot meet to discuss this planning application further, can the parish council ask if the previously submitted objections/comments can be taken into account when considering the application?

Regards

Victoria Pitts
Parish Clerk
Newholm cum Dunsley Parish Council
c/o Davison Farm, Egton, Whitby, YO21 1UA

Website: <https://newholmcumdunsleyparishcouncil.wordpress.com/>

On Fri, Oct 8, 2021 at 10:35 AM <planning@northyorkmoors.org.uk> wrote:

Reference: NYM/2020/0702/FL.

The North York Moors National Park Authority Planning Service welcomes public engagement in all aspects of its work. You have received this email in relation to a current planning matter. The attached correspondence contains important information which you are advised to retain for your records. If you have any queries, please do not hesitate to contact us. When replying it's best to quote our reference number, which is included in the attached letter.

The Authority is following Government advice concerning Covid-19 as such our working arrangements may change. We will ensure our letters and website are updated as and when required in order to provide our customers with the most up to date information.

Kind regards

Chris France

Chris France
Director of Planning
North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley, York YO62 5BP
Tel: 01439 772700
www.northyorkmoors.org.uk

From:
To:
Subject: Re: NYM/2020/0702/FL
Date: 16 October 2021 12:41:19

Dear Team

The parish council is unable to respond within the deadline time.

Regards

Victoria Pitts
Parish Clerk
Newholm cum Dunsley Parish Council
c/o Davison Farm, Egton, Whitby, YO21 1UA

From: Planning []

Sent: 09 September 2021 15:35

To:

Subject: New application post - NYM/2020/0702/FL - Raithwaite Estate, Sandsend Road,
Sandsend - Parish

From: Newholm cum Dunsley Parish Council Account

[

Sent: 03 September 2021 15:43

To: Planning

>

Subject: Re: NYM/2020/0702/FL

Dear Team

At the meeting of Newholm cum Dunsley Parish Council last night (2/9/21) the parish council Resolved to Object with the following comments made:

- The planning application is over development of the site, even more so when you take into context the overall development at Raithwaite Estate currently being undertaken
- The lodges are not in character or sympathetic to the surrounding environment
- There will be an increase in overall traffic movements that will have impacts to the current infrastructure in situ. The entrance/exit to the estate ,and hence the lodges, has in the past proven to be unstable and landslips have occurred. Additionally, the increase in volume of traffic to/from the Estate could have detrimental safety issues to traffic on the main A174. Whilst outside of the NYMNPA, access to the site and whether adequate still needs to be taken into consideration
- There are concerns regarding the loss of biodiversity due to the destruction of habitat
- Infrastructure impacts caused by increase of sewerage/drainage requirements and concerns whether this has been adequately provided for and will not detrimentally overload the current system in place
- The parish council would also like restrictive conditions to be placed on the lodges, if planning application is approved, to state that the usage is for holiday let purposes only and that they cannot be sold off as individual units

Thank you

Kind regards

Victoria Pitts

Parish Clerk

Newholm cum Dunsley Parish Council

c/o Davison Farm, Egton, Whitby, YO21 1UA



NORTH YORKSHIRE FIRE & RESCUE SERVICE

NYFRS Reference:

Scarborough Fire Station
North Marine Road
Scarborough
North Yorkshire
YO12 7EY

When telephoning please ask for: M Logan

16 August 2021

Dear Sir or Madam

Raithwaite Hall, 8 New Lodges, Sandsend Road, Sandsend, Whitby, YO21 3ST

FIRE SAFETY - COMMUNICATION WITH THE PLANNING AUTHORITY

Receipt is acknowledged of your planning communication:

Dated: 5 August 2021
Plans No: NYM/2020/0702/FL

Your communication has been dealt with as follows:

At this stage in the planning approval process the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority have no objection to the proposed development subject to the requirement B5 of Schedule 1 to the Building Regulations 2010 (as amended), access and facilities for the fire service will be met.

. The North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority.

Raithwaite Hall
8 New Lodges
Sandsend Road
Sandsend
Whitby
YO21 3ST

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Under the Regulatory Reform Order 2005 we are obliged to publish a public register of enforcement action which can be viewed via our website, www.northyorksfire.gov.uk/about-us/financial/lists-and-registers/.

Should you require further information please contact the officer whose name appears at the head of the letter.

Yours faithfully

M Logan

From:
To: [Planning](#)
Subject: Re: NYM/2020/0702/FL
Date: 14 August 2021 11:46:35

Dear Team

The parish council does not meet until the 2 September 2021, may we apply for extension to respond.

Regards

Victoria Pitts
Parish Clerk
Newholm cum Dunsley Parish Council
c/o Davison Farm, Egton, Whitby, YO21 1UA

Website: <https://newholmcumdunsleyparishcouncil.wordpress.com/>

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From:

Cc: [Planning](#)

Subject: NYM/2020/0702/FL - Raithwaite Estate

Date: 08 December 2020 10:12:32

Dear Ailsa

I have now appraised the updated Ecological Appraisal, which includes further information regarding the bat activity transects conducted through the year (May to August) and roost assessments of the trees identified as being of moderate potential for bat presence scheduled to be removed.

The Appraisal reports moderate to high level of bat activity across the site, but particularly focussed in the western woodland area (Woodland 1) close to Dunsley Beck, south east of the site close to the lake, rough grassland southwest of the application site boundary and along the eastern boundary where bats may have likely been attracted by high insect activity connected to the existing lighting infrastructure. The remote detectors (which were placed in different areas at different times of year which can influence results) nevertheless report peak activity and the greatest diversity of species from the locations within the western woodland, implying significant foraging and use of this area by a wide range of species.

