



The Planning
Inspectorate

3/06
Temple Quay House
2 The Square
Bristol
BS1 6PN

www.planningportal.gov.uk/planninginspectorate

North York Moors National Park Authority
Development Control Support Officer
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

Your Ref:
Our Ref: APP/W9500/W/15/3007950

23 June 2015



Dear Sir/Madam,

Town and Country Planning Act 1990

Appeal by Mr R Walker

**Site Address: South Moor Farm, Langdale End, SCARBOROUGH, North Yorkshire,
YO13 0LW**

I enclose for your information a copy of the third party correspondence on the above appeal(s).

If you have any comments on the points raised, please send 2 copies to me no later than **07 July 2015**. You should comment solely on the representations enclosed with this letter.

You cannot introduce new material or put forward arguments that should have been included in your earlier statement. If you do, your comments will not be accepted and will be returned to you.

Comments submitted after the deadline will not be seen by the Inspector unless there are extraordinary circumstances for the late submission.

Yours faithfully,

Chris Nash
Chris Nash

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search

APPEAL REFERENCE: APP/W9500/W/15/3007950

WRITTEN REPRESENTATION OF MR J N WALKER

MNPA
24 JUN 2015

Introduction

1. On 1 January 2015, I submitted comments to the North York Moors National Park Authority in support of Mr R Walker's second planning application (Reference: NYM/2014/0819/FL) for an airstrip which application was again refused and is now the subject of this appeal. This second application resulted from the refusal at both the initial and appeal (Reference: APP/W9500/A/14/2212850) stages of Mr Walker's original planning application (Reference: NYM/2013/0435/FL) which I also supported in my letter dated 23 July 2013 to the Park Authority and in a written representation of 12 March 2014 addressed to the Planning Inspectorate.

2. The Inspector's Appeal Decision Letter for the first application was issued on 28 August 2014 and the grounds for refusal were based on the inappropriateness of the proposed aircraft storage building. In making the second application, Mr Walker has taken into account the Inspector's grounds for refusal whilst retaining all of the other aspects of the original application for which the Inspector found that there was no undue conflict with the Park Authority's planning policies. This being the case, my submissions in respect of the original application are equally valid for the second application and should be taken into account by the Inspector appointed for the current appeal.

Park Authority Refusal

3. In refusing the second application, the Park Authority has chosen to ignore the Inspector's findings in respect of the non-building related aspects of the application even though the Inspector had full access and knowledge of all the relevant planning policies and representations made to him. Specifically, the first and third grounds for refusing the second application stated by the Park Authority are at variance with the findings of the Inspector as set out in paragraph 12 of his Decision Letter. In addition, there has been throughout the planning application and appeal processes, a lack of any factual evidence or authoritative data to support objections to the applications, particularly those concerning noise factors. Coupled with this, many of the objectors have clearly failed to read the applications and supporting material let alone understand the nature of the proposal.

4. In paragraph 7 of the Decision Letter, the Inspector noted that:

"One must remember also that the suggested conditions would mean, in effect, only 10 take-offs a day, with a cumulative noise duration of less than 30 minutes, and with the noise decreasing for parts of that time. The 10 landings would last a similar period of time but be less noisy."

In my previous representation of 12 March 2014, I noted at paragraph 12 that the application site is within military Low Flying Area (LFA) 11, a fact that has also been referred to by several objectors to the planning application. The Ministry of Defence regularly publishes data on the use of all 20 LFAs in a document entitled "Military Low Flying in the UK". The Statistical Appendix to the latest issue of the document covers the period April 2012 to March 2013 inclusive and shows that LFA 11 was used for military low flying for a total of 2,239 flying hours. This represents an average of 6.13 hours a day of high volume continuous noise by low level military aircraft that are not subject to any noise limits compared with the 30 minutes of decreasing noise by aircraft expected to use the proposed airstrip whose noise emissions are regulated.rip.

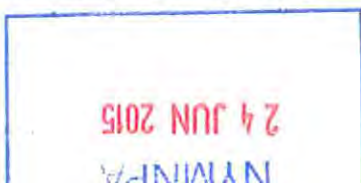
5. It is difficult to understand the Park Authority's stance that the airstrip proposal does not meet Core Policy H in that here is an example of entrepreneurship strengthening and supporting the rural economy, supporting the agricultural sector, providing an opportunity for diversification as well as sustaining and developing tourism. By what other means can such convenient access be given for business or leisure purposes directly into the National Park with on-site accommodation by persons hundreds of miles away including those coming from the continent of Europe? In a similar manner, there are many aspects of the proposal which are in accord with the stated objectives of Development Policies 13 and 14.

6. In its objections, the Park Authority has made much of the need to preserve the amenity and tranquillity of the local area and yet has granted permission (References: NYM/2013/0477/EIA and 0593/EIA) for the construction of a natural gas wellhead, pipeline and associated buildings in the National Park adjacent to the application site. The nearest structure within the wellhead (Eberston Moor 'A' Well Site) is just 727m from South Moor Farm itself and even closer to the proposed airstrip. The wellhead structures include a natural gas fuelled electric generator set of 1MW capacity, a gas conditioning building and a flare stack for use during maintenance and operation of the facility or in the event of an emergency. The flaring of natural gas is required to assist the starting and stopping of the plant and ensure the processed natural gas is of the correct quality before it is pumped from the site. The flare stack and gas conditioning building are each 8.5m high with the building being some 20m by 34m in plan. It is difficult to see how the operation of the facility, particularly the flare stack, is not detrimental to the environment in respect of the suddenness of the noise produced and its visual impact. In addition, the site buildings with some being 8.5m high will be visually intrusive, totally out of keeping with the National Park environment and do not accord with the Authority's own building design guidelines.

7. In respect of the proposed aircraft storage building, the second application has taken into account the Inspector's comments in paragraph 15 of the Decision Letter regarding compliance with Development Policies 3 and 12 in that the proposed building is smaller, constructed in a local style and has been moved adjacent to existing agricultural buildings with the added advantage of using the local terrain to mask its overall impact. These changes make the revised building fully compliant with the Park Authority design guidelines. A comparison between this revised building and similar, typical buildings recently given planning permission by the Park Authority is given below.

