

PLANNING SUPPORTING STATEMENT

NYMNP

02/03/2023

At: Land at rear of Old Blacksmiths,
High Hawsker

Cheryl **Ward**
Planning

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Table of revisions

Rev/version no.	Date	Amendment details	Revision prepared by
V2	21 Feb 2023	W2 Property Design amends	CWP
V3	23 Feb 2023	Client amends	CWP
V4	23 Feb 2023	Client final amends	CWP

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1.0 Introduction

- 1.1 Acting upon the request of the applicant Cheryl Ward Planning has been instructed to submit a planning application in relation to the area outlined in red on the attached location plan at Land at rear of Blacksmiths, High Hawsker, Whitby, YO22 4LG.
- 1.2 The applicant has instructed reconfiguration of the site to provide parking and amenity spaces for proposed and existing dwellings and construction of 2 no. local occupancy dwellings together with landscaping works.
- 1.3 The application is a full planning application under the Town and Country Planning Act 1990 and specifies all the necessary information needed to make an informed decision.
- 1.4 The accompanying plans are prepared by W2 Property Design and identify the site, the location and what is being proposed reflecting the highest standard of design.
- 1.5 The LPA have confirmed during pre-application engagement that that a modest residential development in this location would be in keeping with the form and character of the village.
- 1.6 This Statement is prepared by Cheryl Ward Planning who holds an MSc in Town Planning and is a Chartered Member of the Royal Town Planning Institute (RTPI) and associated ICN and PERN networks.

2.0 National Park Purposes and Duty

- 2.1 The North York Moors National Park was formally designated in 1952 under the National Parks and Access to the Countryside Act 1949. The two key purposes are to:
 1. **Conserve and enhance the natural beauty, wildlife and cultural heritage of the North York Moors National Park.**
 2. **Promote opportunities for the understanding and enjoyment of the special qualities of the National Park.**
 3. **Whilst achieving the above, seek to foster the economic and social wellbeing of local communities.**

- 2.2 In addition, The English National Parks and Broads Circular 2010 provides useful guidance on National Parks in general terms. This circular was produced by the Department for the Environment, Food and Rural Affairs (DEFRA) and sets out the government’s vision for National Parks. The most relevant section is Section 4 covering National Park statutory purposes, climate change, securing a diverse and healthy natural environment and maintaining vibrant, healthy and productive living and working communities.

Purpose of Statement

- 2.3 The statement is to be read and fully considered as a supporting document in conjunction with the accompanying planning application. Its aim is to assist those assessing the application to understand the design and access rationale. In summary, it provides a structured way of describing the development proposal in line with the above and the statutory development plan in place.

Site location

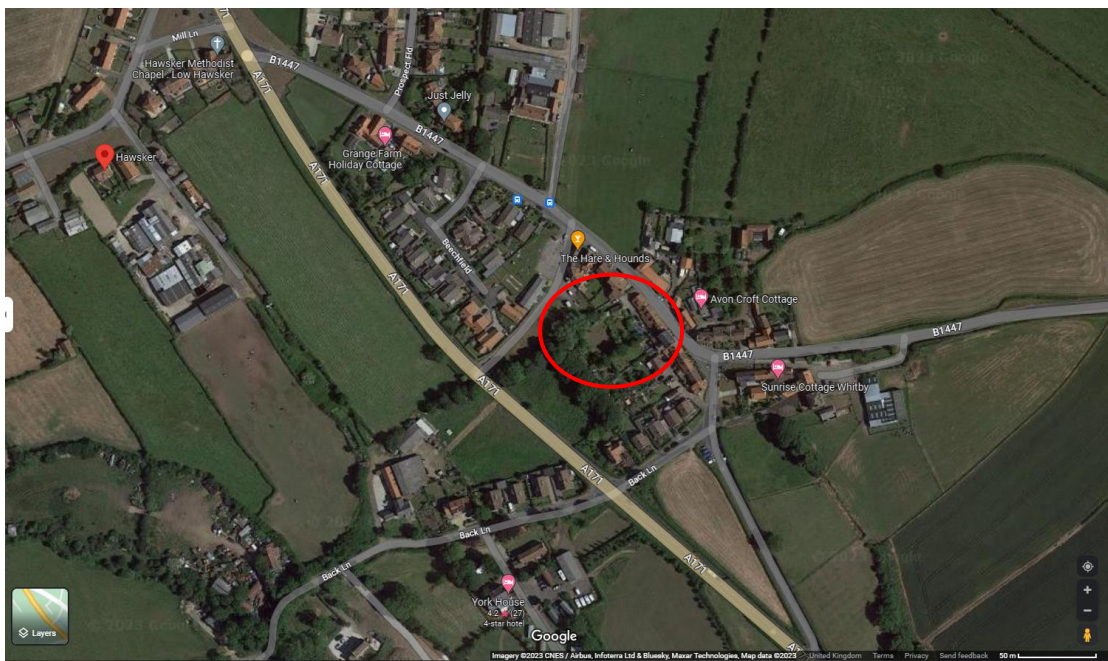


Fig 1. – Land at rear of Old Blacksmiths, High Hawsker. Source:
<https://www.google.com/maps/place/Hawsker,+Whitby+YO22+4LE/@54.4545316,-0.57255446m/data=!3m1!1e3!4m6!3m5!1s0x487f17b3902bec49:0x50fd137713f1c80!8m2!3d54.455371!4d-0.575532!16s%2Fg%2F11g6yms0wr> - for illustrative purposes only.

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Fig 2. – Zoomed in version land to rear of Old Blacksmiths, High Hawsker. Source:
<https://www.google.com/maps/place/Hawsker,+Whitby+YO22+4LE/@54.4545316,-0.57255446m/data=!3m1!1e3!4m6!3m5!1s0x487f17b3902bec49:0x50fd137713f1c80!8m2!3d54.455371!4d-0.575532!16s%2Fg%2F11g6yms0wr> - for illustrative purposes only.

3.0 Planning History

3.1 A search of the North York Moors National Park’s online search facility has shown there is no planning history with the land in question.

General

3.2 A search of the planning history over a wider area has revealed other relevant applications which are noted:

NYM/2022/0890 – Use of two holiday lets (as approved under reference NYM/2019/0383/FL) as either letting dwellings or holiday letting accommodation (dual use) (no external alterations) Blacksmiths Cottage and Anvil Cottage, Back Lane, High Hawsker – Approved.

Continued ...

NYM/20197/0859/FL – Construction of building to accommodate 9 no. self-contained holiday letting bedrooms following demolition of existing store together with relocation of quoits pitch at Hare and Hounds Inn, Back Lane, High Hawsker – Approved.

4.0 Pre-application advice and front loading

- 4.1 Paragraph 39 of the NPPF advises that early engagement has significant potential to improve efficiency and effectiveness of the planning application system for all parties. Good pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.
- 4.2 As required by Paragraph 41 of the NPPF the applicants have engaged with the LPA to resolve as many issues as possible and taken a proactive approach to the development management process. The more issues that can be resolved at pre-application stage, including the need to deliver infrastructure (rural housing), the greater the benefits.
- 4.3 The applicant has approached the National Park Authority using the pre-application enquiry process and the response of 05 April 2022 is as follows:

“Policy CO8 sets out that in order to maintain the tranquil rural character of Smaller Villages, local needs (with a Local Occupancy restriction) and affordable housing will only be permitted on suitable small sites within the main built up area of the village, where development respects the form and character of the settlement and meets the need for smaller dwellings; or as a conversion of an existing building which lies within the main built up area and makes a positive contribution to the character of the settlement.

Having considered the details of the site and its surroundings, it would seem that a modest residential development in this location would be in keeping with the form and character of the village. However, in order to meet the requirements of Policy CO8, a pair of linked 2/3 bedroom cottages would be likely to be most appropriate”.

Highway Authority advice

- 4.4 The applicants have also sought the advice of the highway authority on the basis that concerns by them have been raised regarding below standard visibility and the demand for increased parking at the front of properties on the B1447 due to the nature of the highway including the localised narrowing, existing parking demand and the proximity of the bend and junction.
- 4.5 The applicant is grateful to the National Park and Highway Authority (LHA) for taking the time to discuss the proposal.
- 4.6 With this in mind, the applicant through this proposal seeks to deliver significant highway benefits to the safety and convenience of existing and proposed highway users and users of the public right of way which skirts the north west boundary of the site.

4.7 The mitigation measures include expanding the existing parking provision on the site for the proposed 2 no. dwellings and 3 existing dwellings (Blacksmiths Cottage, Anvil Cottage and Blacksmiths House). In addition, provide parking on site for the neighbouring house, Hawks Garth. Reducing on street parking to the left and the right of the access point and increasing visibility distances.

4.8 The resulting highway improvements are set out at Section 7 of this Supporting Planning Statement.

Guidance from central government

4.9 Further guidance from central government confirms the UK's on-going housing crisis and that there must be a government change to the approach to 'rural' housing. The government has been urged to return to a National Planning Policy Framework (NPPF) that promotes 'organic, incremental growth' in settlements with fewer than 3,000 residents.

4.10 This is one of five recommendations set out in a paper by the Country Land and Business Association (CLA), which represents rural businesses and landowners in England and Wales. The organisation has called on the government to overhaul its approach to housing in rural communities.

4.11 For rural areas to thrive, there needs to be an adequate, available, and diverse supply of homes, which includes different tenure types of varying sizes. Without it, we prevent young families from continuing to live in their community, key workers from being based near their places of work, and the elderly from downsizing.

4.12 Viable solutions, such as bringing forward the development site, are available and can make meaningful changes to our planning system – beginning with making policy changes to allow a greater number of small-medium scale developments across our villages.

4.13 The land at the rear of Old Blacksmiths, is a site that remains sufficiently linked and strongly associated to the main hub of Hawsker, Whitby, Stainsacre and Robin Hoods Bay and is easily reached by sustainable modes of transport including walking, riding and cycling, by a network of footpaths and bus routes to the area.

4.14 The site in question comprises a sufficiently large enough plot to present a future development opportunity and is one we consider to be achievable through the imposition of 2 no. dwellings without harming the special qualities of the District and the National Park landscape.

Moving forward

4.15 As a new national planning chapter commences we ask the Authority to look to the future in providing new homes for 'local occupancy' and due to the non-harmful nature of the proposal, is one that could be supported by so many in the local community.

- 4.16 With the recent welcoming of another new Prime Minister and recently appointed Housing Minister, a new cabinet and a new King, the focus for the country is to make 'fast' progress on the Levelling up and Regeneration Bill, to bring a period of 'stability' to the English planning system which includes 'housing' for all.

Principle of development

- 4.17 The site is currently a vacant, under used parcel of garden land, previously used as a small holding with a series of buildings on the application site with the same backdrop of trees.



Fig 3. – Blacksmiths and rear buildings. Photo circa 1950s. Only building remaining is the garage closest to the houses.

- 4.18 It is a site that is clearly within the village and is a suitable site for development which lies adjacent to other well established, residential properties. Attention is drawn to the recently approved development at Hare and Hounds Inn, Hawsker (noted at the Planning History section above), on the adjacent site to the north of the application site. These developments together with the existing built environment provide a suitable guide to the density, scale, form and general patina and palette of materials in the locality.
- 4.19 We therefore ask the local planning authority to consider bringing life and distinctive character to the site and provide homes for local occupants now and in the long term future.

- 4.20 The site comprises a well screened parcel of land with a modest site frontage (access point) where significant improvements can be made to the safety of existing and proposed highway users and parking capabilities of the village.
- 4.21 The site is in a village setting where there is a real mixture of properties and little consistency in built environment by which to follow. Retention of existing landscape features within the site such as trees and hedgerows will be preserved for 'biodiversity net gain' as set out in the accompanying Ecological Statement.
- 4.22 The main objective is that the site including the landscape setting and the immediate locality is maintained now and in the future.
- 4.23 This planning statement sets out the overall case for the proposed development and is supported by the following documents:
- Planning Supporting Statement - CWP.
 - Proposed site plan - P01.
 - Proposed floor plans and location plan - P02.
 - Proposed elevations - P03.
 - Local occupancy proforma.
 - EIA.



Fig 4. – Development proposal and compatibility to neighbouring properties on B1447, Hawks Garth, Hare and Hounds, Holme Lea and existing Blacksmiths Cottages (within applicant's ownership), High Hawsker.

5.0 The Site

Site context and surroundings

- 5.1 The application site is located in the Parish of Hawsker cum Stainsacre within Scarborough District and falls to the North York Moors National Park for planning control. The site as established, is deemed to be an 'in-village' location, falling between the main A171 road and the B1447 (to Robin Hoods Bay) which in turn is surrounded by residential development to its south and east sides. To the north, is the property known as Hawks Garth and car park to the Hare and Hounds Public House.
- 5.2 The site is located in the heart of High Hawsker and is accessed by the B1447, classed as a minor road. Although it is a minor road it is heavily used as the main tourist route to Robin Hoods Bay from the north.
- 5.3 The A171 severs High and Low Hawsker with pockets of development on Back Lane, (incl. York House Caravan site), Prospect Field, Beechfield together with traditional terraced properties fronting onto the main street (B1447).
- 5.4 To the far north, is the former Scarborough to Whitby railway line and Northcliffe Holiday Park.
- 5.5 Stainsacre village lies to the north west and beyond this is the edge of Whitby (incl. Whitby Business Park) and a series of new house building which is taking place for the town. The development would not erode the special qualities of these villages nor consolidate their separate identities.
- 5.6 In a wider remit, Hawsker village is located 1.6 kilometres south east of Whitby and 24 kilometres north west of Scarborough town centre. There is no designated Conservation or Article 4 Area however this analysis of the location and setting covers the wider village/area setting.
- 5.7 Although the village is only 1.5km from the sea, the sea does not form part of the topographical setting of the village due to the undulating landform and truncated views of the village. Rather, Hawsker is deemed to fall on the edge of the coastal hinterland.
- 5.8 The village is predominantly a residential settlement with some facilities such as the Hare and Hounds Public House, Quoits pitch, village hall, parish hall, places of worship, a primary school and a repair garage and car wash facility.
- 5.9 The application site is located in a key location and is chosen as it is both sustainable and well connected to Hawsker village and is well screened. It has good access links to Whitby, and more widely the A171 main road network. The entrance to the site is 300 yards from a bus stop, with buses going to Whitby and Fylingthorpe.
- 5.10 Housing delivery in the area, particularly in Hawsker and Stainsacre Parish is scarce with no new development of local occupancy dwellings being delivered in the settlement in over 10 years.

Area character and analysis

- 5.11 The site is currently a vacant garden although nothing is grown or stored at the site.
- 5.12 The application site equates to approximately 1413m² and is a rectangular shaped parcel of land.
- 5.13 The site plan is shown at **Dwg. P01**.

Frontage Boundaries

- 5.14 The site takes in a small 'frontage boundary' onto the B1447 at the point that the site access meets with the main village road.
- 5.15 With respect to the site's context, it is a substantial plot lying within the coastal hinterland as defined in the updated NYM Landscape Character Assessment (2021), a technical document which aims to look ahead to force change acting on the National Park's landscape now and over the coming decade.

Landscape qualities

- 5.16 The special qualities of landscape, and how it is experienced, are important parts of the landscape character of the application site.
- 5.17 In forming an assessment of the local landscape, it is confirmed that the site is not located in an area of 'high' tranquillity as it lies in the centre of High Hawsker. It is a site that is subject to urban development such as people, powerlines and traffic noise can be heard at the application site. As such, the site is weighted as having a 'medium to low' perceptual quality.
- 5.18 In addition, the site lies in an area where there are dark night skies around however the town of Whitby to the north is a 'bit defining component' which confirms it exhibits some of the lightest of skies. Together with Stainsacre village (east), Sleights (west), Ruswarp (west), Saltwick Bay (north) and Woodsmith mine to the south west, the site is technically surrounded by some of the lightest skies in the North York Moors National Park.
- 5.19 The applicant will however stand to accord with Dark Night Skies lighting so as not to cause further impact on the dark night sky reserve.
- 5.20 Furthermore, the NYM Landscape Character Assessment Update (2021) confirms that new development can take many different forms and can occur at very different scales. On-going examples within the National Park include housing, village facilities, telecommunication masts, mines, sea defences, roads, and farm buildings. All are confirmed as having different issues and impacts.

- 5.21 All of the perceptual qualities therefore described in the NYM Landscape Character Assessment are unaffected by the proposed development. It is a site that remains sufficiently linked and closely associated to the main hub of High Hawsker and is easily reached by sustainable modes of transport including walking and cycling by a network of footpaths and bus routes to the local towns including the Cinder Track.
- 5.22 The site presents a future opportunity to achieve net environmental gains such as development that would enable new habitat/biodiversity creation (explained later in the Statement) without harming the special qualities of the landscape of this part of High Hawsker.
- 5.23 Locally, the palette of materials comprises a mixture of predominantly stone, brick, render, pantile, slate and timber.
- 5.24 Essentially, is it a combination of the nearby dwellings that sets the tone for the proposed development including the design, form and vernacular materials.
- 5.25 Housing of this type in the area, for local and principal residence dwellings is scarce.

Local Services and Facilities

- 5.26 The site is sustainably and functionally well linked to Hawsker, Stainsacre and Whitby, including Whitby Business Park (+ others) and they offer a wide variety of facilities including:
- Hawsker C of E School.
 - Eskdale School
 - Whitby Community College.
 - Large convenience stores x 4.
 - Village Hall.
 - Designated play area x 2.
 - Riding school.
 - Allotments.
 - Filling station.
 - Large bakery.
 - 3 no. public houses.
 - Large DIY store.
 - MUGA
 - Park Run facility.
 - Access to the former railway line.
 - Car repair garages x 2.
 - Car wash facility.
 - Undertakers.

Continued ...

- Trailways Cycle Hire.
- All Saints Church and Hawsker Methodist Chapel.
- Whitby Premier Lodge.

5.27 In summary, Hawsker, Stainsacre and nearby Whitby Business Park + others are settlements that are closely connected to the site and where there is a range to several useful services and facilities including a cycle networks and bus routes to and from Scarborough, Whitby, Pickering and Middlesbrough.

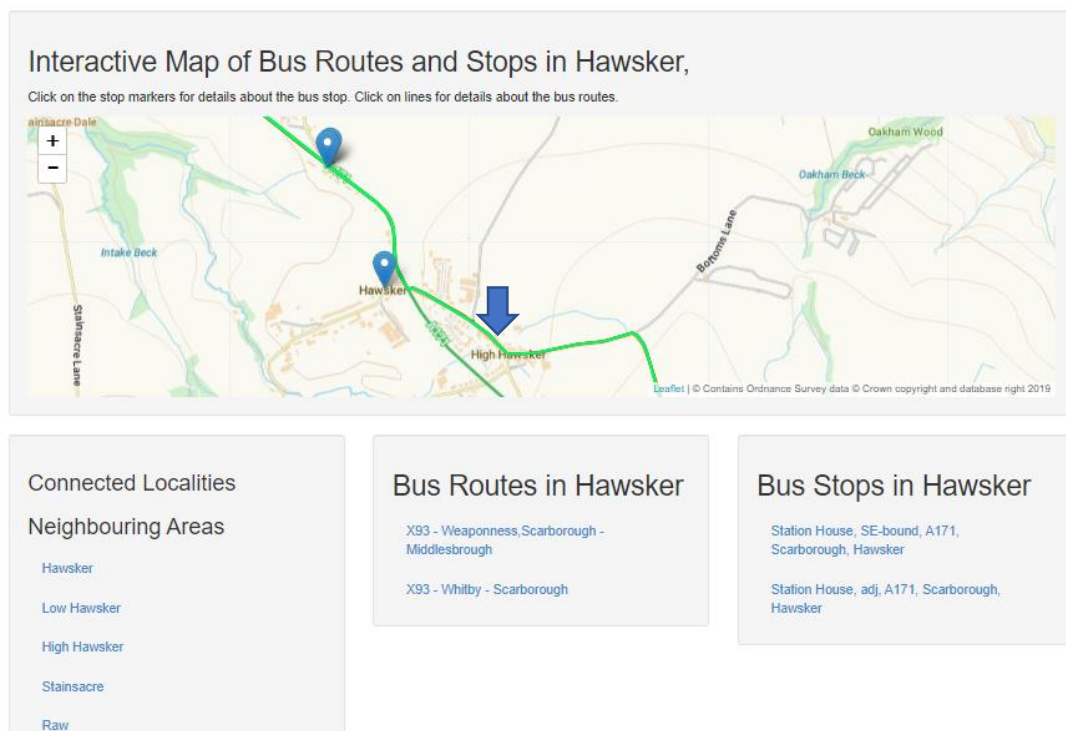


Fig 5. – Local bus routes to and from High Hawsker. The bus stop in High Hawsker is close to the entrance to the application site (blue arrow and pins identify bus stops).

Geographic Information

5.28 A search of Magic map has revealed the surrounding land is noted for the following countryside stewardship targeted areas:

- Species found in locality: curlew. Unaffected by the proposal.

5.29 In summary, it is not considered that the local landscape poses a series constraint to the development of the site in respect of the above.

Flood Risk Assessment

5.30 The Government's long term flood risk information database shows the application site at 'very low risk' from flooding from rivers and sea and is 'low risk' from surface water. A flood risk assessment is not deemed to be necessary in this instance.

Soilscape

5.31 Local soil structure is described as slowly permeable and seasonally wet, slightly acidic but base-rich loamy and clayey soils. It is a low carbon type with seasonally wet pastures and woodlands with moderate fertility. Up to 19.9 of this type is found in England.

5.32 Soilscape is a useful resource offering soil overview information and confirms that the land/ground within the application is likely to be suitable for the proposed development.

6.0 The Proposal

Introduction

- 6.1 This Design and Access Statement is prepared by Cheryl Ward Planning and is submitted in support of this planning application.
- 6.2 The aim of the proposal is to reconfigure the site to provide parking and amenity spaces for existing and proposed dwellings and construct 2 no. local occupancy dwellings together with landscaping works. The accompanying plans seek to show how this can be achieved on the site without harming the special qualities of the area and the protected National Park landscape. The scheme seeks to maintain and where appropriate enhance features of ecological value and recognised geodiversity features.
- Planning Supporting Statement.
 - Proposed site plan - P01.
 - Proposed floor plans and location plan - P02.
 - Proposed elevations - P03.
 - Local occupancy proforma.
 - EIA
- 6.3 The land and the proposal are needed to meet a local need housing demand (see local occupancy proforma) to provide 2 no. locally distinctive, three-bed independent dwelling units.
- 6.4 The scale of the site allows for ample access, parking, turning and manoeuvring within the site without additional burden on the existing publicly maintainable road network.
- 6.5 The site benefits from an existing access which will be used to access the dwellings and proposed parking spaces and is proposed to be upgraded to allow greater visibility.
- 6.6 In summary, the site has ample space to accommodate up to 2 properties and is considered to be a 'small scale' development under the normal policy regime for in-village housing in the NYM National Park.
- 6.7 The proposed site would not be suited to development of a high density or form, nor would it be suited to agricultural or forestry development on account of the proximity to neighbouring residential amenity and land/ground quality (as demonstrated above).
- 6.8 Therefore, the optimum viable use is 'residential use' where it is proven to be compatible with the prevailing qualities of the locality.

6.9 In terms of reinforcing local distinctiveness, the location, siting, form and layout is suited to a pair of semi-detached housing units which can be assimilated to suit the sites topography and distinctive 'in-village' character. Together with one that broadly reflects the built form and nature of nearby dwellings and area features and the site in general.

Proposed location of the dwellings

- 6.10 The position of the proposed dwellings is located close to the western site boundary. This will allow a strong physical and visual connection with the land and existing buildings and maintain the tree lined boundary to the west.
- 6.11 The site's topography dictates where best to site the dwellings. This is directly behind Old Blacksmiths Cottages. Essentially, any visual gaps through the site will be maintained and/or softened by new landscaping and the existing trees which are to remain. This means that existing views are preserved, and no views are impinged upon. Essentially the experience of being able to see through the site is maintained.
- 6.12 The proposed location allows for access to the principal elevation of the proposed dwellings and for parking, turning and manoeuvring at the front (east) side of the properties.
- 6.13 If the properties were located further to the west then there is the potential for loss of green space, loss of biodiversity enhancement and existing visual connections and tangible interaction with the local landscape.
- 6.14 Siting the dwellings closer to the rear of Blacksmiths Cottages would result in existing properties being compromised and minimum parking standards. The proposed location for the dwellings as it stands presents an all-round reasonable solution.
- 6.15 In summary, the landscape and its features are not considered to be a constraint with regards to the introduction of a pair of semi-detached dwellings nor would a future development adversely affect the special qualities of the area and the area's prevailing landscape character.
- 6.16 It is for these reasons; it is proposed that the 2 no. dwelling houses should gently nestle on the western area of the site.
- 6.17 The proposed dwellings will take on a semi-rural/semi-residential vernacular design and would complement the defining characteristics of the site. The development as a whole will maintain the quiet, green and special place that it is. Biodiversity and wildlife net gains are proposed for the people who would reside there as well as future generations and the wider community.

Design Concept

- 6.18 The design inspiration is taken from the site which is rich in natural and organic appeal and has a connection to the rural nature of the site, and the properties to the north, east and south. The site has no historical connection other than its close association to the former Blacksmiths.
- 6.19 The brief sets out the level and amount of accommodation required by the client's along with their desire to deliver good quality dwellings. Their insistence to follow 'Best Practice' for all elements of the build has led all involved parties along a path of high levels of input to ensure their brief is met both personally and for the amenity of the area as a whole.

Design and appearance

- 6.20 The solution to approaching the design in this case and therefore the architectural philosophy for the scheme is to let the site and surrounding area dictate how to bring the design and appearance together.
- 6.21 It is proposed that a pair of one and a half storey dwellings is the most appropriate to ensure the dwellings remain low in height. Dormer windows feature in the design as they are a feature of the locality and will be used in this case for head space to gain first floor accommodation.
- 6.22 The dwellings comprise a centralised plan with a slightly off-centre front door into a hallway (with store) and stairs. It is called a 'double pile' which in essence is a plan that focusses on a centralised system of circulation which begins to evolve based on a combined entrance hall and staircase from which all rooms on the ground floor or at least the main ones are independently reached.
- 6.23 A strong based architectural design approach is said to produce uncompromising buildings. The 'highest standards in architecture' are achieved by buildings which carry through those principles into every detail of the building.
- 6.24 The site has been developed by observing its form and character including the sites parameters, topography, levels, adjacent buildings, the approach to the site, the vegetation and the nearby trees to the north/west.
- 6.25 Once the site is chosen it is used as a starting point for the development and the geometrical proportions are then borne out and used in an uncompromising manner to set the scale, depth, massing and heights throughout the development.
- 6.26 The dwellings are simple, with a double pile layout and an east/west orientation. The principal elevations are east facing.

Form and layout

Internal

Ground floor level

- 6.27 At ground floor each dwelling will benefit from a hallway, cloaks, pantry with downstairs office and store, utility, snug and open plan living, kitchen and dining space. There is to be a further domestic style store/plant room which is accessed externally.

First floor level

- 6.28 At first floor, a centralised landing gives access to 3 no. bedrooms (1 en-suite) and a family bathroom.

External areas

- 6.29 Externally, the building is designed with a low level of walling and lower hierarchical elements and a good amount of roofspace with varying size of dormer windows to give character to the appearance and function of the dwellings.
- 6.30 There is no change to the ground levels.
- 6.31 Domestic areas will be at the front (east) and back (west). The site layout plan shows an element of hardsurfacing at the front of the properties to allow for parking and turning (2 cars/dwelling).
- 6.32 The rear and sides will be softened spaces comprising private garden defined by the existing trees on the site boundary (west).

Materials and massing

- 6.33 Materials have been selected to be compatible with the in-village location. They reflect the traditional, vernacular form of a semi-rural landscape.
- 6.34 The external materials used in the development comprise a mix of natural, locally sourced stone and render. The roof is a mixture of red and grey pantiles in order to help break down massing with subservient design elements. Window frames, door frames and doors are to be timber effect uPVC or aluminium (used throughout). Dormer windows are to be rendered with pantile, catslide roofs.
- 6.35 The sustainable use of materials gives the properties a unique appearance when approaching the site.
- 6.36 Another important factor of the design is the connection with the natural vegetation on the site which will be seen in the background at all times. Combining local vernacular materials will provide a 'linked' effect to the area surrounding the site.

- 6.37 A palette of colours has been selected for the new dwellinghouses to emphasise the quiet tones of the site and will form a link with existing green corridors and well established vegetation on the north and west sides.

Appearance

- 6.38 In summary, the approach in terms of design is to create a pair of semi-detached dwellings that are both functional and operational for a modern family and one that mimics key connections to the characteristics of the area for example:

- Coursed natural stone.
- Non-interlocking clay pantile roof.
- Sustainable and long lasting materials.
- Subservience to nearby structures i.e. hierarchical elements of the dwelling which diminish in height and scale so as not to over dominate.
- Stonework to window ratio - well balanced.
- Small black chimney flues instead of large brick/stone stacks.

Drainage

- 6.39 It is proposed to connect the 2 no. dwellings to mains drainage. It is sited away from the woodland and watercourses.
- 6.40 Surface water drainage will be channelled to soakaways throughout the site.

Access

- 6.41 The site will continue to be accessed from the B1447 road which gives direct access to the land/application site. It is an existing access which serves three existing properties (Blacksmiths Cottage, Anvil Cottage and Blacksmiths House).
- 6.42 The existing garage building, of little architectural merit, is proposed for removal to make way for the development proposal.
- 6.43 Once inside the site, remodelling will take place to ensure that each property benefits from its own parking space as a means of ensuring no further burden is placed on the busy main road (B1447) – see Section 7 below for more detail together with the site layout plan which shows the remodelling of internal areas.
- 6.44 This is the most sensible and practical solution in terms of ensuring highway safety. In addition, there is likely to be a reduction in activity levels on the adjacent highway on account of providing parking spaces for the adjacent dwelling known as Hawks Garth (property to the north).

6.45 Ample parking space is available within the site for the proposed use with parking, turning and manoeuvring space available for up to 10 vehicles serving 6 properties.

Lighting

6.46 A small amount of subtle, low-level lighting will guide users through the site to the dwelling. Lighting will be low wattage energy use lamps and will be dark night sky compliance which can be conditioned.



Fig 6. – Proposed dwellings.

General

6.47 The application is accompanied by:

- **Ecological Impact Assessment and Biodiversity Action Plan** (October 2022 by MAB Environment and Ecology Ltd) – It suggests a series of mitigation measures such as:
 - Trees and shrubs should be retained.
 - Any landscape planting will comprise of native trees and shrubs, which provide food sources for birds, such as hawthorn, hazel, dogwood, guelder rose, birch, willow, and field maple.
 - Cuttings/waste organic material from the site clearance (shrub/tree removal) should be piled within the retained woodland to create habitat piles for amphibians, small mammals and invertebrates.
 - The area of works should be kept mown short or ploughed for 6 weeks prior to the work to make the area less attractive to amphibians.
 - Areas of potential refugia (dense scrub, compost piles, beneath paving slabs etc) should be removed carefully by hand. If any amphibians are located on-site, they should be moved off-site and placed in a suitable receptor site.
 - The pruning/removal of any significant vegetation should be scheduled to avoid the bird breeding season, which runs from mid-March to end of August. If this is not possible, then a check for active nests should be carried out immediately before any works to the affected areas begin.
 - To mitigate the loss of potential nesting habitat two integral bird nesting features should be installed within the new builds. We recommend that one nest feature is installed within each house. Examples of suitable integral nest features include Schwegler sparrow terrace 1SP, brick sparrow box, and Ibstock Eco-habitat for Swifts.
 - In time, vegetated gardens will provide alternative foraging habitats.
 - The western boundary of the site (mature trees and vegetation surrounding the freshwater drain) should not be lit. This should remain a dark corridor within the landscape, ensuring that the ecological functionality of these habitats for foraging and commuting bats is maintained post-development.
 - As a precautionary measure, during construction deep trenches and excavations should be covered overnight, or left with a plank or similar, with a slope of no more than 45 degrees to allow hedgehogs, and small mammals to escape if they fall in.
 - If any boundary fencing is installed on-site (i.e. around gardens), holes will be put into the bases, allowing hedgehogs to move across the site and into the surrounding landscape.; holes should be 13cm x 13cm.

Suggested ecological mitigation continued ...

- The habitat pile currently on-site should be retained where possible or re-located. If this is not possible, lost nesting habitat will be mitigated for via installation of 1 long-lasting professional-quality hedgehog house on-site. This should be located in a sheltered area where there is good connectivity to the wider landscape. It is recommended that the hedgehog house be placed along the western boundary, adjacent to the freshwater drain within the retained woodland.
- Habitat piles should not be disturbed during the hedgehog nesting season (June-August) or hibernation period (late December – March).
- To enhance the site for roosting bats, integral bat boxes could be installed within the proposed new builds. It is recommended that one integral bat roost feature per property. Integral habitat is preferable, as when it is well-placed it can be completely out of sight, and any droppings should fall out into unoccupied areas. Examples of suitable integral bat roost features include Ibstock bat roost entrance brick (leading into a cavity wall), Vivara Pro Build in Woodstone Bat Box or Schwegler Type 1FR bat tube.

7.0 Access, parking and enhanced highway safety measures

- 7.1 Concern has been expressed by the LHA with regard to parking and visibility where the access meets with the B1477, therefore the applicant has included measures within the application to deal with highway safety, retention and use of the adjacent public right of way and parking for existing and new properties.
- 7.2 The main concern of the highway engineer regarding visibility is for drivers leaving the site and turning right into the oncoming traffic on the main road (B1447). This is due to the imposing corner of Anvil Cottage (although it is what current drivers are presented with at present). There have been no accidents from residents exiting the site onto the road since the current owner and the previous owner moved to the property circa 1995.
- 7.3 The main objective to overcoming the LHA concerns, through this application, is to increase the level of visibility (i.e. closer to the prescribed 43 metres) for vehicles leaving the site and turning right i.e. for vehicles pulling out in front of oncoming traffic.

Suggestions for improving visibility through this application

- 7.4 It is proposed to create a kerb/pavement edge to the right side, coming into the site and down the side of the imposing building (Anvil Cottage). This means that outgoing cars would be forced to sweep further to the left when leaving the site and thereby securing increased visibility to the right.
- 7.5 By allowing the swept path of vehicular access to be moved over to the left together with the introduction of a small amount of pavement is a significant planning gain. Plus it allows a direct connection to the public right of way within the site.
- 7.6 With agreement from the neighbouring property (Hawks Garth), in lieu of providing 2 no, off-road parking spaces within the site, it is proposed that additional mitigation measures will take place on the left side of the access.
- 7.7 The proposal therefore includes additional increased visibility by lowering and realigning the neighbouring wall and dropping kerbs (Hawks Garth). This is seen as a visual and highway visibility enhancement.
- 7.8 The LHA have confirmed that the number of properties served off the single access is satisfactory.
- 7.9 The Highway Engineer has worked closely with the applicant to find a solution and secure mitigating solutions to improved highway safety for ALL users i.e. for existing and proposed road users.

Continued ...

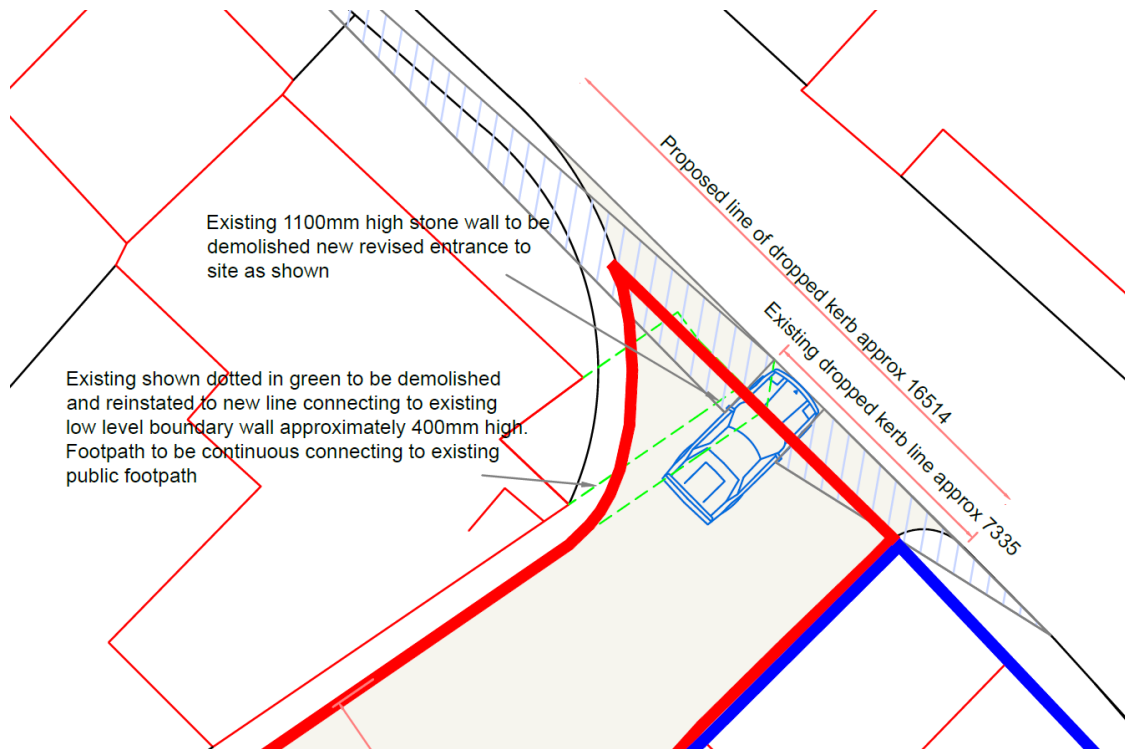


Fig 7. – Improved visibility measures.

Ideas for improved visibility which have been eliminated

- 7.10 The idea of taking off the corner of the stone building (Anvil Cottage) to create increased (albeit not full) visibility has been discounted at this stage. Whilst it is achievable, it is a last resort on account of the changes it would make to the building (inside and out) and the local streetscene and has been discounted in favour of the above measures.
- 7.11 A 'no right turn' motion has been eliminated.
- 7.12 A discussion with the adjacent Hare and Hounds public house to check for any feasibility to access the site through their car park has also been eliminated in favour of the above improved measures. Notwithstanding this, they have their own development to implement.

8.0 Sustainability and Energy Resource Statement

- 8.1 The thermal requirements for the new dwellings have been modelled on the submitted designs and will incorporate measures to include sustainable energy provision from renewable resources as a matter of course so as not to place any greater demand on existing services/utilities locally.
- 8.2 This statement sets out the positive ability to provide an approach to meeting the buildings energy demands from energy sources captured within the National Park and used in the National Park that are deemed to be sustainable whilst meeting the requirements of paragraph 155 of the National Planning Policy Framework (NPPF).
- 8.3 It is likely that a large percentage of the building's carbon footprint will be offset by the supply of renewable and low carbon energy and heat plans.
- 8.4 The property will be thermally insulated, and performance tested to meet the strictest level of Building Regulations requirements.

9.0 Planning Policy Context

Legislative Context

Planning and Compulsory Purchase Act 2004

- 9.1 This section outlines the principal planning policies that pertain to the proposed scheme.
- 9.2 The Planning and Compulsory Purchase Act 2004 came into force in September 2004. It carries forward the provisions of the Town and Country Planning Act 1990, giving statutory force to a plan-led system of development control.
- 9.3 Under Section 70 of the 1990 Act and Section 38 (6) of the 2004 Act, planning law requires the determination of planning applications must be in accordance with the approved Development Plan unless material considerations indicate otherwise.

National Planning Policy (NPPF) (2021)

- 9.4 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced.
- 9.5 The publication of the National Planning Practice Guidance (NPPG) in March 2014 gives further guidance.
- 9.6 The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant statutory requirements.
- 9.7 The NPPF states at paragraph 7 that 'at a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'.
- 9.8 Paragraph 8 states that 'achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways' (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) an economic objective
 - b) a social objective
 - c) an environmental objective

- 9.9 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, so that sustainable development is pursued in a positive way.
- 9.10 Paragraph 9 states that ‘planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect local needs and opportunities of each area’.
- 9.11 With reference to Paragraph 11, it is important to note that for decision-taking this means:
- Approving development proposals that accord with an up-to-date development plan without delay; and
 - Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Decision making

- 9.12 Further advice on decision-taking which is of relevance to the scheme is provided at Paragraph 38 of the Framework:
- Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 9.13 The early engagement suggested by the NPPF has been undertaken in a bid to assist in the efficiency and effectiveness of the determination of this planning application, paragraphs 39 – 46 of the NPPF highlight the importance of pre-application engagement.
- 9.14 Paragraph 77 provides advice on rural housing. It states that ‘in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs’.

Promoting healthy and safe communities

- 9.15 Paragraph 95 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:
- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
 - b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
 - c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
- 9.16 Paragraph 93 follows on to say that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
 - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
 - d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
 - e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Rural housing

- 9.17 Paragraph 78 is keen to promote sustainable development in rural areas, 'housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby'.
- 9.18 Paragraph 79 confirms that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

Achieving well-designed places

- 9.19 The NPPF advises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 9.20 Paragraph 126 of the NPPF confirms that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 9.21 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Continued...

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Conserving and enhancing the natural environment

9.22 Paragraph 174 states that planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

9.23 Paragraph 176 is highly relevant in that it is confirmed that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

9.24 In addition to the above, paragraph 177 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Habitats and biodiversity

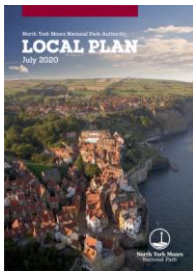
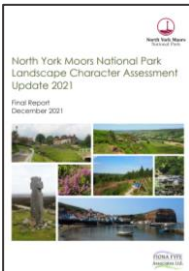
9.25 Paragraph 179 seeks to protect and enhance biodiversity and geodiversity, plans should:

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

- 9.26 Paragraph 180 confirms that when determining planning applications, local planning authorities should apply the following principles:
- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
 - c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are holly exceptional reasons and a suitable compensation strategy exists; and
 - d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The policies

9.27 An overall summary of national and local planning policies considered relevant to the case are summarised in the table below:

DOCUMENT	POLICIES AND DENOTATION
The Planning and Compulsory Purchase Act 2004	
National Planning Policy	
National Planning Policy Framework (NPPF) (2021)	Paragraphs 2, 7, 8, 9, 10, 11, 38, 39, 47, 51, 92, 93 126, 130, 174, 176, 177, 180.
Local Development Plan in force	
NYM Local Plan (2020) 	Strategic Policy A – Achieving National Park Purposes and Sustainable Development. Strategic Policy B – The Spatial Strategy. Strategic Policy C – Quality and Design of Development. Strategic Policy E – The Natural Environment. Strategic Policy H – Habitats, Wildlife, Biodiversity and Geodiversity. Policy ENV2 – Tranquillity. Policy ENV4 – Dark Night Skies Strategic Policy M – Housing. Policy CO8 – Housing in Smaller Villages. Policy CO13 – Local Connection Criteria for Local Needs Housing.
Supplementary Planning Documents 	RTPI Biodiversity in Planning. NYM Landscape Character Assessment Update (2021). NYM Management Plan (2021).
Others	Department for Levelling Up, Housing and Communities website.

