

Date: 13 September 2016  
 Our ref: 195569  
 Your ref: NYM/2016/0626/TN



Mrs C Ward  
 North York Moors National Park Authority  
 The Old Vicarage,  
 Bondgate,  
 Helmsley,  
 York,  
 North Yorkshire  
 YO62 5BP

Hornbeam House  
 Crewe Business Park  
 Electra Way  
 Crewe  
 Cheshire  
 CW1 6GJ



**BY EMAIL ONLY**

Dear Mrs Ward

**Planning consultation:** Notification for installation of 2 no. equipment cabinets at ground level.  
**Location:** Arqiva Castleton Transmitting Station, The Howe, Danby Low Moor, Castleton.

Thank you for your consultation on the above dated 07 September 2016 which was received by Natural England on 07 September 2016.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**The Wildlife and Countryside Act 1981 (as amended)**  
**The Conservation of Habitats and Species Regulations 2010 (as amended)**

Natural England's comments in relation to this application are provided in the following sections.

**Statutory nature conservation sites – no objection**

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

**Registered Common Land**

The proposal is sited on an area of land that is registered common land. This is covered by the Commons Act 2006 and will have rights of access by the public. As such, if the Planning Application is granted, the applicant will also be required to apply to the Secretary of State for consent under the Commons Act 2006. The applicant may apply under s16 or s38 of that Act, depending on their proposal. The DEFRA guidance on common land is available at <https://www.gov.uk/guidance/carrying-out-works-on-common-land>. The planning inspector will make their decision, under s38, on whether the proposed works are for the benefit of the common, this includes the commoners, the neighbourhood and the public benefit which is defined as access, biodiversity and landscape. Alternatively, an application under s16 of the Act will need to provide land in exchange for the land lost to the proposals, and the inspector will base their decision on whether the land provided is of equivalent value and continues to serve the access needs of the

community as well as the rights of commoners. Natural England is a specified consultee under the Commons Act 2006; the response it provides will be in line with the DEFRA guidance on Commons.

### **Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006**

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. 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.'

### **Protected species**

We have not assessed this application and associated documents for impacts on protected species. Natural England has published [Standing Advice](#) on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at

### **Local sites**

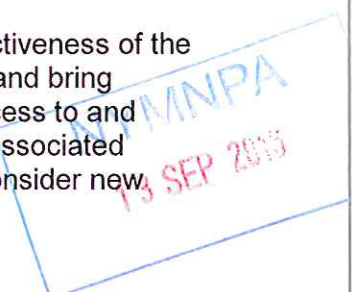
If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

### **Biodiversity enhancements**

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which 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) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

### **Landscape enhancements**

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new



development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

### **Sites of Special Scientific Interest Impact Risk Zones**

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Consultations Team