Table 1 Building Comparison		
Planning Application Reference	Dimensions (length x breadth x height)	Construction Materials
NYM/2014/0747/AGRP	27.4m x 16.8m x 7.3m	Concrete panels; Yorkshire boarding; fibre cement roof sheeting
NYM/2014/0753/AGRP	18.9m x 23.2m x 5.7m	Blockwork; Yorkshire boarding; clay pantile roof covering
NYM/2014/0819/FL (the subject of this appeal)	18.3m x 20.0m x 5.9m	Concrete panels; Yorkshire boarding; fibre cement roof sheeting
NYM/2015/0243/AGRP	18.2m x 9m x 5.5m	Yorkshire boarding; Fibre cement roof sheeting

8. The permitted buildings listed above are examples of many of this type that have been granted planning permission by the Park Authority. At 5.9m tall the proposed aircraft storage building is much shorter than the 8.5m flare stack and building noted in paragraph 6 above as well as being smaller in plan than the gas conditioning building. Irrespective of its intended use, on this evidence there is no logical reason why the



building proposed in this second application should not be approved. Neither would there appear to be any reason not to grant permission for its construction if it was intended for agricultural purposes. In essence, a building is a building and its environmental impact is the same irrespective of its use for the sheltering of livestock or the storage of manure, farm machinery or aircraft.

28 Day Rule

9. In paragraph 20 of the Decision Letter, the Inspector noted that it would be possible for the appeal site to be used as an airstrip for up to 28 days in a year. Under the same provisions of the General Permitted Development Order (GPDO), it is also possible to use any building on the site for up to 28 days in the year for the storage of aircraft. If the applicant took advantage of this provision, on the days in question there would be no limits on the hours of operation of the airstrip, the numbers of movements (take-offs or landings), the type or size of aircraft or the nature of their operations with the only constraints being the weather and runway surface conditions and the performance characteristics of the individual aircraft. The days of operation would be at the applicant's sole choice and, provided that the GPDO provisions were complied with, the Park Authority would have no jurisdiction over these operations.

10. It is precisely to avoid the situation noted above that the applicant is seeking a full planning permission for his intended operation with his application containing several limitations in respect of these operations and undertakings as to the standards to which they will be conducted. It is perverse that in seeking to do 'the right thing', the applicant is being refused planning permission when he could have saved himself both time and trouble by invoking the 28 day rule and then waiting for the necessary time period to expire before applying for a Certificate of Lawful Use. There are numerous airstrips throughout the country operating in just such a manner.



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The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/W9500/W/15/3007950

DETAILS OF THE CASE

Appeal Reference APP/W9500/W/15/3007950

Appeal By MR R WALKER

Site Address
South Moor Farm
Langdale End
SCARBOROUGH
North Yorkshire
YO13 0LW

NYMNP

24 JUN 2015

SENDER DETAILS

Name MR JOHN MILNER

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
- Statement
- Statement of Common Ground
- Interested Party/Person Correspondence
- Other

YOUR COMMENTS ON THE CASE

There is no justification for discriminating against light aviation as a leisure and transport facility. It must be considered as reasonable an activity as boating, golfing, riding or driving cars and

motorcycles, all of which are permitted if not actively encouraged within the national park. Here in the Cotswolds Area of Outstanding Natural Beauty a range of aviation activities co-exist with a wide variety of other activities both commercial and leisure with no problems at all and the same can and should be done in North Yorkshire. I use a small aeroplane to travel to some glorious areas across the UK and Europe and it would be good to travel North Yorkshire, from where my ancestors come, without having to brave traffic jams and motorways.

NYMNP
24 JUN 2015

For official use only (date received): 15/06/2015 19:18:22

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/W9500/W/15/3007950

DETAILS OF THE CASE

Appeal Reference

Appeal By

Site Address

NYMNP
24 JUN 2015

SENDER DETAILS

Name

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
- Statement
- Statement of Common Ground
- Interested Party/Person Correspondence
- Other

YOUR COMMENTS ON THE CASE

I own and breed young horses from this property. They are inexperienced and easily spooked. I have to use the forest and the roads surrounding it to train my horses. Having low flying aircraft throughout

the duration of the day would not only shatter the quiet but would be a health and safety issue for myself and those that ride with me. I moved to this lovely location to get away from noise and pollution so I object strongly against this appeal. Thank you.

NYMNP
24 JUN 2015

MS

WS
HS

Wendy Strangeway

From: John Cook
Sent: 08 June 2015 14:20
To: Planning; Karl Gerhardsen
Subject: Fw: APP/W9500/W/15/3007950

Just thought you ought to know what the riding fraternity thought. I have been heavily lobbied by local riders.

CC

>-----Original Message-----

>From:

>Date: 08/06/2015 13:14

>To:

>Subj: APP/W9500/W/15/3007950

>

>Burgate Farm, Harwood Dale, SCARBOROUGH, Yorks. YO13 0DS Tel:

NYMNP
24 JUN 2015

08 JUN 2015
WS

>

>Dear Sir/Madam,

>

>LAND AT: South Moor Farm, Langdale End Scarborough

>

>Appeal Ref: APP/W9500/W/15/300950

>

>Further to my former submissions on behalf of the British Horse

>Society (BHS) objecting to the proposed airstrip for small planes and

>associated buildings, I make the following comments:

>

>

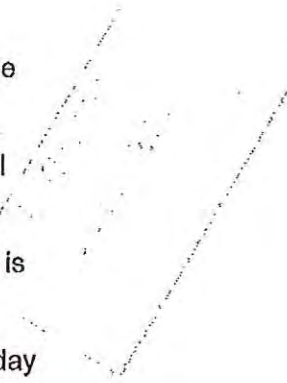
>

>It has been suggested that if planning is to be given that danger to

>horses and their riders might be mitigated by the use of signs. These

>signs to state when there is to be a take off or landing. In practice

- >this is completely ineffectual. To be of use the signs would need o be
- >erected on other peoples land warning of the danger. Siting them on the
- >applicants land is too near the site; the greatest danger to horses and
- >their riders is the very low flying of aircraft approaching and leaving
- >the airstrip.
- >
- >
- >
- >If planning permission is given to this site, then the site could be in
- >use well into the future and by then any planning conditions will have
- >been forgotten or are likely to be ignored. The public bridleway is a
- >public highway and in law should be available 24 hours of the day for
- >equestrian traffic to pass and re-pass with out let or hindrance.
- >Asking riders to halt whilst aircraft are moving is also dangerous
- >since many horses could become highly unsettled about having to wait.
- >Low flying aircraft, can be extremely dangerous to riders, and in
- >practice there is no fool-proof method of informing riders of an
- >imminent landing or take off.
- >
- >
- >
- >The National Park is one of the few areas of the country where tourists
- >and locals can enjoy the countryside in quiet solitude and to introduce
- >noisy, low aircraft would be detrimental to the enjoyment of all



NYMNP
 24 JUN 2015

this

>and future generations of riders use of this public highway. Having

>been a rider of this route many times over the years I feel

>particularly aggrieved.

