

Date: 05 May 2017  
Our ref: 213668  
Your ref: NYM/2017/0220/AGRP



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

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

## BY EMAIL ONLY

Dear Mrs C Ward

**Planning consultation:** Notification for erection of replacement agricultural storage/livestock building

**Location:** Greenlands Farm, Goathland,

Thank you for your consultation on the above dated 11 April 2017 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.

## THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010

### 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 the North York Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) which are European sites. The site is also notified at a national level as the 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 have<sup>1</sup>. 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.

### Internationally designated 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 fully

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<sup>1</sup> 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/>

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 advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We recommend that the following information is obtained to help undertake a Habitats Regulations Assessment:

- Clarification that the proposal does not include any extension of the footprint of the building into the boundaries of the North York Moors SAC/SPA.
- Clarification that the proposal does not include discharges into the North York Moors SAC/SPA.
- Clarification that the construction of the proposal does not require:
  - The storage of construction materials or waste within the boundaries of the North York Moors SAC/SPA
  - Vehicular access to the construction site unless on an existing metalled track.

## **WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)**

### **SSSI - request for further information**

This application is in close proximity to the North York Moors Site of Special Scientific Interest (SSSI). Natural England requires further information regarding this development on the grounds that the application, as submitted, makes it unclear as to whether it is likely to damage or destroy the interest features for which the North York Moors SSSI has been notified. The information outlined above (HRA) is the same information that is required to determine any impacts on the SSSI.

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 28I (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.

## **NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT 1949 THE COUNTRYSIDE AND RIGHTS OF WAY ACT 2000**

### **Protected Landscapes**

The proposed development is within a nationally designated landscape namely, the North York Moors National Park. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of National Parks. Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

The landscape advisor/planner for the National Park will be best placed to provide you with detailed advice about this development proposal. Their knowledge of the impact upon the landscape and its wider setting, together with the aims and objectives of the Park's management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Relevant to this is the duty on public bodies to 'have regard' for those statutory purposes in carrying out their functions (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended)).

### **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](#).

### **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

Should the developer wish to explore options for avoiding or mitigating the effects described above with Natural England, we advise they seek advice through our [Discretionary Advice Service](#).

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. Should the proposal change, please consult us again.

For any queries relating to the specific advice in this letter please contact Merlin Ash at

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

Merlin Ash  
Yorkshire and Northern Lincolnshire Team  
Natural England