

## North York Moors National Park Authority

<b>District/Borough: Scarborough Borough Council (North)</b> <b>Parish: Fylingdales</b>	<b>Application No. NYM/2017/0045/FL</b>
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**Proposal:** Erection of bird hide

**Location:** Brown Rigg Moor, Fylingdales

**Decision Date:** 16 March 2017

### Consultations

**Parish** – Supports the application as it will provide a good facility for people.

**Fylingdales Village Trust** -

**Natural England** – No objections following the submission of further information.

**Site Notice Expiry Date** – 1 March 2017


### Director of Planning's Recommendation

**Approval** subject to the following condition(s):

1.	TIME010	The permission hereby granted is valid only for five years from the date of this permission and the development shall be removed from the site before this consent expires and the site restored to its former condition before that date.														
2.	PLAN01	<p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left; border: none;">Document Description</th> <th style="text-align: left; border: none;">Date Received</th> </tr> </thead> <tbody> <tr> <td style="border: none;">Letter from Dr John Edwards, The Hawk and Owl Trust</td> <td style="border: none;">16 March 2017</td> </tr> <tr> <td style="border: none;">Location Plan</td> <td style="border: none;">19 January 2017</td> </tr> <tr> <td style="border: none;">Proposed Access Route</td> <td style="border: none;">19 January 2017</td> </tr> <tr> <td style="border: none;">Application Picture 1</td> <td style="border: none;">19 January 2017</td> </tr> <tr> <td style="border: none;">Application Picture 2</td> <td style="border: none;">19 January 2017</td> </tr> <tr> <td style="border: none;">Application Picture 3</td> <td style="border: none;">19 January 2017</td> </tr> </tbody> </table> <p>or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.</p>	Document Description	Date Received	Letter from Dr John Edwards, The Hawk and Owl Trust	16 March 2017	Location Plan	19 January 2017	Proposed Access Route	19 January 2017	Application Picture 1	19 January 2017	Application Picture 2	19 January 2017	Application Picture 3	19 January 2017
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**Reason for Condition(s)**

1.	RSNTIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
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<b>Signature:</b> 	<b>Date:</b> 8 May 2017
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2.	RSNPLAN01	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
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Signature: 	Date: 8 May 2017
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**Background**

Planning permission is sought for the erection of a bird blind (open backed bird hide) on Brown Rigg Moor approx. 300 metres to the west of Grouse Hill Caravan Park to be used for scientific bird study and educational purposes carried out by the Hawk and Owl Trust. Given its proposed location, the hide would also be open to walkers to use for recreational purposes. There is no vehicular access to the site and pedestrian access will be via a permissive footpath through Grouse Hill Caravan Park and a track across the moor.

The application site lies within close proximity to the North York Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) which are European designated sites, and also within the Biller Howe Dale SSSI and close proximity to the North York Moors SSSI.

**Main Issues**

The relevant policies of the Core Strategy and Development Policies Document are Core Policies C which seeks to ensure that the quality and diversity of the natural environment is conserved and enhanced, and to maintain, and where appropriate enhance conditions for priority habitats and species identified in the North York Moors Local Biodiversity Action Plan.

The application site lies within close proximity to the North York Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) which are European designated sites. As the proposal is not necessary for the management of the designated site, it is necessary to assess whether the proposal is likely to have a significant effect on the integrity of the site. In addition the application site lies within the Biller Howe Dale SSSI and within close proximity to the North York Moors SSSI; therefore it is also necessary to assess whether the proposal is likely to damage or destroy the interest features for which the SSSI's have been notified.

Initially Natural England objected to the proposal on the grounds that insufficient information had been submitted to adequately assess the impact of the proposal in those designated sites. However the applicant has responded to the questions raised and submitted the additional information requested such that Natural England is now satisfied the identified impacts on Biller Howe Dale SSSI as well as the North York Moors Special Area of Conservation (SAC), Special Protected Area (SPA) and SSSI can be appropriately mitigated with measures secured via planning conditions as advised and withdraw their objection.

With regard to the landscape impact, the area is characterised by open, undeveloped areas of moorland which maintain panoramic views and a sense of wildness, where new fencing and other man-made infrastructure should be discouraged. However the proposal is for the siting of a relatively small scale open-backed bird hide on a remote part of Brown Rigg Moor where the impacts are likely to be relatively small. The site is not particularly prominent

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Date:

8 May 2017



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or exposed and whilst the proposed hide would be visible from across the other side of the valley which separates Brown Rigg Moor from Fylingdales Moor, it would not be detrimental to the landscape of this part of the Park.

Whilst approval may set a precedent for other bird hides or man-made structures, each case must be dealt with on its own merits. This proposal would meet with the statutory purposes of the National Park; it would have limited impact on the natural beauty and wildlife of the Park whilst promoting opportunities for the understanding and enjoyment of the special qualities of the Park by the public. As such approval is recommended.

**Explanation of how the Authority has Worked Positively with the Applicant/Agent**

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Signature:



Date:

