

North Yorkshire Local Access Forum

5 March 2019

Secretary's Update Report

1.0 Purpose of the Report

1.1 To update members of the Local Access Forum on developments since the last meeting of the LAF.

2.0 Update

2.1 Consultation submissions and responses

Since the last meeting, the LAF has submitted a formal comment in response to the Richmondshire Local Plan Review – submitted 24 October 2018. We have also received notification of a number of other formal consultations:

- Harrogate District Community Infrastructure Levy
- Harrogate District Local Plan Public Examination Hearings
- Main Modifications to the Ryedale Plan – Local Plan Sites Documents
- Main Modifications to the Draft Publication of Craven's Local Plan

At the time notification was received, the relevant Forum members were informed. Feedback on the Main Modifications to the Draft Publication of Craven's Local Plan are shown at Annex A for members' information.

2.2 Local Development Plans

One of the key areas of involvement for the Forum is to ensure appropriate engagement in the preparation of Local Development Plans. Set out below is an updated summary of the current position in relation to each District Council area, and in relation to the Minerals and Waste Joint Plan. This information is taken from the websites of the relevant authorities and correspondence received.

Authority	Status
Craven	The Draft Plan was submitted on 27 March 2018 for public examination by the independent inspector. The Inspector held a series of hearings as part of the Examination process, which concluded at the end of October 2018. Since then, the Council has considered the wording of proposed Modifications to the Local Plan and responded to the Inspector with some alternative proposals. Representors have been given the opportunity to comment on those proposals by 11 January 2019, after which time a further update is expected.
Hambleton	The new Local Plan is still being prepared. A revised Local Development Scheme (LDS) was approved on 6 November 2018 – see: https://www.hambleton.gov.uk/localplan/downloads/file/1/new_local_development_scheme Publication of the draft Plan is expected in June 2019 and will be followed by a 6 weeks representation period.
Harrogate	Update - The draft plan was submitted for independent examination on 31 August 2018. In early December 2018 the Council submitted responses to the Inspector's matters, issues and questions. Hearing

	<p>sessions are scheduled to take place between 15 January - 15 February 2019 – see: https://www.harrogate.gov.uk/info/20101/planning_policy_and_the_local_plan/1159/harrogate_district_local_plan_examination</p>
Richmondshire	<p>The Council is now analysing the responses received to the Issues and Options consultation that ended on 31 October 2019. Those responses will be taken into consideration as they prepare the Local Plan review Preferred Options document which they expect to publish for consultation in summer 2019.</p>
Ryedale	<p>The Local Plan was submitted on 29 March 2018 for public examination by the independent inspector. Hearings were held during September & early October 2019, and the Inspector has since issued a schedule of main modifications which will be subject to full public consultation between 4/2 – 18/3/2019 – see: http://www.ryedaleplan.org.uk/local-plan-sites/submission-and-forthcoming-examination</p>
Scarborough	<p>Scarborough Borough Council formally adopted their Local Plan on 3 July 2017. It will guide the future development of the borough in the period up to 2032.</p>
Selby	<p>Progress on the Site Allocations Local Plan has been delayed pending further technical work on the potential development options for Tadcaster. The Council is also considering the implications of the revised National Planning Policy Framework published in July 2018. A revised Local Development Scheme which will set out the timescales for the next stages of the plan will be published in due course.</p>
Minerals and Waste Joint Plan	<p>The Public Examination took place in March/April 2018. On 5 July 2018 a Select Committee report was published relating to Planning Guidance on Fracking which needed to be taken into consideration by the minerals and waste joint plan. Responses to the written ministerial statement for shale gas have been submitted. The Inspector has since decided to hold a further additional session, relating to Unconventional Oil and Gas, to be held on 24 & 25 January 2019 at NYCC.</p>

2.3 Bedale & Leeming Bypass (BALB) - Promised Public Bridleway between Roughley Corner & Hamhall Lane

The British Horse Society registered a complaint with North Yorkshire County Council regarding a public bridleway promised as part of the BALB scheme – see the correspondence sent by the British Horse Society that details the complaint, at Annex B.

In view of the information provided, NYCC's Countryside Access Manager met with Ian Fielding, Barrie Mason & Colin Quinn on 21 Jan 2019 to clarify the position in respect of the requested public right of way from Roughley Corner & Hamhall Lane. It has been agreed that Countryside Access Service officers will formally open negotiations with landowners to agree the creation of a public right of way. Consequently, this will be added to the 2019/20 Definitive Map team work programme. It should be noted that the Council cannot guarantee the outcome of these negotiations.

2.4 Blubberhouses Moor

At the Forum meeting in October 2017 it was agreed that a recommendation be made to North Yorkshire County Council in relation to Blubberhouses Moor i.e.: that

the zonal TRO on the network of UURs on Blubberhouses Moor to re-imposed and made permanent.

NYCCs Countryside Access Service has undertaken a preliminary investigation in to the current condition of all access points to the moor and found no evidence of serious damage at this time. It is proposed to undertake a full assessment of the UURs across the moor in spring 2019 to ascertain the sustainability of the network before agreeing an appropriate management strategy. Officers are in discussions with Natural England to determine the best way forward to most effectively protect the SSSI from potential damage caused by vehicular access to the UURs to help inform this strategy.

2.5 Regional Forum

The next meeting of the Yorkshire Humber and North Lincolnshire Regional Access Forum is to be held on 7 March 2019, at The Civic Hall in Leeds.

2.6 The Regional Forum is seeking the views of LAFs across the region on some ongoing Natural England Policies. Whilst planning for Brexit has inevitably diverted Natural England's attention and staff allocation away from access and rights of way issues in the short term, there remain ongoing policies to be implemented. Natural England have therefore requested feedback on:

- The continued delay around implementing the Deregulation Act measures and the fast approaching 2026 cut-off.
- Establishing Traffic Regulation Orders

The detailed questions and draft responses provided by NYLAF Forum members to date are shown at Annex C. Forum members are asked to consider those draft responses and agree a formal response to submit to the Regional Access Forum ahead of their meeting on 7th March 2019.

2.7 NYLAF Webpage

Following the October 2018 meeting of the LAF, the previous Chair circulated a draft of the webpage for Forum members' consideration. At the meeting members will receive a verbal update on progress with going live.

2.8 Open Access Restrictions

The Forum is consulted on a range of restrictions under the Countryside and Rights of Way Act 2000. Since the last meeting, there have been no new notifications received from the Open Access Contact Centre at Natural England confirming restrictions, and no notifications of discretionary open access restrictions.

2.9 2026 / Definitive Map

There are no changes or updates to report.

2.10 UUR Management

Following a request from a LAF member for an update on the management of UURs, it is proposed that a year-end report be tabled at the next LAF meeting on , and Forum members are asked to consider what the report should include e.g.:

- Partnership working with National Parks (and Highways Area Offices).
- Liaison with user groups.

- Full 2018-19 work programme update.
- More detailed updates on larger maintenance projects across North Yorkshire (before and after photos)
- Lessons learned.
- Next steps - Priority projects for 2019-20.

2.11 The LAF has been sent notification of a possible issue regarding access to open access land and public rights of way in Upper Nidderdale, as a result of a woodland creation scheme introduced in 2017 – see copy of the supporting documentation provided at Annex D. LAF members are asked to consider and agree whether this would be suitable for further investigation by the appropriate district liaison representative.

3.0 Recommendations

3.1 The Local Access Forum are asked to:

- i) Note the update report;
- ii) Consider & Agree the draft NYLAF response to Main Modifications to the Draft Publication of Craven's Local Plan, shown at Annex A
- iii) Consider the responses to the Natural England Discussion Points shown at Annex C, and agree a formal response for submission to the Regional Access Forum.
- iv) Consider and agree a way forward in regard to the access to open access land issue in Upper Nidderdale, shown at Annex D
- v) Authorise the relevant District Council liaison representative to work with the Chair and Secretary of the Forum to prepare a draft response on behalf of the LAF, to any relevant consultations with a closing date before the next meeting of the LAF on 10 April 2019 (for consultation etc as detailed in paragraph 2.1 above).

BARRY KHAN
 Assistant Chief Executive (Legal and Democratic Services)
 County Hall
 NORTHALLERTON

Report Author: Melanie Carr, Secretary to North Yorkshire Local Access Forum

Background Documents: None

Annexes:

Annex A – Draft NYLAF response to Main Modifications to the Draft Publication of Craven's Local Plan

Annex B – British Horse Society Correspondence

Annex C – Natural England Discussion Topics & Draft Responses

Annex D – Upper Nidderdale Inquiry

Consultations Feedback

Draft NYLAF response to Main Modifications to the Draft Publication of Craven's Local Plan

Most of the revisions are beyond the remit of the LAF. They concern such things as housing density and design, and the need for flood protection surveys. The LAF's concerns arise in those modifications to the Plan that deal with green spaces and rights of way. Most of the sections describing green spaces have been strengthened to protect public access. In one case a brand new right of way is proposed. Overall, the Plan exhibits a genuine concern for the protection of green spaces and the historic built environment, even though the Plan envisages substantial, unavoidable, growth in new housing. As the plan rolls out, over the coming years, the LAF might have issues with the way in which the development of particular aspects of the plan impinge on our concerns for public access to land for the purpose of open-air recreation, but I don't think that we need to make a submission about the overall strategic goals of the plan, which seem to me to be sound.

Provided by: Michael Bartholomew, 19 February 2019

The British Horse Society
Abby Park
Stareton, Kenilworth
Warwickshire, CV8 2XZ
www.bhs.org.uk



From: Caroline Bradley,
Access & Bridleway Officer BHS
Jasmin Lodge, Lindale Holiday Park
Bedale, North Yorkshire
DL8 1TA
Telephone 01677 450842
e-mail: caroline@lindalepark.co.uk

Richard Flinton
Chief Executive
North Yorkshire County Council
County Hall, Northallerton, DL7 8AH

1st November 2018

Dear Mr Flinton

Re: Promised Public Bridleway along the northern side of the Bedale and Leeming Bypass (BALB) between Roughley Corner and Hamhall Lane along the Balancing Pond Service Track and a Private Means of Access

The above public bridleway was promised as part of the BALB scheme to give a much needed safe off road route for non-motorised users at little cost to the public purse. The service track and the PMA have been constructed to a high standard using public money as part of the BALB project, the route is fenced off from the adjoining land. Two years after the opening of the BALB we now find North Yorkshire County Council (NYCC) is reluctant to process the creation order for the promised NMU route, this is most frustrating. The route was discussed (and also repeated in a letter from Mr Elwyn Williams of NYCC dated 11 June 2012) with both the LAF and the BHS and on this basis both organisations supported the BALB proposals. It was important to NYCC that the project was not delayed by a public inquiry as this may have stopped it going forward because of time constraints imposed on the central government funding for the bypass. Consequently both the BHS and the LAF agreed that subject to the Hamhall route being provided they would not object to the BALB plans, because this route would provide mitigation for the lack of NMU provisions on the majority of this national speed limit road. This wish to renege on this obligation brings into question NYCC's commitment to their Rights of Way Improvement Plan, their support of sustainable travel and not least their integrity. The BHS hope you will be able to revisit this with a view to delivering your part of the agreement, providing the route will have negligible cost to the council as it is already built to a high standard, but it will give enormous benefits to horse riders, walkers and cyclists in the form of a safe vehicle free link in this area very short of such routes. At the moment the route is being used by permission via a locked gate by horse riders from Field House Livery, but we should like it open to all

the public not using motorised transport who so desperately need this useful link in the public path network. I look forward to hearing from you on this matter.

