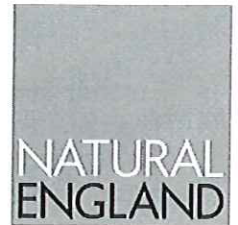


Date: 31 January 2017
Our ref: 203115
Your ref: NYM/2016/0817/FL

16/0817 HS.



Mrs H Saunders
Planning Officer
North York Moors National Park

planning@northyorkmoors.org.uk

Customer Services
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BY EMAIL ONLY



Dear Hillary

Planning consultation: Application in respect of change of use of land to form 1 no. grass runway and construction of pilot/restroom building (revised scheme following dismissal at appeal of NYM/2015/0781/FL)

Location: South Moor Farm, Langdale End, Scarborough

Thank you for your consultation on the above dated 01 December 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.

**WILDLIFE & COUNTRYSIDE ACT 1981 (AS AMENDED)
CONSERVATION OF HABITATS & 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 located approximately 6km from the North York Moors Special Protection Area (SPA) which is a European site. The site is also notified at a national level as North York Moors 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.

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/>

Further information required

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

Natural England previously advised that further information was required on the direction of flights from the proposed airstrip, and whether these would be towards the North York Moors SPA. The comments of Eco Check Consultancy on one of the previous applications, reproduced in Section 6.6, stated '*it is presumed that there will be no level flying across the above designated sites.*' However, The application documents do not include any information on the proposed direction of flights. Natural England's advice is therefore that this information remains outstanding.

SSSI

Our concerns regarding the potential impacts upon the North York Moors SSSI coincide with our concerns regarding the potential impacts upon the North York Moors SPA as detailed above.

Should the details of this application change, Natural England draws your attention to Section 28(l) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Should the application change, or if the applicant submits further information relating to the impact of this proposal on the SSSI aimed at reducing the damage likely to be caused, Natural England will be happy to consider it, and amend our position as appropriate.

If your Authority is minded to grant consent for this application contrary to the advice relating to the North York Moors SSSI contained in this letter, we refer you to Section 28l (6) of the *Wildlife and Countryside Act 1981* (as amended), 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 proposal is located within the North York Moors National Park. Due to the nature and scale of the proposal, we do not consider that it is likely to have a significant visual impact. However, as previously advised, flight activities are likely to have an impact on the tranquillity of the Park which is recognised as one of its special qualities, and we advise that this should be taken into account when determining the application.

Protected species

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

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

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
- 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](#).

We would be happy to comment further should the need arise but if in the meantime you have any queries, please contact James Walsh on 0208 026 8639. For any new consultations or issues, please contact

Yours sincerely

James Walsh
Yorkshire & Northern Lincolnshire Team

