

**Town and Country Planning Act 1990
North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for
Permission to Carry out Development**

To: Mr Else
c/o Griffin Toomes Consulting Engineers
First Floor, 81 Witham
Hull
HU9 1AT



The above named Authority being the Planning Authority for the purposes of your application validated 12 March 2018, in respect of proposed development for the purposes of **construction of cattle underpass at land west of Grange Farm, Staintondale**, has considered your application and has **granted** permission for the proposed development subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Site location plan	---	12 March 2018
Plan view	J2820-01 Rev B	04 May 2018
Proposed sections	J2820-02 Rev B	04 May 2018

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.

3. No work shall commence on the excavation works for the development hereby permitted until a one metre square freestanding panel of stonework showing the type of stone and stonework to be used in the construction of the development hereby permitted has been constructed on site and approved in writing by the Local Planning Authority. All new stonework shall match that of the approved panel both in terms of the stone used and the coursing, jointing and mortar mix and finish exhibited in the panel unless otherwise agreed in writing by the Local Planning Authority. The stone panel constructed shall be retained on the development site until the development hereby approved has been completed.
4. No work shall commence to clear the site in preparation for the development hereby permitted until full details of the access surfacing have been submitted to and approved in writing by the Local Planning Authority. The access surfacing shall then be implemented in accordance with the approved details and shall be maintained in that condition in perpetuity.
5. Within three months of the date of their installation, the railings hereby approved they shall be coloured dark green and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
6. The cattle underpass hereby approved shall be gated, with the gates closed when not being in use, unless otherwise approved in writing by the Local Planning Authority.

Continued overleaf/Conditions

Mr C M France
Director of Planning

COPY

Date 24 M

Please Note your Rights of Appeal are attached to this Decision Notice

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Continuation of Decision No. NYM/2018/0025/FL

7. Prior to the development hereby approved being first brought into use, a silt trap shall be installed to capture sediments washed from the underpass. The silt trap should be emptied on a regular basis, with the material spread on nearby fields.
However, if no drainage is proposed and surface water is allowed to percolate 230m across the neighbouring field to connect to the watercourse then no silt trap would be required.
8. No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - i). The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority
 - ii). The existing access shall be improved and constructed in accordance with Standard Detail number E7.
 - iii) Any gates or barriers shall be erected at the highway boundary and shall not be able to swing over the existing or proposed highway.
 - iv). Provision to prevent surface water from the site discharging onto the existing or proposed highway shall be constructed and maintained thereafter to prevent such discharges
 - v). The final surfacing of any private access within 1 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Continued overleaf/Conditions



Mr C M France
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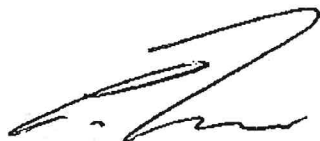
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10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the cattle underpass or other works until:
- a. The details of the following off site required highway works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:
 - b (i). construction of the proposed cattle underpass, related works and reinstatement details of the highway, including detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - o dimensions of any carriageway and verges o the proposed structure and site layout, including levels
 - o drainage system
 - o all types of surfacing kerbing and edging and safety fencing.
 - (ii). Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of the existing road and through the centreline of the proposed structure showing:
 - o the existing ground level
 - o the proposed road channel and centre line levels
 - o full details of surface water drainage proposals.
 - (iii). Full working drawings for any structures which affect or form part of the highway network.
 - (iv). A programme for completing the works.
 - c. provision of suitable details for the completion of Technical Approval procedures process for the structure to be placed within, affecting and under the highway
 - d. provision of a construction details and construction phase plan, including any necessary traffic management plans
 - e. An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.
 - f. A programme for the completion of the proposed works, including any Traffic management plans and necessary Traffic Regulation Orders applications, for the construction of the proposed structure, has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.