Tab 1.- Planning policies

9.28 The above Policies can be viewed in full on the Authority's website - <https://www.northyorkmoors.org.uk/planning/framework>

NYM Local Plan — July 2020

- 9.29 The NYM Local Plan (2020) covers the whole of the administrative area of Scarborough District (excl. the NYM National Park) and is the Development Plan in force for area and for this application.
- 9.30 Applications for planning permission are primarily considered against policies set out in the 'development plan' for the North York Moors National Park. This is made up of a series of formal planning documents that have been through a period of consultation and testing and have been subsequently formally adopted by the National Park Authority.
- 9.31 The NYM Local Plan was adopted on 27 July 2020 and will be in place for the next fifteen years. It seeks to balance the overriding need to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park. It acknowledges that there is a need for new homes, jobs and services.
- 9.32 The role of this Plan is said to manage the 'often competing aims by putting in place a set of policies to guide careful decision making on where new development will be located and how it will look and function'. The Strategy works in conformity with the National Planning Policy Framework (NPPF), referenced above.
- 9.33 **Strategic Policy C** (Quality and Design of Development) confirms that in order to maintain and enhance the distinctive character of the National Park development will be supported where the proposal is of a high quality design that will make a positive contribution to the local environment in accordance with the principles set out in the North York Moors National Park design guide.
- 9.34 New dwellings must also be of a scale appropriate to the size and function of the settlement. Development proposals must be well related to the form and grain of the existing surrounding residential development and should make efficient use of the available space. This means allowing scope for the full capacity of the site to be developed in future if the initial proposal is for just part of the site.
- 9.35 Suitable small sites may not always be a gap within a continuously built up frontage but they will always fit in with the existing pattern of the settlement. It is not intended to allow consolidation of sporadic outlying development or to allow villages to expand into open countryside.
- 9.36 In summary, the development is in alignment with prevailing policies **SPC, SPM and CO8 and CO13**.

Planning policies (in more detail)

- 9.37 With respect to the site's context, it is a suitably sized plot located in the heart of High Hawsker where it is demonstrated that there are no other suitable and available locations within the village to meet a 'local need'.
- 9.38 The site is part of an established residential garden and post removal of an existing garage building will fit with the existing development pattern. The application site is located to the side of Hare and Hounds public house where development is actively being permitted and lies at the rear of the Old Blacksmiths close to residential properties in the village envelope and is accessed via an existing access road off the B1477.
- 9.39 In policy terms, the site is located within a designated 'smaller village' where **Policy CO8 (Housing in Smaller Villages)** of the NYM Local Plan is relevant together with **Strategic Policy C (Design)**.
- 9.40 **SPC** seeks to maintain and enhance the distinctive character of the National Park, development will be supported where:
1. The proposal is of a high quality design that will make a positive contribution to the local environment in accordance with the principles set out in the North York Moors National Park Authority Design Guide;
 2. The proposal incorporates good quality construction materials and design details that reflect and complement the architectural character and form of the original building and/or that of the local vernacular;
 3. The siting, orientation, layout and density of the proposal complement existing buildings and the form of the settlement, preserving or enhancing views into and out of the site and creating spaces around and between buildings which contribute to the character and quality of the locality;
 4. The scale, height, massing and form of the proposal are compatible with surrounding buildings and will not have an adverse impact upon the amenities of adjoining occupiers;
 5. Sustainable design and construction techniques are incorporated in the proposal including measures to minimise waste and energy use and where appropriate use energy from renewable sources;
 6. A good quality landscaping and planting scheme which reinforces local landscape character, increases habitat connectivity and makes use of appropriate native species forms an integral part of the proposal;
 7. Proposals enhance local wildlife and biodiversity, for example through the inclusion of nesting boxes and bat roosts;

Continued ...

8. Provision is made for adequate storage including storage for domestic items kept outdoors and waste management facilities;
 9. Where appropriate, cycling facilities and car parking are provided provision and without compromising local highway safety, traffic flow or Public Rights of Way; and
 10. The proposal ensures the creation of an accessible, safe and secure environment for all potential users, including the elderly, children and those with a health condition or impairment.
- 9.41 **Policy CO8** (Housing in Smaller Villages) is the most relevant. This supports local needs and affordable housing in the smaller villages within the National Park of which Hawsker is one. These villages have a quieter rural character which could be harmed by larger scale housing developments; therefore the LPA are supportive of small sites being brought forward.
- 9.42 Under **Policy CO8** there is an expectation that ‘small scale’ development will be appropriate in Smaller Villages. This will generally be sites of no more than two dwellings.
- 9.43 **Policy CO13** sets out the criteria that will be applied to local needs housing schemes.
- 9.44 Within the smaller villages there are no planned development boundaries or limits and the suitability of a site for development will be considered on a case by case basis. The NYM Local Plan allows for small scale development in or adjacent to these areas.
- 9.45 Sites must be within the main built up area and have satisfactory access to the existing public highway. They must be of a scale that is appropriate to the size and function of the settlement. This will generally be sites capable of accommodating no more than five dwellings in Helmsley and the Larger Villages and no more than two dwellings in Smaller Villages.
- 9.46 Furthermore, development proposals must be well related to the form and grain of the existing surrounding residential development and should make efficient use of the available space. This means allowing scope for the full capacity of the site to be developed.
- 9.47 Suitable small sites may not always be a gap within a continuously built up frontage, but they will always fit in with the existing pattern of the settlement. It is not intended to allow consolidation of sporadic outlying development or to allow villages to expand into open countryside.
- 9.48 The proposed development is considered to align with **Policy CO8** on the basis that it is a ‘small scale’ development in or adjacent to the area to meet a genuine and verified local need.

10.0 Planning Assessment

- 10.1 Ultimately the above policies are seeking to achieve housing to meet identified local need in the less sustainable villages in the Park and the wider District.
- 10.2 This section demonstrates that the proposed development accords with the statutory development plan, general supplementary planning documents, the NYM Local Plan and National Planning Policy Framework and should therefore be supported.
- 10.3 It is considered that the proposed dwellings, of new build construction would result in 2 no. units for local occupancy and is an enhancement to the visual amenities and vitality of the locality.
- 10.5 The design of the scheme and scope of the submitted proposal has been conceived with the ambition of satisfying all of the relevant local and national planning, highway safety and environmental policies.
- 10.6 For planning purposes the application site is not within a Conservation Area. It is, however in context with other buildings/dwellings situated within the main built-up part of the village and is not isolated.
- 10.7 Hawsker is classed as an 'Smaller Village' which is defined as having a limited range or no facilities at all, with any that are available often being 'shared' amongst groups of settlements.
- 10.8 Opportunities for new housing are limited, particularly for local need. Hawsker and Stainsacre is a large Parish where the sharing of services between villages is seen to be sustainable in that it will improve the environmental, social and economic sustainability.
- Achieving sustainable development
- 10.9 The Local Plan confirms that no development limits are set and through pre-application guidance taken prior to the submission of the application it is confirmed that the site is deemed to be suitable for the siting of 2 no. dwellings.
- 10.10 The application site is a well screened parcel of land within the heart of the village and its development would not be seen to in-fill an important open space; rather it is a scheme that would deliver economic, social and environmental benefits. These benefits will be delivered jointly and simultaneously to reflect that the three overarching objectives of the planning system are interlinked.

The economic benefits of the proposed development include:

- The provision of locally distinctive dwellings that are of a good quality, design thereby reflecting the highest standards of architecture.
- Drives up and maintaining the standard of design and sustainability for rural housing both locally and nationally.
- Delivers local occupancy dwellings.
- Assists with driver safety and off-road parking for 6 no. dwellings in the village.
- Drive up the value of properties nearby by significantly enhancing the immediate setting with a development that is sensitive to the defining characteristics of the area.
- The proposal will make effective use of land as required by the NPPF.

The social benefits of the proposed development include:

- Providing a well-designed scheme with the creation of high quality buildings and materials and one where design is seen to be fundamental to the planning process.
- Achieves a well-designed place with links to the local community.

The environmental benefits of the proposed development include.

- High levels of sustainability would be incorporated in the development.
- Plans to conserve and enhance the special qualities of Hawsker, the site and the nearby NY Moors National Park landscape and features of biodiversity net gain for the site and future generations to enjoy.
- Making effective use of the land to achieve net environmental gains such as new habitat creation and regeneration throughout the site as a whole.
- Paragraph 119 recognises that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

10.11 The development would therefore deliver clear economic, social and environmental benefits to the local area. It will deliver a sustainable development that is of good quality and one which would raise the standard of design and quality and expectations of design in a rural area.

10.12 The creation of a pair of semi-detached dwellings in this location presents no detrimental impact on the privacy or amenities of the adjacent dwellings nor does it interfere with the surrounding land uses nor users of the adjacent highway/PROW. The dwellings will therefore:

Continued ...

- Help the village to grow and thrive.
- Permit easy access to nearby services by foot or other modes of sustainable travel if required i.e. Stainsacre, Hawsker and Whitby and access to local bus services.
- Is compatible with existing uses (residential and public house).
- Benefits from an existing access(es) and wouldn't conflict with others.
- Safeguards a controlled level of development.
- Offers up good design and promotes local distinctiveness and good quality.

Design

- 10.13 The design is at an advanced stage and will introduce changes for the betterment of the site. Good design helps to ensure that those changes build on the existing qualities of an area, enhancing its attractiveness not only in terms of how a place looks but how it feels to live, work and spend time in.
- 10.14 The applicants are keen to ensure that a well-designed scheme is embedded in the foundations of the proposal so that the buildings will stand the test of time. As such, they have infinitely planned a development that is compatible with the site and the surroundings.
- 10.15 The design of the proposal is central to the success of assimilating the development onto the application site and will assist in helping to ensure that as well as being attractive and interesting that the dwellings and site are easy to navigate and feels a safe site to be in.
- 10.16 **Policy SPC** is keen to ensure that development proposals create high quality durable places that are similarly accessible and well-integrated with their surroundings. The site therefore:
- Reinforces local distinctiveness.
 - Provides a well-connected realm which is accessible and usable by all, safe and easily navigated.
 - Protects amenity and promotes well-being.
- 10.17 The use of the site for residential purposes does not lead to detrimental changes in the level of activity surrounding the area. Post development it will be compatible with the existing ambience of the immediate locality and the surrounding area.
- 10.18 It is concluded that the cumulative impact of the development on the character of the area has therefore been considered as has the design principles established in **Policy SPC**.

11.0 Conclusion

- 11.1 This section brings together the information presented within this planning statement and provides a reasoned conclusion for the approval of this application.
- 11.2 This statement demonstrates that the proposed development accords with the relevant national and local planning policies. Paragraph 7 of the NPPF (2019) states that at a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 11.3 The proposed development helps to meet the National Park Management Plan target set out in **Policy C08** which seeks to permit small schemes of local needs housing on suitable small sites in Smaller Villages to meet the needs of local people in a way that will maintain the tranquil rural character of the settlement.
- 11.4 The site is ready for development and can make an important contribution to meeting the local housing requirements of the area and can be built out quickly; is accessed from within the village itself and with an element of planning gain in the forms of highway improvements, connections to the PROW and off-road parking for existing and proposed occupants.
- 11.5 The scale and design of the development is such that it would not undermine the importance of views through the site and the wider locality.
- 11.6 The proposed development therefore accords with the relevant policies of the National Planning Policy Framework and the NYM Local Plan. Taking account of the development plan in force and the core principles of sustainable development we would request that in accordance with this guidance the development is respectfully approved.

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ECOLOGICAL IMPACT ASSESSMENT

The Old Blacksmiths, Hawkser

October 2022



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EclA: The Old Blacksmiths, Hawkser

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Status	Date	Approved by:
First issue	18-10-2022	Giles Manners CEnv MCIEEM

Site:

The Old Blacksmiths
High Hawkser
Whitby
YO22 4LG

Dates:

Walkover survey: 21st July 2022

Client:

Eleanor Holyfield
The Old Blacksmiths
High Hawkser
Whitby
YO22 4LG

Client's agent: Cheryl Ward Planning

Local Planning Authority: Scarborough Borough Council

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1 Summary

An ecological appraisal of land at Old Blacksmiths, Hawkser comprising a data search and extended Phase 1 Habitat Survey, was undertaken. Planning permission is being sought for the construction of two semi-detached houses.

Habitats on site are comprised of developed land sealed surface, buildings, vegetated garden, other neutral grassland and other broadleaved woodlands. The grassland is quite botanically diverse, however, the species noted are common and of low conservation value. Loss of other neutral grassland and woodland/scrub habitats will result in a negative ('significant') impact at site level.

One pond was located within 250m of the site, it is a small ornamental pond within the adjacent garden. The habitat suitability index assessment of the pond showed it has a 'below-average suitability for great crested newts (GCN)'. Additionally, there are no records for GCN within 2km and no other connected ponds, therefore, the risk of GCN inhabiting the pond is considered negligible. More ubiquitous amphibian species may be present, and the grassland and woodland on-site would provide suitable terrestrial habitats.

There are two buildings on-site, both are single-storey and constructed using modern materials. Both buildings have a negligible risk of supporting roosting bats. The woodland, grassland and mature trees lining the boundaries of the site are likely to support foraging/commuting bats.

The site offers high-quality bird nesting and foraging habitat. Any significant removal of vegetation has the potential to disturb nesting birds. Therefore, it is recommended that this is completed outside of the birds breeding season.

Table 1 provides a summary of impacts and mitigation. Full details can be found in Section 7.