Whilst the east facing parts of the site, particularly the small woodland clearing and open rough pasture, are already moderately open sites with and are likely to already be impacted to some degree by the existing lighting present on the developed parts of the hotel grounds to the east of the application area, it is notable that the western area is shielded by the existing landform (west facing) and moderately dense woodland canopy from excessive influence of the nearby developed area. The proposed opening up of this area, from the substantial felling needed to insert the woodland rooms, and the associated lighting is therefore likely to have a higher degree of impact on the bat populations utilising this part of the site than would be the case in the eastern facing areas which are already exposed to some degree of disturbance. The western woodland was also the only area that Leisler's bat, a relatively uncommon bat in this part of Yorkshire, was detected in three different remote recording locations.

Regarding the trees to be felled that have suitability for roosting bats, the ground based survey of these found no evidence of bats being present within the Potential Bat Roost Features. I feel it is useful to copy the following section from 6.1 of the Bat Conservation Trust survey guidelines (3rd edition, 2016);

“Due to these limitations and from what is known about the ecology of tree-roosting bats, it is arguable that all trees with bat roosting potential should be considered part of a resource that will be used at one time or another by tree-roosting bats in order to determine the extent of impacts. Survey work on individual trees may confirm presence but is unlikely to conclusively confirm absence.”

Despite the lack of known bat presence within these trees, this statement highlights the value of trees with such features to the wider bat population, which will by extension therefore be deleteriously affected by their loss. Features suitable for bat roosting in trees are only found in moderate to mature trees and thus new planting is unlikely to replace this habitat for many decades if not centuries to come. It is worth noting that not all of the species known to be present on site that roost or hibernate in trees, will utilise bat boxes for the same purpose, and so, whilst bat boxes will provide some level of mitigation, they cannot fully replace the value of the existing features. Should you be

mindful to approve the application, in addition to the provision of a range of bat boxes around the site, the measures set out by the Ecological Appraisal regarding resurveying for roosting bats prior to felling and using 'soft fell' methods will need to be conditioned to protect any bats that may begin to roost in the trees prior to works commencing.

Many thanks

Elsbeth

Elsbeth Ingleby MA_{Cantab} ACIEEM

Ecologist

North York Moors National Park Authority

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

From: Elspeth Ingleby
Sent: 09 November 2020 11:23
To: Ailsa Teasdale
Cc: Mark Antcliff; Elizabeth Clements
Subject: NYM/2020/0702/FL - Raithwaite Estate

Dear Ailsa

The Ecological Appraisal by Smeeden Foreman submitted with this application is in general comprehensive and appears to adequately identify the protected and notable species that may be affected by the development. It should be noted that bat surveys took place throughout the summer concluding in October 2020 and the final report of these activities has not yet been received, therefore it will not be possible at present to comment definitively on impacts on bats present. As European protected species, this additional bat information would need to be received prior to determination to enable potential impacts to be considered within the decision making process.

I visited the site on 16 October to enable me to assess the findings of the Ecological Appraisal against the context of the wider landscape. At the time of writing I have read through the comments and observations made by our Woodland Officer, which I fully support, and therefore will focus my comments specifically on the ecological implications of this development rather than looking at the wider policy context to avoid unnecessary duplication.

The Ecological Appraisal correctly identifies a number of Sites of Importance for Nature Conservation (SINC) in close proximity to the site which incorporate a range of woodland, coastal, grassland, scrub, riparian and Ancient woodland habitats. It is important to note that SINC status is not designated within National Parks, as it is felt that the National Park status itself infers that the habitats within it are of importance for nature conservation, and therefore the lack of SINC status for the application site does not mean that the habitats therein are felt to be of less importance than those within neighbouring SINC sites. The surveying Ecologist assessed the mature broadleaf woodland habitat as being of 'local to county value', which demonstrates that at least part of the site is of sufficient quality for SINC designation in its own right and therefore potential impacts should be assessed as such.

Woodland Area 1

The ground flora is variable across the site, and whilst relatively sparse in areas of denser conifer cover, it is extremely dense and lush in other locations and boasts a high coverage of Ancient Woodland (AW) indicator plants, particularly between Dunsley beck and the western gravel track and underneath the canopy of mature trees (such as T-25 to T-21, adjacent to the existing gravel access track). It is likely that the existing vegetation levels are already somewhat suppressed by the current recreational use of the site, with two large tarpaulin shelters erected in clearings boasting relatively little flora that would otherwise seem likely to boast dense ground flora based on neighbouring ground and light levels.

The target notes supplied as part of the Phase 1 habitats survey is not particularly helpful in highlighting areas of good and poor ground flora cover relative to proposed cabin locations. From my site visit to the site (admittedly at a poor time of year to assess ground flora of woodlands due to the likely absence of some species) I assessed that both woodland rooms 1 and 2 are located within areas of good ground flora cover that should not be considered 'relatively sparse' as asserted in the Ecological Appraisal. The potential loss of vegetation at these locations therefore from construction, shading and access could be considerable. The Ecological Appraisal correctly identifies an area of dominant dog's mercury (an AW indicator species) above woodland rooms 7 and 8 which is likely to be materially affected by the proposed access path between the two halves of the site. The steep nature of the ground at this point means that the proposed path will have to be significantly 'cut' into the ground in order to make it relatively usable by guests which will lead to disruption of surround tree roots (including the cat B trees T-16 and T-17) as well as causing soil and vegetation disturbance and changes in local drainage patterns.

In addition to the ground flora interest, this part of the woodland boasts a number of mature to veteran tree which hold high biodiversity value for bats, invertebrates, birds and fungi amongst others. Whilst a veteran ash has been identified (T25) and is due to remain, three mature trees of considerable biodiversity value (T-24 an ash, T-26 a sycamore and T-28 a beech) have been marked as 'U' and are due to be removed, which will lead to a loss of biodiversity. Whilst likely unsuitable for retention on a developed site where almost constant human presence is anticipated, it does not follow that these trees would not be appropriate for retention within a minimally used site such as at present, and would contribute an essential part of the local ecosystem through the natural decay process. These trees are also to be assessed for roosting bats and we await the results of those surveys. In addition a number of other trees are marked for removal or pruning to remove deadwood, which will further deplete this resource locally and adversely impact on biodiversity.