>

>

>

>I would be grateful for a copy of the Decision Letter

>

>

>

>Yours sincerely,

>

>

>

>Catriona Cook MBE (Mrs)

>

>

>

>BHS Regional Access Officers

>

NYMNPA
24 JUN 2015

[Faint, illegible text]



"To protect and enhance the characteristic beauty of the North Yorkshire Moors for present and future generations"

North Yorkshire Moors Association Reg. Charity 517639
4 Station Road Castleton Whitby North Yorkshire YO21 2EG

Attention of the Planning Inspectorate by email

Appeal Reference APP/W9500/W/15/3007950

Dear Sir/Madam,

I am writing in connection with the appeal regarding land at South Moor Farm, Langdale End, Scarborough. I wish to add the following information to that which is already submitted from our Association. There are two additional points.

1. Farm Diversification.

The applicant makes it clear in the planning statement that the proposed development is a farm diversification scheme aimed at supporting a bed and breakfast business and tourism and that this is the economic justification.

(6.1 Overview)

"The proposal promotes the development and diversification of an agricultural business"

(6.7 Economic) sustainable development

"The proposal is for the diversification of the agricultural holding to an airstrip including the storage of aircraft"

However, the Planning Appeal Form submitted by the applicant on page 3. Para. 1(Part Two) Agricultural Holdings, indicates in the check box at;

- (a) None of the land to which the appeal relates is, or is part of an agricultural holding.

This means that the economic justification, that this is a farm diversification scheme, or a diversification of an agricultural holding, is not valid, because according to the submission on the appeal form the land to which the appeal relates is not part of an agricultural holding.

2.

Proposed Hangar

The inspector concluded in the appeal decision in 2014 that the "storage building" would be large in any rural context and that no attempt was made to reduce the visual impact such as landscaping. Our understanding from the revised plans shows a building which is marginally larger than the previous one in that it measures 18.288 X 20.000. We also note that it is considerably higher. Previously the height was 4.57m compared to the revised building which now measures 5.99m. There are no mitigating features and the location has not changed, therefore, we suggest, the building still fails against Development Policy 3 and Policy 12.

Tom Chadwick

Chairman North Yorkshire Moors Association



Deepdale East
Bickley

Langdale End,
Scarborough
N. Yorks.

16th June 15.

AIVANDA

24 JUN 2015

RECEIVED

16 JUN 2015

PINS AA PEP

The Planning Inspectorate,
3/06, Temple Quay House,
2, The Square,
Temple Quay
Bristol.
BS1 6PN.

Dear Sir,

Re Planning Request for
Runway at South Moor Farm
ref APP/W9500/W/15/3007950

I am disappointed to have to write
again about the above.

I reiterate the points I made in a previous
letter plus another concern. Namely the
bridle way and footpath crossing South
Moor Farm.

I ride young horses in the immediate

24 JUN 2015

vainity and feel sure the bridleway in particular will have to be abandoned due to the very real dangers of such noisy smelly and usually alarming aircraft. I have contacted the British Horse Society where I am a member, as they take this violation seriously, particularly in view of the dangers of horses on roads.

It seems Mr Walker does not mind alienating his near neighbours of which I am one of his nearest.

Several people are considering moving away ^{if this goes ahead} as this wonderful place will be utterly ruined. I urge you to take the trouble to wander this magical place and experience the beauty and peace that drew us here. The forest and hamlets and villages in our immediate area will be ruined. The haven and atmosphere that we are so grateful and lucky to live in will be lost permanently.

Please save our homes and say no to the pollution, noise and total disruption.

THIS SCAR

this scar on our countryside will cause

Yours faithfully

Lesley Keeton.

NYMNPA
24 JUN 2015

A & H Prole
Thompson Rigg Farm
Crosscliff
Langdale End
Scarborough YO13 0LN



13 June 2015

Dear Sir

Land at: South Moor Farm, Langdale End, Scarborough

Appeal Reference: APP/W9500/W/15/3007950

Appellants(s) name: Mr R Walker

We are dismayed that the appellant has continued with this application despite it being opposed by so many and already rejected unanimously by the NYMNP Planning Committee.

We live in the Crosscliff valley with our family neighbouring the National Trust moorland and Dalby Forest which is situated 1 mile to the north of the proposed development. It is a quiet and idyllic place in beautiful surroundings where we and our guests can enjoy the tranquil natural environment with minimal man-made noise intrusion. All aircraft noise is intrusive and magnified in this environment where it is an uncommon part of daily life.

We strongly object to the proposal for up to an initial 20 aircraft movements per day on the basis of its noise, intrusion, pollution and disruption to the enjoyment of the environment in this area of the National Park, to both residents, visitors and livestock. Also due to the nature of flying its impact will have far reaching intrusion over the whole area of Broxa and Langdale Forests and Hole of Horcum and moors over which areas planes will pass at some point.

We consider the appellant's supporting arguments for the scheme to be weak, particularly relating to the need to relocate one plane with a plan for two runways and a hangar for ten planes. Secondly, the economic benefit to the appellant's existing bed and breakfast business can at best be deemed minimal as there are no proposals to extend the existing four lettable rooms within the application.

The negative impact to the environment and other businesses is likely to be materially greater as a primary asset to their businesses is the area's peace, tranquillity and unpolluted environment.

We reiterate the views of the existing objectors and that the proposal is contrary to core policies A and H and development policies 3 and 14 of the NYM Local Development Framework.

It is further concerning that the appellant has already stated in his blog to supporters that works on the main runway have already started with the removal of fencing and the levelling of the field in preparation of using it for light aircraft for up to 28 days this summer regardless of the planning outcome. This action and the comments of certain supporters of the scheme appears to show a disregard for the planning system and the justified objections and concerns about the project. There appears little realisation that they are seeking to build two runways and supporting aircraft infrastructure within a National Park.

We reiterate our strong objection to the proposal but wish the appellants success in their existing bed and breakfast business and suggest they seek other forms of diversifying their farm.

Yours faithfully

Alan Prole
Helen Prole



Bickley Heights,
Bickley,
Scarborough,
YO130LL.

