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Your Ref: NYM/2021/0351/OU
Our Ref: APP/W9500/W/22/3301450

Mrs Wendy Strangeway
North York Moors National Park Authority
Development Control Support Officer
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

24 October 2022

Dear Mrs Strangeway,

Town and Country Planning Act 1990
Appeal by SIW Properties
Site Address: Land west of Highfield, Sled Gates, Fylingthorpe, North Yorkshire,
YO22 4TZ

I enclose for your information a copy of the appellant's final comments on the above appeal(s). Normally, no further comments, from any party, will now be taken into consideration.

Yours sincerely,

Tina Gozra
Tina Gozra

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From: Alistair Flatman
Sent: 19 October 2022 16:17
To: West 3
Subject: Re: Planning Inspectorate APP/W9500/W/22/3301450: Land west of Highfield, YO22 4TZ

Dear Sir / Madam

Thank you for your email dated 7 October 2022 enclosing the LPA Statement of Case and 3rd Party Representations in respect of the above appeal.

The Appellant and the appointed technical team have reviewed the Statement and letters submitted. The appellant has every confidence in the professional team appointed in terms of expertise, competency and the quality of the Appeal Statements submitted. Whilst the Appellant's case is clearly set out in the submitted Appeal Statements we would wish to make the following comments.

In respect of highways, the case presented in the Appeal Statement is robust and clearly addresses the reason for refusal. The photos submitted with the 3rd party representations are noted - these show cars travelling down the centre of the road past parked cars near to / opposite the site. As such cars are travelling with care (at lower speeds as evidenced in the appellant's case) and will clearly be visible to future occupants leaving the site.

In respect of principle, we re-iterate the case presented in the Appeal Statement of Case, the policies of the Local Plan encourage and support delivery of new homes in settlements such as Fylingthorpe (to maintain sustainable communities). This is the only deliverable site in the village and is therefore critical in meeting housing supply position. The reasons for refusal relating to highways and ecology are not so significant or demonstrably harmful to outweigh the need / importance of delivering new housing in the settlement as encouraged by national and local planning policy.

Finally, in respect of ecology and the hedgerow (including its translocation), detailed comments have been prepared by FPCR - these are copied below:

Appeal by SIW Properties Planning Ref: NYM/2021/0351/OU

Thank you for forwarding the LPA Statement and 3rd Party Representations.

Comments relate to North Yorkshire Moors National Park Authority Statement and written representations by Mr R McGovern and Dr T. Reed.

1. NYMNP Authority Statement

The Authorities case with regard to hedges is set out at Paragraphs 6.10-6.15 of its Statement. Overall this appears to largely reiterate matters raised as part of the second reason for refusal. The Appellant Ecology Statement has responded in detail on all matters raised regarding the status of the hedge, legislative framework and planning policy guidance (Section 2-4 of Appellants Ecological Statement refers).

2. Third Party Representations

Previous representations by Mr McGovern and Dr Reed similarly refer to an alleged lack of ecological supporting information, reliance on out-of-date survey information, and the validity of surveys provided in support of the application. These have been responded to in detail at Section 2.0 of the Appellants Ecological Statement of Case.

Dr Reed does not include any comment with regard to BS42020 on the need to also consider proportionality (Section 5.5 onwards) in the process of determining survey effort. This requires that the work involved preparing and implementing ecological surveys, impact assessment and measures in mitigation compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development (that information is also presented in the Appellants Ecology Statement (Sections 2 Ecological Evaluation & 3 Effects of Appeal Proposals). Information obtained pertaining to the site has been sufficient to understand the effects of development (this information has included the work of three separate ecologists obtained over several seasons, MBE, FPCR and Dr Reed). The Authority has not questioned the need for additional ecological surveys nor the validity of surveys prepared in support of the application.

Botanical and preliminary protected species surveys completed in March 2022 confirmed that the site overall has limited nature conservation value with no protected or priority faunal species present that was wholly reliant on the site. The work was completed by a team of experienced ecologists with complimentary expertise from FPCR including the author of the Appellants Appeal Statement. The information obtained for the Ecological Appraisal was compiled by Mrs Sharleen Hanlon Senior Ecologist, with input from Andrew Brennan Associate Director and Dr Mansfield, Director.

Both Mr McGovern and Dr Reed have questioned the practical expertise of FPCR to translocate the frontage hedge suggesting that claims made in regard to the translocation of the hedge are unsupported. The Appellants Ecology Appeal Statement at Section 3.9-3.14 Hedge translocation FPCR expertise and experience presents FPCR's and the author's experience of translocating numerous hedges including one example of 2776m of conservation grade hedges successfully translocated. Our track record is established and the number of successful translocations speak for themselves. This is an tried and tested approach which the company specialise in and has been adopted as a means of retaining valued hedges where it is not feasible to retain in their original alignments.

Therefore as indicated in Section 5.9 of the Conclusions of the Appellants Ecology Statement in light of the findings of the Translocation Report and the methodology to be implemented, it remains our professional opinion that the hedge can reasonably be translocated and therefore impacts to this hedgerow does not warrant a reason to refuse the planning application. Objections made by Mr McGovern and Dr Reed do not highlight any additional concerns that have not already been considered in the Appellants Ecology Statement.

Dr Suzanne M. Mansfield MCIEEM CMLI | Director

BSc(Hons) Ph.D

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assessment ■ landscape ■ ecology ■ architecture ■ arboriculture

In light of the above, and as set out in the Appellant's Statement of Case, we feel there are clear planning grounds to support the proposal and respectfully ask the Inspector to allow the appeal and grant outline planning permission.

yours faithfully

Alistair

Alistair Flatman (MRTP)

Director

Alistair Flatman Planning