

COMMITTEE REPORT

Date:		Ward:	Strensall
Team:	East Area	Parish:	Stockton-on-the-Forest Parish Council
Reference:	24/01519/FULM		
Application at:	Piglets Adventure Farm Towthorpe Grange Towthorpe Moor Lane Strensall York		
For:	Installation of hardstanding, landscaping and infrastructure works to parking area		
By:	Sykes		
Application Type:	Major Full Application		
Target Date:	31 March 2025		
Recommendation:	Approve subject to Section 106 Agreement		

1.0 PROPOSAL

The Site

1.1 The application site is Piglets Adventure Park, a theme park at Towthorpe Grange Farm and located on Towthorpe Moor Lane. The adventure park has car parking situated next to the private entry road which connects the site to Towthorpe Moor Lane and borders the main visitor entrance and shop into the adventure park. The park is limited to daytime opening hours only from March to November (except for the occasional night-time event centred around Halloween and time leading up to Christmas).

1.2 The site is in the Green Belt. It is not in a conservation area and there are no protected trees. The site is in low-risk flood zone 1 and abuts Strensall Common SSSI linking Strensall Common and several SINC's and other sites of interest. The application site is not part of a site of importance for nature conservation.

The Proposal

1.3 This application seeks planning permission to resurface current grassed sections of the visitor car park with macadam hardstanding and new pedestrian pathways. The aim of the proposal is to resolve existing drainage problems which occur during inclement weather conditions and has resulted in parked vehicles becoming stuck within waterlogged land. The pathways will improve the pedestrian

access into the site. The works will introduce soft landscaping with a mixture of hedges, trees and shrubs to be arranged within the vehicle circulation areas and around its outside edged boundaries.

Background History

1.4 The site was previously used for agriculture and horticulture in association with Towthorpe Grange Farm. In 2001 planning permission was granted for the erection of a farm shop and the creation of a rural education centre. The planning permission included some material changes to the land for car parking for 27no. cars and footpaths. In 2004 planning permission was granted for a large extension to the farm shop building and the addition of no.13 car parking spaces, taking the total number of spaces to no.40 car park spaces. The Planning Authority considered that the extension, although large, would not greatly increase the visual impact of the building nor would the enlarged car park be any more visible than the approved car park.

1.5 In 2023 a certificate of lawful use was granted for the use of the farm as an adventure park including of an area of land which served as a car park.

2.0 POLICY CONTEXT

Legislation Context

2.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Policy Content

The Local Plan

2.2 Policy SS2 (Yorks's role in the Green Belt) of the Local Plan states the primary purpose of the Green Belt is to safeguard the setting and the special character of York and delivering the Local Plan Spatial Strategy. New building in the Green Belt is inappropriate unless it is for one of the exceptions set out in policy GB1.

2.3 The key relevant policies in the Local Plan relevant to this application are listed below.

GB1	Development in the Green Belt
D2	Landscape and Setting
T1	Sustainable Access
ENV4	Flood Risk
ENV5	Sustainable Drainage
G14	Trees and Hedgerows
GI2	Biodiversity and Access to Nature
DP2	Sustainable Development
EC4	Visitor Economy
ENV2	Managing Environmental Quality

National Planning Policy Framework (December 2024)

2.4 The National Planning Policy Framework (NPPF) and its planning policies are material considerations in the determination of planning applications. The presumption in favour of sustainable development does not apply in Green Belt locations if the application of Green Belt policy in the NPPF provides a strong reason for restricting the overall scale, type or distribution of development, in accordance with footnote 7 referenced within Paragraph 11 of the NPPF.

2.5 Section 13 (protecting Green Belt) of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. In paragraph 153 the policy states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

3.0 CONSULTATIONS

Internal

Design and Conservation – Ecology

3.1 The Council's Ecologist has made recommendations and conditions in respect of the application. In terms of BNG a Biodiversity Gain Plan will need to be submitted and approved in writing by the LPA prior to commencement of the development. Also, as part of BNG and conditions a Habitat Management and Monitoring Plan is required and confirmation that habitat works have been completed. This would be secured through a S.106 agreement for a payment of

£2,750 along with the off-site gains proposed for small sites with low technical difficulty.