Yours Sincerely

Caroline Bradley
CABO North (West) Yorkshire

Copy to:

Ian Fielding, Assistant Director Waste and Countryside Services

Keiran Foster, National off road Advisor, Cycling UK

Barabara Gravenor, Sustrans representative Richmondshire & Bedale Area

Chair of NY LAF

The British Horse Society
Abby Park
Stareton, Kenilworth
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www.bhs.org.uk



From: Caroline Bradley,
Access & Bridleway Officer BHS
Jasmin Lodge, Lindale Holiday Park
Bedale, North Yorkshire
DL8 1TA
Telephone 01677 450842
e-mail: caroline@lindalepark.co.uk

Richard Flinton
Chief Executive
North Yorkshire County Council
County Hall, Northallerton, DL7 8AH

4th November 2018

Dear Mr Flinton

Complaint: 94004

Re: Promised Public Bridleway along the northern side of the Bedale and Leeming Bypass (BALB) between Roughley Corner and Hamhall Lane along the Balancing Pond Service Track and a Private Means of Access

I have received an email to say that the above complaint has been referred to Ian Kelly, Countryside Services Manager. I am not satisfied with this complaint being passed to Countryside Services, it should be dealt with by the Highways Road Department. The reason being that the Highways Department at NYCC promoted the bridleway because there were no equestrian or other NMU provisions along the BALB other than one user controlled crossing. To prevent completely legitimate objections to the road orders and a subsequent public inquiry delaying or even threatening the road being built at all, the promised bridleway was promoted by the Highways Department. As a result of the promised route the BHS and dropped their objections and the LAF accepted the project as promoted by NYCC. I am aware the Highways Department have already delegated this task to Countryside Services but I have been advised by them that as it was a Highways Project and they have little interest in it. Therefore it would not be right for this to be dealt with by Countryside Services as there is very little chance of it being addressed in a reasonable and unbiased way. The BHS is requesting that the Highways Department make good on their promise of this route which was accepted in good faith and resulted in the BHS co-operating with the legal process in relation to the building of the BALB. Highways should fund the costs associated with this creation in the public interest, even if they do delegate the work to the Countryside Services Definitive Map Officers.

Yours Sincerely

Caroline Bradley
CABO North (West) Yorkshire
Copy to:

Ian Fielding, Assistant Director Waste and Countryside Services

Keiran Foster, National off road Advisor, Cycling UK

Barabara Gravenor, Sustrans representative Richmondshire & Bedale Area

Chair of NY LAF

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From: Caroline Bradley,
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Andrew Brown
Public Rights of Way Officer
North Yorkshire County Council
County Hall, Northallerton, DL7 8AH

5th December 2018

Dear Andy

Complaint: 94004

Re: Promised Public Bridleway along the northern side of the Bedale and Leeming Bypass (BALB) between Roughley Corner and Hamhall Lane along the Balancing Pond Service Track and a Private Means of Access

As you weren't involved in this project in 2009, nor was Colin Quinn involved, it might be useful if I could remind you of the real situation, which is somewhat different from the one you paint. You suggest that when the Bedale by-pass was being planned the PROW team 'would investigate' the viability of a new link between Low Street and Ham Hall Lane. In fact, this was not the case at all. As all road users are required to be catered for when making a road compliant with the DMRB as the by-pass was, Elwyn Williams of NYCC highways discussed with Jeni Gilbert of the BHS and Andrew Finch from the designers, what alternative route to the by-pass could work for equestrians, as the cost of a wider road bridge over the railway would put the project beyond budget and out of contention. As Elwyn and team saw it, the obvious route was at the bottom of both embankments linked by the railway tunnel with a connection into Ham Hall Lane via Field House to provide the connectivity the new by-pass would otherwise have created. At that time there was no grade crossing envisaged. When subsequently the police conceded that a Pegasus crossing would be safe if moved west between the two roundabouts it was realised no southern access track would be needed, but the northern track leading from Low Lane into Ham Hall Lane was still essential to provide the connectivity that the by-pass would fail to do. If the arrangement for these equestrian links had not been agreed by the BHS they would have gone to Inquiry, which would have delayed the project beyond time-frame allotted with associated costs, so it was in everyone's interests to accept the reciprocal arrangement put

forward by NYCC. The implication and assumption was that this responsibility and any associated cost would fall squarely within the highway department, and would be processed once the by-pass was completed as there had been no objections or qualifications from the rights of way department. There was never any question of 'if' the landowners could be persuaded or bought off as this assured link was seen as part and parcel of the project, an obligation to be fulfilled in order to reflect the DMRB.

You will be aware that riders on the south side of the A684 can access the Ham Hall Lane from Leeming village via the bridleway east of the by-pass, and this linkage was seen as the perfect example of the aims of the RoWIP to create a useful circuit in an area short of opportunity but with many horse-riders. It is hardly surprising that this route is not specifically mentioned in the 2007-11 RoWIP – because the by-pass was not envisaged at that stage, but on page 113 under Main Issues and Opportunities there are four bullet points all supporting the need to improve connectivity in the Bedale/Aiskew/Leeming area. Furthermore objectives AC19, AC28 and AC31 perfectly reflect the justification for this route to be implemented without further delay, particularly as the costs should not be regarded as prohibitive but as a necessary price for enabling the Bedale by-pass to go ahead to the undoubted benefit it is proving to the general public, bar, of course, the equestrian community in the area. If this route is not processed satisfactorily, it brings into question not just the dishonourable attitude of the County Council to their obligations, but also their duty of care to the NMUs affected by their lack of action.