A number of birds were recorded as breeding within this area. Whilst those within the woodland area 1 are all relatively common and widespread species, a Mistle Thrush, which is red listed (of greatest concern), was recorded as breeding just outside the application area and is thus likely to be affected by works on the site. In addition the woodland both north and south of the application site along the west facing valley side produced numerous records of probable and possible breeders which could be impacted by increased disturbance from the application site.

A number of subsidence areas around Dunsley Beck both within and south of the application site also raise concerns regarding disruption of soils from the development, both through the construction works proposed and the removal of trees which are likely holding the soil together in part through their root systems. There is a reasonable risk that there will be an increase in soil erosion and run off into the beck as a result of this development whilst the associated reduction of tree cover and increase in ground shading under the lodges will lead to loss of vegetation, reducing natural barriers which help to protect soils from erosion during heavy rainfall events, which is very unlikely to be wholly mitigated by the use of sediment fencing during the period of construction works. In addition to the impact such erosion would have on the site itself, this could have adverse impacts on the water quality of the beck and of downstream habitats where increased sediment loads could impact on communities of aquatic invertebrates and fish. The aquatic habitats bordering the site and found downstream are not assessed in the Ecological Appraisal and so it is not possible to fully assess the communities present or how any increase in sediment run off may affect them.

The ecological geographical significance of the site in its wider setting, sitting as it does within a small predominantly wooded valley does not appear to have been considered within the Ecological Appraisal which is disappointing. Unfortunately the neighbouring woodland, including that across the stream and to the north of the site which looked broadly similar to the application site, plus the PAWS designated woodland to the south which looked potentially slightly poorer in present ecological value, has not been even broadly assessed to enable an appraisal of the significance of the site in a broader context and as part of a network. Whilst the site has merits in its own right due to the features as described above and in the Woodland Officers comments, this value is further elevated by its position within contiguous, largely undeveloped woodland habitat (much of it PAWS designated with some AW) that extends over 1.5km upstream and down to the coast, forming a wooded gill around Dunsley beck, typical of this area of the Yorkshire coast. Whilst a proportion of the downstream area of woodland (outside the NP) is due to be developed under an extant planning approval, this does not diminish the value of the application site and its importance in providing connected habitat through which species can move. Whilst some woodland cover is due to be retained under the proposals, it is not clear from the plans exactly how much can be retained, and from my own observations of the site which is predominantly steeply sloped, it is considered likely that a significant proportion of the trees would need to be cleared either for access or safety reason, which would intrinsically change the character of the site, the wildlife it would support and its value as a key connection between inland and coastal habitats. Any new planting would be unlikely to restore this character within the short and medium term, whilst the increased level of disturbance from the development would be likely to suppress the value of the site as a wildlife corridor.

Whilst the recommendations of the Ecological Appraisal regarding mitigating the impacts of the works are welcome and likely to reduce the level of impact in this area, I do not believe that they are sufficient to “mitigate any impact” as stated in the document. The development is likely to lead to the loss of a significant proportion of the existing woodland cover, ground flora and most biodiverse trees of woodland area 1, and could cause impacts on water quality, breeding birds and, potentially, bats which have not been sufficiently addressed by the recommendations of the Ecological Appraisal and therefore the development is likely to lead to a biodiversity net loss. (Nb whilst bats are known to be present on the site, and will therefore be affected by the development to some extent, the level of impact cannot be judged until all of the surveys have been reported)

Woodland Area 2

This area of woodland is evidently much younger in origin than woodland area 1, with mature trees restricted to the edges of the area. Ground flora is variable across the site, with more sparse vegetation between the dense stems of the young trees, but much more profuse in a small clearing coinciding broadly with proposed woodland rooms 9 and 10. This contains more developed ground flora including dominant sedge sp (most likely pendulous sedge, which is an Ancient woodland indicator plant often found in damp woodlands although definitive identification is more challenging when not in flower). Whilst this woodland area is likely of lower ecological significance compared to woodland area 1, it is contiguous with that area, meaning it is likely to develop further as the trees present mature and thin out, and it has relatively high potential to support breeding birds with the Ecological Appraisal recorded numerous species as probable breeders within this area.

Tree loss (by area) from the development in woodland area 2 will likely be lower than in woodland area 1, as the trees are younger, shorter and straighter, meaning fewer will need to be removed based on their fall risk (leaning or poor condition) close to cabins.

The land is also less steeply sloped meaning that modification of ground levels, and hence disturbance of root systems is likely to be lower. It is likely however that the area of greatest ground flora at present will be lost as this coincides with the proposed position of the two lodges sited in this area. It would also be reasonable to assume that the available habitat for bird breeding will be significantly reduced due to the reduction and fragmentation of the woodland area and the increase in disturbance caused by access, noise and lighting in an area that appears almost entirely undisturbed at present. I therefore believe that on balance the ecological impact of the development in this area is unlikely to be fully compensated by the proposed actions and a biodiversity net loss will likely result from the development.

Semi-improved Neutral Grassland

The clearing around the proposed woodland rooms 11 and 12 is identified as semi-improved although features apparent from my site visit indicates that this area is likely to have been managed as a garden area in the past which may explain the slight increase in fertility to a wholly unmanaged site. The area is recorded as being rich in herbs with a good variety of species, although it was notable late in the year that the sward is high due to its presumably unmanaged condition. It is also surrounded by dense invasive non-native shrub (rhododendron and laurel) which has the potential to encroach further on the grassland habitat without active management. It is probable that biodiversity of this area can be maintained or enhanced by a programme of more active management, including cutting of the sward annually and removing the arisings, and monitoring and preventing further encroachment. Mitigation for impact on grasslands that are not on unimproved soils and are of relatively recent origin can usually be achieved by translocation of turves and enhancing grasslands that are currently of lower biodiversity value to become species rich swards, and therefore the proposed actions for mitigating impact on this habitat by enhancing the nearby pasture are likely to be acceptable for maintain and enhancing biodiversity.