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Feature	Impacts	Characterisation of unmitigated impact on the feature	Effect without mitigation	Mitigation	Significance of effects of residual impacts (after mitigation)
Habitats	<p>Direct habitat loss: other neutral grassland</p> <p>Potential loss of woodland/scattered scrub</p>	<p>Loss of un-managed grassland scattered trees and woodland habitat to facilitate the development/on-going management</p>	Negative at site level	<p>Native landscape planting</p> <p>Creation of habitat piles within retained woodland areas</p> <p>Retain trees where feasible.</p>	Loss of grassland and woodland habitat will remain a loss at site level.
Bird	<p>Loss of bird nesting habitat.</p> <p>Potential harm to breeding birds during site clearance</p>	<p>Loss of vegetation on Buildings (dense ivy) and loss of scattered scrub/woodland for nesting birds</p> <p>Potential harm/disturbance to nesting birds if site clearance is undertaken during bird breeding season.</p>	Negative at site level.	<p>Provision of 2 integral bird nest features within proposed new builds.</p> <p>Vegetation removal undertaken outside of bird breeding season (March-August) or pre-works check</p>	Negligible effect
Bats	<p>Loss of foraging habitat</p> <p>Impact to ecological functionality for commuting/foraging bats</p>	<p>Increased lighting of the site and its boundaries could impact the functionality of the site for commuting and foraging bats</p>	Negative at site level	<p>Native planting within gardens – once mature will provide alternative foraging habitat.</p> <p>Dark corridor along the eastern boundary</p>	Negligible effect
Amphibian	<p>Loss of common amphibian terrestrial habitat</p> <p>Risk of harm to species during construction.</p>	<p>Site clearance could cause amphibian harm or death.</p>	Negative at site level.	Precautionary measures	Negligible effect
Hedgehog	<p>Potential impact to nesting hedgehog during site clearance</p> <p>Risk of harm to species during construction.</p> <p>Fragmentation of habitat</p>	<p>Removal of brash piles has the potential to disturb hedgehogs</p> <p>Uncovered trenches and excavations could cause mammal harm or death.</p> <p>Increased fencing of the site may fragment hedgehog foraging/commuting habitat</p>	Negative at site level	<p>Cover trenches overnight</p> <p>Remove habitat piles outside of nesting season – retain on-site, re-locate into retained woodland area OR installation of 1 long-lasting professional-quality hedgehogs house</p>	Negligible effect

EclA: The Old Blacksmiths, Hawkser

Feature	Impacts	Characterisation of unmitigated impact on the feature	Effect without mitigation	Mitigation	Significance of effects of residual impacts (after mitigation)
				Gaps in any new boundary fencing.	

Table 1: Summary of effects, mitigation, and residual effects.

2 Introduction

MAB Environment and Ecology Ltd were commissioned by Eleanor Holyfield, to undertake an Ecological Impact Assessment (EclA) of land to the rear of the Old Blacksmiths, Hawkser to accompany a planning application for the construction of two residential properties.

The site is located at OS Grid Ref NZ92770749. The site location is shown on Figure 1.

The objectives of this report are to:

- Identify species and habitats on site, with particular reference to protected and notable species.
- Assess the potential impact of the proposed development on habitats and protected or notable species.
- Identify potential opportunities for biodiversity enhancement.
- To outline any necessary or recommended mitigation and compensation proposals.

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

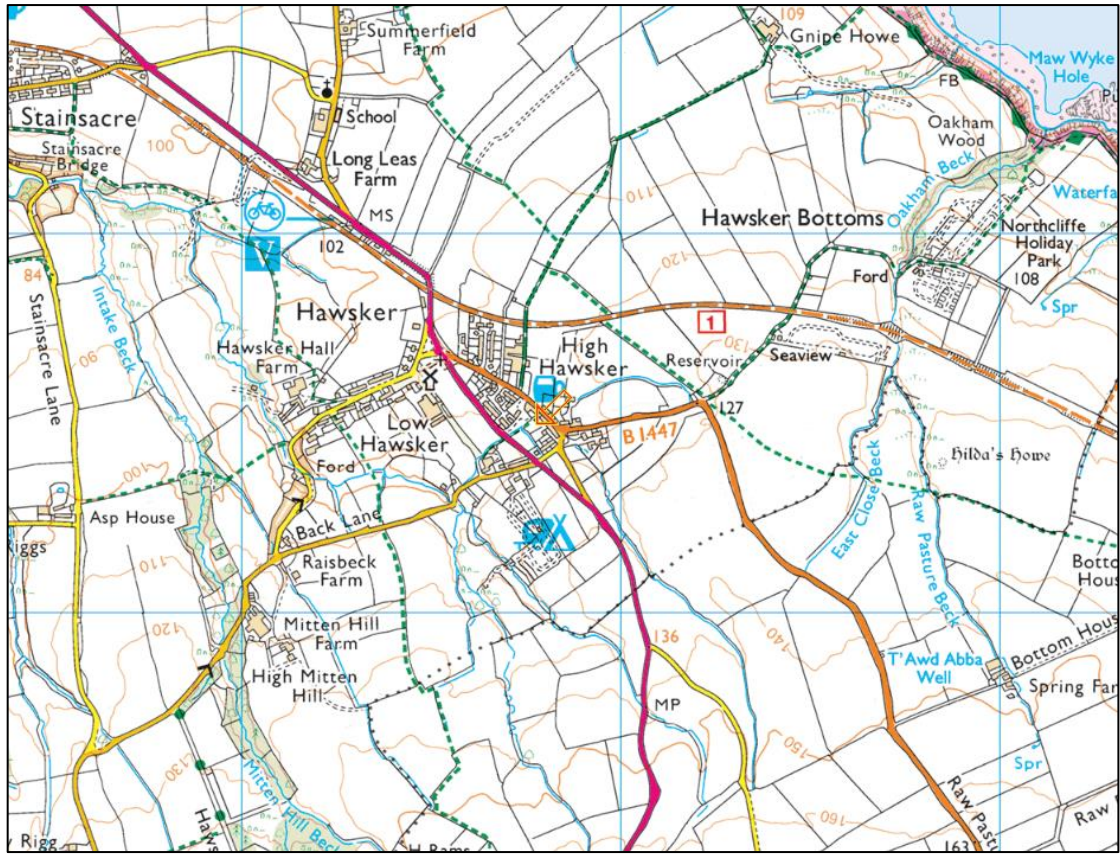


Figure 1: Site location 1:25,000.

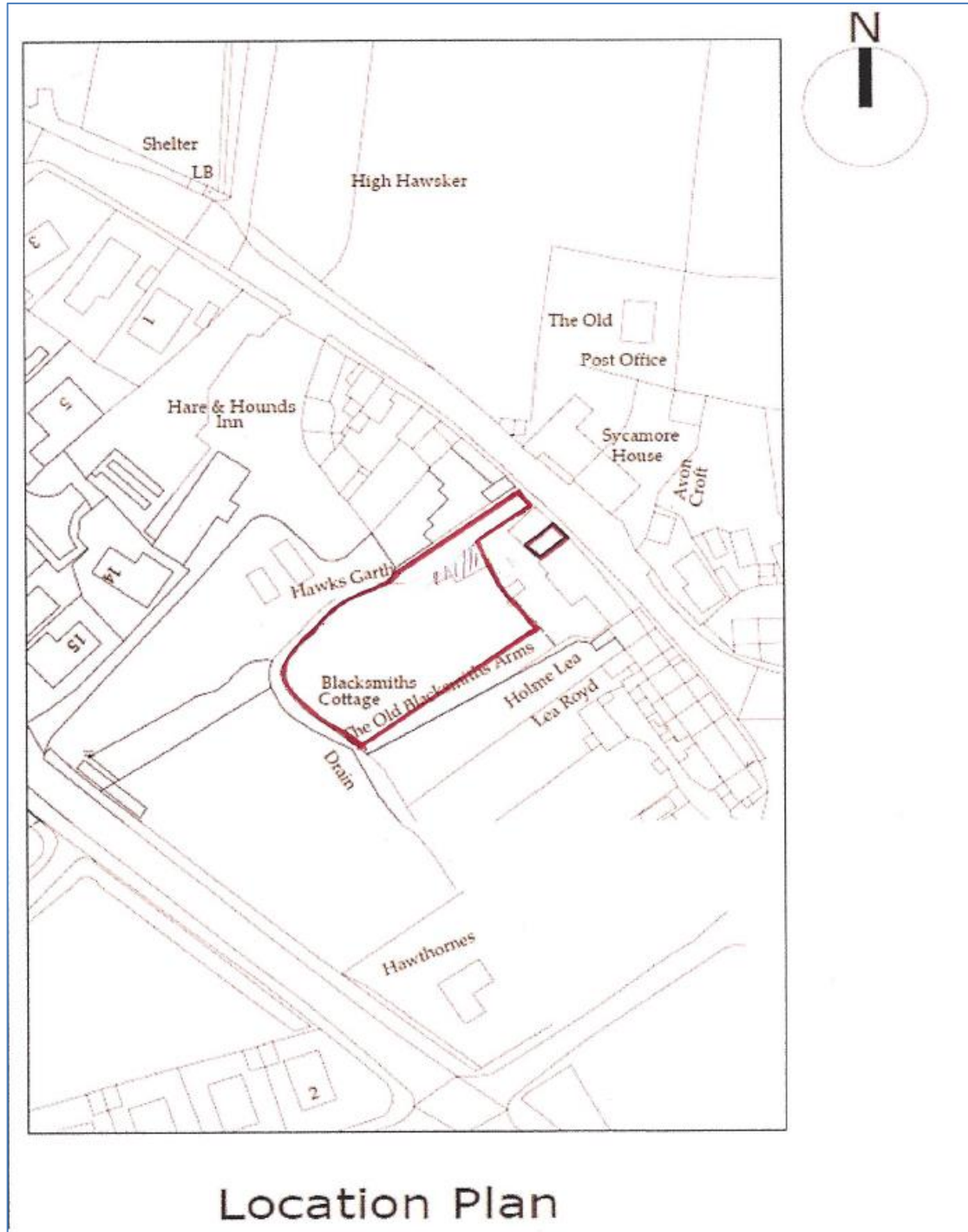


Figure 2: Site location and survey area.

3 Methodology

3.1 Desktop study

3.1.1 North and East Yorkshire Ecological Data Centre (NEYEDC) were commissioned to provide records of protected or notable species within 2km of the site. The search was extended to include any statutory, non-statutory sites and notable habitats.

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

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

3.2 Field survey

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

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

3.2.3 Trees marked for removal or directly affected by the development scheme were assessed during the day from the ground using close focusing binoculars and a halogen torch (500,000 candle power). Features such as woodpecker holes, splits, cracks, rot holes, dense ivy, and peeling bark were looked for which are commonly used by bats for roosting and for shelter. Any features were then inspected for any signs of bat use, including scratches or staining around potential access points, bat droppings bats, and the sounds / smells of bat roosts.

3.2.4 Other trees within the site and areas of vegetation were also assessed for value to bats and birds, and their importance as foraging and commuting habitat.

3.2.5 Any buildings on site were assessed for their degree of potential to support roosting bats. This includes assessing the building design, materials and condition.

Colour code	Bat roost potential.	Roosting habitats	Commuting and foraging habitats
Red	High risk	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.	<p>Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by commuting bats such as river valleys, streams, hedgerows, lines of trees and woodland edge.</p> <p>High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland.</p> <p>Site is close to and connected to known roosts.</p>
Amber	Moderate risk	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only-the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).	<p>Continuous habitat connected to the wider landscape that could be used by bats for commuting such as a line of trees and scrub or linked back gardens.</p> <p>Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.</p>
Yellow	Low risk	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. Unlikely to be suitable for maternity or hibernation)	<p>Habitat that could be used by small numbers of commuting bats such as gappy hedgerow or unvegetated stream, but isolated, i.e. Not very well connected to the surrounding landscape by other habitat.</p> <p>Suitable but isolated habitat that could only be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.</p>
Grey	Negligible risk	Negligible habitat features on site likely to be used by roosting bats.	Negligible habitat features on site likely to be used by commuting or foraging bats.

Table 2: Guidelines for assessing the suitability of proposed development sites for bats. Adapted from BCT Bat surveys for Professional Ecologists, Good Practice Guidelines 2016.

3.2.6 The exterior of the buildings were inspected during the day using halogen torches (500,000 candle power), ladders, and a flexible endoscope (a Sea Snake LCD inspection scope). All normal signs of bat use were looked for, including bats, bat

droppings, feeding waste, entry and exit holes, grease marks, dead bats, and the sounds / smells of bat roosts.

3.2.7 The location of the site and the surrounding habitat were also assessed for value to bats. This includes proximity of the site to good bat foraging habitat such as woodland and water bodies and if the site is linked to such habitats by linear features like hedgerows, woodland edges or rivers which bats use to commute around the environment.

3.2.8 All signs of breeding bird activity were looked for.

3.2.9 The site was surveyed for evidence of badgers. Field signs include setts (noting number of entrances and evidence/level of recent activity); latrines; well-worn pathways; footprints; snuffle holes; hairs caught in boundary fences; scratching posts; smells.

3.2.10 Habitat Suitability Index (HSI) assessments were carried out on ponds within 250m of the site. The HSI's were carried out in accordance with the ARG UK Advice Note 5 (May 2010) and based on the system originally developed by Oldham *et al.* (2000). The categorisation of HSI scores are as follows:

HSI score	Pond suitability
< 0.5	poor
0.5-0.59	below average
0.6-0.69	average
0.7-0.79	good
> 0.8	excellent

3.2.11 Habitat evaluation for reptiles was undertaken focusing on potential areas for reptile basking in sheltered locations. Potential refugia such as rabbit burrows, brash piles, cracks and gaps in rocks, stone piles etc were noted. Throughout the walkover survey, the site was walked slowly looking out for reptiles and listening for any rustles in the undergrowth.

3.2.12 Habitat evaluation for hedgehogs was undertaken; hedgehogs may seek shelter in vegetation under hedges, and some hedgerows may be suitable habitats for

summer breeding nests and winter hibernacula. Field signs (e.g., tracks, droppings) were also looked for.

4 Constraints

There are no significant constraints on the survey in relation to access to the site nor in available methodology.

5 Baseline ecological conditions

5.1 Designated sites

5.1.1 Statutory sites

The site is located within the North York Moors National Park, additionally, there are parcels of the SSSI within the 2km search radius; additionally, a small parcel of Special Protection Area and Special Area of Conservation falls within the search radius. Figures 3 & 4 show the internationally, and nationally designated sites within 2km of the site.