Perhaps now the history has been explained clearly to you, you will agree that this route can be considered required as it is being used on a permissive basis by the horse riders at Field House Equestrian i.e. need has been proven, and also that it does come within the scope of the RoWIP. A permissive route can be removed at any time but a route on the Definitive Map is guaranteed for future generations. I trust that an approach to the landowner to agree to a creation order will now be pursued in a timely manner. The BHS has an access fund to help with the creation of such routes and I would be happy to apply for funding to defray possible compensation costs.

Yours Sincerely

Caroline Bradley
CABO North (West) Yorkshire

Copy to:
Ian Kelly, Manger Countryside Services
Keiran Foster, National off road Advisor, Cycling UK
Barabara Gravenor, Sustrans representative Richmondshire & Bedale Area
Chair of NY LAF

NATURAL ENGLAND – POINTS FOR DISCUSSION

<ul style="list-style-type: none"> The continuing delay around implementing the Deregulation Act measures and the fast approaching 2026 cut-off. 	
Questions from Regional Forum	NYLAF Responses
1. Do you have local responses or solutions to the problems this raises?	<p>a. –</p> <p>b. –</p> <p>c. We do not have any solutions to offer but would like it implemented as the delay is causing frustration and uncertainty</p>
2. How are your areas addressing backlogs (or not)?	<p>a. North Yorkshire does not appear to be very proactive on the back-log, or we are not kept informed of the situation.</p> <p>b. –</p> <p>c. The RoW department has a priority system for dealing with the backlog of DMMOs which is not related to 2026. Cases with good supporting evidence tend to be favoured.</p>
3. Would LAFs like to see the cut-off postponed, or got rid of?	<p>a. I guess most LAF's nationally would prefer the cut-off date to be postponed, as it seems that since the whole notion was suggested, central government departments have let it lay there in limbo, and I would think that after several years of inactivity it can hardly be dragged back on course/schedule at this late stage.</p> <p>b. Yes - Extend the cut off so that more lost ways can be gathered and entered.</p> <p>c. Our LAF would presumably welcome prolonging the 2026 cut-off date, or getting rid of it altogether as our LAF is almost entirely comprised of users. No doubt landowners would feel differently. The group most affected adversely by the cut-off would be horse-riders.</p>
<ul style="list-style-type: none"> As last year's House of Lords Select Committee on the Natural Environment and Rural Communities Act 2006 made the following recommendation: <i>"The Government should take steps to simplify the process for—and thus reduce the costs of—establishing Traffic Regulation Orders, with the aim of securing better value, greater flexibility and applicability in the use of TROs to manage problems resulting from 'green-laning'. This might include provision for more selective closures, reduction in bureaucracy in the application process and reduced, updated, advertising requirements"</i> 	
Questions from Regional Forum	NYLAF Responses
1. Is this an issue in your area?	<p>a. Yes - Certainly an issue in this area.</p> <p>b. Yes – Green-laning is a serious issue in North Yorkshire.</p>

	<p>c. Yes- there is a problem with green laning. All user-groups have their cowboys which cause problems for the responsible ones, but the 4x4 group have the majority of grief-causers.</p>
<p>2. Does your LA have a strategy in place for dealing with this?</p>	<p>a. We don't appear to have a strategy, as each time the matter come up we all seem to be fighting from different corners.</p> <p>b. Yes</p> <p>c. NYCC has an approved protocol, but maybe it cannot be called a strategy because it hasn't been passed by Executive Committee.</p>
<p>1. If so, is it effective?</p>	<p>a. -</p> <p>b. No, due to the expense and often the vexatious litigation that the imposition of traffic regulation orders entails, and because the policy generally follows the pattern of temporary TROs, followed by repairs, followed by re-opening of the lane, followed by a repeat of the damage that necessitated the temporary TRO in the first place. NYCC seems reluctant to follow the practice of the Yorkshire Dales National Park Authority, which tends to stand back, make a thorough assessment of the lane in question, including not only surface damage but the amenity of non-motorised users, and then impose a permanent TRO. To its credit, NYCC has followed this practice in dealing with a lane in the North York Moors National Park, but elsewhere (e.g. Blubberhouses Moor, Deadman's Hill) it has attempted, unsuccessfully, to solve the problem by using temporary TROs.</p> <p>c. Because NYCC has been transferring responsibility of UURs to the RoW department from Highways, it is difficult to say whether it has been a success or not. The problem for the LA is that when they make a TRO it often attracts objections from the users, which costs the LA time and money, so they only use them with reluctance. Any measures which would make the process simpler or more effective would be welcome by the LA, although the users would welcome greater co-working with the LA.</p>

14 January 2019

Ms Melaniè Carr
North Yorkshire County Council
County Hall
Northallerton
North Yorkshire
DL7 8AD

Dear Melanie

**NORTH YORKSHIRE LOCAL ACCESS FORUM
WOODLAND CREATION SCHEME, SUMMERSTONE ESTATE, UPPER NIDDERDALE**

You may be aware of this recent scheme, which covers a large area of open access land and several public rights of way.