Continued overleaf/Conditions



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11. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the proposed structure shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number:
- b (i). construction of the proposed cattle underpass, related works and reinstatement details of the highway, including detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - o dimensions of any carriageway and verges
 - o the proposed structure and site layout, including levels
 - o drainage system
 - o all types of surfacing kerbing and edging and safety fencing.
 - (ii). Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of the existing road and through the centreline of the proposed structure showing:
 - o the existing ground level
 - o the proposed road channel and centre line levels
 - o full details of surface water drainage proposals.
 - (iii). Full working drawings for any structures which affect or form part of the highway network.
 - (iv). A programme for completing the works.
 - c. provision of suitable details for the completion of Technical Approval procedures process for the structure to be placed within, affecting and under the highway
 - d. provision of a construction details and construction phase plan, including any necessary traffic management plans.
12. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
13. Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV construction traffic have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.

Continued overleaf/Conditions



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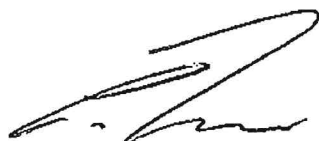
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14. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period. The statement shall provide for the following in respect of the phase:
 - a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. erection and maintenance of security hoarding
 - e. wheel washing facilities
 - f. measures to control the emission of dust and dirt during construction
 - g. a scheme for recycling/disposing of waste resulting from demolition and construction works.
15. Prior to the development being brought into use details of a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for between the railings and the road and shall include details of any existing hedges and trees to be retained on the site together with any measures for managing/reinforcing these and shall specify plant species, sizes and planting densities for any new areas of planting. The approved details shall be carried out no later than the first planting season following the occupation of the buildings, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. The approved landscaping scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Informatives

1. Any hard surfaced tracks outside the redline of the application site which have already been commenced will require the submission of a full planning Application and any further hard surfaced tracks will require either the submission of a Prior Notification or planning application.
2. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
3. There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 (or similar legal agreement) has been entered into between the Developer and the Highway Authority.
4. There shall be no site clearance, demolition, excavation or depositing of material in connection with the construction of the development until details of any necessary Temporary Traffic Regulation Orders which may be required for the construction of the proposed cattle underpass have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved details shall, at the applicant's expense, undergo the legal process required. Subject to the successful completion of this legal process the measures will be implemented at the applicant's cost prior to the development being brought into use.

Continued overleaf/Reasons for Conditions



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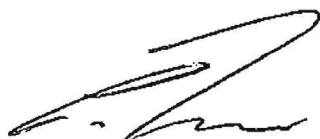
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Reasons for Conditions

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
3. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
4. In the interests of the satisfactory appearance of the development and in order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that development proposals incorporate suitable hard landscaping details.
5. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
- 6 To avoid pollution of watercourses and to comply with the provisions of NYM
- & Development Policy 1, which seeks to ensure that new development has satisfactory
7. provision for the disposal of foul and surface water.
8. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
9. In accordance with NYM Development Policy 23 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
10. In accordance with NYM Development Policy 23 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
11. In accordance with NYM Development Policy 23 and in the interests of the safety and convenience of highway users.
12. In accordance with NYM Development Policy 23 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
13. In accordance with NYM Development Policy 23 and in the interests of highway safety and the general amenity of the area.
14. In accordance with NYM Development Policy 23 and to provide for appropriate on-site vehicle parking and storage facilities in the interests of highway safety and the general amenity of the area.
15. In order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.

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

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.



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Rights of Appeal

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State of Department of Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice (12 weeks in the case of a minor commercial application). The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the council of the county/district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Note: If an aggrieved applicant wishes to exercise their right of appeal as above mentioned, they should do so using a form which you can get from the Secretary of State at:

Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 00 00) or online at www.planningportal.gov.uk/planning/appeals

Notes

1. Please note, only the applicant possesses the right of appeal.
2. No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed Development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.
3. In your own interests your attention is particularly drawn to the conditions under which approval has been given to your proposals. Failure to comply fully with the conditions could lead to enforcement action resulting in work already done being demolished or prosecution in Magistrates' Court.
4. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice.
5. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

