

**Dawn Paton**

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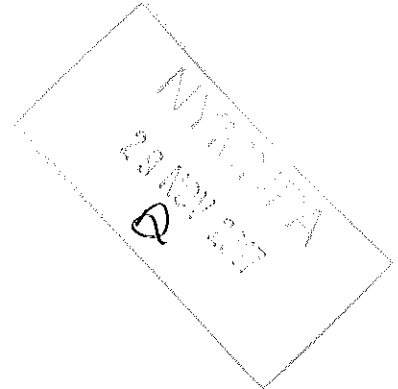
**From:** North1@pins.gsi.gov.uk  
**Sent:** 29 November 2017 10:46  
**To:** Planning  
**Subject:** Planning Inspectorate APP/W9500/W/17/3178824: South Moor Farm, YO13 0LW  
**Attachments:** 211 Statement and 3rd Party Reps - To App or LPA - Wendy Strangeway - 29 Nov 2017.pdf; THIRD PARTY COMMENTS - FORESTRY COMMISION.pdf; THIRD PARTY COMMENTS - NATURAL ENGLAND.pdf; THIRD PARTY REPRESENTATION - ANDRE WYATT.pdf; THIRD PARTY REPRESENTATION - ANDREW WYATT 2.pdf; THIRD PARTY REPRESENTATION - DR MICHELLE LINDSEY.pdf; THIRD PARTY REPRESENTATION - DR PETER SPENCER.pdf; THIRD PARTY REPRESENTATION - MISS LEIA FEE.pdf; THIRD PARTY REPRESENTATION - MR DUNCAN MCFADYEAN.pdf; THIRD PARTY REPRESENTATION - MR GRAHAM BAKER.pdf; THIRD PARTY REPRESENTATION - MR JOHN MILNER.pdf; THIRD PARTY REPRESENTATION - MR JOHN MILNER 2.pdf; THIRD PARTY REPRESENTATION - MR JOHN WALKER.pdf; THIRD PARTY REPRESENTATION - MR PAUL MANSFIELD.pdf; THIRD PARTY REPRESENTATION - MR SEAN MCDONALD.pdf; THIRD PARTY REPRESENTATION - MRS J TRENELL.pdf; THIRD PARTY REPRESENTATION - MS NIC ORCHARD.pdf; THIRD PARTY REPRESENTATION - RUSSELL SAVORY.pdf

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The Planning Inspectorate (England)  
Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

The Planning Inspectorate (Wales)  
Crown Buildings, Cathays Park, Cardiff, CF10 3NQ

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Mrs Wendy Strangeway

Your Ref: NYM/2016/0817/FL  
Our Ref: APP/W9500/W/17/3178824

29 November 2017

Dear Mrs Strangeway,

**Town and Country Planning Act 1990**  
**Appeal by Mr Robert Walker**  
**Site Address: South Moor Farm, Langdale End, Scarborough, YO13 0LW**

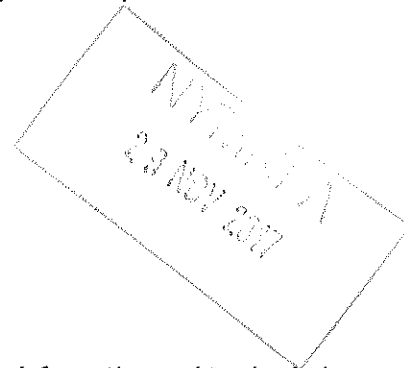
I enclose for your information a copy of the third party correspondence on the above appeal(s).

Normally, no further comments, from any party, will now be taken into consideration.

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

Yours sincerely,

*Anton Godfrey*  
Anton Godfrey



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](http://www.planningportal.gov.uk/planning/appeals/online/search)

**Godfrey, Anton**

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**From:** Hilary Saunders <h.saunders@northyorkmoors.org.uk>  
**Sent:** 25 September 2017 15:28  
**To:** North 1  
**Cc:** Planning  
**Subject:** FW: Confirmation of Appeal APP/W9500/W/17/3178824

Please find attached comments that Natural England have asked the Authority to forward on to the Inspectorate.

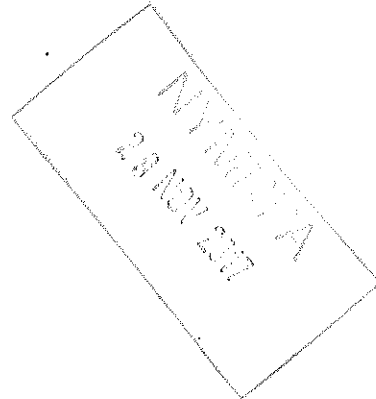
Regards

*H. Saunders*

**Mrs Hilary Saunders  
Planning Team Leader  
Development Management**

North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
York  
YO62 5BP

Tel. no. 01439 772700  
Web: [www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk)



**From:** / [mailto:naturalengland.org.uk]  
**Sent:** 25 September 2017 15:15  
**To:** Planning; Hilary Saunders  
**Cc:** Rona Charles  
**Subject:** RE: Confirmation of Appeal APP/W9500/W/17/3178824

Dear Mrs Saunders,

Thank you for alerting us to this appeal and providing us with the updated bird report.

We can confirm that the additional information submitted does not answer our original concerns and our position has not changed.

Please note we are unable to locate the appeal notice from the Planning Inspectorate to Natural England, therefore, I would be grateful if you could forward it onto the Inspectorate on our behalf.

Kind Regards,  
Claire

**Claire Argent**  
Team Leader  
Sustainable Development & Marine Team  
Yorkshire and northern Lincolnshire  
Natural England  
3<sup>rd</sup> Floor, Lateral  
8 City Walk,

Leeds, LS11 9AT

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

**From:** Hilary Saunders  
**Sent:** 30 August 2017 09:33  
**To:** [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)  
**Subject:** FW: Confirmation of Appeal APP/W9500/W/17/3178824

Dear Sir/Madam,

Please see attached the bird report submitted by the appellant –at present we only have a copy which states its confidential, so please bear that in mind – we have asked for an unmarked copy to put on our website.

Also, I would be grateful if you would copy me into any response you make to the Inspectorate.

Thanks in anticipation.

Hilary

<< OLE Object: Picture (Device Independent Bitmap) >>

**Mrs Hilary Saunders**  
**Planning Team Leader**  
**Development Management**

North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
York  
YO62 5BP

Tel. no. 01439 772700  
Web: [www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk)

**From:** Louise Gregory  
**Sent:** 27 June 2017 11:22  
**To:** Hilary Saunders  
**Subject:** FW: Confirmation of Appeal APP/W9500/W/17/3178824

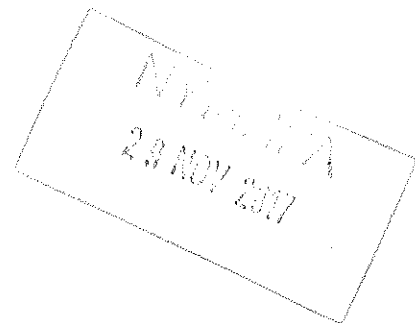
Dear Hilary

Please see attached a copy of the above appeal now submitted to the Planning Inspectorate.

In light of the updated amended bird report, which is positive with positive mitigation, would it be worth submitting another application to try and avoid the appeal.

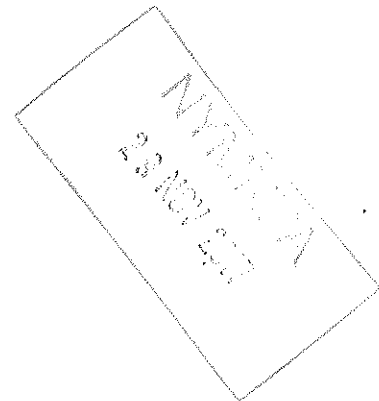
Regards

LOUISE GREGORY



Rural Planning Consultant

Acorus Rural Property Services Ltd  
Old Market Office  
10 Risbygate Street  
Bury St Edmunds  
Suffolk, IP33 3AA



**From:** [noreply@pins.gsi.gov.uk](mailto:noreply@pins.gsi.gov.uk) [mailto:noreply@pins.gsi.gov.uk]  
**Sent:** 27 June 2017 10:35  
**To:** Louise Gregory  
**Subject:** Confirmation of Appeal APP/W9500/W/17/3178824

<< OLE Object: Picture (Device Independent Bitmap) >>

Appeal Casework Portal [REDACTED]

Your Planning appeal has been received and a reference number assigned:

**Appeal Details**

Appeal Reference: APP/W9500/W/17/3178824  
Appeal Receipt Date/Time: 27/06/2017 10:35  
Appeal By: Robert Walker  
Site Address: South Moor Farm YO13 0LW  
Local Planning Authority: North York Moors National Park Authority

Attached is a copy of your appeal form.

Important Information: An email has been sent to the Local Planning Authority (LPA) advising them that an appeal has been made.

You must send them a completed copy of the appeal form and any supporting documents that were not submitted to them as part of the application. If you do not send them these documents we may not accept your appeal.

You can do this via email by:

1. opening and saving a copy of your appeal form;
2. locating your Local Planning Authority's email address;
3. attaching the saved appeal form including any essential supporting documents.

The Planning Inspectorate does not usually require paper copies of anything submitted electronically for appeals proceeding by written representations. However, for appeals proceeding by way of a hearing or inquiry, it may at times be necessary for us to request hard copies to ensure that the documents are formatted/printed in a consistent form for reference by all parties at the hearing or inquiry.

Please quote your appeal reference number on any future correspondence to avoid any delays.

We must receive **all** of the documents supporting your appeal within the relevant deadline.

**Please note you will not be sent any further reminders.**

If we find your appeal is invalid we have the right to turn it away and we will write to you.

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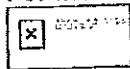
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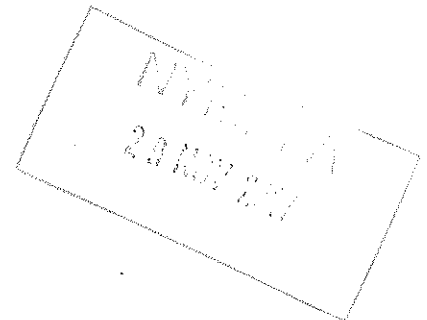


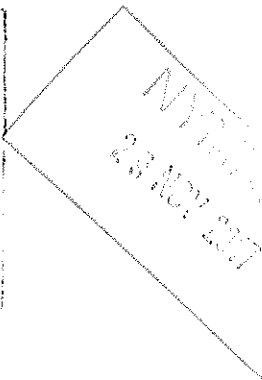
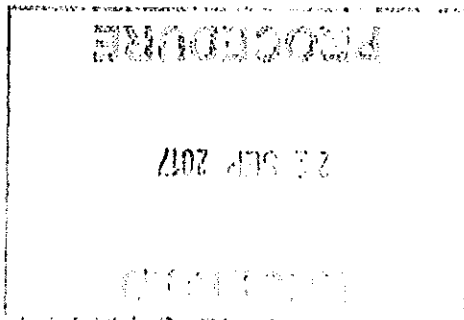
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Deepdale Farm  
Bickley  
Langdale End  
Scarborough  
YO13 0LL  
21st September 2017

**Re: Appeal reference APP/W9500/W/17/3178824**

Dear sir or Madam.

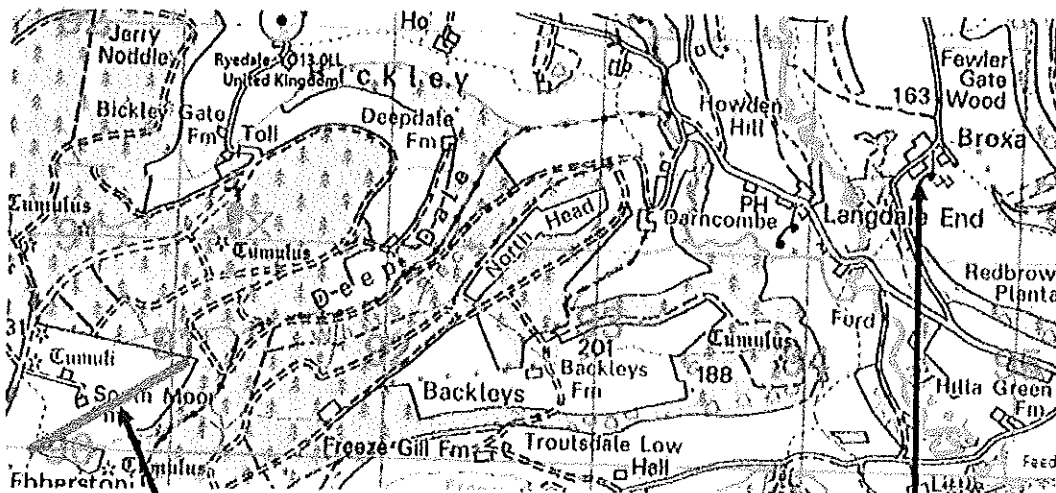
Firstly my apologies for writing a second letter however I have some new information to add.

Our farrier was here yesterday to do our ponies hooves and he told me that he has turtle doves nesting next to his property. This is important as the Turtle Dove is on the RSPB red list of conservation concern.

The North York Moors Park Authority state on their website:

A new scheme led by The North York Moors National Park Authority worth over £100,000 has secured £64,000 from National Lottery players to halt the dramatic decline in Turtle Dove numbers.

The Turtle Dove's purring call is rapidly becoming rarer and this species is considered vulnerable to global extinction.



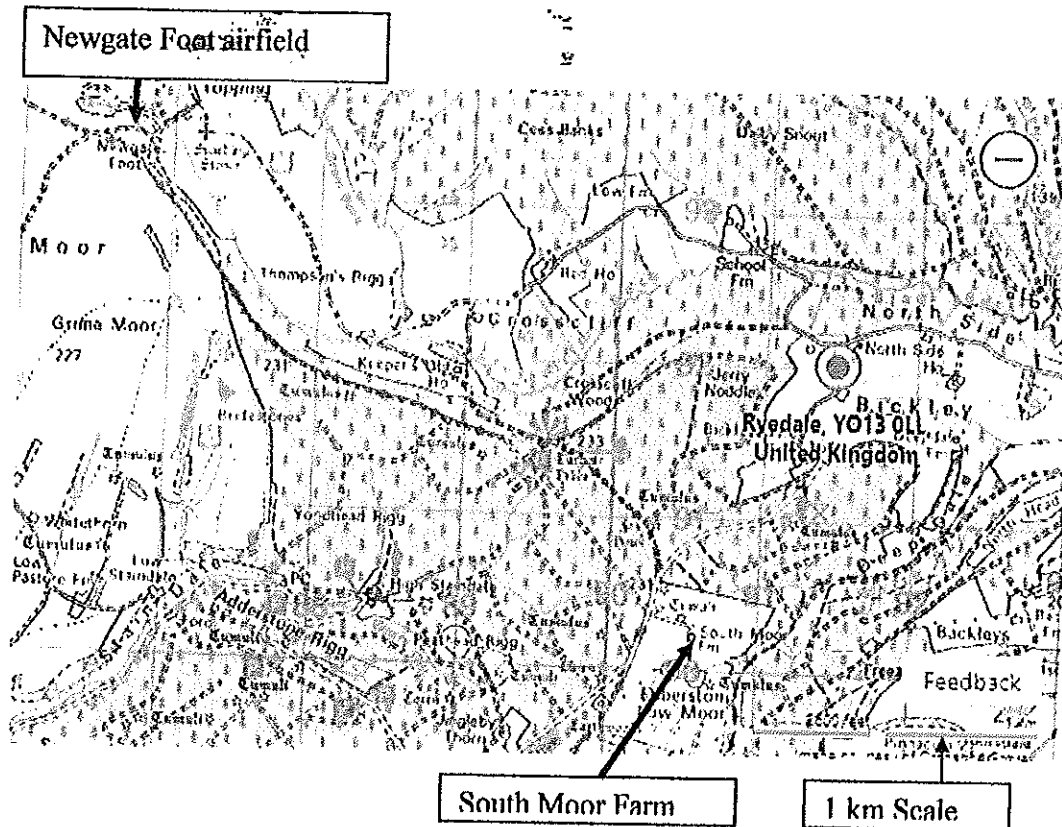
Proposed runway

Turtle dove location

From the above map you can see that the line of flight of the planes is straight at the area that the doves nest in.

I have now identified the airfield that is already in existence and near to South Moor Farm, it is Newgate Foot near Saltergate. I have marked the position on the map

below as well as the position of South Moor Farm. As you can see they are 3 miles apart as the plane flies. You can also see on the map that South Moor Farm is situated in the middle of a heavily wooded area whereas Newgate Foot is on the edge of open Moorland which supports much less wildlife.



The LAAS International British Isles Civil Aircraft Register states that there are two civil aircraft already based at Newgate Foot.

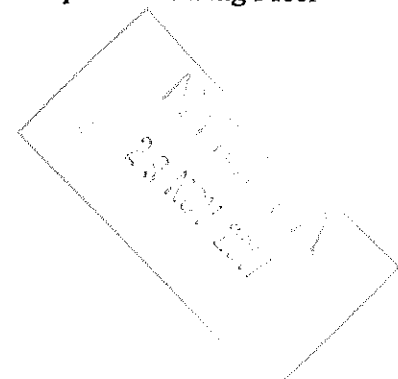
Surely a small expansion in the number of planes at an existing airfield is better than a completely new airfield especially as the applicants argument is that frequent flights can mean that eventually birds become habituated to disturbance caused by aircraft. Surely as there will be less birds at Newgate Foot due to the nature of the area and those that are there are already used to planes makes it an ideal solution? Can there really be much of an economic benefit in having another airfield merely 3 miles away.

Again based on the Sandford principle and per the previous inspectors finding I feel this appeal should be dismissed.

Yours sincerely,

Andrew Wyatt

Coral Bignell







Redcar & Cleveland Borough Council  
Directorate of Economic Growth  
Development Management  
Redcar and Cleveland House  
Kirkleatham Street  
Redcar  
TS10 1RT

Email:

NORTH YORK MOORS NATIONAL PARK

Our Ref: R/2017/0390/LAC  
Your Ref:  
Contact: Mrs J Parry  
Date: 29 November 2017

Dear Sir/Madam

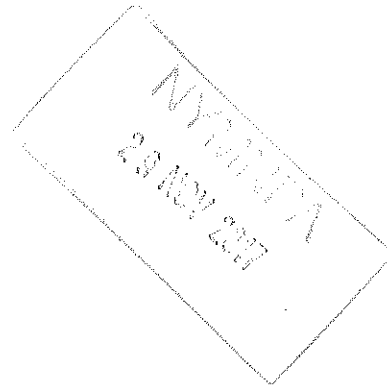
**PROPOSAL:** CONSULTATION FOR CONVERSION OF STABLE BLOCK TO CAFE, FARM SHOP, RECEPTION/SHOP/WELCOME AREA TOGETHER WITH 4 HOLIDAY COTTAGES, 56 HOLIDAY LODGES WITH ASSOCIATED CAR PARK AND ANCILLARY FACILITIES  
**LOCATION:** GRINKLE PARK HOTEL GRINKLE LANE EASINGTON  
**APPLICANT:** NORTH YORK MOORS NATIONAL PARK

Thank you for your consultation received on 17 November 2017 in respect of the amended plans for the above application.

I would advise that having considered the detail of the application, we have no comments to make at this point in time.

Yours faithfully

Mrs J Parry



From  
Subject: Letter of Support  
Date: 15 September 2017 14:56:20 BST  
To:

R W Walker

To whom it may concern

### **Birds and Light Aircraft**

For the past 10 years I have been aerodrome operations manager at Stow Maries Great War Aerodrome which is a working aerodrome and a wildlife site. Here we work with Essex Wildlife Trust, Hawk and Owl Trust, RSPB, Barn Owl Trust and Natural England.

The site itself is very lucky as it has all 5 specie of British owls resident at different parts of the year along with buzzards, kestrels, red kite and goshawk.

Working closely with all of these agencies we have had no issues at all with regard to disturbance of our resident population and indeed with careful management we have been able to increase our populations.

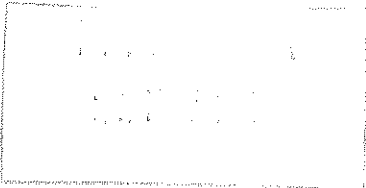
Our site is 100 acres and as a working aerodrome we have not had even one issue with birds affecting any of the small aircraft that fly in or out of the site.

This site has been shown on many TV programmes including the One Show, Springwatch and Winterwatch.

I hope this will be of assistance to you when considering the application of Mr R W Walker.

Best wishes

Russell Savory



## 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/17/3178824**

#### DETAILS OF THE CASE

Appeal Reference	APP/W9500/W/17/3178824
Appeal By	MR ROBERT WALKER
Site Address	South Moor Farm Langdale End Scarborough YO13 0LW Grid Ref Easting: 490477 Grid Ref Northing: 490321

#### SENDER DETAILS

Name	MRS J TRENELL
Address	Yn Slyst Close Cullyn Kirk Michael Isle of Man IM6 1HS

#### 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 find it unbelievable that planning permission for the air strip has been refused on the grounds that it could affect bird species. This is simply just not true. At Ronaldsway Airport ( a busy airport) on the Isle of Man many species of birds are evident - despite the regular patrol by the airport fire brigade who try to disperse them. Indeed, it is not unusual to see hawks, hen harriers and herons flying within the airport perimeter fencing - much to the delight of local and visiting bird spotters. Blackpool Airport often warns of the presence of numerous pink footed geese - again within the perimeter fencing of the airport. So, to say that any bird population would be affected by an air strip is simply not true.



## The Planning Inspectorate

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Appeal By	MR ROBERT WALKER
Site Address	South Moor Farm Langdale End Scarborough YO13 0LW Grid Ref Easting: 490477 Grid Ref Northing: 490321

#### SENDER DETAILS

Name	MR PAUL MANSFIELD
Address	109 Brand House Coombe Way FARNBOROUGH GU14 7GD

#### ABOUT YOUR COMMENTS

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

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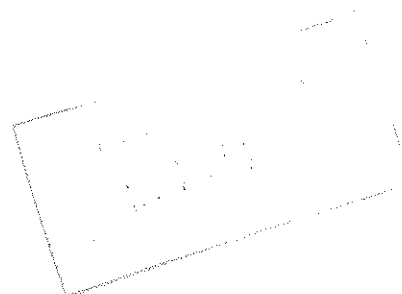
### YOUR COMMENTS ON THE CASE

I fly from Farnborough, Hampshire; Popham, Hampshire and Elstree, Hertfordshire. We have Canada Geese, crows, swallows and many other bird species living/nesting on all three airfields. They are always there, so they are evidently not affected by aircraft.

I work at Farnborough Airport, Hampshire, and we regularly have to despatch the bird-scaring unit to disperse birds from the runway area. The Canada Geese use the SSSI brook banks and ponds running through Farnborough as breeding grounds and migrate to and from here every year. Every year we witness mother geese escorting broods of fledglings across the apron and taxiway - I have seen jet aircraft stop to give way to geese, who completely ignore the loud noise and associated activity around the jets.

So immune to aircraft are they, that we have to take great care that their abundant presence does not cause damage to aircraft.

End



## The Planning Inspectorate

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Appeal By	MR ROBERT WALKER
Site Address	South Moor Farm Langdale End Scarborough YO13 0LW Grid Ref Easting: 490477 Grid Ref Northing: 490321

#### SENDER DETAILS

Name	MS NIC ORCHARD
Address	150 Gladstone Road Walmer DEAL CT14 7EN

#### ABOUT YOUR COMMENTS

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- 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 am a private pilot based at a small airfield with a grass runway. Hares and rabbits abound (pun accidental). Pied wagtails are numerous on the ground as I wheel out my aeroplane; we have woodpeckers, sparrowhawks, owls..those with more knowledge could identify many more. Birds nest in the top of the hangars. All are apparently happy to share both the ground and the air with us.

Airfields are particularly good for wildlife habitats, having expanses of land that is largely undisturbed.



## The Planning Inspectorate

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Appeal By	MR ROBERT WALKER
Site Address	South Moor Farm Langdale End Scarborough YO13 0LW Grid Ref Easting: 490477 Grid Ref Northing: 490321

#### SENDER DETAILS

Name	MR SEAN MCDONALD
Address	Rolleston Park Farm, Rolleston Park Tutbury BURTON-ON-TRENT DE13 9HQ

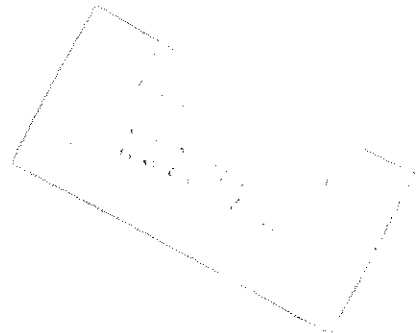
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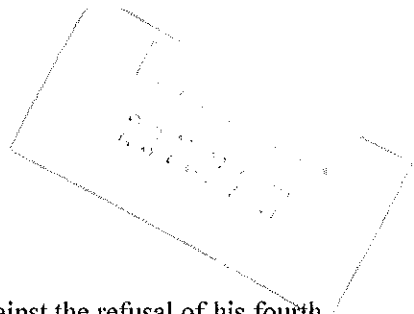


**YOUR COMMENTS ON THE CASE**

I established my strip 3 years ago. It has narrow free growing grass margins at each edge where insects and particularly voles are thriving. There is loads of birdlife as a result. Kestrel numbers have dramatically increased with the easy pickings. Hobbys come in the summer for the insects. Swallows abound for the same reason.

Long and the short is that my strip has enhanced the farm and the wildlife and my flying has no detrimental affect whatsoever.





## **Introduction**

I am writing to support the appeal by Mr R Walker, who is not related to me, against the refusal of his fourth application for a change of use of his land to form an airstrip with a single grass runway and a small pilot facility. The previous applications which have progressively reduced the scale and scope of the proposed development were also subject to appeals as listed in the following table.

<b>Appeal Case Reference</b>	<b>Appeal Decision Letter Date</b>
APP/W9500/A/14/2212850	28 August 2014
APP/W9500/W/15/3007950	5 October 2015
APP/W9500/W/16/3144478	16 September 2016

## **Grounds for Refusal**

The grounds for refusing the latest application centre around the potential that aircraft using the airstrip would adversely affect protected bird species, specifically the goshawk and nightjar. It is noteworthy that this has become the sole grounds for refusal some 3½ years after Mr Walker made his first planning application and after the following statement was made in the first Decision Letter dated 28 August 2014:

*"17. There are two SSSIs, about 2.4km and 2.6km from the appeal site – which hardly qualifies for the adjective "adjacent"; and the nearest boundary of the SPA is some 6km away. The area is already subject to low-level military aircraft activity, which must clearly cause disturbance when it occurs. Other than in the immediate surroundings of the proposed airstrip, where the noise from take-offs and landings would be more regular, and apparent, the noise from the sorts of aircraft flying from the appeal site would be highly unlikely to cause any significant disturbance. The suggested condition would limit movements at the airstrip to no more than 20 a day; the duration of flights is an unknown, presumably limited only by fuel capacity, but the small number of movements itself suggests that any disturbance caused could not be significant. If there would be no unduly harmful effects for human beings or horses, it seems highly unlikely that there would be such effects for goshawks or nightjars. In short, the proposal raises no material conflict with Core Strategy Policy C."*

No substantiated, corroborated evidence has subsequently been submitted to alter the above statement.

