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Authority: North York Moors National Park Authority

Type of consultation: planning application

Full details of application/consultation: NYM/2020/0586/FL - use of land to form 1 no. grass runway for personal use by owner and emergency use together with erection of wind sock (revised scheme following dismissal at appeal of NYM/2016/0817/FL)

At land at: South Moor Farm, Dalby Forest Drive, Ebberston

Type of response: Objection

Date of Submission: 5th October 2020

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

All CPRE North Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

Comment

CPRE North Yorkshire ('CPRENY') welcomes the opportunity to comment on the above application submitted by Mr Walker ('the applicant') to the North York Moors National Park Authority ('NPA'). CPRENY has taken the opportunity to review the documentation submitted in support of the application and note that this proposal is the latest in a series of applications for the same usage which have been both refused and dismissed at appeal, commencing in 2013.

CPRENY object to the proposal at this location as a detrimental impact on protected species can not be ruled out given the lack of relevant up to date information submitted by the applicant. Furthermore, CPRENY are concerned that that the proposal will impact on the nationally designated landscape of the North York Moors National Park ('NP') and could, particularly when in use, distract users of the Dalby Forest Drive contrary to national policy.

Planning Analysis

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application should be determined in accordance with the development plan unless material planning considerations indicate otherwise. The planning system should contribute to achieving sustainable development. The National Planning Policy Framework ('NPPF') (2019) aims to deliver sustainable development through the implementation of its policies. Paragraph 11 states that for decision making this means:

- c) *'approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:*
 - I. *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - II. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

The Development Plan relevant to this application is the North York Moors National Park Authority Local Plan and was adopted in July 2020, having recently been through Examination in Public and found sound by an independent Inspector. As such the policies contained within, can be given full weight in the planning balance when determining this application.

The Statutory Duties of the NPA are to:

- Conserve and enhance the natural beauty, wildlife and cultural heritage of the North York Moors National Park;
- Promote opportunities for the understanding and enjoyment of the special qualities of the National Park; and
- Whilst achieving the above, seek to foster the economic and social well-being of local communities.

The Sandford Principle dictates that where there is an irreconcilable conflict between the statutory purposes, greater weight will be attached to the first purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park.

The NPPF places great weight on the protection of nationally designated landscapes at paragraph 172 including to conserving and enhancing landscape and scenic beauty alongside the conservation and

enhancement of wildlife and cultural heritage. The applicant has not included any assessment setting out what the impact would be on the landscape quality at this location. The site is located to the south east of the Farmhouse in an area of open agricultural land between forestry. It is immediately adjacent to Dalby Forest Drive, a publicly accessible route through the forest use by visitors and residents. This large expanse of agricultural land is a change in character to that of the forest, however, the addition of a permanent grassed runway and aircraft (no hanger/shed is proposed) would alter this rural character type. Should the applicant indeed only seek to utilise the aircraft once per week for approx. 30minutes at a time, the plane would be sat idle for the majority of the time and would not be at all in keeping with this landscape.

Strategic Policy G sets out the NPAs priorities for landscape. *“Great weight will be given to landscape considerations in planning decisions”*. The application site falls into landscape character type ‘3 – forest’. Paragraph 4.14 explains that *“individual trees, groups of trees, woodland, hedgerows and walls are also an important element of the quality of the National Park’s environment”*. CPRENY, therefore, believe that the proposed airstrip contained within a forest clearing could potentially impact detrimentally on the forest and ecosystems within. The applicant alludes to noise monitoring by MAS Environmental, although this does not appear to have been submitted with the application. As no assessment has been made as to how the proposal and aircraft will assimilate into the landscape at this location or impact on the surrounding forest, the proposal must be considered contrary to Strategic Policy G.

CPRENY are of the opinion that a Habitats Regulations Assessment will be required to be undertaken as dictated by the Conservation of Habitats and Species Regulations 2017, often known as the ‘Habitats Regulations’ to assess the potential impacts on internationally important sites. The proposed site is located in close proximity to North York Moors Special Protection Area (SPA) and North York Moors Special Area of Conservation (SAC) which are European protected sites. The sites are also designated nationally as North York Moors Sites for Special Scientific Interest (SSSI). In order to carry out this duty in line with the Regulations, the NPA will require sufficient detailed information to be provided by the applicant prior to planning permission being determined, in order for them to be able to make the assessment.

The applicant has submitted several bird surveys to support his application. The most recent of which was an update considering the likely impact on Goshawks and Honey Buzzard, both of which are protected species. However, no other survey updates were undertaken for other notable species present in the vicinity including *“a total of 13 red listed and seven amber listed bird species were recorded during the breeding bird surveys including declining farmland and woodland species and species nesting in the South Moor Farm buildings”* as stated in the applicants 2018 report at paragraph 5.13. Those surveys were undertaken in spring/summer 2018 and as such are considered out of date for planning purposes. The NPA, therefore, cannot determine that that will not be a detrimental impact on birds listed within Schedule 1 of the Wildlife and Countryside Act and Section 41 of the Natural Environment and Rural Communities Act 2006 and as such the proposal should be refused.

Strategic Policy E sets out that *“development which has an unacceptable impact on the natural environment, the wildlife it supports and the environmental benefits it provides will not be permitted.”* It is hard to see how the proposals conform to this policy given the above. Strategic Policy H deals specifically with Habitats, Wildlife, Biodiversity and Geodiversity. It reinforces Strategic Policy E and sets out how proposals affecting designated sites for nature conservation interest will be considered.

Policy ENV2 sets out that tranquillity in the National Park should be maintained and enhanced. It goes on to state that all proposals will be considered in relation to: Visual intrusion, noise, activity levels and traffic generation. Tranquillity is not limited to sound but also movement. Both of these elements are synonymous with the proposed development and usage. CPRENY consider that the introduction of regular aircraft activity at this location would impact on the tranquillity of the forest location.

The NPPF sets out at paragraph 108 that, when assessing planning proposals, it should be ensured that “*safe and suitable access to the site can be achieved for all users*” and “*any significant impacts from the development on [...] highway safety, can be cost effectively mitigated to an acceptable degree.*” CPRENY are concerned that the location of the proposed airstrip is adjacent to Dalby Forest Drive, and as such the aircraft will be required to fly low in order to land / take-off. As such there could be a danger to users of the Forest Drive in terms of being distracted. CPRENY would seek to ensure that the NPA are satisfied that there are no safety concerns as a result of low-flying aircraft which would impact on users of the highway prior to determination.

Furthermore, CPRENY cannot support the applicant’s assertion in his supporting statement that a benefit of the proposal is a reduction in travel by road. The NPA must consider benefits of the proposal when determining the application and weigh these against any negative impacts in the planning balance when determining the application. However, as the airstrip is proposed for private usage, the cessation of the applicant driving his car to Leven and return is not an advantage that the NPA will benefit from more widely. Whilst the NPPF asserts that Local Plans should consider ways to reduce greenhouse gas emissions this is not what it had in mind. CPRENY consider that this would be an advantage for the applicant rather than the NPA and, therefore, should not be taken into account when considering this application.

The applicant also cites the fact that the airstrip could be used in emergency circumstances, such as during the recent (and current) pandemic in cases of national lockdown. When viewing the site on google maps, one can clearly see a grassed air strip already. If such an emergency state were to occur again, the site could already be used in such cases.

In conclusion, CPRENY consider that insufficient evidence has been presented to illustrate that there would not be a detrimental affect on the special qualities of the NP, particularly the landscape and protected species, should the proposal be favourably determined, therefore, the proposal should be refused as being contrary to both local and national planning policies.