

Wendy Strangeway

From: Neame, Elisa (NE)
Sent: 09 January 2017 12:56
To: Planning
Subject: FAO Mrs H Saunders RE: Boggle Hole Youth Hostel, Mill Bank, Mill Beck, Fylingthorpe, - NYM/2016/0814/FL
Attachments: 202844 NE consultation response.pdf; 202844 Consultation_Feedback_form.pdf; NYM_2014_0640_FL decision notice.pdf

Dear Mrs Saunders

Please find attached Natural England's comments on application NYM/2016/0814/FL. Apologies for the lateness of our response; unfortunately I filed the consultation email incorrectly and therefore it slipped through the net. I hope this won't delay you too much.

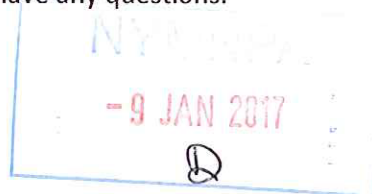
My response details Natural England's advice that you obtain further information or, if this is not possible, proceed to the Appropriate Assessment stage of the Habitats Regulations. You may note that this differs from the advice given by Natural England in 2014 for a very similar planning permission at Boggle Hole Hostel (NYM/2014/0640/FL). On reflection, our previous advice should also have recommended that you undertake an Appropriate Assessment in order to apply conditions which protect Robin Hood's Bay SAC. No likely significant effect can only be concluded if those details within the conditions forms an integral part of the planning application.

I have attached a consultation feedback form for any comments you have about our service, and the decision notice for NYM/2014/0640/FL to which my letter refers.

Once again, apologies for the late comments. Please feel get in touch if you have any questions.

Kind regards
 Elisa

Elisa Neame
 Adviser
 Sustainable Development
 Yorkshire & Northern Lincolnshire Area Team
 Natural England



From: planning@northyorkmoors.org.uk [mailto:planning@northyorkmoors.org.uk]
Sent: 30 November 2016 10:30
To: Consultations (NE)
Subject: Boggle Hole Youth Hostel, Mill Bank, Mill Beck, Fylingthorpe, - NYM/2016/0814/FL

You have received this email from North York Moors National Park Authority (Planning Service) in relation to a planning matter at Boggle Hole Youth Hostel, Mill Bank, Mill Beck, Fylingthorpe, .

The attached correspondence contains important information; please retain it for your records.

If this is a consultation/re-consultation and you are set up with a log-in username and password, please click the link <http://tinyurl.com/z5qmn4j>

In any correspondence, please quote the Council reference number, which is included in the attached letter.

If in future you would like to respond to the electronic correspondence via our e-consultation system please contact Wendy Strangeway via email (planning@northyorkmoors.org.uk) who will be more than happy to set you up with a log-in username and password.

If you cannot open the attachment you can download the following software free of charge:

- Microsoft Word Viewer for Word attachments.
- Adobe Reader for PDF attachments.

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www.northyorkmoors.org.uk

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Date: 09 January 2017
Our ref: 202844
Your ref: NYM/2016/0814/FL



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

Mrs H Saunders
Planning@northyorkmoors.org.uk

BY EMAIL ONLY



Dear Mrs Saunders

Planning consultation: Proposed extension of existing decking to courtyard, new external doors and external flue on west elevation.

Location: Boggle Hole Youth Hostel, Mill Bank, Mill Beck, Fylingthorpe

Thank you for your consultation on the above dated 30 November 2016 which was received by Natural England on the same date.

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.

**TOWN AND COUNTRY PLANNING ACT, ORDER 2016
WILDLIFE AND COUNTRYSIDE ACT 1981, AS AMENDED
CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010, AS AMENDED**

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to Beast Cliff-Whitby (Robin Hood's Bay) Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Robin Hood's Bay: Maw Wyke to Beast Cliff Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Natura 2000 - Further information required

The consultation documents provided by your authority do not include information to demonstrate

¹ Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. We recommend you obtain the following information to help undertake a Habitats Regulations Assessment:

- Detail of where materials will be stored during construction; this should not be within the nearby SAC in order to avoid significant effects
- Detail of what machinery/vehicles will be used and whether there are measures in place to prevent pollution into the ground and subsequently into the designated sites during refuelling.

Where there is a likelihood of significant effects, or there are uncertainties, a competent authority should undertake Appropriate Assessment, in order to assess the implications of the proposal in view of the conservation objectives for the European wildlife site(s) in question. Natural England advises if the above information cannot be obtained prior to the determination of planning permission, your authority will need to proceed to the Appropriate Assessment stage, at which point these details can be secured by condition. You may wish to refer to a previous planning permission at the site (NYM/2014/0640/FL) where conditions were used to the same effect; specifically conditions 6 and 7. This mitigation will ensure that there will not be an adverse effect on the integrity of Robin Hood's Bay SAC. This advice can form part of your appropriate assessment as a justification for the modifications you are proposing through the use of conditions.

It should be noted that proceeding to the AA stage does not necessarily require more detailed assessment; it is simply an acknowledgement that there is the possibility of an effect, and that this can be mitigated at the detailed design stage by the application of conditions. Natural England advises that the information presented so far will enable North York Moors National Park Authority to prepare a short and straightforward appropriate assessment in order to reach a conclusion of no adverse effect on integrity, which will allow the project to proceed. Whilst your appropriate assessment will be brief, its preparation will ensure that you as competent authority have a record of your correct adherence to the step by step process of HRA, and have a record of the evidence you have used to justify your addition of conditions.

SSSI – No objection, with conditions

This application is in close proximity to Robin Hood's Bay: Maw Wyke to Beast Cliff Site of Special Scientific Interest (SSSI). Given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted, with the conditions recommended below. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Conditions

- It must be ensured that any material to be stored during construction should be outside of the designated sites to ensure the habitats within these sites are not affected;
- Any vehicle or machinery refuelling must take place on an impermeable layer to ensure fuel does not leach into the ground and subsequently into the designated sites;

These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Robin Hood's Bay: Maw Wyke to Beast Cliff SSSI is notified.

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended),

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specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Landscape

The application site is within North York Moors National Park and North Yorkshire & Cleveland Heritage Coast. The scale of the development means landscape impacts to the National Park and Heritage Coast are unlikely to be significant.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity);
- local landscape character; and
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

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7 JAN 2017

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

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 NPPF. 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*'.

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 relating to the specific advice in this letter only please contact Elisa Neame on
For any 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,

Elisa Neame
Yorkshire & Northern Lincolnshire Area Team