By way of background, the scheme was proposed in February 2016 (Countryside Stewardship case number CRM-496210-S9L9S8) and approved in February 2017 (Natural England agreement number 307699). It is a large scheme, covering some 50 hectares and 64,000 trees. The Forestry Commission's Area Director has told me that it was the largest woodland creation scheme that year in the whole of Yorkshire and the North East. Despite that, there was only limited consultation and publicity. We live adjacent to the tree planting areas, but there was no meaningful consultation with us or the other local residents impacted by the scheme. In June 2016 the FC consulted the Nidderdale AONB, Harrogate Borough Council and the NYCC Historic Environment Records Officer, but not the NY Local Access Forum, as the FC's procedures required. I understand that that was because the landowner's agents told the FC that there was no public access to the land, which was untrue.

When new boundary fences were erected near our house in April 2017, and trees were planted in areas which we had been led to believe were not included in the scheme, we became concerned and asked for details of the scheme. We had some difficulty in obtaining details from the FC and Natural England, but we were eventually given information on the scheme and the processes involved. It became clear that the FC itself had not been aware of the full details of the proposal. In particular the FC had not been made aware that a significant proportion of the planting areas were on open access land. In early 2018 we met Crispin Thorn (FC Area Director) and his colleagues to discuss the resulting issues. The FC acknowledged that their Environmental Impact Assessment screening had been inadequate, and during 2018 arranged a new, retrospective EIA screening by a different officer. However, the FC decided not to undertake another consultation, although Crispin told us that it was an omission not to have consulted the NYLAF during the initial consultation. It was therefore left that I should raise points of concern with the LAF myself. I am a walker myself, and I am familiar with all the affected public rights of way and access land.

I should mention that I believe that Crispin and his colleagues have recognised that errors were made in this case, and have made a conscientious effort both to mitigate the consequences of the errors and to learn lessons for the approval of future woodland creation schemes. I see from your report to the NYLAF on 17 October 2018 that the FC had a productive consultation with you on the

nearby scheme near Angram Reservoir, which is perhaps a good indication that the FC have now improved their procedures.

I attach:

1. the Agreement Map, showing the planting areas
2. the Agreement Map annotated with areas of access land, public rights of way and houses (Attachment 2)
3. the Agreement Map with my notes on the impact on access to and within the access land
4. the Agreement Map with my notes on the impact on public rights of way
5. the FC's original EIA screening (May 2016)
6. the FC's retrospective EIA screening (May 2018)
7. the FC's "Issues Log" for the retrospective EIA screening
8. Exchange of emails with FC clarifying some issues in the retrospective EIA screening

You will see that the FC's revised conclusion is that "Change of land cover will eventually impact on extent of CROW, but because of good PROW infrastructure the ability to move across / through the landscape should not be significantly affected by these proposals." I agree that the PROW network is relatively good in this part of Nidderdale, and is well used, but I would not agree that that is a reason for not mitigating the impact of the scheme on access to open access land. I expect that the LAF would have a view on that.

The specific concerns that I would want to highlight with the LAF are:

Access land

1. Obstruction of the route from the Nidderdale Way across the access land at SE0939377313 (where the agreement map shows a gate which has not actually been installed) - ref D on the map at Attachment 3). Could a stile or gate be provided there?
2. Instead of access symbol signage where the Nidderdale Way enters access land, the landowner has placed signs saying "Please keep to footpath", e.g. at SE0951477224. This appears to be misleading, and might deter the public from exercising their access rights. Access symbol signage where footpaths enter access land would be helpful, e.g. at SE0839411443, SE1033876882, SE1039876345, SE1032176113)
3. Access symbol signage where there are obvious access points (i.e. gates) from the Nidderdale Way (at SE0938277246, SE0959677205) could also be considered.

Public rights of way

1. Footpath 15.126/10/1 is obstructed by the new tree planting between SE0931377000 and SE0926377053 (where a stile has been provided in the new fence). I attach a photo.
2. Footpath 15.44/7/1 is obstructed by new tree planting at SE1037075957. I attach a photo.

Because the trees are newly planted, they could be moved to remove the obstructions before they grow too large. I would be grateful if you could let me know if the LAF can do anything to address these concerns.