Introduced shrub

Dense cherry laurel and rhododendron sp are located in the east of the site. Whilst relatively unaffected by the proposed development, some trimming back of the edges is required to enable woodland rooms 11 and 12 to be inserted. Whilst of negligible biodiversity merit in and of themselves, being non-native and relatively invasive species, whilst rhododendron is known to chemically suppress other plants in addition to the excessive shade cast by both species which greatly reduces ground flora, when grown in thickets such as that present then they can provide good bird nesting habitat and several confirmed, probable and possible breeders were recorded in this area. Annual management by trimming back the edges of the thickets has the potential to improve their quality for bird breeding due to more effective screening and so no biodiversity impacts are expected from the modest trimming of the thickets proposed, provided works are timed to avoid bird breeding season and in accordance with the measures proposed in the appraisal.

Protected and notable species

Of the protected and notable species assessed, no specific constraints (except for the need to capture and remove slow worms from the clearing prior to works) have been identified although the degradation of site habitat is likely to negatively affect those identified as present, including badger, hedgehog, slow worm and breeding birds (note: impact on bats cannot yet be fully assessed). Whilst it is felt that the impact on slow worms is likely to be adequately mitigated for by the proposed removals, enhanced management of the remaining clearing and enhancement of the neighbouring pasture, as discussed above the impacts on the woodland habitats have not been adequately mitigated and therefore some impacts on all species using this habitat is anticipated

both during the construction phase and throughout the life of the development.

In conclusion, whilst the Ecological Appraisal is thorough in its approach, I do not believe the significance of the application site and its ecological value as part of a wider network of valuable species rich woodland has been fully considered, and therefore the actions as proposed are inadequate to mitigate against the likely biodiversity loss that will result from the development and no ecological gain has been demonstrated. Whilst green (sedum) roofs, bat and bird boxes and sensitive lighting are all welcome inclusions, they can in no way mitigate for the loss of ecological structure, loss of trees and indigenous native flora, degradation of habitat connectivity and resilience of valuable neighbouring habitats, and loss of foraging opportunities all inherent within the proposals. Given the scale and extent of the proposed development within the site, it is extremely unlikely that sufficient mitigation and compensation would be possible within the application site itself.

Please note that, as previously mentioned, the above assessment does not take into account potential impacts on bats species as a report on all of the bat surveys carried out on the site has not yet been supplied. I will therefore need to assess this separately as and when this is supplied. If Planning is minded to approve this application, then further consideration will need to be given to conditions and a scheme of off-site mitigation to ensure that an adequate biodiversity net gain is secured.

Kind regards

Elsbeth

Elsbeth Ingleby MA_{Cantab} ACIEEM

Ecologist

North York Moors National Park Authority

From: Mark Antcliff
Sent: 04 November 2020 10:25
To: Ailsa Teasdale
Cc: Elspeth Ingleby; Elizabeth Clements
Subject: NYM/2020/0702/FL - Raithwaite Estate

Ailsa

NYM/2020/0702/FL - Raithwaite Estate

Having carried out a site visit on the 16 October I would like to make the following observations and comments. My text is black, policy wording is green italic and application wording is blue italic

1. Description

The development site comprises approximately 0.88 ha of which 0.71 ha is woodland and divided by the applicant on the basis of character and previous management into Woodland Areas W1 (approx. 0.45 ha) and W2 (approx. 0.26 ha). There is a further area of open grassland (approx. 0.17 ha). All measurements made by myself are approximate as the supplied plans cannot be automatically scaled with our software.

All W1 and a small section of W2 are recorded as Section 3 Woodland

W1 and W2 are recorded as priority habitats (Section 41 Habitats of principle importance: broadleaved woodland)

Neither area are recorded as ancient woodland on Natural England's Inventory. Woodland 20m to the south west of W1 is recorded as plantation on ancient woodland site (Raithwaite Plantation). There are fragments of ancient semi-natural woodland 170 m to the north east. There is also a SINC to the north east.

First Edition OS 1849 maps show the site as open while a series of later maps from 1894 show W1 as mixed woodland with W2 as formal planting – potentially garden, parkland or orchard.

Based on the maps, current vegetation and landform my assessment would be that W1 may well have had a break in tree cover but the soils, especially towards the beck are unlikely to have been modified to any great degree allowing components of ancient woodland to persist or recolonise once tree cover replaced. There is a distinct physical boundary between W1 and W2 and so I expect this area to have had greater change in the past through grazing or gardening.

The ecological appraisal submitted describes W1 as "*mature woodland of local to county value*".

Tree species include ash, sycamore, larch and alder with a fairly sparse understorey of regenerating canopy species along with holly, hazel and elder. The ground flora is diverse and characteristic of long established woodland and includes ancient woodland indicator species such as dog's mercury, wild garlic, wood sorrel and bluebell. The report correctly identifies that the ground flora is in parts suppressed by the shade and needle fall from a coniferous over storey of larch.

W2 is an area of younger planted and naturally regenerated trees and shrubs. This is described in the report as a habitat derived from semi-improved grassland and is stated to be of lower ecological value than the mature woodland (W1) area although a wide range of woodland and non-woodland plants are to be found.

W1 contains a number of over mature broadleaved trees one of which the tree report records as veteran. There are good levels of standing and fallen deadwood. The larch over storey contains frequent leaning trees.

The ecological significance of the area is increased by its attachment to a complex of woodlands within the valley that include a number of fragments of ancient woodland sites and other woodlands of high ecological value.

From an initial inspection the adjacent ancient woodland site appears to be very similar to W1, and may actually be in poorer ecological condition due to the abundance of Rhododendron. Any variation between W1 and the ancient woodland would need to be verified by detailed survey in spring or summer.

Please refer to the Authority ecologist's comments for a more detailed assessment of ecological considerations.