## **Existing Aerial Activity**

The low level military aircraft activity referred to above is conducted by aircraft types that include fast jets, helicopters and large transport aircraft, that are permitted to operate at speeds up to 450 knots (390 mph) and heights as low as 250 feet (76 metres) for aircraft and 100 feet (30.5 metres) for helicopters. Low level civilian helicopter flights for the purpose of inspecting overhead electricity transmission lines and underground pipeline routes also take place over the Moors.

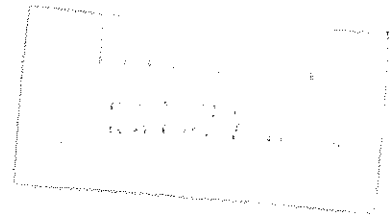
Within the Park Authority area there are five existing flying sites, including one of the busiest gliding centres in the country, all of which are within or adjacent to forested areas and SPAs which are likely to host protected bird species. The gliding site at Sutton Bank is open grassland surrounded by forest and is the resident base for some 6 powered aircraft and fifty gliders. In any one year at Sutton Bank, there are over 4,500 glider launches the majority of which utilise powered aircraft as tugs, plus an unknown number of landings and other non-glider related aircraft movements. Since the Park Authority was established, it has granted various planning permissions for the Sutton Bank site, including an extension to a runway and the erection of a hangar, without any operating restrictions and no reference to adverse effects on any bird species.

### Protected Bird Species

In all of the submissions made concerning the effects of light aircraft on goshawks and nightjars it has been noted that there is no available literature on this topic and that the various bird species respond differently to light aircraft. In view of this, it is difficult to understand how it can be concluded that goshawks and nightjars will be potentially adversely affected by the proposed development. The literature also notes that the species in question natural habitat is clear felled coniferous plantations or large areas of woodland plantation and that they are sensitive to noise. The South Moor Farm site is open grassland over which both sheep and cattle graze, adjacent to a road frequented by vehicles of all types in support of local communities and forestry activities and, occasionally, approved for motor sports plus various horse riding, cycle and trekking paths. The latter activities are fully supported by the Park Authority. Given these conditions, it is surprising to find that the birds have established themselves so close to human activity and in an area not regarded as their natural habitat rather than a more remote area within the 56,000 acres of public forest in North Yorkshire. Also, since the population of both goshawks and nightjars within the Park Authority area is reported to be increasing, it would appear that these birds are far less susceptible to human activity than the Park Authority infer.

### Conclusion

In view of the above facts, logic would dictate that the Park Authority have no grounds for refusing the South Moor Farm application on the basis of protecting specified bird species when there is no evidence to support this and there are indications that the birds in question are more tolerant to human activity than they believe. In addition to this, the Park Authority has consistently ignored this issue when granting approvals and planning permissions, including those at other aviation sites, within its jurisdiction. It should not be within the Authority's remit to apply the law selectively as it sees fit.



## The Planning Inspectorate

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**Appeal Reference: APP/W9500/W/17/3178824**

#### DETAILS OF THE CASE

Appeal Reference

APP/W9500/W/17/3178824

Appeal By

MR ROBERT WALKER

Site Address

South Moor Farm  
Langdale End  
Scarborough  
YO13 0LW  
Grid Ref Easting: 490477  
Grid Ref Northing: 490321

#### SENDER DETAILS

Name

MR JOHN MILNER

Address

Meadow House  
Baunton  
CIRENCESTER  
GL7 7BB

#### ABOUT YOUR COMMENTS

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

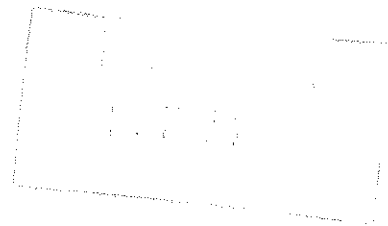
- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

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 are no grounds in planning terms to refuse this application that I can discern. Wide experience of daytime operations of small scale airstrips such as this one highlight minimum impact of noise nuisance compared to agriculture, leisure facilities and road traffic. Far from a negative impact on wildlife and the environment, the management of such facilities generally supports the diversity of plants and provides a haven for wild animals and birds who are not disturbed by aircraft to any significant degree. Indeed most pilots can report having seen hares, raptors and a range of small mammals and other birds while taxiing for take off at even quite busy airfields which is why at busy major airports bird hazards have to be managed. In the Cotswolds AONB and nearby there are 5 airfields one (between Gloucester and Cheltenham ) extremely busy, the others more comparable with the proposal here. That doesn't count two major military facilities. They have little or no negative impact and bring tourists and selected high tech industry into the area. Road traffic is a major problem, but aviation has a positive impact on the economy and no discernible negative impact on the environment. I strongly support this proposal.



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**Appeal Reference: APP/W9500/W/17/3178824**

#### DETAILS OF THE CASE

Appeal Reference	APP/W9500/W/17/3178824
Appeal By	MR ROBERT WALKER
Site Address	South Moor Farm Langdale End Scarborough YO13 0LW Grid Ref Easting: 490477 Grid Ref Northing: 490321

#### SENDER DETAILS

Name	MR GRAHAM BAKER
Address	The Arches Chirbury Road MONTGOMERY SY15 6QQ

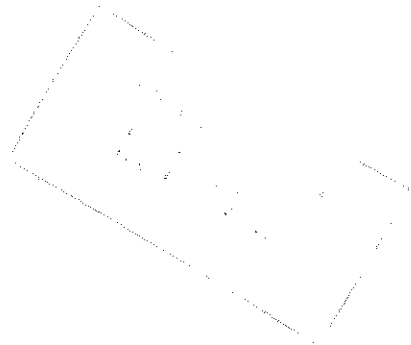
#### ABOUT YOUR COMMENTS

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

What kind of representation are you making?

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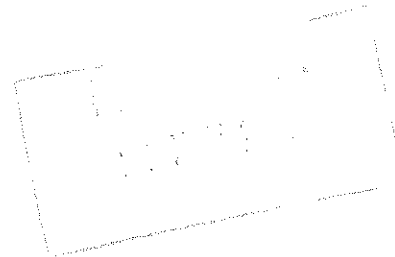
#### YOUR COMMENTS ON THE CASE

I read with interest the reasons for this application being refused on the grounds of lack of satisfactory evidence that populations of two protected species of birds would not be adversely affected. Putting to one side the fact that the bird survey concludes that there is no evidence that indicates any likely significant impact would occur, I feel it would be useful to point out the following:

- Many larger, busier commercial airports where the type and volume of air traffic are orders of magnitude greater than at the proposed site are forced to employ measures to keep birds away, such as the numbers that are attracted by the habitats created by such sites.

- I am based at a small airfield situated half a mile from a bird sanctuary based around a small lake. The airfield is home to the local air ambulance service, two aircraft flying schools, a helicopter flying school and charter business, alongside twenty or so private aircraft. There is no evidence whatsoever to indicate that the local bird population has suffered since operations commenced over twenty years ago - in fact the evidence is to the contrary. We are regularly visited by birds of prey such as buzzards, red kites and peregrine falcons, and have a resident population of wagtails and swallows, amongst numerous more commonplace species. The bird sanctuary attracts summer and winter migrants each year, with the most shy of species, the bittern, being noted just this January.

I hope that your conclusion is drawn based on a mistaken belief that birds inherently dislike light aircraft in which case I trust that this helps to correct that misconception, rather than thinly disguised prejudice.



For official use only (date received): 30/08/2017 21:42:36

## The Planning Inspectorate

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Appeal By	MR ROBERT WALKER
Site Address	South Moor Farm Langdale End Scarborough YO13 0LW Grid Ref Easting: 490477 Grid Ref Northing: 490321

#### SENDER DETAILS

Name	MISS LEIA FEE
Address	76 Hunter Street NEATH SA11 2RS

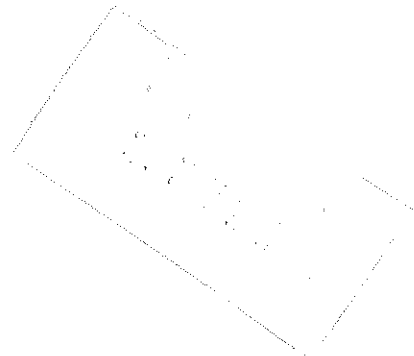
#### ABOUT YOUR COMMENTS

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 write regarding birds and airstrip. I fly from a farmstrip which is mixed use, with crop, silage or pasture alongside the runway depending on the farmer's plans in any given year, On the site there are approximately twenty aircraft. Swallow, swifts and martins return every year and breed on the site - indeed frequently in the hangars themselves. On those occasions the edges are silage or pasture we also get skylarks. Buzzards hunt on the site frequently.