11.06.15



Dear Sir or Madam,

Re: appeal reference APP/W9500/W/15/3007950
(revised scheme to NYM/2013/0435/FL)

We are writing to inform you of our strong opposition to the proposed aerodrome at South Moor Farm, YO13 0LW. An aerodrome of any size or description in this neighbourhood is wholly inappropriate. Below are just some pertinent points:

- There is no need of aeroplane service in this area.
- There are no businesses that will benefit from this service.
- The aerodrome and associated flights will be detrimental to our sensitive and, largely, unspoilt ecosystem.
- There will be increased traffic in the area. The local infrastructure can barely cope with current demands.
- The increased noise and traffic will be detrimental to both the local residents and tourists, to say nothing of farm and indigenous animals.
- The application absurdly states that the aerodrome would not significantly add to background noise. It may be possible to make this argument of an urban or industrial area. No person who has visited or lived in this area could sensibly or seriously expect to deny the noise pollution and irritation that an aerodrome would cause here.
- There is virtually no background noise in our area and that is precisely why most residents and visitors choose to spend time in this quiet, unspoilt, rural area.

We have spoken to many residents in the neighbourhood since we became aware of this application and have found universal opposition and profound dismay. The mere suggestion that such an antisocial nuisance could even be proposed for this area, let alone gain approval from The Planning Inspectorate is beyond contemplation. An aerodrome would compromise the peaceful enjoyment of residents and visitors alike. I trust that we can rely upon you to protect both us, and this ecologically valuable area, from the aerodrome and aeroplane flights.

We would be grateful to receive information regarding any plans for a site visit and also a copy of the appeal decision. Thank you.

Yours faithfully,
Dr. Julie Dixon and Mr. Graham Dixon.



SCARBOROUGH BIRDERS

c/o Halleykeld House
Chapel Lane
Sawdon
Scarborough
North Yorkshire
YO13 9DZ

15 June 2015

The Planning Inspectorate
3/06 Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN



Dear Sir or Madam:

Re: Planning Appeal Ref. No. APP/W9500/W15?3007950.

As Secretary of Scarborough Birders, I am writing on behalf of the group to register our opinion that the above planning appeal should not be allowed to succeed.

Scarborough Birders is a group of approximately fifty local amateur Ornithologists that monitors and counts bird species in the Scarborough area, including Ebberston High Moor and its environs – the area of concern with this development. As a group, we are seriously concerned about the certain disturbance to the birdlife in the wider area, birdlife which includes many Red or Amber Listed species defined by the British Trust For Ornithology as of Conservation Concern due to range and population decline. Examples include the rare Honey Buzzard, Nightjar and European Turtle Dove. Lists of observations in various areas in and around Ebberston High Moor recorded by Scarborough Birders Members are enclosed, and red and amber listed birds are highlighted with a red mark. Several bird species, including some non-listed birds, such as European Common Buzzard, are quite large, and pose a threat to small aircraft should bird-strike occur. This could have serious or life-threatening consequences for any pilot or passenger.

Cont.

Ebberston High Moor is a totally inappropriate place for aircraft take-off and landing, and any such development could have serious detrimental effects on wildlife in a National Park environment. The appeal must be turned down. Permitting this development to go ahead will give the “green light” to other inappropriate developments in the National Park – an area already under heavy pressure from human interference.

Yours truly,

Dr. Ian Glaves F.R.C.R. (Rtd).
Secretary Scarborough Birders.

24 JUN 2015



North

Yorkshire County Council

Councillor Janet Sanderson
Walnut Cottage
Priestmans Lane
Thornton Dale
Pickering
North Yorkshire
YO18 7RT
11th June 2015

APP/W9500/W/15/3007950
South Moor Farm, Langdale End.

Dear Sir,

On the 1st June 2015, I spoke to Chris at your office regarding the above appeal. I note that the appeal is to be dealt with through written representation which has been a great disappointment to local residents who wished to express their views in person to you.

On the face of it, the public interest in this appeal may not seem significant however I would like to draw to your attention the very sparse rural nature of this area. Bickley has no village centre; it's a collection of farms and isolated groups of cottages.

The application has been of huge concern to residents who have held several community meetings which I have attended and supported through emails.

The number of objectors though by most comparisons appears low, is proportionately to the houses within the area very high. I would therefore respectfully like to request that you consider holding this appeal by public hearing.

Yours sincerely,

Janet Sanderson

24 JUN 2015

County Councillor for Thornton Dale and The Wolds Division
Ryedale District Council (Thornton Dale Ward)



Of objection letter to NYMNP



Councillor Janet Sanderson
Walnut Cottage
Priestmans Lane
Thornton Dale
Pickering
North Yorkshire
YO18 7RT
16th January 2015

NYM/2014 /0819 FL
South Moor Farm, Langdale End.

Dear Mrs Saunders,

I write as both County and District representative for the planning application area and wish to register my objection to the proposed development.

I have concerns regarding the noise associated with the proposed activities, and although the ambient noise levels were deemed to be low in the recent appeal decision, I believe that this type of noise which is not natural to the Parks will impact on the "quiet enjoyment, peace and tranquillity of the Park" (contrary to core policy A1 and 14.3) I am given to understand that there is a natural amplification within what local residents call "The Bickley Bowl" which should also be taken into consideration.

Low flying aircrafts are alien to the natural landscape and I consider would be visually intrusive on the broader horizons of the Parks. There is also a potential for them being within the close visual sphere of anyone taking part in equestrian activities.

There is an existing bridleway very close to the proposal which I have ridden on a horse for many years. As a horse rider, I know that horses become accustomed to the sound of low flying aircraft however on take-off and landing, this could place an aircraft where it is caught in a horse's visual field which I believe has the possibility of endangering the safety of the rider. The perception of danger would be enough to detract from a rider's enjoyment. I have experienced this phenomenon with a helicopter and although an aeroplane does not hover, I believe that being in close proximity to the airstrip would result in the possibility of a similar situation arising.

I noted point 9 of the appeal decision which states "Anyone on the bridleway or public footpath would easily be able to see if there was an aircraft about to take off and could take action accordingly" My first reaction to this comment was to offer Mr Gray a horse on which to sit and try out his theory as the thought of taking such evasive action would be quite enough to put me off riding this bridleway. It would also be a good test for evidencing the "Perception of fear" theory.

In addition, there are many visiting horse riders to the Parks who would not necessarily be aware of this activity and require a longer time scale in which to take evasive action.

My final concern is regarding the proximity of the Ebberston Gas well to the application site. There is a possible conflict of interest here with the activities of Third Energy's development and safety implications of aircraft (often flown by non-professional pilots) in such close proximity to the well head. I would like to be assured that should the application be granted, that correct restrictions are in place for the height of the derrick and the implications of the full existing planning permission attached to Third energy's development have been taken into consideration.