Currently there appears to be limited woodland management activity but the site is being used for organised recreational activities including archery. There are a number of cloth shelters installed to provide cover for activities. There is a further shelter just outside the site that is located within the ancient woodland area. These shelters appear to have been in place for some time.

There is a part stoned path into W1 suited to quad bike or compact tractor access and a number of other unsurfaced paths.

2. Direct impacts of development

1. Buildings: 12 lodges are proposed within 8 units. The application states that each lodge is 30m² which may be usable interior space. The external dimensions including decking (but not paths or walkways) are approximately 60m². The minimum total footprint is therefore 720m² (approximately 10% of wooded area). The lodges will cast permanent shade and disrupt rainfall which will lead to loss of current woodland vegetation in an area at least the size of their footprint. There will be some disturbance from operating the tracked piling rig especially likely on the steeper slopes.
2. Access routes: There are approximately 400m of new or upgraded paths/tracks proposed. A proportion of these will need to be upgraded to each lodge to allow for construction vehicles to reach each lodge site. A flat bed lorry and telescopic handler is to be used and none of the existing access appears appropriate for such equipment. The typical cross section of upgraded track gives a running width of 3.5 m with a nominal clearance either side of 2m that will also

accommodate any batter. The example shown is set on a flat site, however the development site is sloping with some sections of severe side slope. To accommodate the required width there will need to be cut and fill which will lead to soil level change and disturbance that will effect both trees and existing ground flora. This disturbance has not been quantified in the application but the effected width will be in excess of the 7.5m working width in places. The new footways will also need to have shallow cross falls and so the same constraints will apply although the width will be less. In addition machinery will inevitably have to manoeuvre off the tracks during the construction phase which will cause further disturbance. If the 400m of new and upgraded routes averaged 7.5m disturbance width this would account for 3000m² of disturbance (>40% of wooded area). A further consideration will be that of soil type. If the soils are formed on drift deposits then their stability will need to be taken into account.

3. Services: All development is within the root protection areas of existing trees. The proposal states that these will be in part be under the main access routes as these are already disturbed, this is unlikely to be the case as the routes have light use only and excavation will likely effect roots. Hand digging is also suggested for the woodland areas which is the correct approach unless trenchless methods can be used. However, to carry out all the underground service construction by hand will be a significant undertaking and will still cause some disturbance to roots and ground flora.
4. Tree Removals: There will be a significant number of trees removed to facilitate construction. This includes a number specified in the arboricultural report plus an unspecified number of trees to facilitate construction, and any trees in poor condition within falling distance of lodges or paths. Given the distribution of lodges and paths this will be a unquantified but significant proportion of the trees present. Trees of "poor condition" could include those with the greatest habitat value. Of the trees that are specifically scheduled for works 13 have deadwood habitats associated with them and are proposed for felling or the removal of major deadwood.

3. Potential further impacts of development

In addition to the works outlined above the following impacts should be considered once the development is in operation:

1. Increased noise and human activity (currently limited and changing to near continuous occupation)
2. Lighting (currently close to none and changing to fixed, vehicular and personal sources)
3. Trampling (currently limited changing to potentially high unless access restricted to lodges and access routes)
4. Further tree removals in response to health and safety considerations (currently targets are infrequent, mobile and can be easily excluded from risk zones. Residents will be present at all times in fixed locations)
5. Increased recreational pressure through increased visitor numbers
6. Displacement of organised and other recreational activities from the site to other woodland areas (including potentially the adjacent ancient woodland site)
7. Phytophthora disease of larch. The nearest site is Gilling East, some way to the south but the disease is still generally progressing across the country. The presence of larch and rhododendron combined with high visitor numbers does represent a slight risk. An infection would result in all larch trees and rhododendron within a specified area having to be removed under a plant health notice

8. Ash dieback disease – already present and likely to lead to additional tree removals

4. Policy Considerations

The application will need to be judged against UE1. Policy UE2 is not applicable as it does not qualify as small scale due to the pre-existing or planned units on the complex that this application forms part of. Para 4.33 of the planning statement states there is no development on the site but for the purposes of this policy the existing business or site service centre (and area it serves) should be the reference point and not an area of open countryside adjacent to it. Para 5.12 states - *The policy refers to 'small scale' developments. Scale may vary according to the type of accommodation and the sensitivity of its location. Small scale is intended to mean development (when considered cumulatively with any existing development) that conserves the natural beauty, wildlife and cultural heritage of the National Park. As a guide, sites comprising no more than 12 units (including any existing units) are likely to be considered small in scale.*

UE1 states - *In Open Countryside where it involves a small scale conversion and/or extension of an existing building of architectural or historic interest, or where it complies with Policy UE2. In exceptional circumstances new build development may be permitted in the Open Countryside where:*

- a) *The proposal is for the expansion or diversification of an existing tourism or recreation business;*
 - b) *The proposed development is functionally dependent and subservient in scale to the existing business; and*
 - c) *It has been demonstrated that the proposed development cannot be accommodated in an existing building, or*
3. *Proposals are part of a Whole Estate Plan that has been approved by the National Park Authority.*

this application should be considered under the exceptional circumstances clause.

Relevant strategic policies

Strategic Policy A - Achieving National Park Purposes and Sustainable Development Within the North York Moors National Park a positive approach to new development will be taken, in line with the presumption in favour of sustainable development set out in the National Planning Policy Framework and where decisions are consistent with National Park statutory purposes:

1. *To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park;*

Where there is an irreconcilable conflict between the statutory purposes the Sandford Principle will be applied and greater weight will be attached to the first purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park.

Sustainable development means development which:

- 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;*

g) Does not reduce the quality of soil, air and water in and around the National Park.