Yours sincerely

Summerstone Estates

Legend

- Field gates
- ++++ Stock fencing
- New Planting Area

NATURAL ENGLAND
 21 FEB 2007
 003 30 7699

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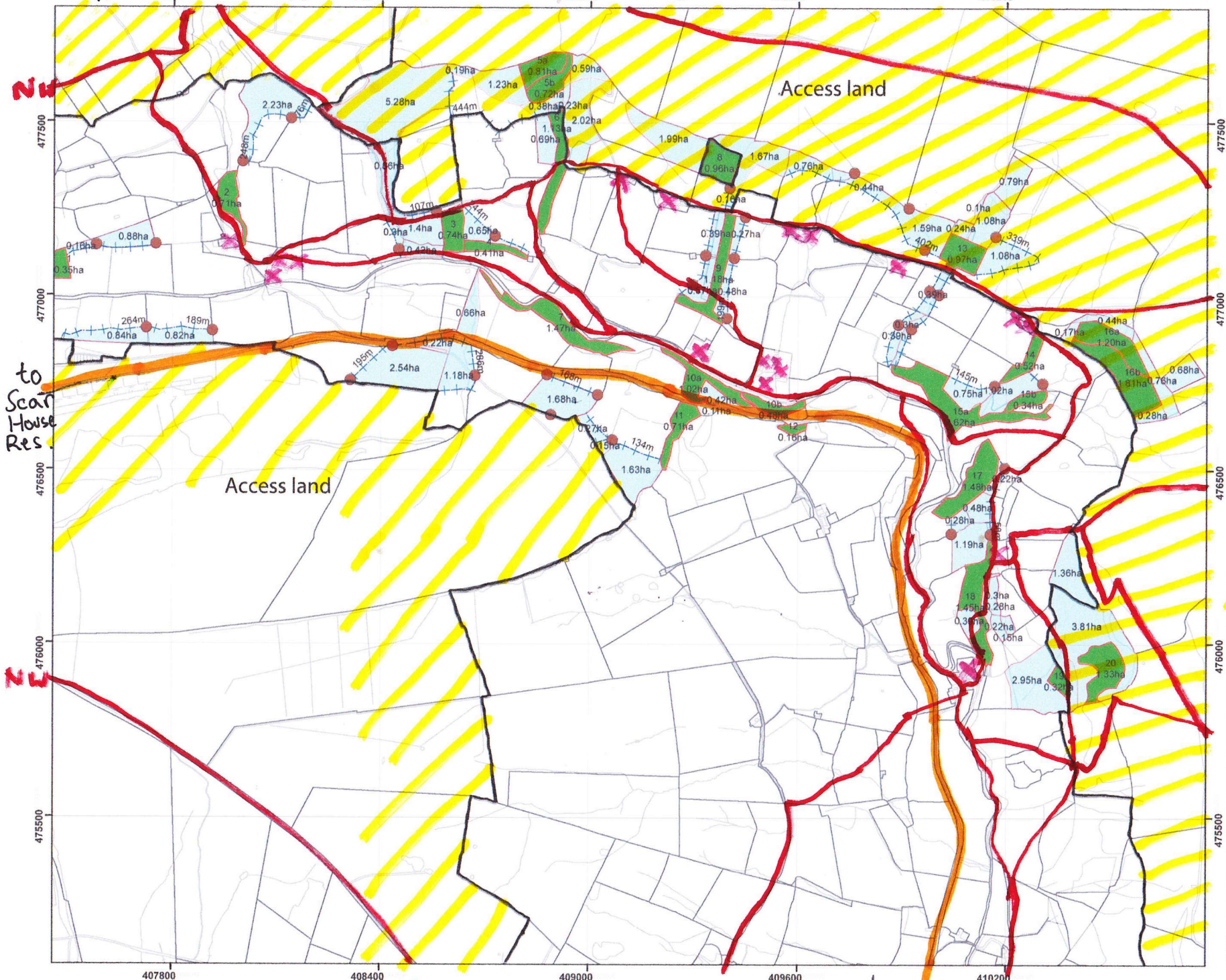
OS sheets:
 SE43NE
 SE43NW
 SE44SW

Scale 1:10,000

Tihill
 FORESTRY

Unit 4
 Park Farm Courtyard
 High Easthorpe
 Malton
 YO17 6GX





Summerstone Estates

Map Woodland Creation

Legend

- Field gates
- ++++ Stock fencing
- New Planting Area
- Compartments
- Rights of way
- Scar House Road
- ✕ Houses
- /// Access land

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OS sheets: SE43NE, SE43NW, SE44SW

Scale 1:10,000  31/03/2016

Tilhill FORESTRY

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 Park Farm Courtyard
 High Easthorpe
 Malton
 YO17 6QX
 Tel: 01653 696083
 Fax: 01653 690994

Informal paths on access land



Summerstone Estates

Legend

- Field gates
- ++++ Stock fencing
- New Planting Area

NATURAL ENGLAND
24 FEB 2017
SW 307699

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OS sheets:
SE43NE
SE43NW
SE44SW

Scale 1:10,000

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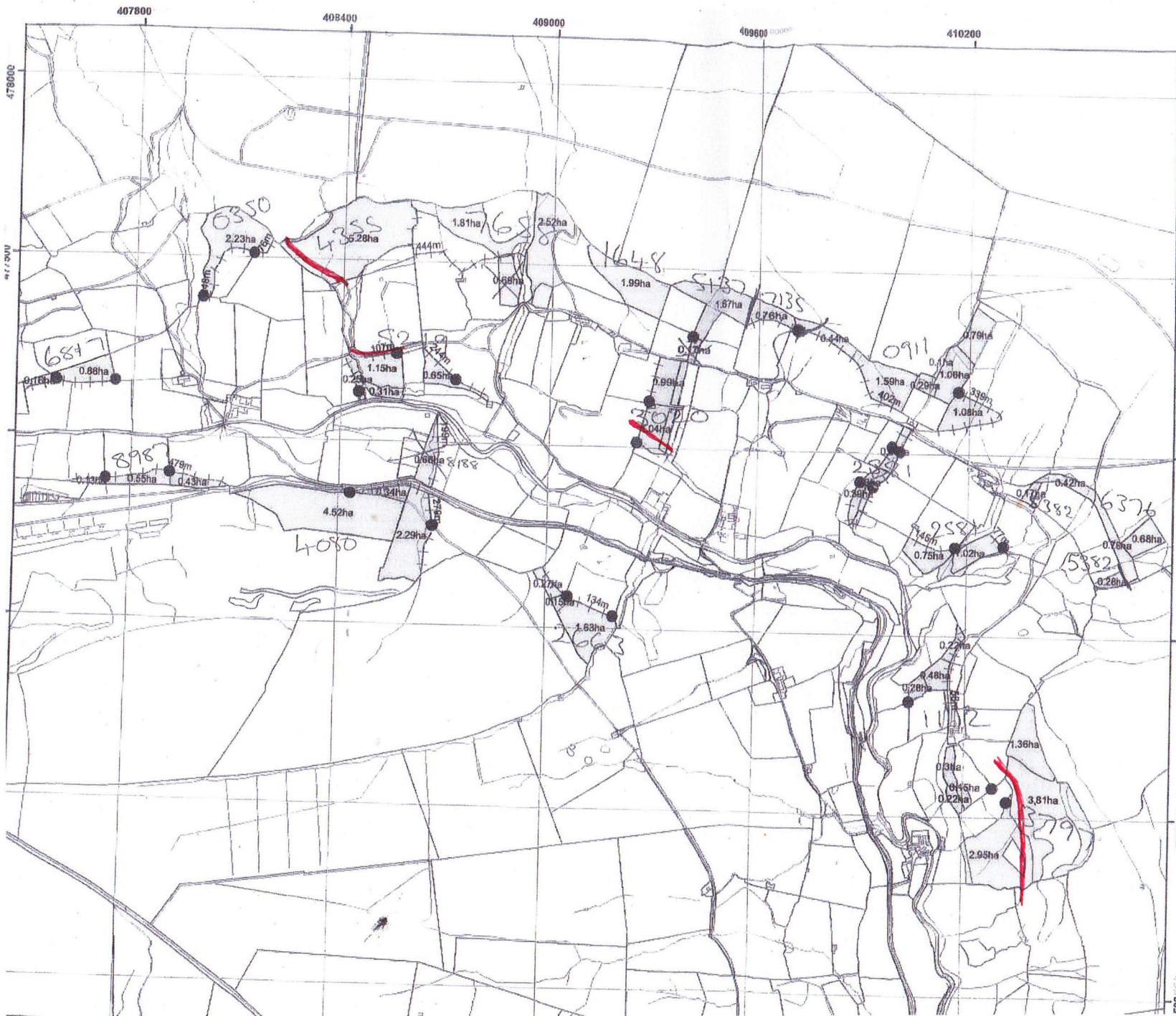
Tilhill
FORESTRY