Yours Sincerely,

Janet Sanderson

County Councillor for Thornton Dale and The Wolds Division



North

Yorkshire County Council

Ryedale District Council (Thornton Dale Ward)

NYMNP
24 JUN 2015

Planning Inspectorate
6, Temple Sq, House
The Square, Temple Quay,
Postal BS1 6PN
- Sir's

4 Dorncombe Bungalows
Langdale End, Scarborough
YO13 0LJ
12th June 2015

under the Country Planning Act
at Southmoor Farm, Langdale End, Scarborough
local ref App/W9500/W/3007950

about Mr. R. Walker.

In reference to the above appeal, we reiterate the
result to you by Mr. R. Heap & J.M. Singleton, in
entire respect to the request for a hearing,
of 1st June 2015,

never, we would also wish to bring to your
attention the fact that this is one of our National Park
we are making a judgement on. We are custodians
of these beautiful and tranquil areas for generations
to come, surely this cannot be the place to site
AIRFIELD!

Please provide us with a copy of the appeal
decision if our request for a hearing is not
accepted.

Yours faithfully

NYMNP
24 JUN 2015

RECEIVED
17 JUN 2015

Mrs R C Dugmore
High Farm
Crosscliffe, Langdale End
Scarborough
YO13 0LN



*App No. APP/W9500/WIS?3007950
South Moor Lane.*

8th June 2015

Dear Sir,

We were somewhat surprised to receive a letter from the National Parks re Appeal by Mr R Walker for an airfield and buildings, we had wrongly assumed that due to the strong views against such a project that it would have been refused long ago.

The position of the site is adjoining a RT public highway, a bridleway runs alongside, The Tabular Way runs alongside, several other footpaths run through the site, there are several Tumuli on site, it is a recognised nesting area for group one birds. It is recognised as being an area of natural beauty and tranquillity. The reason given for this project is to help promote the bed and breakfast business of this farm. Given that there are three rooms available one twin, one double and one family room, I find it difficult to believe that he requires two airstrips, one hangar, and a pilot's rest room for ten planes!! There would appear to be more to this application than meets the eye.

We are neighbours and have a hill sheep farm, cattle and a stud. The electricity board survey the power lines by aircraft and in the past we have been excluded from their route due to several near accidents to our mares and foals. The thoughts of a nearby airfield fills us with horror. It is possible to keep out of the way of traffic and mountain bikers but aircraft are a different matter. We purchased this property in 1981 purely because of it's isolated peaceful location, if this airfield goes ahead that would not be the case.

We hope that this will be dismissed once and for all and then perhaps we can return to our chosen way of life.

Yours sincerely,

Raylia C Dugmore & William G Young.

Nash, Chris M

From: Enquiries
Sent: 08 June 2015 14:23
To: Team P7
Subject: FW: APP/W9500/W/15/3007950

Categories: Chris

For Chris Nash

Kathy Taylor
Customer Support Team
□ Planning Inspectorate for England
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN
□ 0303 444 5000



-----Original Message-----

From: John Cook
Sent: 08 June 2015 14:14
To: Enquiries
Subject: APP/W9500/W/15/3007950

Burgate Farm, Harwood Dale, SCARBOROUGH, Yorks. YO13 0DS Tel: 01723 870333

Dear Sir/Madam,

LAND AT: South Moor Farm, Langdale End Scarborough

Appeal Ref: APP/W9500/W/15/300950

Further to my former submissions on behalf of the British Horse Society (BHS) objecting to the proposed airstrip for small planes and associated buildings, I make the following comments:

It has been suggested that if planning is to be given that danger to horses and their riders might be mitigated by the use of signs. These signs to state when there is to be a take off or landing. In practice this is completely ineffectual. To be of use the signs would need to be erected on other peoples land warning of the danger. Siting them on the applicants land is too near the site; the greatest danger to horses and their riders is the very low flying of aircraft approaching and leaving the airstrip.

If planning permission is given to this site, then the site could be in use well into the future and by then any planning conditions will have been forgotten or are likely to be ignored. The public bridleway is a public highway and in law should be available 24 hours of the day for equestrian traffic to pass and re-pass with out let or hindrance.

Asking riders to halt whilst aircraft are moving is also dangerous since many horses could become highly unsettled about having to wait.

Low flying aircraft, can be extremely dangerous to riders, and in practice there is no fool-proof method of informing riders of an imminent landing or take off.

The National Park is one of the few areas of the country where tourists and locals can enjoy the countryside in quiet solitude and to introduce noisy, low aircraft would be detrimental to the enjoyment of all this and future generations of riders use of this public highway. Having been a rider of this route many times over the years I feel particularly aggrieved.

I would be grateful for a copy of the Decision Letter

Yours sincerely,

Catriona Cook MBE (Mrs)

BHS Regional Access Officers

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1, Bickley Cottages

Langdale End

Scarborough

North Yorkshire

YO13 0LL

The Planning Inspectorate

3/06, Temple Quay House,

2, The Square, Temple Quay,

Bristol.

BS1 6PN

NYM/NIPA
24 JUN 2015

Dear Sirs

1st June 2015

Town & Country Planning Act 1990

Land at: South Moor Farm, Langdale End, Scarborough.

Proposed development: change of use of land to form 2 no. Grass runways, construction of storage building and pilot/restroom building (revised scheme to NYM/2013/0435/FL)

Appeal Reference: APP/W9500/W/15/3007950

Appeal Starting date: 07 May 2015

Appellant name: Mr R Walker

I write on behalf of the 53 residents and other supporters of the collective objection to the revised application **NYM/2014/0819/FL**. While we are glad of the extension to allow further submissions, withdrawals and modifications we are very disappointed at the decision not to allow a Hearing as requested by the planning authority. We understand this is because the appellant objects to this. If we may comment on the decision it appears to give unfair control of the process to the appellant who will naturally reject any opportunity for further objection to his appeal.

At the Planning Committee meeting on the 19th February, at which the Committee rejected the revised application by 100%, I was asked to speak on behalf of the objectors. As this

was verbal I realise that the Inspectorate will not have a copy of the statement. For your consideration I now attach a copy. See **attachment A**.

As has been pointed out in other further submissions there are many inaccuracies in the Appeal documentation submitted by Mr Walker, including the box ticked to indicate he will not claim expenses from the Planning Authority, which he has now done.

We also wish to point out that Mr Walker has clearly indicated that he has begun to prepare the landing strip. He has done this on the Flyer's Forum see **attachment B**. He has also advertised the landing strip on his B & B website see **attachment C**, but fails completely to indicate that this will only run for a 28 day period and fails to give the start and end dates of that period. We wish to comment that this cavalier action is commensurate with the total disregard for processes, rules and authority Mr Walker has shown throughout the applications and appeals processes and indeed we question whether this action compromises his Full Application and Appeal? We feel it should.