In respect of d) the planning statement states - *The Ecological Appraisal details recommendations for the protection of habitats of ecological value and wildlife enhancement. The use of green roofs aims to mitigate against any ecological losses resulting from the proposal.*

In summary the ecological appraisal recommends the following mitigation in respect of the woodland areas (Para 5.2.1):

- Felling of sycamore and larch with replacement tree and shrub planting
- Retention of standing deadwood where it is safe to do so
- Creation of log piles with felled material
- Removal of non-native shrubs
- Monitoring
- Installation of bird and bat boxes

These measures will only provide partial mitigation against some of the impacts however there will be a loss of biodiversity through reduced tree cover, loss or disturbance of woodland vegetation, reduced standing deadwood and loss of other habitats along with further potential impacts as outlined in 3 above. The replacement of mature trees with new planting will take decades to provide the same benefits. Within the development area non-native shrubs are at low density and therefore any removals will have limited impact.

The use of green roofs will not mitigate the loss of existing woodland flora in quality or magnitude.

In respect of protection and enhancement Para 5.2.4 adds the following:

In order to protect habitats of ecological value present and ensure that the proposed development provides enhancement to wildlife, the following is recommended:

- *Use of temporary protective demarcation fencing to protect retained areas/features. The fencing must be in accordance with BS5837:2012 'Trees in Relation to Design, Demolition and Construction', extend outside the canopy of the retained trees, and remain in position until construction is complete;*
- *Use of sediment fencing to the western boundary of the site during construction works to protect the Dunsley Beck adjacent to the west from pollution. The adoption of pollution prevention methods in regards to construction machinery;*
- *Use of directional lighting during construction, which will not shine upon the site boundaries, hedgerows or trees within the site;*
- *Implementation of a sympathetic lighting scheme within the proposals that minimises illumination of the woodland habitat and the adjacent Dunsley Beck. Lighting to be used will be sympathetic to the habitats and light sensitive species such as bats; this would include light bollards along walkways, with lighting directed down towards the path to avoid illumination of the Ecological Appraisal Raithwaite Estate – Woodland Rooms 26 SF3014 surrounding woodland habitat and low level floor lights and wall mounted down lights to be used in association with the buildings, with lighting directed towards, rather than away from the buildings. Refer to paragraph 5.3.8 for further detail. Reference should be made to the document published by the Bat Conservation Trust and the Institute of Lighting Professionals 'Bats and artificial lighting in the UK' (2018);*
- *The creation of a reptile hibernacula within unaffected areas of grassland to the south.*

This should be constructed in order to provide suitable hibernation habitat for slow worm and include a slope which can be used as a basking bank; and, · The installation of appropriate bird nesting boxes and bat boxes for the species identified on site during species specific surveys undertaken.

No tree protection plan has been submitted and the tree constraints plan only marks a selection of trees. Unless the tree removals are extensive and include all those whose Root Protection Areas (RPA) impinge on the works area fencing of the site to protect RPA's and other features in line with BS 5837 will be impractical.

Given the proximity of the development to the beck and the sensitivity of the riparian zone the reliance on silt fencing is of concern. The installation of this fencing and the removal of silt collected could in itself be damaging to the most diverse area of the site. It also implies that there will be sufficient disturbance of the site upslope to generate sediment carrying runoff.

The effectiveness of the lighting proposals, the hibernacular and bird/bat boxes in respect of maintaining and enhancing the effected species will need to be assessed by the Authority's ecologist.

These measures also afford partial mitigation but will provide no enhancement from current status as claimed.

Strategic Policy E - The Natural Environment

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:

2. Demonstrate, where appropriate, how it makes a positive contribution to natural capital and its ability to provide ecosystem services.

The planning statement states in Para 4.44 - *The woodland rooms will be supported by the existing infrastructure and are raised on bespoke micro pile foundations to avoid traditional foundations and minimise any potential lasting detriment to the natural environment, consistent with National Park policy.*

4.3 The moorland, farmland, woodland and coastal environments of the National Park provide many different ecosystem services. The Authority's Management Plan identifies the ecosystem services that the National Park provides. The intention is that all development should consider how it can contribute to increasing the benefits that flow from ecosystem services. Where appropriate the Authority will therefore seek to secure additional environmental benefits in connection with new development.

As outlined above there will be impacts on the natural environment and no positive contribution to natural capital or environmental benefits has been demonstrated.

Strategic Policy G - Landscape

The high quality, diverse and distinctive landscapes of the North York Moors will be conserved and enhanced.

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.

W1 is correctly defined as Section 3 Woodland and is currently undeveloped. There is a proposed change to permanent accommodation buildings and access infrastructure along with vegetation change and some alteration to landform through track works. The development will have an adverse effect on the landscape features of the site and the landscape character of the site that cannot be mitigated.

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;*

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: 57

- 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 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.

4. 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.

4.22 The importance of connections between Priority and other valuable habitats is recognised in the Authority's Management Plan and it is a strategic priority for the Authority to establish and improve effective wildlife networks. Features of ecological value are found throughout the National Park – woods, trees, hedgerows, heathland, rivers, ponds, wetlands, wild flower grasslands and roadside verges can all support important wildlife populations. Opportunities will be sought to restore or re-create

valuable features and habitats and enhance the linkages between them.

4.24 In line with the Government's proposed approach to increasing biodiversity resources Strategic Policy H requires an element of 'net gain' in biodiversity to be delivered through new development.

4.26 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

4.27 All proposals will be expected to incorporate appropriate mitigation measures on site to minimise any unavoidable harm to wildlife and ecological or geological assets. 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.

4.30 Where a proposal may affect a nationally designated Site of Special Scientific Interest or a regional or local site of particular value, a survey and impact assessment will be required. If the assessment concludes that, despite all suitable mitigation measures having been incorporated, the proposal would harm the protected interest, development will only be permitted if the wider sustainability benefits of the development clearly outweigh the harm to the protected interest.

In respect of this policy the planning statement states in Para 4.46 - [The Ecological Appraisal demonstrates that harm will be avoided and should the potential of harm exist, precautionary working methods, appropriate mitigation measures and further surveys are recommended.](#)

The applicant has failed to demonstrate the maintenance or enhancement of ecological features or any net gain in biodiversity. The site buffers, extends and connects existing priority habitats and therefore if degraded will reduce the resilience of those habitats.

