

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2024/0060

Development description: creation of dew pond in conjunction with Turtle Dove project

Site address: South Moor, Dalby Forest Drive, Ebberston,

Parish: Ebberston

Case officer: Mrs Hilary Saunders

Applicant: Mr Robert Walker, South Moor Farm, Dalby Forest Drive, Langdale End, Scarborough, YO13 0LW

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text
1	TM01	The development hereby permitted shall begin not later than three years from the date of this decision.
2	PL02	The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved.
3	MC00	The dew pond hereby approved shall not be used for any commercial purpose, including any sporting or shooting activities. No supplementary feeding (for example of ducks and gamebirds) shall be carried out within or around the edges of the wildlife pond hereby permitted in order to ensure that the ecological value of the pond is maximised.
4	MC00	The restoration works shall be undertaken in accordance with the details set out in Section 9.3 of the Dalby Dew Pond Restoration Management Brief 2023 and thereafter be so maintained.
5	ARC02	The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow that person to observe the excavations and record items of interest and finds.

Reason(s) for condition(s)

Reason number	Reason code	Reason text
1	RSN TM01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2	RSN PL01	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan, which seek to conserve and enhance the special qualities of the National Park.
3	RSN MISC00	In order to comply with the provisions of Strategic Policy H of the North York Moors Local Plan which seeks to maintain and enhance features of ecological value and protect species.
4	RSN MISC00	In order to comply with the provisions of Strategic Policy H of the North York Moors Local Plan which seeks to maintain and enhance features of ecological value and protect species.
5	RSN ARCH01	In order that any remains of archaeological importance can be adequately investigated and recorded before any development takes place on the site and to comply with Strategic Policy I and Policy and Policy ENV10 of the North York Moors Local Plan which seeks to conserve and enhance the historic assets and cultural heritage of the National Park.

Informative(s)

Informative number	Informative code	Informative text
1	MC INFO0	<p>All public rights of way must remain available and unobstructed. Appropriate information signs should be displayed to advise users of the operations. Any damage to the surface of public rights of way resulting from the works must be repaired on completion. If the safe use of public rights of way cannot be maintained then a temporary closure must be requested through the National Park Authority with six to eight weeks' notice.</p> <p>The National Park Authority must be informed prior to any works undertaken on or adjacent to a public right of way that may impact on it's safe use or condition.</p>

Consultation responses

Parish

No comments received.

Ramblers' Association

No comments, other than to ask that access to the nearby PROW be maintained at all times.

Third party responses

None received.

Publicity expiry

Advertisement/site notice expiry date – 7 March 2024

Photo showing remnant dew pond (from supporting documents) (can see slight depression in ground)



Background

South Moor Farm is located on Dalby Forest Drive, approximately 1.5km to the southwest of the Dalby Forest toll gate at Bickley and approximately 5.5km to the northeast of the Dalby Forest Visitor Centre. The farm is situated within a sizable clearing within the forest on undulating land with the existing farm buildings visible from the Forest Drive. A Public Right of Way crosses the farm east-west.

The site includes the remains of an historic dewpond. The pond sits in a small area of grassland adjacent to a public footpath with the forestry plantations 90m to the east and the surrounding fields being largely pasture.

The pond is totally dry and is only discernible from the surrounding field by a small depression, it does not hold water at any time of the year. The ground relief and vegetation suggest that the original pond was roughly circular in shape, approx. 12m in diameter, approx. 114m² in area.

This application seeks permission to restore the dew pond so that it holds water for the benefit of wildlife. The pond would be restored with the same profile, depth and shape as the original pond, with gently sloping sides.

The supporting information states the following: -

The Birds on the Edge project is looking to restore ponds in locations that are high priority for Turtle Doves, as easily accessible freshwater is of great importance to Turtle Doves. Estimates suggest that around three quarters of ponds in England and Wales were lost during the 20th century, because of both deliberate destruction (filling in and draining) and gradual colonisation by plants. This represents a substantial loss of both valuable habitats and easily accessible water sources for wildlife.

Restoration of historic dew ponds provides the perfect opportunity to provide water for wildlife in otherwise dry landscapes in a form that is easily accessible to turtle doves and other wildlife due to the ponds' gently sloping sides.

Main issues

Local Plan

Strategic Policy A (National Park Purposes) seeks to take a positive approach to new development, in line with the presumption in favour of sustainable development and where decisions are consistent with National Park statutory purposes:

1. To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park;
2. To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

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

Strategic Policy H (Habitats, Wildlife, Biodiversity and Geodiversity) seeks to ensure the conservation, restoration and enhancement of habitats, wildlife, biodiversity and geodiversity in the North York Moors National Park is given great weight in decision making and goes on to state that development proposals that are likely to have a harmful impact on protected or valuable sites or species will only be permitted where it can be demonstrated that there are no alternatives, there are suitable mitigation measures, any residual harmful impacts have been offset through appropriate habitat enhancement and the wider sustainability benefits of the development outweigh the harm to the protected or valuable interest.

Material considerations

This application has been submitted following discussions with the Turtle Dove Project Officer in order to re-introduce a feature beneficial to wildlife.

The restoration of this pond is supported by the Authority's Ecology team and would feature shallow gently sloping edges to increase biodiversity.

The siting of the pond would look natural within the wider landscape, re-introducing a previous feature.

There is some archaeological interest in this locality, but the Authority's Archaeologist has no objections.

Conclusion

For the reasons outlined above, the proposal meets the aims of Strategic Policy H of the NYMNPA Local Plan 2020 and as such, approval is recommended.

Public Sector Equality Duty imposed by section 149 of the Equality Act 2010

The proposal is not considered to unduly affect any people with protected characteristics.

Pre-commencement conditions

Not applicable.

Explanation of how the Authority has worked positively with the applicant/agent

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.