At larger airports the green space set aside for runway overruns and edges is more often a habitat for birds than a hinderance - especially for ground nesting species as the requirement to keep it clear for safety reasons means it's completely undisturbed. It's common at sites with tarmaced runways to see birds of prey using the thermals from the runways to hover while hunting.

Birds and airfields coexist extremely well.



## The Planning Inspectorate

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Appeal By	MR ROBERT WALKER
Site Address	South Moor Farm Langdale End Scarborough YO13 0LW Grid Ref Easting: 490477 Grid Ref Northing: 490321

#### SENDER DETAILS

Name	MR JOHN MILNER
Address	Meadow House Baunton CIRENCESTER GL7 7BB

#### 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)

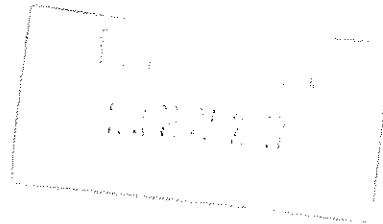
What kind of representation are you making?

- Final Comments
- Proof of Evidence
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- Other



**YOUR COMMENTS ON THE CASE**

I support the appeal and in particular I would to offer some practical evidence to show that aircraft do not disturb birds and indeed are generally a haven for wildlife. There is a reason why major airports have to spend a great deal of money, time and ingenuity trying to keep birds away and that is because they are not dangerous to birds and are a reliable source of food. I have observed activities at a wide range of airfields and both birds and small mammals are commonplace. On smaller airfields, such as the one proposed, there is no need to scare birds away and so aircraft, birds and small mammals generally co-exist without difficulty. At one of the largest general aviation airfields in the country, rabbits and small mammals abound and raptors perch on the holding point signs on the taxiways ignoring aircraft as they pass by. Smaller birds such as swallows, swifts, wagtails, sparrows and dunnocks also share the environment without problems on either side.



## The Planning Inspectorate

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Appeal By	MR ROBERT WALKER
Site Address	South Moor Farm Langdale End Scarborough YO13 0LW Grid Ref Easting: 490477 Grid Ref Northing: 490321

#### SENDER DETAILS

Name	MR DUNCAN MCFADYEAN
Address	12 Tanyard Lane Alvechurch BIRMINGHAM B48 7LN

#### 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
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**YOUR COMMENTS ON THE CASE**

Regarding the positive impact on bird population I confirm that I fly from Stoney Lane airfield near Birmingham and we have buzzards living/nesting on the airfield. In fact they were not there before the aircraft and have moved in over the last few years during operation of the airfield. The airfield is effectively set-aside and has no agrichemicals applied to it, so the worm and bug count is very high which in turn supports the rest of the natural food-chain beyond that. Hence, I surmise the presence of everything up to the 'apex' buzzards, but not put-off by aircraft movements.

10/10/2011  
10/10/2011  
10/10/2011

## The Planning Inspectorate

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Appeal By	MR ROBERT WALKER
Site Address	South Moor Farm Langdale End Scarborough YO13 0LW Grid Ref Easting: 490477 Grid Ref Northing: 490321

#### SENDER DETAILS

Name	DR PETER SPENCER
Address	5 Kesdale Gardens BURY ST. EDMUNDS IP33 3SF

#### 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?

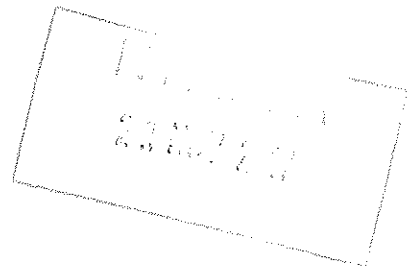
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- Proof of Evidence
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**YOUR COMMENTS ON THE CASE**

I fly from a small airstrip in farmland in North Suffolk for the last 23 years: I have written to you previously, but feel the need to contact you again. I will say this: Swallows visit our airstrip every year and have nested in our hangar on previous years, though they do tend to favour one of the other (three) hangars on our airstrip. For several years in a row wagtails have nested high in our hangar, and rarely a year goes by without us finding a little pile of owl pellets below one of our hangar roof beams, alongside the aeroplane. (Needless to say we have never spotted the owl. In addition the fields/crops/small wood alongside our grass strip provide home to hares and Muntjac deer and the strip is visited daily by flocks of crows. I think it is fair to say that our aeroplanes (five based at the strip) cause no inconvenience or fear whatever to a broad spectrum of wildlife including birds, proved conclusively by our annual visit by the swallows.





giving  
nature  
a home

RSPB  
c/o YWT  
1 St George's Place  
York  
YO24 1GN

Planning Inspectorate  
Room 3M  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

19 September 2017

Dear Sir/Madam,

Appeal reference: APP/W9500/W/17/3178824

Appeal starting date: 21 August 2017

Appellant(s) name: Mr R Walker

**Re: Town and Country Planning Act 1990 Land at South Moor Farm, Langdale End, Scarborough. 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/PL)**

Please note that the RSPB's previous comments and concerns raised in my email of 11 January 2017 (which will have been forwarded to you by the local planning authority) still stand, as we consider that they have not been satisfactorily addressed by the appellant.

We would also like submit the following additional comments, regarding potential impacts on nightjars, to the Inspector for consideration:

In our opinion, the additional information supplied by the applicant in support of the appeal in the report titled 'South Moor Farm, Langdale End, Scarborough Updated Bird Assessment, May 2017, Quants Environmental Ltd.' is not sufficient to allow the Competent Authority to determine that the development will not result in adverse impacts on nightjars.

The forestry areas of the North York Moors National Park are one of the most important sites in the UK for breeding nightjars (*Caprimulgus europaeus*). This area is believed to support over 4% of the GB population, and is therefore of national importance for nightjars.

The North York Moors forests are also of special importance for the species in a national context because they form the northernmost component of its range in the UK. Recent national surveys of nightjars have indicated widespread declines in numbers at key sites for the species in Southern England. Research into the potential

impacts of climate change also suggests that the species range may move northwards. Therefore, the North York Moors is likely to become increasingly more important for nightjars in future.

The RSPB identified the site as an Important Bird Area or IBA in 2005, to highlight its value in conserving this scarce breeding species in the UK. The RSPB has also proposed to Natural England and JNCC that the North York Moors forestry areas should be considered for designation as a Special Protection Area (SPA) in light of their importance for nightjars.

Notwithstanding the previous point, the North York Moors National Park has a separate legal obligation under Regulation 9A(8) of the Conservation of Habitats and Species Regulations 2010 (as amended) in exercising its functions to:

*"...use all reasonable endeavours to avoid any pollution or deterioration of habitats of wild birds"*

This applies particularly to birds like the nightjars, that are listed on Annex 1 of the Birds Directive, which require special conservation measures be taken for them, both inside and outside of the SPA network.

The bird report (page 20) concludes that:

*"Given the known variability in the breeding density of this species, in the absence of surveys during the breeding season, it is not possible to determine how many pairs of breeding nightjars may occur in these areas."*

Therefore, as it is not possible to determine how many birds would be likely to be impacted by the proposed development, and as there is sufficient breeding habitat for a significant number of pairs within 500 metres of the proposed runway, the RSPB is of the opinion that it is not possible to determine that there would be no likely significant effect on nightjars from the information provided by the applicant.

The report (page 23) proposes the following mitigation for nightjar:

*"It may be appropriate to avoid flight activity from 30 minutes before sunset until 30 minutes after sunrise during the main nightjar breeding period..."*

In our view this does not confer confidence that the suggested mitigation measures will avoid impacts on nightjars, as it does not address the potential displacement of nest sites. Birds which use cryptic and show less active disturbance responses as a response to potential threats are still vulnerable to displacement and abandonment of nest sites from repeated disturbance (which daily flights are likely to cause). Nightjars are well known to avoid nesting in areas, and/or nest in lower densities at sites subject to regular human activity, preferring quieter undisturbed areas. The RSPB is concerned that frequent noise and activity from daily flights from the proposed airstrip may result in loss of Nightjar breeding habitat.

Yours sincerely,

Dr Michelle D. Lindsay  
Conservation Officer (Uplands) Yorkshire, Humber & Peak District





Deepdale Farm  
Bickley  
Langdale End  
Scarborough  
YO13 0LL  
17 September 2017

**Re: Appeal reference APP/W9500/W/17/3178824**

Dear sir or Madam,

We live at Deepdale Farm. Deepdale itself and our house are directly on the flight path for aircraft taking off from South Moor Farm. We write regarding the above application and would request that you carefully read our own and other objection letters to this application that have already been lodged.

Firstly I'd like to query the applicants motivation for this application. It is being presented as a struggling small scale farmer trying to diversify. In the applicants planning statement it says "South Moor Farm extends to 100 acres" and that "sheep and cattle graze the land" further that "in order to make the holding viable....." This is very misleading as the applicant is not a small scale farmer trying to scratch a living he is a retired BT phone engineer and as such has a healthy pension to rely on as his main income source.

Indeed if the applicant is a struggling farmer why in I (part two) Agricultural holdings section a) of the planning appeal form has the applicant ticked the box stating "None of the land to which the appeal relates is, or is part of, an agricultural holding." In direct contradiction to the planning statement.

**Birds network information note**

Points stated in this that I would wish to highlight are quoted below:

- Small aircraft and pedestrians were the most important sources of disturbance in a study.
- The eagles in their study showed a much greater response to helicopters than to jets and light planes (helicopter flying is included in this planning application)
- "unusual" types of plane which show up at low frequencies still had strong effects (the application relates to any aircraft that can land on the length of runway proposed so microlights, helicopters, all sorts of small aircraft so whilst some bird species may get used to regular movements of the same aircraft they would be significantly disturbed by the irregular types)
- Helicopters at 915 – 1065m (altitude) disturbed most birds along all flight routes.
- The use of helicopters in particular should be avoided in areas of importance for birds
- CAA and MoD both rely on map based information to warn pilots of the location of large numbers of birds in order to reduce the risk of bird strikes.

The CAA defines a bird sanctuary as an airspace of defined dimensions within which large colonies of birds are known to breed

- Avoidance distances (for bird colonies) (up to 3 nautical miles) and (avoidance) (heights up to 4000 feet)
- The (MoD) UK low flying system (UKFLS) aims to spread low flying activity as widely as possible in order to reduce the burden of disturbance in any one area.
- Some bird reserves and sanctuaries are also included (in the avoidance areas) although the list is far from comprehensive and requires a review.
- The conclusions of the report state
  - Simple generalisations regarding the effect of aircraft cannot be made
  - However from the current information on aircraft disturbance the following general points can be made
    - Low flying helicopters and micro-lights cause the greatest level of disturbance
    - Low flight altitudes cause most disturbance; flights over sensitive bird areas should be at least 500m above surface levels and preferably over 1000m
    - The impact of aircraft disturbance may be increased if other sources of disturbance affect the same area

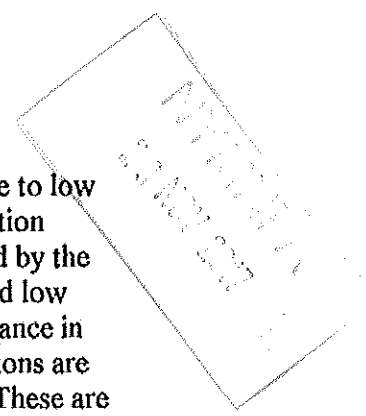
#### Statement of case provided by the applicant

Here it states that "a further updated bird assessment by Quants Environmental Ltd has been undertaken with the vantage point survey for Goshawks taking place during April 2017". Quants Environmental are the people that did the original survey that was thoroughly discredited as it was conducted at the wrong time of the year.

After being told by Quants that the first survey could be relied upon we are now told this vantage point survey has been conducted at the optimal time of the year. However Goshawks are notoriously difficult to spot; Goshawks spend a lot of their time hunting as the RSPB website states they "hunt at high speed weaving in and out of trees". On wikipedia it states "hunting Goshawks utilise thick vegetation to block them from view from their prey". Consequently any attempt to "spot them" from a vantage point will be very ineffectual.

At the end of section 2 it states that "there are no flying restrictions to protect birds in the North York Moors National Park" Per the Birds network information note above this is because the flying restrictions are not to protect the birds they are to minimise the risk to aircraft of bird strike. In other words they are there to protect the aircraft not the birds. However the Birds network information note does state that "flights over sensitive bird areas should be at least 500m above surface levels and preferably over 1000m. It has been widely confirmed (even by the applicants own documents) that sensitive birds are present in the area and that there is ideal habitat for them. So the recommendation from the Birds network information note is that flights should be preferably kept above 1000m – so definitely no take offs and landing. Ideal habitat is something that is in very short supply and something that the birds would find it very difficult to locate should they be frightened off from their current location.

Section 2 further states that "the area is an area of intense aerial activity due to low military flying, gas pipeline inspection helicopters and electricity line inspection helicopters" This is untrue. As the Birds network information note provided by the applicant states "The (MoD) UK low flying system (UKFLS) aims to spread low flying activity as widely as possible in order to reduce the burden of disturbance in any one area." And nowadays many gas pipeline and electricity line inspections are done by UAV's (unmanned aerial vehicles – or drones as we know them). These are much less invasive to wildlife but of course the main driver for this is one of cost – they are much cheaper to use compared to a helicopter or fixed wing aircraft. In fact soon drones will be the only method used to inspect pipelines or electricity lines.



We have a high voltage line near our house and I work from home and can see the lines from my office window. I can also hear aircraft when they fly past. I would say the electricity lines are inspected less than once per year and that categorically this is not an area of "intense aerial activity" at all. Days and sometimes weeks go by where we never even hear a plane.

Section 4 grounds of appeal states as evidence that conclusions were drawn that the expansion of an existing commercial airfield at Lydd would have little impact on Nightjar and Goshawk. I have personally flown from Lydd airfield and can attest that the habitat is not the same. Also Lydd is an existing commercial airfield. What we are talking about for this application is the establishment of a brand new airfield in an area where nightjar and Goshawk are known to exist, not merely a bit more noise and disturbance but noise and disturbance where there has previously been none.

Section 4 also states that SSSI's are nearby but probably not close enough to be disturbed. Of course birds do not recognise the boundaries of SSSI's and of course the vast bird population exists outside these areas. It has been stated that aircraft will take off and land flying directly down Deep dale. Deep dale is significant for wildlife in that the Forestry commission have invested time and money in to improve the area for wildlife and have even created a trail. On the Forestry Commission website it states "This is a fairly strenuous trail, but there is plenty to see along the way, including a forest nature reserve. It is hilly with a section of steep slope to negotiate."<sup>1</sup>

Near to the start of this trail the Forestry Commission have recently created a 7.5 acre wildflower meadow.

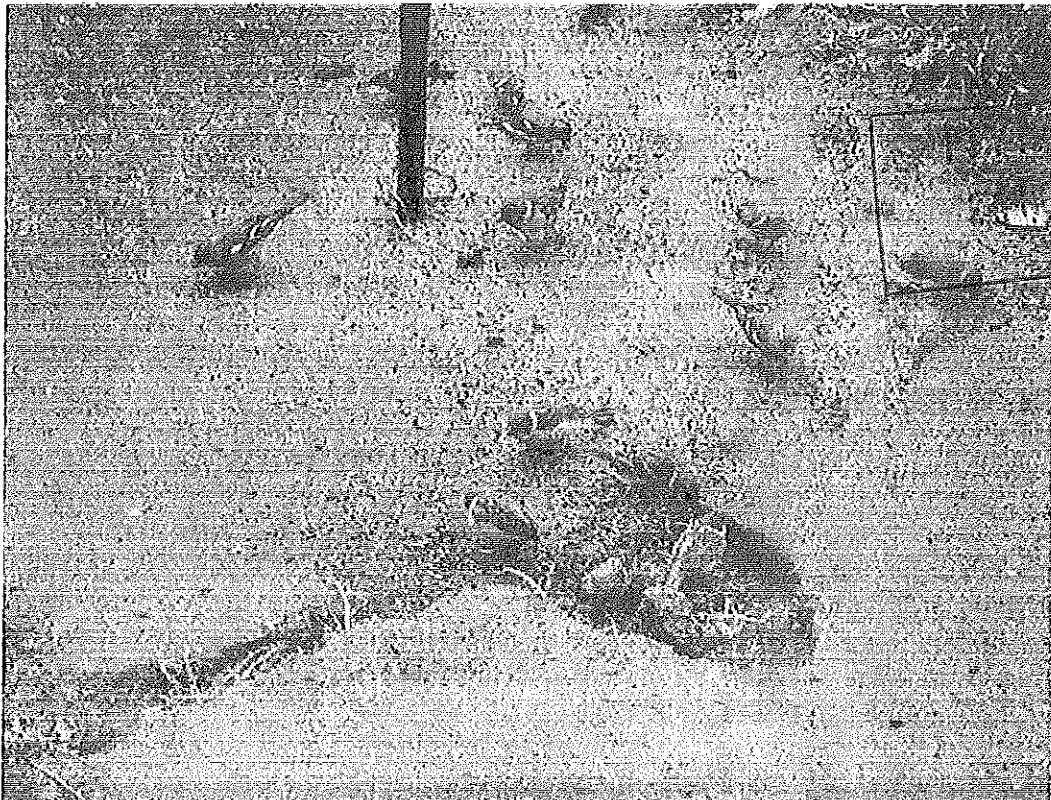
Deepdale itself is very rich in birdlife we have numerous birds regularly visit our bird table including Tree sparrows and Willow tit / Marsh tit which are very rare having a conservation status of red. See pictures below. According to the RSPB "Red is the highest **conservation** priority, with species needing urgent action"<sup>2</sup> I'm pretty sure that action doesn't include pestering them with light aircraft. In 2015 we saw our first Tree sparrow at Deepdale farm it was a single bird and I saw it twice. In 2016 I regularly saw a pair and in 2017 I'm pleased to saw they bred successfully and brought their four babies to our bird table – see below.

<sup>1</sup> <https://www.forestry.gov.uk/forestry/bee6-9yhbux>

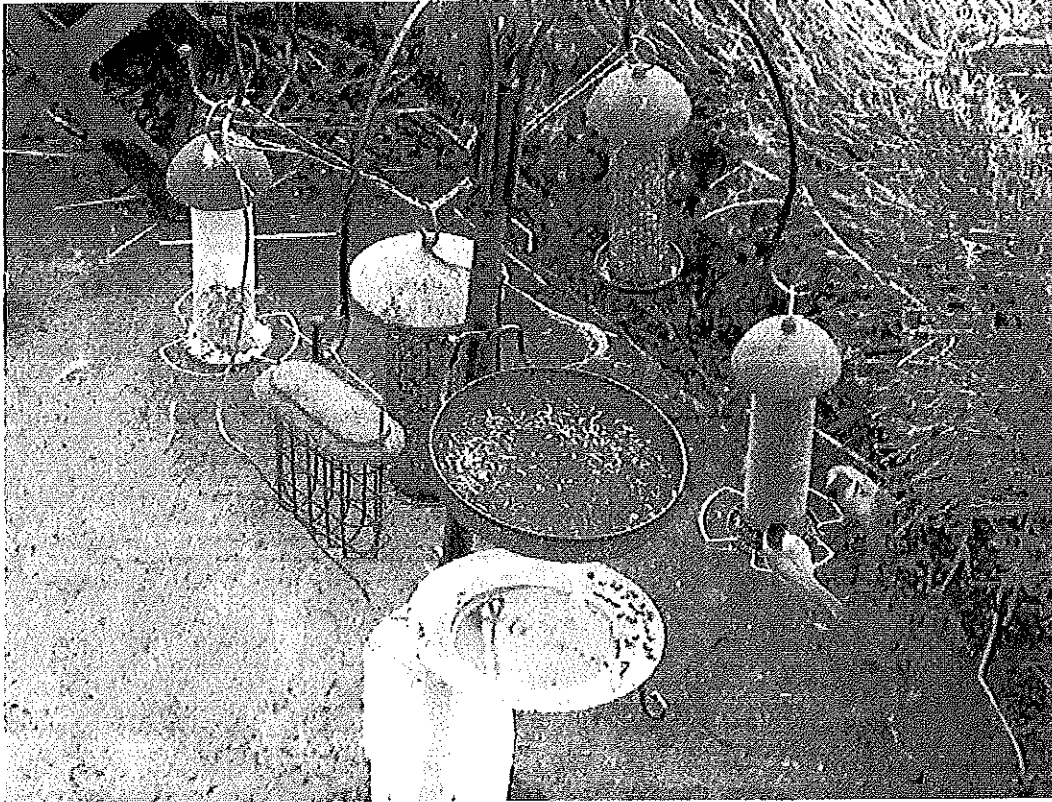
<sup>2</sup> <https://www.rspb.org.uk/birds-and-wildlife/bird-and-wildlife-guides/bird-guide/status-explained.aspx>



Tree sparrow on feeder on left hand side, Nuthatches and Siskins on the other feeders

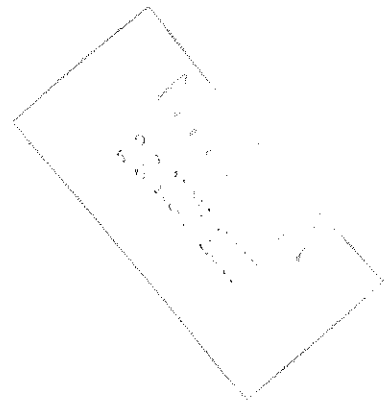


Adult and juvenile Tree sparrows underneath our bird table with Siskins and Chaffinches.



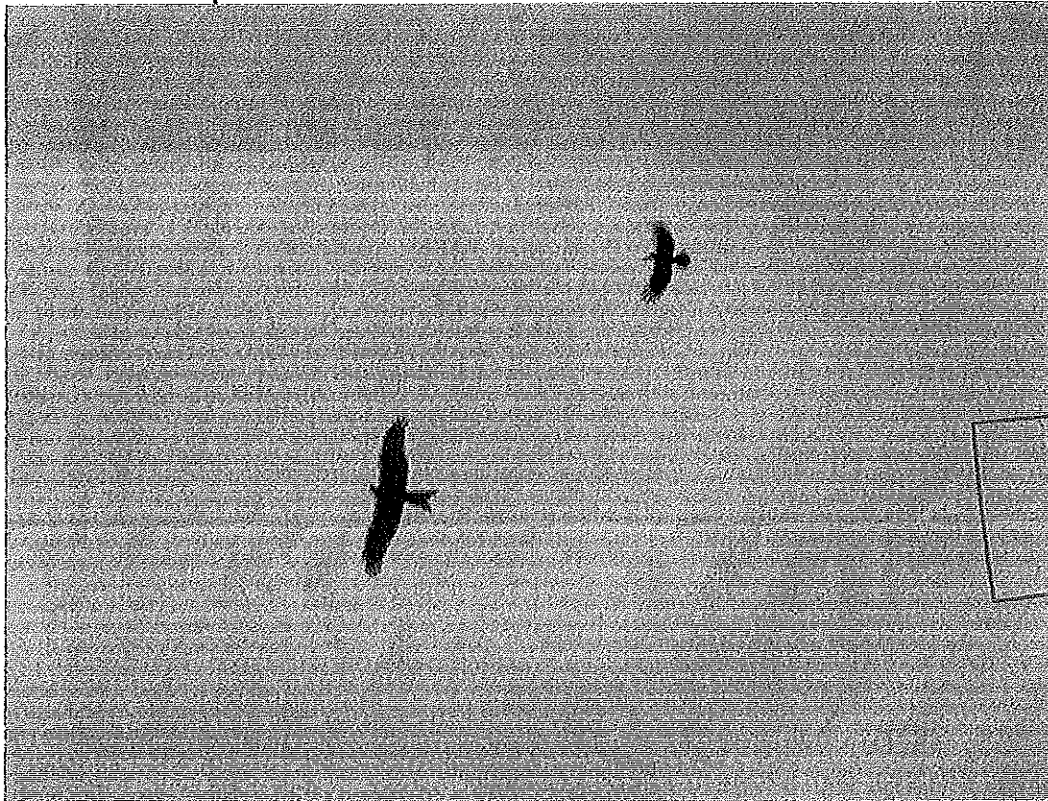
Willow tit / Marsh tit with a Blue tit on our bird feeder

Additionally we regularly see Red kites in the area. I report sightings to the Yorkshire red kites website [www.yorkshireredkites.net/](http://www.yorkshireredkites.net/) In my previous objection letter I mentioned seeing a Red kite on four occasions nearby but since then on 17th January this year I managed to get some pictures of one being mobbed by a crow directly over





our house in Deepdale -- see below.



I sent this photo to [www.yorkshireredkites.net/](http://www.yorkshireredkites.net/) and Nigel Puckrin confirmed back to me it definitely was a Red kite. It circled over our house and headed in the general direction of South Moor Farm. As I stated in my previous objection letter:

“species listed on Schedule 1A receive enhanced protection against harassment at any time”. The red kite is listed on Schedule 1A and certainly aircraft flying around constantly would harass the red kites. The RSPB website states:

The red kite is afforded the highest degree of legal protection under the Schedule 1 of the Wildlife and Countryside Act 1981.

### **The economic case**

A quick search of the internet yields many airfields listed in North Yorkshire. There is one situated on a farm only 3 miles away from South Moor Farm. There is a sizeable airfield in regular use at Fadmoor which is around 14 miles from South Moor Farm. Consequently the assertion that the airfield at South Moor Farm will increase economic activity in the area is surely erroneous.

### **Conclusion**

The last appeal by the applicant (APP/W9500/W/16/3144478) was dismissed the conclusion stating that “I take into account that the conservation of wildlife is explicit in the statutory purposes of the National Park, and that having regard to the Sandford principle this harm must carry greater weight than the stated benefits”.

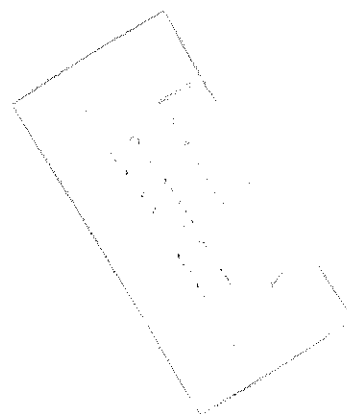
I have shown above that there are many more important bird species present and breeding in the area that have not been taken into account and that any attempt to ascertain the numbers of Goshawk in the area are almost certain to result in none being observed as the Goshawks are so secretive. Additionally the economic benefits are marginal to non-existent with alternative sites being available nearby.

Consequently we assert that this appeal should be dismissed on the same grounds as the previous appeal.