In Para 5.2.1 The ecological appraisal states - [Broadleaf woodland habitat on site is considered to be of local - county value, with the ground flora recorded being indicative of mature woodland habitat including species such as dog's mercury, bluebell, primrose and wild garlic.](#)

In respect of 3 above the site would qualify as "other valuable habitat" as it is not formally designated as a county level habitat. It is designated as Section 3 Woodland and as Section 41 Habitats of principle importance: broadleaved woodland. The appraisal notes that the site is not part of the nearby SINC but given that these designations are not applied within the National Park it should be established as to whether the site is of comparable value.

It is acknowledged that larch forms a significant proportion of the canopy and this has reduced the abundance of some species in the ground flora in some areas. However, the site has not been significantly degraded and is not considered to be in a declining ecological condition. For cases on plantations on ancient woodland sites planning inspectors have taken the view that the potential of the site is a material consideration, and this reasoning should be applied to other woodlands of ecological value.

As no biodiversity net gain has been demonstrated and mitigation is only partial, consideration may need to be given to the appropriateness of compensatory measures outside of the site. No such measures have been detailed in the application.

In respect of the ancient woodland 20m from the site boundary Para 5.1.3 recommends fencing is installed along this boundary along with signage to demarcate an ancient woodland protection area. This recommendation demonstrates the need to exclude access from the development to these woodlands to avoid impacts. The applicant will need to confirm if exclusion of visitors from this area is to be enforced and demonstrate how this will be achieved long term. The ancient woodland appears to be used at present and there is a shelter currently erected.

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.

4.31 Trees, woodland and hedgerows are integral to the character of the National Park and form an important element of the landscape, providing valuable habitats for wildlife as well as delivering environmental benefits such as carbon storage, flood risk management and opportunities for recreation. There will be a presumption in favour of the retention of all trees and hedgerows of value and in considering development proposals the Authority will look at the ecological, visual, amenity and landscape value of existing trees and hedgerows on site.

4.32 . Where the loss of particular features cannot be avoided and is justified by wider sustainability benefits, the Authority will require replacement planting on site, normally using native species, which provides a net biodiversity and amenity gain.

The arboricultural survey sets out the following tree works to be carried out:

- Removal of a specified number of identified and mapped trees. This includes several BS category B trees and specimens of biodiversity value.
- Removal of an unspecified number of trees to facilitate the development including any leaning trees or trees in poor condition within falling distance of the lodge site.
- Removal of major deadwood in crowns of trees to be retained.

Overall tree removals are not quantified and elsewhere in the application documents tree retention is recommended as being “where feasible”. A detailed tree condition assessment is proposed prior to works starting.

A significant number of mature and semi mature trees will be removed at the outset of the development. There will continue to be pressure for the removal of trees on health and safety grounds. Some of this pressure already exists but the introduction of increased number and permanency of targets increases this significantly. The impact of

wind on retained trees once the initial trees have been removed does not appear to have been considered.

One veteran ash tree (T25) has been identified and this is recommended for retention with lodges having been sited away from it. However the main access track is within the canopy spread and therefore its long term retention is questionable. Veteran trees are considered irreplaceable.

Further tree loss is also to be expected from the progression of ash dieback disease and Phytophthora in larch although the latter is considered to be a significantly lower risk both in terms of likelihood of occurrence and impact on ecological considerations.

Mitigation for the tree removals is covered by Para 6.4.1 of the survey - *The removal of trees will be mitigated with replacement tree planting. New planting will diversify the range of tree species on site and provide a sustainable long term population of better quality trees. Appropriate species selection will take account of the mature tree sizes and existing available space and site conditions. This will ensure new tree planting will successfully establish and will have sufficient space (above and below ground) and light requirements to attain a full term healthy life.*

Tree replacement by new planting can only be considered as partial mitigation for the removal of mature trees. In addition there will be no scope for replanting within the footprint of the lodges and new/upgraded access routes. Within most of the development area trees will not be able to reach their full ecological potential as features associated with biological maturity are not compatible with the proposed use of the site. As evidenced by the planned tree works and removal of trees in "poor condition"

5. Summary

The application as submitted does not comply with a number of policies in the local plan and should be refused unless there are other overriding benefits against other policies.

The impacts on the site have not been fully quantified, particularly in respect of the construction or upgrading of the various access routes and the realistic retention of tree cover in the short to medium term. The access route work is of particular concern given the site landform and the indicative nature of the supplied plans. The impact on adjacent woodland including the ancient woodland area to the south needs clarification.

The site is of ecological value and the level of disturbance to the site through the construction phase alone will result in a biodiversity loss that cannot be fully mitigated. On the basis of the information provided in excess of 50% of the site area could be affected by loss of vegetation, soil disturbance, and shading.

If consent is to be given I would request that additional mitigation and compensation measures are agreed prior to determination as well as clarification over the points above. There is limited scope for compensatory works within the site but it appears from initial inspection that the ancient woodland to the south of the site is in unfavourable declining condition. There may be scope to improve this through the eradication of invasive non-native species and restrictions on damaging recreational activities. This might be used to establish a clear biodiversity net gain. A similar approach was taken with the Grinkle Park development where works in 18 hectares of off-site ancient woodland formed part of a section 106 agreement. The Grinkle park development should not be used as a direct comparison however as here the actual development

works were moved outside the areas of ecological interest and the woodland directly affected was of lower biodiversity value than those at Raithwaite.

I am concerned that allowing this development we will be setting a precedent for development in woodlands of significant quality. This would probably be the highest quality woodland that we have consented to this type of development in, being comparable or better than many ancient woodland sites within the National Park.