Unit 4
Park Farm Courtyard
High Easthorpe
Malton
YO17 6QX

SUMMERSTONE ESTATE TREE PLANTING**Informal paths in tree planting areas on access land**

Ref on map	Land parcel	Comments
A	4355	Part of Nidderdale Way, which here departs from the public right of way on the definitive map. Path on edge of planting area. Planting has taken place here, and path has been kept clear. It appears that views will eventually be interrupted as the trees grow, but the path itself will not be obstructed.
B	7688	Planted in 2018. This is a distinct path leading across a roughly paved ford, and up to a gate leading onto the open moor. The path has been kept clear.
C	7688	Part of an old route from Newhouses to Coverdale, which for some reason was left off the definitive map of rights of way. Planted in 2018. The path is on the edge of the planting area, and has been kept clear.
D	5137	Clear route from the Nidderdale Way up onto the moorland. A fence has now been erected across the route - the field gate marked on the agreement map has not been installed, so the route is now obstructed at that point. Access to this land is now from a new gate on the Nidderdale Way. Planted in 2017.
E	7135	Clear route from the Nidderdale Way behind Edge Barn, up onto the moor. The field gate marked on the agreement map has been installed. Planted in 2018. The path has been kept clear.
F	0911	Path up an old hollow way leading up to the rock outcrop (named "Summer Lodge Stones" on old maps). Although not marked on map, a gate has been installed where this hollow way crosses the new fence, and the path has been kept clear (seems to be used to access the pheasant feeding stations in the new planting areas).

Public rights of way through planting areas



Summerstone Estates

- ### Legend
- Field gates
 - Stock fencing
 - New Planting Area

NATURAL ENGLAND
29 FEB 2017
SW 307699

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OS sheets:
SE43NE
SE43NW
SE44SW

Scale 1:10,000

Unit 4
Park Farm Courtyard
High Easthorpe
Malton
YO17 6QX

SUMMERSTONE ESTATE TREE PLANTING**Rights of way through tree planning areas**

Land parcel	Comments
4355	Part of Nidderdale Way. Planting has taken place here, north and south of the path. Path has been kept clear, although views will be interrupted when the trees have grown.
3020	Planted in 2017. A stile has been provided where the path crosses the new fence. The actual line of the path has been planted over. A line for a path has been left to the south of the line of the path, so the path has in effect been diverted.
3797	Planted 2018. The line of the path has been planted over at SE1037075957.

Rev Jan 2019

Checklist for Environmental Impact Assessment

checklist

10a

Name of Property:

Sumerston

Reference no:

Section 1 - Will this project require our decision as to whether consent is required?

1a. Total area of project equals ha

complete

Type of Project	Sensitive area		Non-sensitive area	
	% conifers	% b/leaves	% conifers	% b/leaves
Afforestation		<i>100</i>		
Deforestation				
Forest Roads	hectares		hectares	
Forest Quarries	hectares		hectares	

1b. Type of sensitive area:

*Middendale AONB**See Appendix to CSM9*

1c. Thresholds:

Is the project above the sensitive or non-sensitive thresholds? Yes No Is the proposal immediately adjacent to an existing area of the same project type? Yes No Will it extend that area above the thresholds? Yes No For projects that are below the thresholds, do you consider that our consent is still required, OR has the Minister directed that our consent will be required? Yes No *If you have answered YES to any of the above go to C10b.**If all of your answers are NO sign and date below.*

Project does not exceed the thresholds or extend adjacent areas beyond the thresholds and our consent for the work is not required.

sign

Signature (WO):

Date:

Confirmation that project does not exceed the thresholds or extend adjacent areas beyond the thresholds and our consent for the work is not required.

optional

Signature (OM/Con):

Date:

Grants and Licences Code: Chapter 5;
Sections 2, 3, 4;
Appendices 1,2

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Forestry Commission

Section 2 - Will this project require our consent?

complete

2a. Tick the appropriate box if the proposals will affect any of the following:

People	<input type="checkbox"/>	Landscape	<input type="checkbox"/>	Flora	<input type="checkbox"/>
Archaeology	<input type="checkbox"/>	Fauna	<input type="checkbox"/>	Recreation	<input type="checkbox"/>
Soil	<input type="checkbox"/>	Access	<input type="checkbox"/>	Water	<input type="checkbox"/>

2b. Give a brief comment about the effect or impact that the project may have on the above.