Yours sincerely,

Andrew Wyatt

Coral Bignell



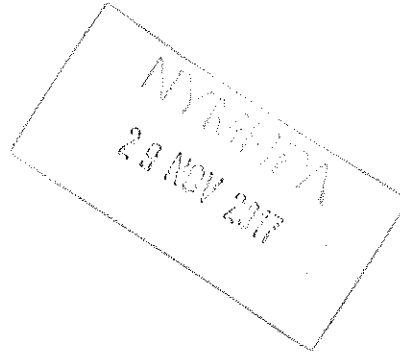


**Forestry Commission**  
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Date: 25<sup>th</sup> September 2017

**Re: APP/W9500/W/17/3178824**

Dear Sir/ Madam,

**Forestry Commission response to the Appeal for the planning application  
NYM/2016/0817/FL**

The previous planning application for the airfield at this site was refused on ecological grounds in that:

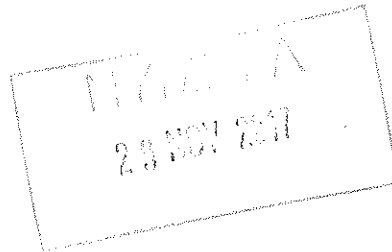
*'The Local Planning Authority considers that it cannot be satisfactorily demonstrated that the bird species, notably Goshawk (Schedule 1, Wildlife and Countryside Act) and Nightjar (Section 41, NERC Act Annex 1, EU Birds directive) would not be adversely affected by the proposed development, or that it would not have a significant effect on the interest features of the North York Moors Special Protection Areas (SPAs), because flights to and from the proposed airstrip could potentially cause disturbance to the species for which the special protection area is designated'*

Following the recent further appeal the Forestry Commission Yorkshire ecologist would like to submit the following response;

The 'Bird Assessment' undertaken by Quants Environmental submitted with the previous appeal failed to fully address the uncertainty of the adverse impact that the proposed airstrip would have on these species. Quants Environmental have since prepared an 'Updated Bird Assessment' in May 2017 following further fieldwork.

This fieldwork was conducted towards the end of the optimal time of year for undertaking surveys of potential goshawk breeding areas.

The vantage point surveys conducted on the 6<sup>th</sup> April 2017 as part of this assessment confirm a medium to high level of goshawk activity in the area surrounding South Moor Farm with over half an hour of flight activity recorded in a 3 hour period.



## Forestry Commission England

This confirms the statement in our previous response that 'Dalby, Langdale and Wykeham forests (all within the impact zone of the proposed airfield/ flight zones) support fairly stable populations of goshawk, (Schedule 1 protected species) and nightjar ( BoCC4 Amber list species)'

To consultant states '*the fact that none of the footpaths, cycle paths and forest roads which criss cross the entire survey area (no areas being more than 400 metres from the site) are closed to the public during this time would suggest that either goshawk nests are not present in the survey area or they are not significantly disturbed by walkers, mountain bikers or vehicles using this area.*' As evidence of the fact that goshawk would not be nesting in one of the areas of concentrated goshawk activity during his Vantage point survey.

In the Forestry Commission Research Information Note 267 '**Reducing disturbance to goshawks during the breeding season**' (Steve Petty 1996) it is stated that; '*Goshawks can become conditioned to some types of more regular disturbance; for instance pairs will occasionally nest close to busy main roads or recreation areas, but in these cases disturbance was present from the start of nesting*'.

This fact is key; the closure of footpaths and roads during the breeding season is not necessary as the goshawk has set up nest with these disturbances present. In addition the closure of footpaths and roads would highlight the nesting area to potential harm from theft of eggs or chicks. Steve Petty goes on to say '*The type of disturbance most likely to affect goshawks is when a sudden change occurs in the nesting environment*' which would be the case if there was a change to regular air traffic.

The evidence cited on potential impacts to bird species by the development of the airstrip remains the same in both the 'Bird Assessment' prepared in October 2017 and the 'Updated Bird Assessment' prepared in May 2017.

I feel that it still does not provide any data or statistics regarding specific impacts to goshawk or nightjar, turtle dove or honey buzzard. It does however still provide much evidence **proving** the potential disturbance to many other species of birds by aircraft which can be translated to these species.

As stated previously the most notable include;

**Disturbance effects of aircraft on birds - Birds Network Information Note, English Nature (A Drewett,)** '*the response of birds to disturbing events depends on a wide range of factors For this reason it is difficult to accurately predict the response of birds to different sources of disturbance. However there is evidence that, under certain circumstances, disturbance can have serious consequences for bird populations.*'

*'Any attempt to reduce the effects of aircraft disturbance, for example by setting tolerance distances or disturbance free zone, is complicated by the large variation in vulnerability to disturbance. This variability occurs across species and within species, across habitat types and between sites'*

*'As with all forms of disturbance, it is often difficult to identify the effects on birds, especially at the lower levels of potentially disturbing activities. Detecting effects is further complicated by the great variation in response of birds to aircraft; depending on a whole range of factors Simple generalisations regarding the effects of aircraft cannot be made. This is especially so when*



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*consideration is given to the host of other variables that influence bird populations, including food availability, habitat changes, competition, predation and weather.'*

**The use of helicopters and aircraft in relation to disturbance risks to Schedule 1 and 1a raptors and wider Schedule 1 species - Scottish Natural Heritage Guidance 2015**

*'Raptors may react to aerial disturbance in a number of ways. They have been recorded watching nearby aircraft, 'flattening' or 'clamping down' on nests (usually in incubating or brooding birds) and standing up on nests with eggs or chicks. Birds may also be flushed from the nest, and may delay the returning to the nest or a change -over between the pair during incubation or brooding being disrupted. This can result in the nest being unattended for an extended period, and the eggs or young chicks being vulnerable to the effects of weather (chilling or overheating), starvation or predation. Breeding birds may also be panicked off a nest and, in the process, dislodge eggs or young leading to a breeding failure.*

*Behaviour of young in nests is not well studied but there is evidence to suggest that they can 'flatten' on the nest or exhibit startled/panic behaviours. This latter reaction can lead to premature fledging in older chicks which risks injury and potential abandonment by the parents, although the latter is probably rare.'*

The uncertainty of the effect of any disturbance on the breeding goshawk population is summed up well in the Forestry Commission Research Information Note 267 '**Reducing disturbance to goshawks during the breeding season**' (Steve Petty 1996) 'The condition and experience of the pair will influence the amount of disturbance that they will tolerate. Birds breeding for the first time may be more prone to desert their nest than experienced pairs, while in poor food years all pairs may be more likely to desert than in good food years. Birds also have individual traits, with some more ready to desert than others'

As mentioned in our response to the last appeal the bird report concentrates on nightjar and goshawk but the forests also support a large turtle dove population (BoCC4 Red list species) and there has been successful nesting of honey buzzard (Schedule 1 protected species). These species are not considered/ mentioned in the assessment and therefore it is not a complete assessment of the species present and the potential impacts of the airstrip. A survey of Turtle Dove numbers in Dalby forest has been conducted this year and a large number of Turtle Dove records were reported in the forest surrounding South Moor Farm. There is an uncertainty of the impact that the airstrip will have on breeding Turtle Doves which are protected in the UK under part I of the Wildlife and Countryside Act 1981 legislation (Wildlife and Countryside Act 1981) and in the European Union (EU) Birds Directive Annex II. European populations have been in decline since the 1970's. They are now included on the register of Unfavourable Conservation Status in the European Union (EU) and in Europe (Lutz, 2006). They are Red listed (high conservation concern) as described in The Population Status of Birds in the UK (Eaton et.al. 2015).

The conclusions/ mitigation suggestions made by the consultant in the assessment do not remove the risk of disturbance to the protected/important bird species -the forest around the application area is used by goshawk, nightjar, honey buzzard and turtle dove for both breeding and feeding. It is not right to assume the absence of breeding goshawk in an area because paths and roads are not closed. As stated by the consultants there is a lack of specific studies of the impact of aircraft on these species and the documents quoted in the assessment provide substantial evidence of the disturbance that aircraft can cause to other bird species.



## Forestry Commission England

Therefore in my opinion it is still not possible to overrule the reason for rejecting the application at the previous appeal. We still cannot be sure of the extent of any likely harm to protected species. As stated in the previous response the application has the potential to contravene our aims and objectives as set out in our Corporate Plan 2016-2017 - 'to protect and enhance the biodiversity of the Public Forest Estate' and our duty of care under the Wildlife and Countryside Act (1981) to protect bird species with extra protection given to Schedule 1 species (goshawk and honey buzzard). We have a statutory duty under the EU Birds Directive 2009 to protect wild birds, with special protection given to Annex 1 species (includes goshawk, nightjar and honey buzzard) It is also our responsibility to protect nightjar and turtle dove (which are noted on the S41 list as species of principle importance) under Section 40 of the NERC Act (2006) *There is a general biodiversity duty in the NERC Act (Section 40) which requires every public body in the exercising of its functions to 'have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.*

In addition to the above the development of the airfield goes against the National Parks overarching aim to conserve and enhance the natural beauty, wildlife and cultural heritage of the area and the important Sandford principle. The Forestry Commission therefore object to the application for the airfield development on the grounds that it will enable an activity which could potentially illegally disturb Schedule 1 birds and cause disturbance to other important bird species.

Yours sincerely,

Mrs. Elizabeth Walton MRICS  
Area Land Agent