Design and Conservation - Landscape Architect

3.2 The visual impact from Towthorpe Moor Lane would be low – not significant. Underlying grassland character of the site is compromised by the way in which the site is currently laid out and used for parking at busy times. The proposed landscape layout brings practical order to the site. The subdivision of the field into smaller compartments is uncharacteristic of the wider field pattern, but the quantity and nature of the proposed native planting is appropriate for the rural location and proposed use. The tree cover would be viewed in the context of the location on the margin between woodland and open fields. Although the tree and hedge planting presents considerable landscape mitigation, the proposed development would still result in a significantly adverse change to the underlying landscape character across a large part of the site/field due to the permanent change from green grassland to grey hardstanding of a more permanent nature.

Flood Risk Management Team

3.3 The Flood Risk and Drainage Engineer has requested the revised drainage strategy plans to be secured by a planning condition and relevant drainage developers informative.

Highway Development Control

3.4 The Highway Development Control Officer has requested further information on visibility splays and applied worded conditions to any future planning permission.

Public Protection Unit

3.5 The Public Protection unit have considered the proposal in terms of environmental matters of dust, contamination, noise, and air quality. No objections have been received subject to suitable conditions to restrict land contamination and the installation of electric vehicle charge points.

External

Stockton on the Forest Parish Council

3.6 The Parish Council support the proposals.

Foss Internal Drainage Board

3.7 The Foss Internal Drainage Board raise no objection subject to the final drainage strategy being secured by a condition.

Yorkshire Water

3.8 Yorkshire Water have no observations to make.

Natural England

3.9 Natural England have no objections subject to a condition for a Construction Environmental Management Plan to ensure the development does not have any impact on the integrity of Strensall Common SAC.

4.0 REPRESENTATIONS

4.1 The application was published by a Site Notice. No comments have been received.

5.0 APPRAISAL

KEY ISSUES

The key issues regarding this scheme are -

- Whether inappropriate Development in the Green Belt
- Landscape and Setting
- Flood Risk and Drainage
- Ecology / biodiversity
- Highways
- Neighbour Amenity
- Managing Environmental Quality

5.1 The Piglets Adventure Park is an established public attraction for families and early years educational school trips. It provides several child-based activities themed around rural farming and includes opportunities for engagement and interaction with animals. There are also areas of indoor and outdoor play activities, with a café, gift shop and other refreshments/ ice cream kiosk buildings around the park.

5.2 The proposed resurfacing will provide a solution to the poor drainage of the car park. Local Plan policy DP2: “Sustainable Development” seeks to protect and enhance the visitor economy through supporting existing facilities. Policy EC4: “Tourism” supports developments that will retain and grow existing visitor attractions.

Whether inappropriate development in the Green Belt

5.3 The site is within the York Green Belt.

5.4 Policy GB1 (Development in the Green Belt) of the Local Plan seeks to maintain the openness of the Green Belt by generally restricting development. Development in the Green Belt is inappropriate unless one of the listed exceptions applies, including (ix) engineering operations provided they preserve openness and do not conflict with the purposes of including land within the green belt.

5.5 The visitor car park is situated on the western side of the adventure park, to the south of the existing farm shop building and the tree lined private access road towards the south which joins Towthorpe Moor Lane.

5.6 The area is currently laid out in two sections. The first section comprises car park to the rear of the main entrance building which was granted planning permission in 2001 and 2004. The second section is a largely un-surfaced overflow to the existing surfaced car park, this section was granted a certificate of lawfulness in 2023 and is used mostly during busy seasonal open times. This car parking area is laid out with grassed sections to the east side together with pre-existing hardstanding and gravel surfaces.

5.7 The proposed surfacing works will be within the lawful established visitor car park. The development is considered to be an engineering operation and is not inappropriate development provided that it preserves openness and does not conflict with the purposes of including land within the green belt.

