

MS

Date: 26 April 2017  
Our ref: 213923  
Your ref: NYM/2017/0233/FL



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

Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
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CW1 6GJ



BY EMAIL ONLY

Dear Mrs Saunders

**Planning consultation:** Application in respect of erection of replacement 17.5 metre mast with antennas and dishes together with siting of ground based cabinets and ancillary equipment.  
**Location:** Arqiva Site, The Howe, Danby Low Moor, Castleton.

Thank you for your consultation on the above dated 18 April 2017 which was received by Natural England on 18 April 2017.

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)**  
**The National Park and Access to the Countryside Act 1949**

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

**Statutory nature conservation sites – no objection**

Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the North York Moors SAC and SPA have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the sites' conservation objectives.<sup>1</sup>

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the North York Moors SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of

<sup>1</sup> This reply comprises our statutory consultation response under provisions of Article 20 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, Regulation 61 (3) of the *Conservation of Habitats and Species Regulations 2010 (as amended)*, (The Habitat Regulations) and Section 28(l) of the *Wildlife and Countryside Act 1981 (as amended)*.



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.

### **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. If planning permission is granted, the applicant will be required to apply to the Secretary of State for consent under section 16 or section 38 of the Commons Act 2006. Guidance on common land is available at <https://www.gov.uk/guidance/carrying-out-works-on-common-land>. Natural England is a specified consultee under the Commons Act 2006 and will respond to any consultations in line with the above guidance.

### **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

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

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.'

### **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.

### **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

Alice Watson  
Consultations Team