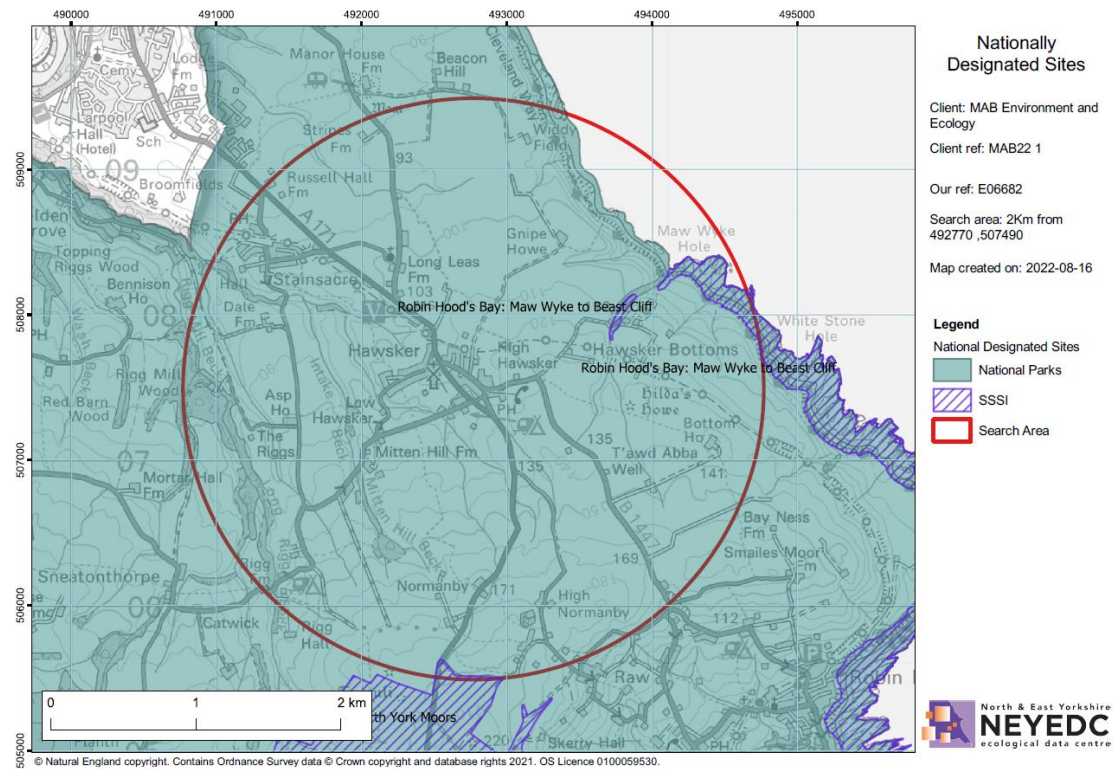


Figure 3: Nationally designated sites.

EClA: The Old Blacksmiths, Hawkser

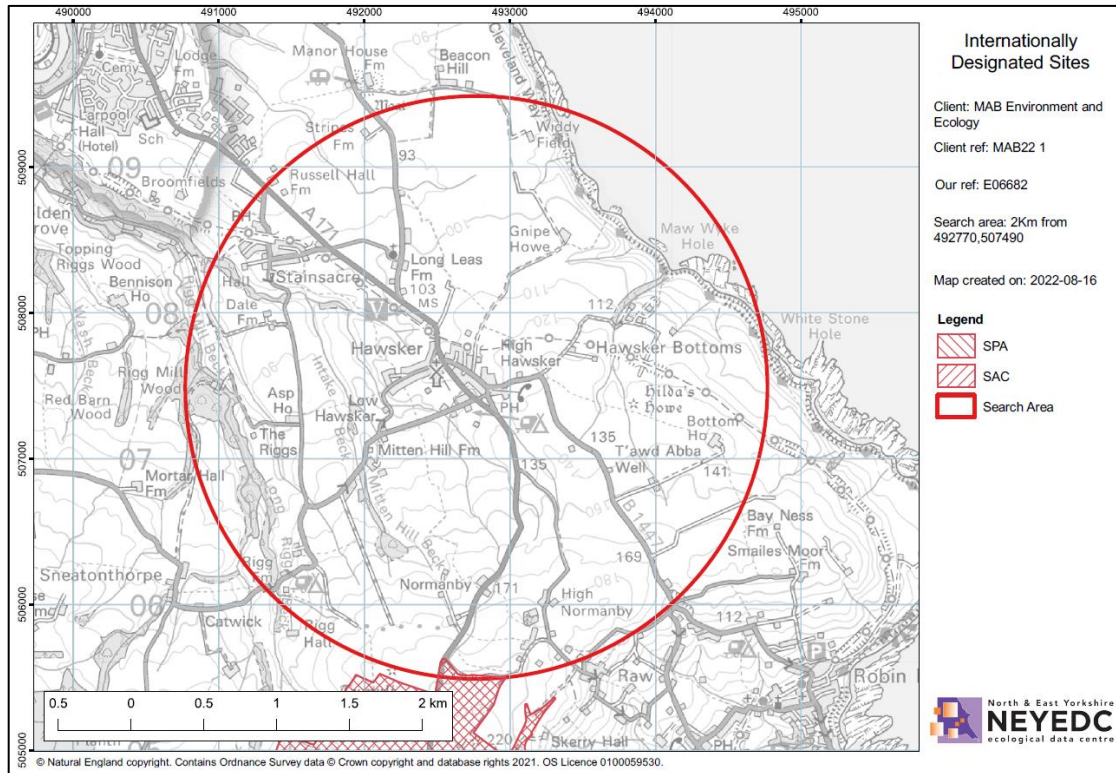


Figure 4: Internationally designated sites.

5.1.2 Non-statutory sites

There are no non-statutory sites or local nature reserves within 2km of the site.

5.2 Habitats

5.2.1 Surrounding Habitats

Natural England Habitat inventories.

The Priority Habitat search identified parcels of ancient semi-natural woodland, deciduous woodland, lowland meadow, upland heathland and a small polygon of grass moorland within the 2km search radius. None of these habitats were identified on-site.

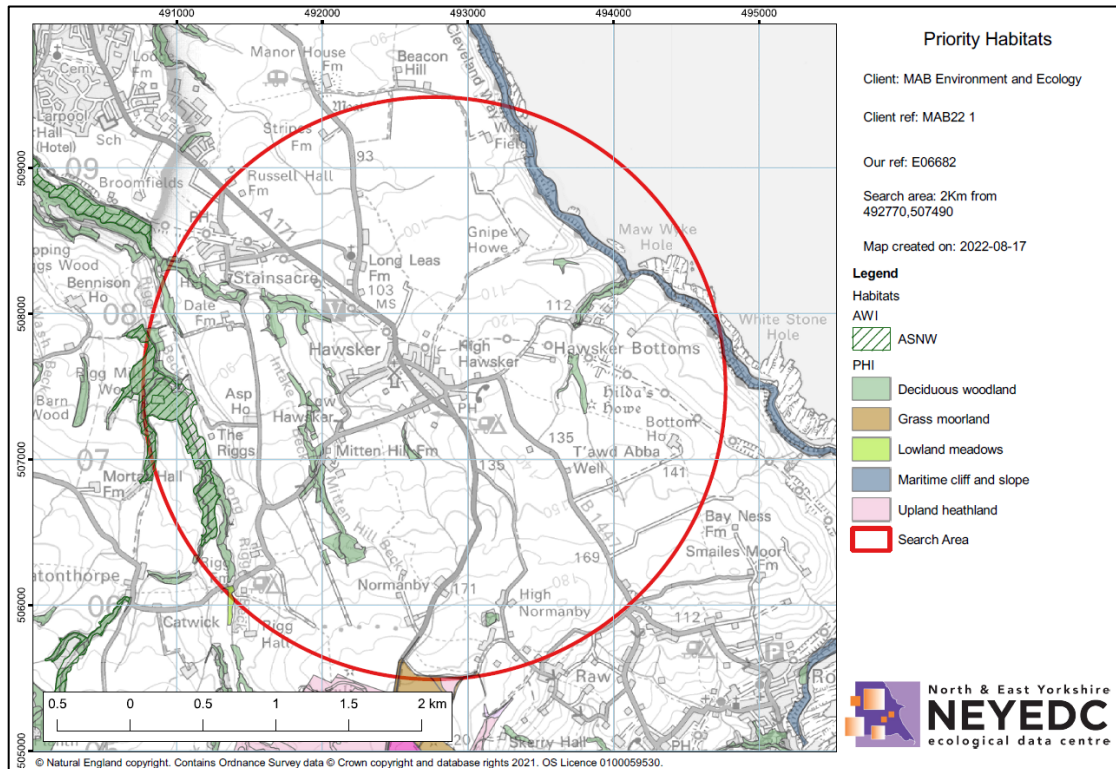


Figure 5: Map showing areas of notable habitat listed on the Habitat Inventories.

Aerial imagery

The site is located within the village of Hawkser, Whitby. The immediate surroundings are urban, with the wider landscape predominantly comprised of agricultural land (Arabella and permanent pasture). Deciduous woodlands are interspersed throughout the landscape, and there are several waterways within 1km of the site (East coast Beck, Raw pasture beck and Intake beck) which will likely act as ecological corridors through the landscape for a range of species.



Figure 6: Aerial view of the site and surrounding area.

Ponds

A search of Magic Maps identified no ponds within 250m of the site; however, there is a small ornamental pond within the neighbouring garden (Photo 1). A habitat suitability index was undertaken on the pond; results show that the pond has a *below average* suitability for GCN. Table 3 shows the results of the HSI.

Table 3: HSI results for the neighbouring ornamental pond.

Factor	Field Score	Suitability Index (0.01-1)
1 Location	Zone A	1
2 Pond area	50-100m ²	0.1
3 Pond drying	Never dries	0.9
4 Water quality	Moderate	0.67
5 Shade (%)	76-80%	0.6
6 Fowl	Absent	1
7 Fish	Possible	0.7
8 Ponds within 1 km of survey area	0	0.1
9 Terrestrial habitat	Moderate	0.67
10 Macrophyte cover	66-80%	1

HSI= 0.5261 – Below average



Photo 1: Neighbouring pond.

5.2.2 Habitats on site.

Phase 1 survey

The habitats found on site are highlighted within the Phase 1 habitat map Figure 7. Target notes (TN) are included in Table 5. Detailed information of habitats present can be found below.

Survey Metadata
Surveyor: Jake Walker BSc (Hons)
UK Habs edition: Professional
Minimum Mapping Unit (MMU): Areas: 25m ² , Linear features: 5m
Highest level of primary habitat achievable: Lvl 5
Map Projection: EPSG: 2270 British National Grid
Year: 2022
Organisation: MAB Environment and Ecology Ltd

Table 4: Survey metadata.

Habitat

W1g, 10 – other broadleaved woodland, scattered scrub & freshwater drain

Woodland encompasses the northern boundary of the site. A mixture of mature trees and scattered scrub—mature crack willow (*Salix fragilis*) and sycamore (*Acer pseudoplatanus*) line the freshwater drain. Scattered scrub consists of elder (*Sambucas nigra*), self-seeded sycamore saplings, and common apple (*Malus malus*). The ground layer is dominated by ivy (*Hedera helix*), with frequent bramble (*Rubus fruticosus*).

The freshwater drain is steep-sided, with no vegetation and a low water table.



Photo 2: w1g.



Photo 3: w1g.



Photo 4: Drain along boundary.



Photo 5: Apple trees.

U1 – Built up area and gardens

Vegetated garden with ornamental planting and paved area alongside other neutral grassland. 2 x green houses and piled organic waste material (bramble garden waste cuttings). Stinging nettle (*Urtica dioica*) and cleavers (*Galium aparine*) have colonised the disturbed/shaded areas.

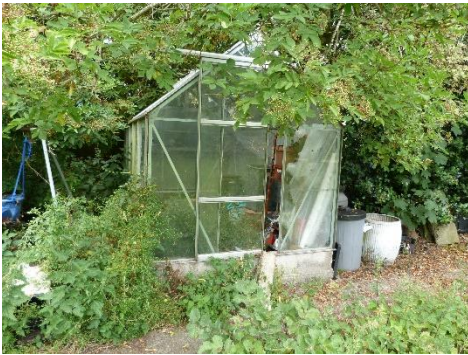


Photo 6: Green house.



Photo 7: Bramble/grass cuttings.



Photo 8: Paved area.



Photo 9: Vegetated garden.

G3c, 16 - Other neutral grassland, tall herb

Un-managed grassland, species noted include cow parsley (*Anthriscus sylvestris*), field horsetail (*Equisetum arvense*), prickly sow-thistle (*Sonchus asper*), meadow cranes-bill (*Geranium pratense*), wood avens (*Geum urbanum*), hogweed (*Heracleum sphondylium*), sorrel (*Rumex acetosa*), self heal (*Prunella vulgaris*), green alkanet (*Pentaglottis sempervirens*), doves-foot cranes-bill (*Geranium mole*), tufted hair grass (*Deschampsia cespitosa*), false oat grass (*Arrhenatherum elatius*), and meadow foxtail (*Alopecurus pratensis*).



Photo 10: g3c.



Photo 11: g3c.



Photo 12: Typical sward structure.

W1g6 – Line of trees

Line of mature trees along southern boundary, mature deciduous and coniferous trees.



Figure 7: UK HAB Map.

Target note (TN's)	Description	Notes on potential faunal /habitat value
1	Brash piles (bramble and garden waste)	Hedgehog nesting & hibernacula habitat. Habitat piles

Table 5: Target notes.

Building Inspection Results



Figure 8: Visual inspection results

Building ref.	Description	Features with potential bat roost habitat (PBRH).
1 – Negligible potential risk of supporting bats	<p>Breezeblock garage, with a asbestos sheet roof. The building is well-sealed, with no masonry crevices and no gaps along the wall tops. No identifiable access to the interior of the building.</p> <p>Mature ivy dominates the gable walls and roof. Potential nesting bird habitat.</p>	No PBRH
2 – Negligible potential risk of supporting bats	<p>Single-storey brick outbuilding, with a lean-to corrugated sheet roof. Adjoins Building 1 on its west gable wall. Some external masonry crevices, however, all gaps are heavily cobwebbed.</p>	Minor masonry crevices – all heavily cobwebbed.

Table 6: Visual inspection results.

Building photographs:



Photo 13: Building 1, south elevation.



Photo 14: East gable wall.



Photo 15: Well-sealed walltop.



Photo 16: Well-sealed walltop.



Photo 17: North aspect.



Photo 18: Building 2.



Photo 19: Heavily cobwebbed crevices.



Photo 20: West elevation, Building 2.

5.3 Species and species groups

Full results of the ecological data search for species records within 2km of the site are appended.

5.3.1 Plants

A high number of plants records (1250) were returned from the NEYEDC data search. The majority of the records are historic and relate to the 1993, North York Moors Plant Atlas. No protected or notable plant species were recorded on-site; the species noted are common and are of low conservation value.

5.3.2 Invertebrates

20 invertebrate records were returned from the NEYEDC data search. Notable species recorded include the white-letter hairstreak (*Satyrrium w-album*), which was recorded in 2005 approximately 2km northwest of the site. There are no elm trees on-site which would support this species. Invertebrate species using the site are likely to be widespread and of low conservation value. Other neutral grasslands, ivy (*Hedera helix*) and mature trees on-site will provide nectar sources and refugia for invertebrates.

5.3.3 Amphibians

No amphibian records were returned from the 2km data search. The small ornamental pond within the neighbouring garden may support common amphibian species (i.e. common frog (*Rana temporaria*)), however, the risk of Great Crested Newt (GCN) (*Triturus cristatus*) utilising the pond is considered negligible. GCN exist within metapopulations, requiring several interconnected ponds and high-quality terrestrial habitats. The neighbouring pond has a *below average* suitability for supporting GCN, there are no identifiable ponds within 1km of the site, and the immediate

surroundings are urban; therefore, GCN are scoped out of the assessment at this stage.

However, the site does offer suitable terrestrial and refugia habitats for more ubiquitous amphibian species.

5.3.4 Reptiles

No reptile records were returned from the 2km data search. Habitats on-site are sub-optimal for reptiles; the site is small and does not offer a suitable mosaic of habitats to support nesting, hunting and basking reptiles. Additionally, the immediate surroundings are urban which will likely preclude reptile use. **Therefore, reptiles are scoped out of the assessment at this stage.**

5.3.5 Birds

59 records for 34 bird species were returned from the NEYEDC data search. All records relate to a Flyingdales Moor, approximately 2.5km south of the site. Notable species include snipe (*Gallinago gallinago*), and Eurasian skylark (*Alauda arvensis*).

There is an abundance of potential bird nesting and foraging habitat on-site; other broadleaved woodlands, scattered scrub and neutral grassland will provide suitable nesting and foraging habitat for a range of common avian species. Additionally, the dense ivy that has colonised Building 1 will provide quality nesting habitat. Species noted during the site walkover include blue tit (*Cyanistes caeruleus*), goldfinch (*Carduelis carduelis*), and great tit (*Parus major*).

5.3.6 Bats

One pipistrelle record was returned from the NEYEDC data search. The record is incomplete and relates to a site approximately 1.8km northwest of the site.

Buildings on-site have negligible risk of supporting roosting bats, the modern materials used in construction lack suitable crevice habitat to support roosting bats. There are a small number (1-2) masonry crevices within Building 2, however these are heavily cobwebbed and undisturbed.

Subsequently, bat use of the site will be limited to foraging and commuting. Mature trees, fruit trees and scrub on-site will provide quality foraging habitat.

5.3.7 Badgers

No badger records (*Meles meles*) were returned from the 2km NEYEDC data search. No evidence of badger was identified on-site, and the site does not support suitable habitat for sett establishment. **Badgers are scoped out of the assessment at this stage.**

5.3.8 Otter and water vole

Four historic water vole (*Arvicola amphibious*) records were returned from the NEYEDC data search. The records date from the 1990's for a single location approximately 1.54km northwest of the site. No records for otter (*Lutra lutra*) were returned.

The freshwater drain along the western boundary is steep-sided, heavily shaded by surrounding vegetation and with low water levels. Subsequently, the drain lacks suitable habitat to support either of these species and **otters and water voles are scoped out of the assessment at this stage.**

5.3.9 Hedgehog

No hedgehog (*Erinaceus europaeus*) records were returned from NEYEDC data search; however, the lack of records is likely a result of under recording rather than absence. Habitats on-site will provide quality hedgehog nesting and foraging habitat. Hedgehog presence within the surrounding landscape is considered likely due to suitable habitat and widespread distribution, subsequently, there is risk that they are utilising the site. Hedgehogs are a SOPI under the 2006 NERC act, and therefore are scoped into the assessment.

6 Description of the proposed development

The proposed development is for the construction of two semi-detached residential properties, with associated access, garages and landscaping. This will require the removal of the existing garage and outbuilding and a loss of the vegetated garden, and other neutral grasslands. Proposed development plans can be found below in Figure 9.



Figure 9: Development plan.

7 Assessment of impacts and mitigation

7.1 Designated sites

7.1.1 Impacts

There will be no identifiable impacts on designated sites.

7.2 Habitats and plants

7.2.1 Impacts

There will be a loss of vegetated gardens, and other neutral grasslands from the development. The proposed buildings will be situated within the current grassland resulting in a direct loss. The remainder of the habitat shall become garden plots, and subsequently, through increased management and anthropogenic activities, the floral composition, structure, and sward type is likely to be lost.

There is likely to be a loss of woodland and scattered scrub to the development. However, it appears from the proposed design that mature trees along the eastern boundary will be retained.

There will be a loss of trees along the southern boundary.

Overall, impacts have been assessed as negative ('significant') at site level.

7.2.2 Mitigation measures

- Where feasible trees and shrubs should be retained.
- Any landscape planting will comprise of native trees and shrubs, which provide food sources for birds, such as hawthorn, hazel, dogwood, guelder rose, birch, willow, and field maple. Non-native planting often used in new housing such as laurel has very little value for UK wildlife and should be avoided.
- Cuttings/waste organic material from the site clearance (shrub/tree removal) should be piled within the retained woodland to create habitat piles for amphibians, small mammals and invertebrates.

7.3 Amphibians

7.3.1 Impacts

There will be a loss of amphibian terrestrial and refugia habitats from the proposed development.

There is also a risk of harm/disturbance to common amphibian species during site clearance and construction phase of the development. There is a negligible risk to GCN.

Overall, impacts have been assessed as 'negative' not significant and are restricted to site level.

7.3.2 Mitigation measures

To mitigate the risk of disturbance to common amphibians, it is recommended that precautionary amphibian measures are implemented.

Amphibian precautionary measures

- The area of works should be kept mown short or ploughed for 6 weeks prior to the work to make the area less attractive to amphibians.
- Areas of potential refugia (dense scrub, compost piles, beneath paving slabs etc) should be removed carefully by hand. If any amphibians are located on-site, they should be moved off-site and placed in a suitable receptor site.

7.4 Birds

7.4.1 Impacts

There will be a loss of potential bird nesting habitat from the development. There is also a risk of disturbance/harm to nesting birds if vegetation clearance is undertaken within the bird breeding season.

Overall, impacts have been assessed as 'negative' (not significant), and are restricted to site level.

7.4.2 Mitigation measures

- The pruning/removal of any significant vegetation should be scheduled to avoid the bird breeding season, which runs from mid-March to end of August. If this is not possible, then a check for active nests should be carried out immediately before any works to the affected areas begin.
- To mitigate the loss of potential nesting habitat two integral bird nesting features should be installed within the new builds. We recommend that one nest feature is installed within each house. Examples of suitable integral nest features include

Schwegler sparrow terrace 1SP, brick sparrow box, and Ibstock Eco-habitat for Swifts.

7.5 Bats

7.5.1 Impacts

- Buildings on-site have a negligible risk of supporting roosting bats. Subsequently, the proposed development will have no impact on roosting bats. However, there will be a loss of bat foraging habitat, and increased lighting/use of the site has the potential to impact the ecological functionality of the site.
- Overall, impacts have been assessed as 'negative' (not significant), and re restricted to site level.

7.5.2 Mitigation measures

- In time, vegetated gardens will provide alternative foraging habitats.
- The western boundary of the site (mature trees and vegetation surrounding the freshwater drain) should not be lit. This should remain a dark corridor within the landscape, ensuring that the ecological functionality of these habitats for foraging and commuting bats is maintained post-development.

7.6 Hedgehogs

7.6.1 Impacts

7.6.2 There will be a loss of potential hedgehog nesting and foraging habitat from the development. Additionally, connectivity between the site and surroundings could be impacted if any new boundary fences are installed.

7.6.3 There is also a risk of disturbance/harm to hedgehogs during the construction phase of the development.

7.6.4 Overall, impacts have been assessed as 'negative' (not significant).

7.6.5 Mitigation measures

- As a precautionary measure, during construction deep trenches and excavations should be covered overnight, or left with a plank or similar, with a slope of no more than 45 degrees to allow hedgehogs, and small mammals to escape if they fall in.
- If any boundary fencing is installed on-site (i.e. around gardens), holes will be put into the bases, allowing hedgehogs to move across the site and into the surrounding landscape.; holes should be 13cm x 13cm.
- The habitat pile currently on-site should be retained were possible, or re-located. If this is not possible, lost nesting habitat will be mitigated for via installation of 1 long-lasting professional-quality hedgehog house on-site. This should be located in a sheltered area where there is good connectivity to the wider landscape. It is recommended that the hedgehog house be placed along the western boundary, adjacent to the freshwater drain within the retained woodland.
- Habitat piles should not be disturbed during the hedgehog nesting season (June-August) or hibernation period (late December – March).

7.7 Residual impacts

7.7.1 There will be a residual loss of other neutral grassland, and likely a loss of woodland habitat from the development.

7.7.2 There will likely be a residual loss of semi-mature/mature trees from the development.

8 Recommendations for ecological enhancement & compensation

- To enhance the site for roosting bats, integral bat boxes could be installed within the proposed new builds. We recommend one integral bat roost feature per property. Integral habitat is preferable, as when it is well-placed it can be completely out of sight, and any droppings should fall out into unoccupied areas. Examples of suitable integral bat roost features include Ibstock bat roost entrance brick (leading into a cavity wall), Vivara Pro Build in Woodstone Bat Box or Schwegler Type 1FR bat tube.

9 Conclusions

The application area has been subjected to appropriate ecological assessment which is proportionate to the scale of development and inherent value of the site.

The Ecological Impact Assessment confirms that, in the absence of mitigation, there may be a negative impact on, habitats, breeding birds, amphibians, and foraging/commuting bats. Mitigation measures have been designed to safeguard the status of these, reducing impact to neutral impacts, these are detailed in Section 7.

There will be a residual loss of habitat from the development.

The enhancement measures outlined in Section 8 will secure positive gains to local biodiversity when compared to baseline conditions.

10 References

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

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

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

CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Chartered Institute of Ecology and Environmental Management, Winchester.

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

National Planning Policy Framework 2021: <https://www.gov.uk/government/collections/revISED-national-planning-policy-framework#revised-national-planning-policy-framework>

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

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

Taxon designations: <http://www.jncc.gov.uk/page-3418>

Collins, J. (ed.) (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd edn). The Bat Conservation Trust, London.

Oldham RS, Deeble J., Swan M.J.S. and Jeffcote M. (2000) Evaluating the suitability of habitat for the Great Crested Newt (*Triturus cristatus*) *Hepetological journal* 10(4), 143-155

Appendix 1: Biological records

Due to the high number of records returned, records are available upon request.

Appendix 2: Glossary of bat roost terms

Bat Roost Definitions:

Day roost: a place where individual bats, or small groups of males, rest or shelter in the day but are rarely found by night in the summer.

Night roost: a place where bats rest or shelter in the night but are rarely found in the day. May be used by a single individual on occasion or it could be used regularly by the whole colony.

Feeding roost: a place where individual bats or a few individuals rest or feed during the night but are rarely present by day.

Transitional / occasional roost: used by a few individuals or occasionally small groups for generally short periods of time on waking from hibernation or in the period prior to hibernation.

Swarming site: where large numbers of males and females gather during late summer to autumn. Appear to be important mating sites.

Mating sites: where mating takes place from later summer and can continue through winter.

Maternity roost: where female bats give birth and raise their young to independence.

Hibernation roost: where bats may be found individually or together during winter. They have a constant cool temperature and high humidity.

Satellite roost: an alternative roost found in close proximity to the main nursery colony used by a few individual breeding females to small groups of breeding females throughout the breeding season.

Appendix 3: Standard good working practices in relation to bats

Bats are small, mobile animals. Individual bats can fit into gaps 14-20mm wide. They can roost in a number of places including crevices between stonework, under roof and ridge tiles, in cavity walls, behind barge boards, in soffits and fascias and around window frames. Builders should always be aware of the potential for bats to be present in almost any small gap accessible from the outside in a building. The following guidelines are provided in order to reduce the risk of harm to individual bats.

- Roofs to be replaced, or which are parts of a building to be demolished, should be dismantled carefully by hand. Ridge tiles, roof tiles and coping stones should always be lifted upwards and not slid off as this may squash/crush bats.
- Re-pointing of crevices should be done between April and October when bats are active. Crevices should be fully inspected for bats using a torch prior to re-pointing.
- Any existing mortar to be raked should be done so by hand (not with a mechanical device).
- Look out for bats during construction works. Bats are opportunistic and may use gaps overnight that have been created during works carried out in the daytime.
- If any bats are found works should stop and the Bat Conservation Trust (0845 1300 228) or a suitably qualified bat ecologist should be contacted.

If it is necessary to pick a bat up always use gloves. It should be carefully caught in a cardboard box and kept in a quiet, dark place. The Bat Conservation Trust or a suitably qualified bat ecologist should be contacted.

Appendix 3: Relevant policy and legislation

Planning policy

National Planning Policy Framework (England) NPPF July 2021

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

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

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

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

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

- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”

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

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

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

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

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

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

Further to NPPF and ODPM Circular 06/2005, Section 40 of the Natural Environment and Rural Communities Act (2006) states that ‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of

conserving biodiversity'. Section 40(3) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Local Planning Policy

Policy ENV 5: The Natural Environment:

Proposals should respond positively and seek opportunities for the enhancement of species, habitats or other assets thereby resulting in a net gain in biodiversity by;

- a) ensuring that development does not result in an unacceptable impact on any locally, nationally or internationally designated sites unless the impact can be outweighed by a greater benefit as commensurate to the designation;
- b) considering whether any potential adverse impacts on species and habitats can be successfully mitigated;
- c) supporting the recovery of priority species and habitat creation as identified in the Scarborough Borough Biodiversity Action Plan (2005) or any subsequent update;
- d) increasing trees and woodland through ensuring new developments include appropriate tree planting whilst retaining and integrating healthy, mature trees and hedgerows and maintaining those which make an important contribution to the setting and character of an area; and
- e) ensuring that development does not result in deterioration in the Water Framework Directive ecological status of surface, ground or coastal waterbodies.

The Local Planning Authority will respond favourably to proposals that aim to conserve or enhance biodiversity as a primary objective and proposals that incorporate biodiversity in and around developments, therefore, development proposals should demonstrate how they respond positively to those assets in the following paragraph and can result in a net gain to biodiversity.