5.8 In terms of openness, there are no clear visible aspects of the car park on the

approach from Towthorpe Moor Lane. The site is generally obscured from wider views by the brick wall that fronts the entrance to the park and lengths of hedgerow and post and rail fences that border the agricultural land. The surfacing would be permanent and engineered compared to the existing situation, nevertheless the use of the site for car parking is an existing lawful use and the spatial and visual impact of the development and the car use is considered to be neutral and to preserve openness. The development is not considered to conflict with the purposes of the Green Belt.

Landscape and Setting

5.9 Policy D2 (Landscape and Setting) of the Local Plan, considers both built up urban, suburban, and rural environment, streetscapes and roofscapes. Landscape character is formed by several factors such as topography, vegetation, land use, drainage, materials, and buildings. It is important that through understanding of landscape features is attained to appropriately inform on design process.

5.10 The applicant has explored options for a grasscrete surface material and investigations have taken place through bore holes around the site. The bore holes are illustrated on the Landscape Layout Plan (drawing number H2 2403015). The outcome of the investigations acknowledged a grasscrete surface would not allow the water retention to escape due to the site's soft land surface. In compensating for the hardstanding, soft landscaping will be planted in between the hardstanding and will include landscaping to pre-existing car parking areas. This would comprise of hedgerows with standard tree specimens and a native hedgerow mix will be used comprising field maple, hazel, hawthorn, holly, blackthorn and guelder rose with specimen trees of cherry, field maple and rowan. A small area of wildflower grassland meadow will be created outside the site boundary.

5.11 The visual appearance of the soft landscaping would mitigate the laid-out appearance of proposed macadam surface and contribute to the existing agricultural setting of the wider landform of the open landscape. Therefore, it is not considered that the physical alterations will have any adverse impact on the landscape setting and appearance of the site. Additionally, it would help to enhance the quality of biodiversity.

5.12 The site around the visitor car park occupies an open location of a broad area of green infrastructure which covers several valuable landscapes, linking Strensall Common and several SINC's and other sites of interest. It is not part of a site of importance for nature conservation. However, further details should be provided of

the procedure and schedule of works for any future construction to mitigate any adverse effects on Strensall Common. This can be secured by a pre-commencement condition for a Construction Environmental Management Plan – Biodiversity (CEMP-Biodiversity) on any planning permission granted.

Flood Risk and Drainage

5.13 Policy ENV5 of the Local Plan sets sustainable drainage requirements. In terms of surface water run-off, it requires the following, unless it is agreed such rates are not reasonably practical –

- Previously developed sites – 75% of existing run-off rates.
- New development on greenfield sites – run off rate shall be no higher than the existing rate prior to development taking place.

5.14 The stated aim of the proposal is to resolve existing drainage problems which occur during inclement weather conditions and has resulted in parked vehicles becoming stuck within waterlogged land. There are occasions whereby cars are being pulled from the land by tractors on to the private driveway and has led to complaints from visitors attending the park. The application is accompanied with a drainage strategy report which includes an assessment of the surface water drainage requirements of the site and details the management and mitigation of flood risk. There is no foul drainage is involved and surface water drainage is via proposed surface water attenuation basin (with fuel and bypass separator) and eventually out-falling to Birk Carr Drain.

5.15 The surface water drainage is subject to a revised a SuDS drainage scheme. It has been produced to determine the final surface water connection will be to Birk Carr Drain within the curtilage ownership of the site.

5.16 The Flood Risk Engineer in conjunction with the Foss Internal Drainage Board are satisfied with the proposed restricted water flow rates and the attenuation up to and including the 1 in 100-year event with 45% climate change event. The revised drainage strategy plans will be secured by a planning condition.

Biodiversity Net Gain (BNG)

5.17 Policies G14 (Trees and Hedgerows) and G12 (Biodiversity and Access to Nature) of the Local Plan provide advice in relation to protected species, and habitats. Policy G12 requires compliance with The Environment Act which sets out a

mandatory requirement for development to deliver at least a 10% biodiversity net gain. Net gains in biodiversity can be delivered by almost all development, by following the principles of the mitigation hierarchy and understanding the ecological constraints and opportunities from the early stages of design. Net gain should deliver genuine additional improvements for biodiversity by creating or enhancing habitats in association with development. Improvements should go beyond any required mitigation and/or compensation measures following the application of the mitigation hierarchy.