All previous individual objections submitted by those who also ascribed to the collective letter still stand as given.

Given the failure of the previous Appeal Inspector to fully investigate the noise impact upon the specific topology of the area affected by the application; his acceptance of the findings of a report which did not meet planning requirements; his denial or dismissal of the many expert submissions committed to protecting the tranquillity and the flora and fauna of the area, we dearly hope that this appeal will be properly and fully considered and that for once and for all this development will be soundly rejected.

Finally, we request that the Appeal Inspector notifies us directly of the outcome of this Appeal which we will then forward to all signatories to the collective letter of objection.

Yours faithfully

Joan Roberts & Brian Turner

24 JUN 2015

Enc: Attachments A, B & C

3 copies of letter and attachments enclosed as required

Attachment A.

Planning Committee Notes for Meeting 19th Feb 2015

Good Morning, I'm Joan Roberts a resident of Bickley and I have been asked to speak on behalf of a large group of residents and other objectors to this application.

I trust you have all read the many individual letters of objection and the collective objection letter, **signed by 53 people**, so I don't want to spend my 3 minutes going through those in further detail. What I do want to do is to convey the level of feelings this 2nd application has raised in the community.

I speak on behalf of people who have grown up here and have spent all their lives in the area, working the land, the forest, contributing to the community good at many levels. I also speak on behalf of others who have chosen to come and live and work in this area, or to retire to the area, **specifically** because of its beauty, its peace and tranquillity, its wilderness, closeness to nature and its wonderful skies.

On Monday evening I spoke to 2 families who only very recently moved to live here, both couples having spent many months, even years looking around the country, and indeed the county, to find these special qualities and having done so felt very happy with their choice. Imagine then their horror to know of this application which, if it succeeds, will destroy what peace and tranquillity they had so carefully sought and believed they had found.

Imagine the anxieties of those who keep stock – hens, sheep, cattle and horses who are in no doubt about the dangers and impact upon their livelihoods brought about by this truly selfish application.

Imagine those who now feel they must uproot and move away from such intrusion, the same people who have worked hard to support and protect the environment in which we live, learning about the very careful balance that must be struck to ensure that we enhance, not destroy, what has been protected by our forefathers and is entrusted to us to further enhance and protect for our children and their children.

National Parks such as the North York Moors and beautiful quiet spaces such as Dalby Forest are now, and will become increasingly important for the physical and mental health of those who visit, to find **tranquillity**, a place where they can play, paddle, walk, run, cycle, ride and climb **safely** in beautiful **quiet** surroundings, to discover the wildlife and flora, to spend time away from all the ever-present noise and overcrowding of urban living and increasingly elusive work/school life balance. We, the objectors, hope the Committee will consider all this and firmly reject the application.

NYMMP
24 JUN 2015

ATTACHMENT B.

Latest **FLYER** headlines: **Fit enough to drive a car? Fly!** - **CAA updates pilot training** - **Vulcan bomber in final season** *More news*

Proposed Air Strip, South Moor Farm. New Plan

Post a reply
Search this topic...

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□ by **r_w_walker** » Mon Feb 23, 2015 11:15 am

Thank you for the offer Marj will be in touch after the appeal.

South Moor Farm. Bed and Breakfast.

Dalby Forest. North Yorkshire.

<http://www.southmoorfarm.co.uk>

01751 460285

r_w_walker

Forumite

Posts: 119

Joined: Mon Sep 25, 2006 8:34 am

Location: North Yorkshire

T

o

p

Second Appeal started.

□ by Sun May 24, 2015 12:58 pm

Here we go again,

The second appeal against NYMNPA decision to refuse my planning application for an air strip at South Moor Farm has started.

If you wrote in support of the planning application, those comments will be sent to the planning inspector, there is no need to repeat them.

If you wish to add further information or comments you can do so at:-



<https://acp.planningportal.gov.uk/ViewC ... 950&CoID=0>

The planning inspectorate reference is APP/W9500/W/15/3007950.

Meanwhile I have started preparing the main runway. I have removed one fence between the two largest fields and have started levelling the mole hills.

As soon as the fields are smooth enough for a light aircraft to land and take off I intend operating the air strip for 28 days this year.

Bob.

South Moor Farm. Bed and Breakfast.
Dalby Forest. North Yorkshire.
<http://www.southmoorfarm.co.uk>

Forumite

Posts: 119

Joined: Mon Sep 25, 2006 8:34 am

Location: North Yorkshire



T
o
p

Re: Proposed Air Strip, South Moor Farm. New Plan

by **A le Ron** » Mon May 25, 2015 7:54 am

Good luck Bob. Keep us informed!

Sometimes you need to read between the lines to see that the writing's on the wall...



A le Ron

Seasoned Forumite

Posts: 1718

Joined: Sun Nov 29, 2009 7:22 pm

Location: OTR28040

ATTACHMENT C

[01.06.2015 Extracted from South Moor Farm website "Flying" tab.]

24 JUN 2015

DALBY AIRFIELD www.southmoorfarm.co.uk

ELEVATION LOCATION POL 112.10 057 62.2

750ft 8nm W of Scarborough. OTR 113.90
333 40.5

25mb N54.3 W0.6



DALBY Radio 135.475 MHz 'SAFETYCOM'.* APP/LARS 118.55 (Linton)

*SafetyCom – Prefix position calls "Dalby"

RWY	SURFACE	TORA	LDA	CIRCUIT	LIGHTING
04	Grass	150	150	RH	Nil
22	Grass	150	150	LH	Nil

All circuits to the South East of the airfield.

Operator.

Bob Walker. South Moor Farm, Langdale End, Scarborough, YO13 0LW

Visiting ACFT welcome, **PPR** due to temporary fences and livestock on runway.

Landing Fee £5 with Prior Permission, livestock removed. £50 to £2000 if you hit livestock.

Warnings.

Trees, strip in middle of Dalby Forest. Power line to west of runway.

Fence and wall at end of runway.

Mature trees on short final for Rwy 04 up to 50ft agl may cause rotor or roll-over.

Runways very bumpy, grazed by sheep and cattle.

Wind turbine. 17mtr above ground level 200 mtr from runway.

Noise: Please do not over fly valley to North or West. Please approach from South or East.

Facilities. 4 Star Farm Guest Accommodation.

Tea, Coffee, Water, Biscuits, Walks, Mountain bike routes.



2 Bickley Cottages,
Langdale End,
Scarborough,
YO13 0LL.

Planning Inspectorate,
3/06, Temple Quay House,
2 The Square,
Temple Quay,
Bristol,
BS1 6PN.

1st June 2015

Town and Country Planning Act 1990

Land at: South Moor Farm, Langdale End, Scarborough

Proposed Development: change of use of land to form 2 no. grass runways, construction of storage building and pilot/restroom building (revised scheme to NYM/2013/0435/FL)

Appeal reference: APP/W9500/W/15/3007950

Appeal starting date: 07 May 2015

Appellant name: Mr. R. Walker



Dear Sirs,

We are astonished to read that the Planning Inspectorate has decided that a Hearing regarding the above Appeal will not be held.

We remain unconvinced that the Planning Application and supporting documents and the Appeal and supporting documents provide a true and reconcilable description of the development, the purpose of the development, the use to which the development will be put and the impact that it will have on the ecology, environment and peace and tranquility in the surrounding area of the North York Moors National Park.

A Hearing would provide a perfect opportunity to address these issues. Denied this opportunity, we notify you of our objection to the proposed development through written representations below that will be copied to the North York Moors National Park Authority.

Along with many other objectors in the vicinity of the proposed development, our concerns and objections related to the Application have been previously recorded and we confirm that these remain valid for consideration during the Appeal process, just as they were for the Application.

We continue to have significant concern about the development, purpose and operation. The Appeal and supporting documentation fails to present a development that will comply with Local Planning Policy. Consequently, we present our new objections in response to the Appeal, as follows.

1. In the Appeal Statement of Case, Part 7, Social, The Appellant states "Residents living over 1 mile away will not be affected by this development."

However, the Appeal documentation provides no new evidence-based information, facility operating controls or protocols to confirm how the Appellant proposes to comply with this statement.

The Appellant provides no information to explain how residents living less than 1 mile away will be affected by this development.

2. Appendix 2, Part 1.4 Local Planning Policy, Development Policy 12.

The Policy states that "Proposals for new agricultural buildings, tracks and structures or extensions to existing buildings will be permitted where:"

- (1) "There is a functional need for that building and the scale is commensurate with that need"
- (2) "The building is designed for the purposes of agriculture"

In Part 1 of the Planning Statement dated November 2014 that accompanied the Planning Application dated 3rd December 2014 the building is described as "an aircraft storage building." In Part 6.3 of the same Planning Statement, the building is described as "a traditional lambing shed adapted for aircraft storage."

We are unable to understand how a building that is designed for and permission applied for to use the building as an aircraft storage facility can be classed as having a functional need for the purposes of agriculture. This Planning Application and Appeal is in direct conflict with Local Planning Development Policy 12, and other Local Planning Policies as we have previously recorded.

3. We are unable to understand how the Planning Inspector could determine during a previous Appeal process (APP/W/9500/A/14/2212850) that "the technical evidence shows no real likelihood of noise levels that would be harmful to residential amenity or the enjoyment of the area by visitors." The Noise Study & Report commissioned by the Appellant and submitted with the Planning Application dated 3rd December 2014 was not compliant with BS4142, October 2014. Furthermore, the noise survey failed measure noise emissions from all types of light aircraft, such as helicopters and micro light aircraft that would be able to use the South Moor Farm airstrip if the Appeal was upheld.

We trust the Planning Inspectorate will diligently consider our previous objections to the Planning Application NYM/2014/0819/FL revised scheme and our new objections to the Appeal APP/W9500/W/15/3007950 and determine to reject the Appeal, or allow a Hearing to be held.

Please provide us with a copy of the appeal decision.

Yours faithfully,

M R Heap & J M Singleton

cc. NYMPA, The Old Vicarage, Bondgate, Helmsley, York, YO62 5BP



Deepdale Farm

Bickley

Langdale End

Scarborough

North Yorkshire

YO13 0LL

2nd June 2015

The Planning Inspectorate

3/06, Temple Quay House,

2, The Square, Temple Quay,

Bristol.

BS1 6PN

Town & Country Planning Act 1990

Land at: South Moor Farm, Langdale End, Scarborough.

Proposed development: change of use of land to form 2 no. Grass runways, construction of storage building and pilot/restroom building (revised scheme to NYM/2013/0435/FL)

Appeal Reference: APP/W9500/W/15/3007950

Appeal Starting date: 07May 2015

Appellant name: Mr R Walker

NYM/PA

24 JUN 2015

We write to voice our concerns regarding the above development. My partner and I recently moved into the North York Moors National Park and were attracted by the tranquillity, peace and quiet and sense of community.

This will be ruined if the above development goes ahead. I work from home 1.25 miles away from the proposed development and have no problems with agricultural operations. The field behind our house is grassland and there has been a tractor on there only once in the last 8 months, to spread fertiliser. Tractors nowadays are fairly quiet and it was near our house for only a few minutes. It is what you expect in the countryside. I also have no problems with forestry operations. We have had one truck near our house in the last year. This was a 4X4 forestry

commission pick up truck to check for poachers – more than acceptable and only to be expected.

I was at home when the fly bys were carried out for the previous appeal and I cannot tell you how irritating and long lasting the constant buzz of the aircraft was. It was so irritating that I considered reporting the noise to the relevant authority as it was such a nuisance and this was for a single aircraft. I dread to think what it will be like with several aircraft. A noise totally out of keeping with a national park. Consequently I find it ridiculous for Mr Walker to claim that people outside of a 1 mile radius will be unaffected. We are outside of that radius and I can assure you we were severely affected.

We moved from a village in Suffolk called Wattisham, the home of RAF Wattisham. We didn't object to the noise there as the airfield had been there a long while and everyone knew it existed. People do not expect that sort of noise in a National Park.

If the development goes ahead we will be selling up and moving and I imagine many people will do the same. We purchased our house as an uninhabited shell and the airfield will only make houses around here less desirable and the local economy will suffer as a result. Also I am sure this will become a much less desirable area to take ones holidays, again the result being the local economy will suffer.

This application has been described as agricultural diversification. Whilst it is true Mr Walker does own some agricultural land as far as I am aware he does not farm the land himself. He rents it out to "proper" farmers. As such to claim that this application is to make a farm commercially viable is ridiculous. If Mr walker wishes to diversify and make more money perhaps he could diversify into agriculture and become a farmer himself instead of renting his land out to others?

Based on the above I strongly request that the appeal be dismissed and the unanimous rejection by the North York Moors Park Authority be upheld.

Yours sincerely,

Andrew Wyatt

Coral Bignell.