Mark Antcliff
Woodland Officer
North York Moors National Park Authority

From:
To: [Planning](#)
Subject: RE: NYM/2020/0702/FL
Date: 13 October 2020 16:51:30

Dear Sir or Madam,

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

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

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

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

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

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

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

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

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

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

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

Yours faithfully,

Inez Hein

Technical Support Officer & Assistant Woodland Officer- Yorkshire and North East
Forestry Commission England
Foss House, Kings Pool
1-2 Peasholme Green
York
YO1 7PX

Following the [government's guidance issued about the Coronavirus \(COVID-19\) outbreak](#), I am working from home during normal working hours, Monday to Wednesday in my TSO role and Wednesday to Friday as an Assistant Woodland Officer. You can contact me by email or on my mobile.

Most Forestry Commission offices are currently closed for the safety of our staff but where they have opened, they are not open to the public and they have a limited capacity, so please continue to contact us by email. You can find out about our current working arrangements on [GOV.UK](#).

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

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

A summary of Government policy on ancient woodland

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

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

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

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

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

This Guidance supports the implementation and interpretation of the National Planning Policy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Importance and Designation of Ancient and Native Woodland

Ancient Semi Natural Woodland (ASNW)

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

Plantations on Ancient Woodland Site (PAWS)

Woodlands derived from past planting, but on sites known to be continuously wooded in one form or another since at least AD 1600. They can be replanted with conifer and broadleaved trees and can retain ancient woodland features, such as undisturbed soil, ground flora and fungi. Very old PAWS composed of native species can have characteristics of ASNW. Ancient Woodland sites (including PAWS) are on Natural England's Inventory of Ancient Woodland.

Other Semi-Natural Woodland (OSNW)

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

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

Information Tools – The Ancient Woodland Inventory

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

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

Further Guidance

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

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

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



**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**

Application No: **NYM20/702/FL**

Proposed Development: erection of 8 no. single storey lodges to provide 12 no. woodland rooms ancillary to existing Hotel with associated linkage paths

Location: Raithwaite Estate, Sandsend Road, Sandsend

Applicant: Raithwaite Trading Company Limited

CH Ref: **Case Officer:** Ged Lyth

Area Ref: 4/37/58V **Tel:**

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

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

Date: 16 October 2020

FAO: Ailsa Teasdale **Copies to:**

On the clear understanding that this application will be conditioned to remain ancillary to the main estate, there are **no local highway authority objections** to the proposed development.

Signed: <p style="text-align: center;">Ged Lyth</p> <p><i>For Corporate Director for Business and Environmental Services</i></p>	Issued by: Whitby Highways Office Discovery Way Whitby North Yorkshire YO22 4PZ e-mail:
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**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Page 2 of 2

Application No:

NYM20/702/FL

From:

Subject: Comments on NYM/2020/0702/FL - Case Officer Mrs Ailsa Teasdale - Received from Mr D Baker at Scarborough Borough Council, Town Hall, St Nicholas Street, Scarborough, YO11 2HG

Date: 08 October 2020 08:38:07

I confirm i have no objections to this proposal on Environmental Health grounds.

Comments made by Mr D Baker of Scarborough Borough Council, Town Hall, St Nicholas Street, Scarborough, YO11 2HG

Preferred Method of Contact is Email

Comment Type is No objection



NORTH YORKSHIRE FIRE & RESCUE SERVICE

NYFRS Reference:

Premises: 00307855
Job: 1212193

Scarborough Fire Station
North Marine Road
Scarborough
North Yorkshire
YO12 7EY

When telephoning please ask for: J Butterfield

01 October 2020

Dear Sir or Madam

Raithwaite Estates, Raithwaite Hall Hotel, Sandsend Road, Sandsend, Whitby, YO21 3ST

FIRE SAFETY - COMMUNICATION WITH THE PLANNING AUTHORITY

Receipt is acknowledged of your planning communication:

Dated: 23 September 2020
Ref No: NYM/2020/0702/FL

Your communication has been dealt with as follows:

At this stage in the planning approval process the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority have no objection/observation to the proposed development. The North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority.

The majority of information we collect regarding business fire safety is non-personalised information, however any personal data we collect will be managed in accordance with our Privacy Notice which can be viewed on our website, www.northyorksfire.gov.uk/about-us/yourdata.

Under the Regulatory Reform Order 2005 we are obliged to publish a public register of enforcement action which can be viewed via our website, www.northyorksfire.gov.uk/about-us/key-documents/links-registers.

Raithwaite Estates
Raithwaite Hall Hotel
Sandsend Road
Sandsend
Whitby
YO21 3ST

Sprinklers Save Lives, Sprinklers Save Lives, Sprinklers Save Lives, Sprinklers Save Lives, Sprinklers Save Lives

www.northyorksfire.gov.uk

Should you require further information please contact the officer whose name appears at the head of the letter.

Yours faithfully

J Butterfield

From:
To: [Planning](#)
Subject: Re: NYM/2020/0702/FL
Date: 23 September 2020 14:37:39

Dear Team

Unfortunately the parish council is unable to respond to this application due to timeline with next meeting in December,

Regards

Victoria Pitts
Parish Clerk

Our Ref: 410-1-2020
Your Ref: NYM/2020/0702/FL
Date: 25 September 2020



Mrs Ailsa Teasdale
The Old Vicarage
Bondgate
Helmsley
North Yorkshire
YO62 5BP

Dear Ailsa,

Proposal **Application for erection of 8 no. single storey lodges to provide 12 no. woodland rooms ancillary to existing Hotel with associated linkage paths**

Location **Raithwaite Estate Sandsend Road Sandsend**

Thank you for giving North Yorkshire Police the opportunity to comment on this planning application. In relation to designing out crime, having reviewed the documents submitted, it is pleasing to note that the Design & Access Statement has taken into consideration safety and security for the site. I have no further comments to make regarding the proposal.

If I can be of further assistance, do not hesitate to contact me.

Yours sincerely,

Mr Richard Ball, MPlan
Designing out Crime Officer