5.18 These policies reflect paragraph 187 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by, inter alia, minimising impacts on and providing net gains for biodiversity. Also, paragraph 192 states to protect and enhance biodiversity and geodiversity plans should promote the conservation restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species and identify and pursue opportunities for securing measurable net gain for biodiversity.

5.19 This development is subject to the 10% Biodiversity Net Gain (BNG) requirement. Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

5.20 The application is accompanied with a Preliminary Ecological Appraisal (PEA) which details the car park land is mixture of grassland, hedgerow, hardstanding and artificial surfaces of which have negligible ecological value. A biodiversity net gain assessment demonstrates the development will deliver 14.06 % in an area-based habitat biodiversity units and 478.13% net gain in linear – based hedgerow units. and The PEA considers the development will have minor impact on habitats.

5.21 The biodiversity gain requirement for the site will be secured by the statutory pre-commencement condition. Planning conditions are recommended to secure a Habitat Management and Monitoring Plan. A S.106 agreement is recommended to secure a monitoring contribution of £2,750. along with the off-site gains proposed for small sites with low technical difficulty.

5.22 The application site lies in proximity to Strensall Common Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) lies immediately

north-west of and adjacent to Piglets Adventure Farm and is approximately 35 m from the proposed development at its nearest point. As such the application site sits within the Impact Risk Zone (IRZ) of these designations. The potential impacts of the proposed works have been considered. It is acknowledged the habitat within the site has potential to support common species of invertebrates, nesting birds, foregoing bats and occasional badgers and otters. The protection of recognised habitat will be secured by planning conditions.

Sustainable Access/Provisions for Car Parking

5.23 Policy T1 (Sustainable Access) states development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility, such that it maximises the use of more sustainable modes of transport.

5.24 The transport networks around the city have brown visitor attraction signposts for directions into the adventure Park. The entrance to Piglets Adventure Park is through a wide vehicle entrance from Towthorpe Moor Lane which has accessibility for two-way traffic in and out of the site. The development relates to an existing lawful parking area. As such the proposal would have no additional impact to highway safety.

Neighbour Amenity

5.25 The Local Plan policy D1 placemaking is relevant and states development should be appropriate for its proposed use and neighbouring context. Proposals need to ensure that design considers residential amenity, so nearby houses are not unduly affected by noise, disturbance, overlooking and over shadowing.

5.26 The site is isolated and not located near any neighbouring buildings.

Managing Environmental Quality

5.27 Policy ENV2: Managing Environmental Quality of the Local Plan states development that will not be permitted where future occupiers and existing communities would be subject to significant adverse environmental impacts such as noise, vibration, odour, fumes/emissions, dust, and light pollution without effective mitigation measures.

5.28 The development site has potential for risk of contamination. A condition is recommended which requires information and mitigation to be provided should the applicant encounter any unexpected contamination during construction works.

5.29 Electric Vehicle Charging points are required to be installed in the car park in line with paragraph 112 of the NPPF, which states developments should be designed to 'enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations and CYC's Low Emission Planning Guidance. The provisions for EV charging facilities can be secured by planning condition.

6.0 CONCLUSION

6.1 The application site is within the Green Belt.

6.2 The site area currently has a visitor car park area in association with Piglets Adventure Park. The car parking arrangements are lawful following the grant of a certificate of lawful Use application in 2023 and the site benefits from car parking schemes approved following historic planning permissions in 2002 and 2004.

6.3 The proposed development is acceptable when applying Local Plan Green Belt policy; the development is not inappropriate development in the Green Belt, preserves openness and does not conflict with the purposes of the Green Belt. There is no other harm identified in terms of neighbour amenity and sustainable drainage.