NYMNPA
24 JUN 2015



**North
Yorkshire County Council**

Contact: Kay Aitchison

Planning Inspectorate
3/06 Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

04 JUN 2015

PINS AA PEP

Richard Marr CEng., MICE
Highways and Transportation
Area 3 – Whitby Office
Discovery Way
Whitby
North Yorkshire
YO22 4PZ

www.northyorks.gov.uk

1st June 2015

Dear Sir/Madam

APPEAL RE: REFUSAL OF PLANNING PERMISSION BY NORTH YORK MOORS FOR CHANGE OF USE OF LAND TO FORM 2 NO. GRASS RUNWAYS, CONSTRUCTION OF STORAGE BUILDING AND PILOT/RESTROOM BUILDING (REVISED SCHEME TO NYM/2013/0435/FL)

I refer to a letter dated 29TH May 2015 from North York Moors National Park Authority advising me of the lodging of an appeal. As there were no highway objections to this application, now the subject of this appeal, it is not intended to prepare any statement.

There were however highway comments which should be made known to the Inspector in the event of the appeal being determined in the appellant's favour. For ease of reference a copy of these conditions is enclosed.

Please send a copy of the Decision Letter to the above address.

Yours faithfully

Helen Watson
Improvement Manager

NYM/IDA

24 JUN 2015

NORTH YORKSHIRE COUNTY COUNCIL
BUSINESS and ENVIRONMENTAL SERVICES
HIGHWAY AUTHORITY RECOMMENDATION



Application No:	13/435/FL		
Proposed Development:	Change of use of land to form 2 no grass runways, extension to existing access track and construction of storage building and pilot/restroom building		
Location:	South Moor Farm, Langdale End		
Applicant:	Mr R Walker		
CH Ref:		Case Officer:	Kay Aitchison
Area Ref:	4/21/53B	Tel:	
County Road No:	unadaopted	E-mail:	

Although there are No Highway Objections to this application it should be noted that the Highway Authority has concerns regarding the proximity of the auxiliary runway to the live carriageway. As this will only be used occasionally it is felt that the distraction of an occasional light aircraft landing or taking off could result in conditions which are prejudicial to highway safety.

24 JUN 2015

Date:	02 August 2013	Approved
To:	NYMNP	Signed: For Corporate Director for Business and Environmental Services
FAO:	Mrs H Saunders	
Copies to:		
Issued by:	Highways & Transportation, Area 3-Whitby Office, Cholmley Way, Whitby, YO22 4NQ	

For office use only	Application Category	Agreements	Off site drainage	Structures	Cycle Parking	
	B					



The Planning
Inspectorate

3/06
Temple Quay House
2 The Square
Bristol
BS1 6PN

www.planningportal.gov.uk/planninginspectorate

North York Moors National Park Authority
Development Control Support Officer
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

Your Ref:
Our Ref: APP/W9500/W/15/3007950

23 June 2015

Dear Sir/Madam,



Town and Country Planning Act 1990
Appeal by Mr R Walker

Site Address: South Moor Farm, Langdale End, SCARBOROUGH, North Yorkshire,
YO13 0LW

Please find enclosed a briefing produced for the Inspector. The briefing is not specific to the site, but is generic briefing detailing the legislation that protects the species.

Please respond with any comments by 7 July 2015.

Yours faithfully,

Chris Nash
Chris Nash

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search

YMNPA
24 JUN 2015

Planning Appeals

Legislation Briefing for Nightjar (*Caprimulgus Europaeus*), Skylark (*Alauda Arvensis*) and Woodlark (*Lullula Arborea*)



1. The Wildlife and Countryside Act 1981 provides statutory protection to all wild birds. This fulfils the United Kingdom's obligations under the EC Wild Birds Directive.
2. Under Section 1 of the Act it is an offence to intentionally kill, injure or take any wild bird, take damage or destroy the nest of any wild bird while that nest is in use or being built, or take or destroy an egg of any wild bird.
3. Under Section 1(5), it is an offence if any person intentionally or recklessly disturbs any wild bird or disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young or disturbs dependent young of such a bird. The Woodlark is listed on Schedule 1.
4. The Inspector's attention is drawn to:
 - ✦ The Wildlife and Countryside Act 1981, in particular section 1.
 - ✦ The Countryside and Rights of Way Act 2000, Section 5(a), Schedule 12.
 - ✦ National Planning Policy Framework and, Circular 06/05: Biodiversity

and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System. Although the Circular provides guidance on the implementation of PPS9 which has been superseded by the National Planning Policy Framework, the guidance is still relevant to species protection issues.

Background Information

Nightjar and Skylark are red-listed and Woodlark is amber-listed by the UK's leading bird conservation organisations in their joint, most recent 2009 publication – Birds of Conservation Concern. This is a review of the status of the birds that occur regularly in the UK, Channel Isles and Isle of Man, updating the last review in 2002. A total of 246 species have been assessed against a set of objective criteria to place each on one of three lists – green, amber and red – indicating an increasing level of conservation concern.

Nightjar is red-listed for meeting the following criteria:

- Breeding Range Decline. Severe decline in the UK range, of more than 50%, as measured by number of 10 km squares occupied by breeding birds, over the entire period used for assessments since the first Birds of Conservation Concern review, starting in 1969.

Skylark is red-listed for meeting the following criteria:

- Breeding Population Decline. Severe decline in the UK breeding population size, of more than 50%, over the entire period used for assessments since the first Birds of Conservation Concern review, starting in 1969.

Woodlark is amber-listed for meeting the following criteria:

- European Conservation Status. Categorized as a Species of European Conservation Concern.
- Breeding Range Decline. Moderate decline (by more than 25% but less than 50%) as measured by number of 10 km squares occupied by breeding birds, over the entire period used for assessments since the first Birds of Conservation Concern review, starting in 1969.
- Localisation. At least 50% of the UK breeding population found in 10 or fewer sites.

Nightjar, Skylark and Woodlark are UK priority species and are each allocated a national Biodiversity Action Plan to aid their recovery.

Page Author: Bridget Loney
Last Updated: 09 May 2012
Page Owner: Barry Parker

NYM/NPA
24 JUN 2015

MANPA

24 JUN 2015

Planning Appeals

Legislation Briefing for Nightjar (*Caprimulgus Europaeus*), Skylark (*Alauda Arvensis*) and Woodlark (*Lullula Arborea*)



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- Breeding Range Decline. Moderate decline (by more than 25% but less than 50%) as measured by number of 10 km squares occupied by breeding birds, over the entire period used for assessments since the first Birds of Conservation Concern review, starting in 1969.
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Nightjar, Skylark and Woodlark are UK priority species and are each allocated a national Biodiversity Action Plan to aid their recovery.

Page Author: Bridget Loney
Last Updated: 09 May 2012
Page Owner: Barry Parker

NYMNP
24 JUN 2015