The Local Plan area has a number of nationally, regionally and locally designated sites. The Local Plan affords commensurate protection to designated sites according to their importance and the contribution they make to the wider ecological network. Proposals will be considered in accordance with Circular 06/2005 where they may impact upon designated sites as this provides a context to the level of protection each designation has afforded to them and whether mitigation measures will be sufficient to allow development.

Sites of Special Scientific Interest (SSSI)

There is a number of designated Sites of Special Scientific Interest (SSSIs). These sites are nationally identified by Natural England and are statutorily protected under the Wildlife and Countryside Act 1981 for biological or geological importance. Proposals that may have an adverse effect on a SSSI either individually or cumulatively should only be permitted where the benefits of the development clearly outweigh the impact. Particular attention should be placed upon the site's notified special interest features.

Local Geological Sites (LGS) and Sites of Importance for Nature Conservation (SINCs)

Both Local Geological Sites and Sites of Importance for Nature Conservation are local designations that are non-statutorily protected. Local Geological Sites are selected by the North East Yorkshire Geology Trust for their educational, historical and aesthetic value in geological interest. Sites of Importance for Nature Conservation are identified for their importance in habitat and species protection. Proposals should demonstrate how development may impact on a designated site including the specific features that may be of particular importance to the designation.

Biodiversity Action Plan and species and habitat protection

The UK Biodiversity Action Plan and Scarborough Borough Biodiversity Action Plan set out priority habitats and species by implementing Habitat Action Plans and development proposals should seek to contribute towards achieving its targets. It is also important to protect and enhance habitats and species that have no national or international protection and proposals should demonstrate how they may impact upon such species and mitigation measures. The Scarborough Borough Biodiversity Action Plan and future updates should be taken into account when considering how development may provide opportunities for habitat enhancement.

The Borough Council will support the Biodiversity Action Plan in its attempts to form newly-created habitats such as those created by the Cayton Flixton Carrs Wetland Project. This project has been a success having brought together support from a wide range of organisations and has gone a long way in achieving targets set in the Biodiversity Action Plan.

Woodland Habitats including Ancient Woodlands

The importance of protecting ancient woodlands and the role woodlands can play in the restoration and creation of natural habitats and their networks is recognised. Development proposals should recognise not only the importance of protecting species-rich trees or hedgerows but the value of incorporating them in design and consider how new planting can interact with existing habitats. The loss of irreplaceable habitats, including ancient woodland or aged or veteran trees found outside ancient woodland, will only be permitted where the benefits of development in that location can clearly be demonstrated to outweigh the loss.

Where necessary, proposals will be required to demonstrate that developments are in compliance with Water Framework Directive objectives, particularly for developments which result in physical modifications to water bodies or which pose a substantial pollution risk.

The Borough Council will continue to work closely with Biodiversity groups to ensure these sites receive appropriate protection or enhancement. This includes the North Yorkshire and York Local Nature Partnership (LNP) and emerging LNP strategy with specific reference to the two LNP priority areas within the Borough; The Vale of Pickering, and the North York Moors & Coast. In addition, the Borough Council will continue to work with its neighbouring authorities where the impacts of proposals may cause an issue on a cross-boundary basis. This includes any impact on strategic habitat connections that extend into the Local Plan area from the North York Moors National Park that could adversely affect biodiversity. These connections are identified in the North York Moors National Park Management Plan and any relevant proposals should be considered against Paragraph 115 of the NPPF.

Natural Environment and Rural Communities (NERC) Act 2006 – Habitats and Species of Principal Importance (England and Wales)

The NERC Act came into force on 1st October 2006. Sections 41 and 42 (S41 and S42) of the Act require the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England and Wales respectively. The list has been drawn up in consultation with Natural England (NE) and Countryside Council for Wales (now NRW) as required by the Act. In accordance with the Act the secretary of state keeps this list under review and will publish a revised list if necessary, in consultation with NE and NRW.

The S41 and S42 lists are used to guide decision makers such as public bodies, including local and regional authorities, and utilities companies, in implementing their duty under Section 40 of the NERC Act 2006, to have regard to the conservation of biodiversity in England and Wales, when carrying out their normal functions, including development control and planning. This is commonly referred to as Biodiversity Duty.

Guidance for public authorities on implementing Biodiversity Duty has been jointly published by Defra and the Welsh Assembly. One of the key messages in this document states that “conserving biodiversity includes restoring and enhancing species populations and habitats, as well as protecting them”. In England, local authorities are required to take measures “to promote the preservation, restoration and recreation of priority habitats, ecological networks and the protection and recovery of priority species” linking to national and local targets through policy and by association, therefore, through development control.

In 2007, the UK biodiversity Action Plan (BAP) Partnership published an updated list of priority UK species and habitats covering terrestrial, freshwater and marine biodiversity to focus conservation action for rarer species and habitats in the UK. The UK post 2010 Biodiversity Framework, which

covers the period from 2010 – 2020 now succeeds the UK BAP. The UK priority list contained 1150 species and 65 habitats requiring special protection and has been used as a reference to draw up lists of species and habitats of principal importance in England and Wales.

In England, there are 56 habitats of principal importance and 943 species of principal importance on the S41 list. These are all the habitats and species that are found in England that were identified as requiring action in the UK BAP and which continue to be regarded as conservation priorities in the subsequent UK post-2010 Biodiversity Framework.

In Wales, there are 54 habitats of principal importance and 557 species of principal importance on the S42 list. This includes three marine habitats and 53 species that were not on the list of UK BAP priority habitats, but which are recognised as of principal importance for Wales.

Government Circular 06/2005 and Standing Advice from NE

Paragraph 99 of Government Circular 06/2005 advises that *“it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted”*.

The reasoning behind this statement stems from the fact that, without appropriate protected species surveys to confirm presence or likely absence and where an effect upon the species is considered likely should the development proposal proceed, planning permission may be inadvertently granted for an action that would contravene protected species legislation or the local planning authority may not have due regard to its duty in respect of protected species in advance of determination and this could result in issues in the ability to implement the planning permission. For example, if a situation were to arise where protected species were discovered after planning permission had been granted, it may not be possible to incorporate mitigation measures into the scheme, at least without a major change to the scheme design that would require re-submission to the planning authority.

Paragraph 118 of the NPPF advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying certain principles. One of these principles advises that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Paragraph 98 of Circular 06/2005 advises that *“the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult with NE before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species. They should advise developers that they must comply with any statutory species’ protection provisions affecting the site concerned...”*

Standing advice from NE provides advice to planners on deciding if there is a ‘reasonable likelihood’ of protected species being present. It also provides advice on survey and mitigation requirements. When determining an application for development that is covered by standing advice, in accordance with guidance in Government Circular 06/2005, Local planning authorities are required to take the standing advice into account. NE advises that standing advice is a material consideration in the determination of applications in the same way as a letter received from NE following consultation.

European Protected Species (Animals)

The Conservation of Habitats and Species Regulations 2017 (as amended) consolidates the various amendments that have been made to the original (1994) Regulations which transposed the EC Habitats Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (Council Directive 92/43/EEC) into national law.

“European protected species” (EPS) of animal are those which are present on Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended). They are subject to the provisions of Regulation 41 of those Regulations. All EPS are also protected under the Wildlife and Countryside Act 1981 (as amended). Taken together these pieces of legislation make it an offence to:

- a) Intentionally or deliberately capture, injure or kill any wild animal included amongst these species
- b) Possess or control any live or dead specimens or any part of, or anything derived from these species
- c) Deliberately disturb wild animals of any such species
- d) Deliberately take or destroy eggs of such an animal or
- e) Intentionally, deliberately or recklessly damage or destroy a breeding site or resting place of such an animal, or obstruct such a place

For the purposes of paragraph c), disturbance of animals includes in particular any disturbance which is likely

- a) To impair their ability
 - I. To survive, to breed or reproduce, or to rear or nurture their young, or
 - II. In the case of animals of a hibernating or migratory species, to hibernate or migrate; or
- b) To affect significantly the local distribution or abundance of the species to which they belong.

Although the law provides strict protection to these species, it also allows this protection to be set aside (derogation) through the issuing of licences. The licences in England are currently determined by NE for development works. In accordance with the requirements of the Regulations (2017), a licence can only be issued where the following requirements are satisfied:

- a) The proposal is necessary “to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment
- b) There is no satisfactory alternative
- c) The proposals ‘will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range’.

Wild mammals

Under the Wild Mammals (Protection) Act 1996, it is an offence to kill or injure any wild mammals by various means, including crushing and suffocating; therefore, consideration must be given to the humane exclusion or destruction of foxes and rabbits before work starts.

Birds

All nesting birds are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to intentionally kill, injure or take any wild bird or take, damage or destroy its nest whilst in use of being built, or take or destroy its eggs. In addition to this, for some rarer species (listed on Schedule 1 of the Act), it is an offence to disturb them whilst they are nest building or at or near a nest with eggs or young, or to disturb the dependent young of such a bird.

The conservation of Habitats and Species (Amendment) Regulations 2012 has placed new duties on Local Authorities and National Park Authorities (and others) in relation to wild bird habitat. Regulation 9A(2) and (3) require that “in the exercise of their functions as they consider appropriate” these authorities must take steps to contribute to the “preservation, maintenance and reestablishment of a sufficient diversity and area of habitat for wild birds in the UK, including by means of upkeep, management and creation of such habitat.....”These authorities are also required, under Regulations 9A(8) to “use all reasonable endeavours to avoid any pollution or deterioration of habitats of wild birds”.

UK Biodiversity Action Plan

The UK Biodiversity Action Plan (BAP) identified a number of species and habitats as priorities of conservation. Those of particular relevance to this site are:

- Soprano pipistrelle bat (*Pipistrellus Pygmaeus*)
- Brown long-eared bat (*Plecotus auritus*)
- Noctule bat (*Nyctalus noctula*)
- West European hedgehog (*Erinaceus europaeus*)
- Otter (*Lutra lutra*)
- Common toad (*Bufo bufo*)

Local Biodiversity Action Plan

Habitat Action Plans;

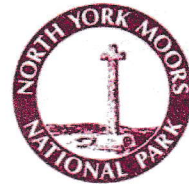
- Woodland
- Species in buildings

Species action plans;

- Bats
- Tree and house sparrow

Housing Supplementary Planning Document – April 2010

APPENDIX G LOCAL OCCUPANCY PROFORMA



LOCAL OCCUPANCY PROFORMA

To be used when applying for full and outline planning permission for Local Needs Housing, to discharge conditions as part of a Condition Verification Check and to confirm accordance with Local Occupancy conditions as part of the National Park Authority's monitoring procedures. For further information about Local Needs Housing, please refer to the Housing Supplementary Planning Document available at www.moors.uk.net

Address of Local Needs Housing

Old Blacksmiths Arms
High Hawsker
Whitby YO22 4LH

Planning application reference no. (office use)

Do you currently live in the North York Moors National Park? Yes/No

Please complete all sections below which are relevant to your personal circumstances. All information which falls within the definition of personal data under the Data Protection Act 1998 will be used on a strictly confidential basis.

If you currently live in the North York Moors National Park, please complete this section:

Please give your current address
.....
.....
.....

How long have you lived at this address? YearsMonths

If less than 5 years, please give your addresses for the last 5 years with the relevant dates
.....
.....
.....

Please attach documents which give evidence of your place of residence for the last 5 years eg household bills, copies of entry on Electoral Roll

APPENDIX G LOCAL OCCUPANCY PROFORMA

Please confirm your reasons for needing to move to the proposed Local Needs Housing development.

Graham Holyfield (father) is now 81 and lives in Low Garth, Fryup, YO21 2AP. The family would like to live near him for caring duties.

If you live outside the North York Moors National Park, please complete this section:

Have you previously lived in the North York Moors National Park? Yes/No

Please give addresses for your previous period(s) of residence in the North York Moors National Park with the relevant dates

Emily Holyfield
From 1985 To 1988
Raven Cottage
Thorp Green Bank
Fylingthorpe YO22 4TU

Delia Holyfield
From 1984 To 1986
2 Brook Cottages
Brook Park, Bategasworth
YO22 1RT

Eleanor Holyfield
9 St. Hilda's Ter
Whitby
YO21 3AE
From 1975
to 1984

Eleanor, Delia & Emily lived in Whitby from age 5 to 18.

Please attach documents which give evidence of your previous residence in the National Park eg household bills, copies of entry on Electoral Roll

Do you have a strong and long standing link to the local community Yes/No

If Yes, please give details of your link to the community, including addresses and length of residence of any family members living in the locality

All 3 daughters grew up in Whitby from 1972 until left home + moved out of the area for jobs. Parents lived in Whitby from 1972 to 1984. Mother lived at this address from 1991 to her death in 2020. She lived in Fylingthorpe 1985-1988. Father lived in Sleights from 1983-89, then moved to Fryup in 1989 and still lives there.

Please complete any of the following details that apply to you.

Do you need to move to be close to a relative who is currently living in the National Park and requires your support? Yes/No

If Yes, please give details including the name and address of your relative, how long they have lived in the National Park and the reasons for them needing you to live close by to give support.

Graham Holyfield (father) is now 81 and lives in Low Garth, Fryup, YO21 2AP. Family would like to live nearer for caring duties.

APPENDIX G LOCAL OCCUPANCY PROFORMA

Do you need to move to be close to a relative who can provide you with essential support and who is currently living in the National Park?Yes/No

If Yes, please give details including the name and address of your relative, how long they have lived in the National Park and the reasons for you needing to live close by.

.....
.....
.....

Do you need to move to live close to your place of employment in the National Park?Yes/No

If Yes, please give details of your employment including the address, the type of employment, the number of hours and whether it is permanent or temporary. Please provide full details if you are self employed. If you need to move to take up a job offer, please say when your employment will start. Please attach a letter from your employer confirming your employment or job offer.

.....
.....
.....

This section to be completed by all proposed occupants

How many people are there are in your household? 4.....

Age	Male	Female
0-151....
16-20	...1....
21-64	...1....
65+

What type of accommodation do you require (eg house, bungalow, number of bedrooms, garden)?

.....
2 Bedroom house with garden
.....

Is suitable accommodation available within the existing housing stock to meet your requirements? Please provide details of properties currently on the market in the village where the proposed development is located.

.....
As at 30.11.22 there is no housing stock in the village
of High Hawker where the proposed development
is located since could prices have risen in the village.
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