6.4 As part of BNG and conditions a Habitat Management and Monitoring Plan is required and confirmation that habitat works have been completed.

6.5 Other technical matters can be secured by conditions.

6.6 The proposal is considered to comply with the Local Plan policies GB1 (Development in the Green Belt) D2 (Landscape and Setting) ENV5 (Sustainable Drainage) T1 (Sustainable Access) G14 (Trees and Hedgerows) GI2 (Biodiversity and Access to Nature) DP2 (Sustainable Development) EC4 (Visitor Economy) ENV2 (Managing Environmental Quality) of the Local Plan and Section 13 (protecting Green Belt) of the NPPF.

7.0 RECOMMENDATION:

i That delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to:

a. The completion of a Section 106 Agreement to secure the following planning obligations:

- Bio-diversity monitoring contribution of £2,750

ii The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement.

iii The Head of Planning and Development Services be given delegated authority to determine the final detail of the following planning conditions:

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Approved Plans

Location Plan (drawing number H2 2403011 revision C) dated 8 May 2024

Landscape Layout Plan (drawing number H2 2403015) dated 21 June 2024

Topographic Survey (drawing number ASS 3676 01) (1 of 2) dated March 2024

Topographic Survey (drawing number ASS 3676 02) (2 of 2) dated March 2024

Existing and Proposed Hardstanding Areas (drawing number H2 2403015) dated 7 March 2025

Indicative Drainage Layout (drawing number SHF.284.003-ENZ-XX-XX-DR-D-0001 Revision P04) dated 8 November 2024

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Habitat Management and Monitoring Plan (HMMP)

Prior to commencement of the development hereby permitted a Habitat Management and Monitoring Plan (HMMP) to include a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall be compiled by a suitably qualified ecologist and should detail how

wildlife enhancements and habitats are to be created, enhanced, managed and maintained. The content of the HMMP shall cover all proposed onsite and offsite landscape and habitats and include the following:

- Ecological trends and constraints on site that might influence management.
- the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- Appropriate management options for achieving aims and objectives.
- the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.
- Schedule for reporting findings to the LPA

The HMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The results of the monitoring must be submitted to the Local Planning Authority for written approval in years 1, 2, 3, 5, 10, 15, 20 and 30; biodiversity reconciliation calculations should be provided at each stage. The HMMP must be fully implemented as approved in accordance with the agreed timescales.

Reason: To ensure delivery of biodiversity gains in accordance with the requirements of Schedule 7A to the Town and Country Planning Act 1990, the NPPF and policy ENV4 of the Local Plan

4 Construction Environmental Management Plan (Biodiversity)

No development shall take place (including ground and enabling works, and vegetation removal) until a construction environmental management plan (CEMP: Biodiversity) to include a timetable for implementation has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include, but not be limited to the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction ((may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity

features and receptors, such as nesting.

- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The roles and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To facilitate the protection of notable/sensitive habitats and species within the local area.

5 Completion of BNG

The Local Planning Authority shall be notified in writing within 7 days of the completion of the habitat creation and enhancement works as set out in the Biodiversity Gain Plan.

Reason To facilitate reporting of Biodiversity Gain delivery in accordance with the requirements of Schedule 7A to the Town and Country Planning Act 1990, the NPPF and policy ENV4 of the Local Plan.

6 The development shall be carried out in accordance with the details shown on the submitted Indicative Drainage Layout - Re: SHF.284.003-ENZ-XX-XX-DR-D-0001 Revision P04 dated 8th November 2024, unless otherwise agreed in advance in writing by the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage

7 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

8 A strategy for the provision of EV charging facilities on the site shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and the strategy shall be implemented in accordance with the approved details prior to first use of the development hereby permitted. Charging facilities shall meet minimum requirements as laid out in City of York Council's Low Emission Planning Guidance.

- A minimum of 5% of the total parking provision on a site to include active EV charge points. The points shall satisfy the minimum requirements as set out in Approved Document S: Infrastructure for the charging of electric vehicles (2021)
- Charging points to be located in a prominent position on the site and to be for the exclusive use of zero emission capable vehicles. Parking bay marking and signage shall reflect this.
- The EV charging strategy shall confirm that the charge point(s) will be serviced and maintained in line with the manufacturer's recommendations for a minimum period of 10 years. It should also address charge point fault resolution.

Reason

To ensure provision of EV charging facilities in line with policy CC1 of the Local Plan and CYC's Low Emission Planning Guidance.

9 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

10 The landscaping scheme shown on the Landscape Layout Plan (drawing number H2 2403015) dated 21 June 2024 shall be implemented within a period of six months of the completion of the development. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area in accordance with Local Plan policy D2.

8.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the

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requirements set out within the National Planning Policy Framework (paragraph 39) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority requested an amended site plan to establish the amounts of the new surfacing to the existing unsurfaced areas of car parking at the site. The Applicant provided this additional drawing and a positive outcome has been achieved.

2. BIODIVERSITY GAIN PLAN

Under paragraph 14(2) of Schedule 7A, a Biodiversity Gain Plan must include the following matters:

- information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- the pre-development biodiversity value of the onsite habitat;
- the post-development biodiversity value of the onsite habitat;
- any registered off-site biodiversity gain allocated to the development and the biodiversity; and
- any biodiversity credits purchased for the development.

In addition, under Articles 37C(2) and 37C(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the following specified matters are required, where development is not to proceed in phases:

- name and address of the person completing the Plan, and (if different) the person submitting the Plan;
- a description of the development and planning permission reference number (to which the plan relates);
- the relevant date, for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date;
- the completed biodiversity metric calculation tool(s), stating the publication date of the tool(s), and showing the calculation of the pre-development onsite value on the relevant date, and post-development biodiversity value;
- a description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed);
- (except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;
- pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the relevant date, and drawn to an identified scale and showing the direction of North;
- a description of any irreplaceable habitat on the land to which the plan relates which exist on the relevant date, and any part of the development for which planning

permission is granted where the onsite habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat; and

- if habitat degradation has taken place:
- a statement to this effect,
- the date immediately before the degradation activity,
- the completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and
- any available supporting evidence for the value.

There is a standard Biodiversity Gain Plan template available to complete which brings together many of these matters into one document.

https://assets.publishing.service.gov.uk/media/65df0c4ecf7eb16adff57f15/Biodiversity_gain_plan.pdf

Failure to submit a Biodiversity Gain Plan prior to the commencement of development will lead to formal enforcement action being considered, which could be in the form of a Temporary Stop Notice (that will require all development on site to stop, for a period of 56 days).

3. Habitat Regulations Assessment - European Designated Sites:

Strensall Common Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) lies immediately north-west of and adjacent to Piglets Adventure Farm and is approximately 35 m from the proposed development at its nearest point. As such the application site sits within the Impact Risk Zone (IRZ) of these designations. The potential impacts of the proposed works should therefore be considered. Habitats Regulations Assessment (HRA) is the process that competent authorities must undertake to consider whether a proposed development plan or programme is likely to have significant effects on a European site designated for its nature conservation interest.

As a competent authority it is our (the LPA's) responsibility to produce a Habitat Regulations Assessment. However, it is common practice for the applicant to produce a 'shadow HRA' and for the LPA, in coming to its own conclusions, to 'adopt' this to fulfil the legal duty. A HRA Screening Assessment was undertaken by the applicant and presented in Appendix F of the Preliminary Ecological Appraisal (RPS, August 2024). This assessment concluded that there are no pathways by which the SAC could be adversely affected by the proposed development, and that there will be no likely significant effects (LSE) to the qualifying features of the designated site.

This application was considered in light of the assessment requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) by City of York Council, which is the competent authority responsible for authorising the

project and any assessment of it required by the Regulations. Having considered the nature, scale, timing, duration and location of the project, it was concluded that the proposed works should be eliminated from further assessment as it could not have any conceivable effect on the Strensall Common SAC.

4. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

Contact details:

Case Officer: Sharon Jackson

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