See Att sheet

2c. If the project will have an effect or impact on the environment, is this significant enough to require a formal assessment under these regulations?

i.e. Do the proposals require our consent Yes No
 If you have answered NO go to 2d, if YES go to 2f.

database

Enter details of the proposals in the "Scheme Details" screen on GLS database.
 Enter OPIN stage in the "Scheme Stages Screen" on GLS database.
 Initials & date: _____

2d. Confirmation that the proposals do not require consent

I confirm that the proposals for this case do not require consent under the terms of the Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999 or the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999.

Signature (WO): [REDACTED] Date: *31/5/16*

Signature (OM/Con): _____ Date: _____

2e. "Consent not required" letter sent Date sent: _____
 See Appendix 11 or 13 of EIA chapter.

2f. Confirmation that the proposals require consent

I confirm that the proposals for this case do require consent under the terms of the Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999 or the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999.

Signature (WO): _____ Date: _____

Signature (OM/Con): _____ Date: _____

Signature (NO): _____ Date: _____

Go to C10c

Grants and Licences Code: Chapter 5;
 Sections 2, 3, 4, 6, 8;
 Appendix 3

checklist

10b



Forestry Commission

Environmental Impact Assessment**Name of Property:** Summerstone estate**Reference No:** 496210

Section 2b. give a brief comment about the effect or impact that the project may have on the following.

People: There are no properties immediately adjacent to the planting area however consultation with nearby properties by way of letter resulted in one supportive response and no negative responses.

Landscape: The landscape is open with productive arable fields the dominant land use type. The proposed work to increase the woodland cover across this site will incorporate significant areas of open space which will predominantly consist of areas that are prone to flooding and some waterlogging.

Flora: The proposal seeks to target the most diverse and rich areas of existing open habitat by maintaining them as such, planting across much of the impoverished areas of grassland. The establishment of native woodland will further enhance biodiversity across the site.

Archaeology: Archaeological interest is predominantly linked to the construction of the reservoirs and will where appropriate be incorporated into the woodland design.

Fauna: The creation of native woodland adjacent to existing woodland will increase the habitat diversity for declining woodland birds. Wading birds known to be present in the wider environment will not be significantly impacted upon due to the profusion of similar open habitat along the River Nidd corridor.

Recreation/ Access There is no formal access to this site.

Soil: Flood events are not uncommon in this area with the potential for soil erosion being greatly increased by these events. This proposal will increase soil stability helping to alleviate sediment run-off into the river Nidd

Water: Flooding of the river Nidd due to high rainfall in the up stream catchment area has been an issue in recent years, the creation of this woodland should help to mitigate against this by slowing the flow as the woodland matures.

Checklist for EIA – 10B

Section 2: Will this project require our consent?

FC user guidance notes:

The project proposer is required to provide evidence that their project will avoid significant environmental impacts or effects. Using responses to the EIA Enquiry form questions, the proposal description, the project plan/map(s), any grant application and/or other documentation or evidence provided, give a brief description of;

- The effect or impact that the project may have on an environmental attribute, and
- What mitigation or compensation has been proposed to minimise the projects impacts.

Wildfire Risk: (mainly Deforestation projects) - Refer to [Operations Note 40](#) (to be published soon).

With climate change forecasts suggesting parts of England and Wales will become drier and hotter at certain times of the year, wildfire risk becomes more of a threat to the environment. While principally for deforestation projects, this check is for any project where a significant amount of dead or woody material will be produced and left on site

NB: If the project proposer has not provided enough or any information to explain their project, write to them and request it, detailing what additional information may be required in order to give a EIA determination. You are not required to progress the EIA determination until you have all the relevant information to give an opinion.

2a. Environmental attributes:

Put a cross in the appropriate box if the project will affect any of the following:

		Effect / Impact	Mitigation
Access	X	Recreation and Access; The area around the two reservoirs of Scar house and Angram are popular with recreational visitors to the area. The areas lie adjacent to the main road to the reservoirs or the Nidderdale way but will have no significant impact on either. Public rights of way will be retained and suitable ingress and egress facilities shall be installed where required. PROW within some WC blocks and CROW affects some blocks.	Use of gates on PROW and stiles on CROW boundary, combined with open ground to allow access along routes and onto CROW land. Change of land cover will eventually impact on extent of CROW, but because of good PROW infrastructure the ability to move across / through the landscape should not be significantly affected by these proposals.
People	X	People; There are no properties immediately adjacent to the planting area on the Southern side of the valley. Nidd cottage property boundary lies approximately 50 metres from the planting area; concerns raised regarding proximity to Nidd	No planting is being undertaken in the immediate vicinity of Nidd Cottage. Scheme boundary lies 50m from property boundary, ~100m from property. In addition estate has agreed to further reduce impact by incorporating open ground to the nearest corner of planting area to further reduce

		<p>cottage. No concerns raised by other nearby properties following engagement by the estate/agent.</p>	<p>proximity and provide softer edge to woodland.</p>
Recreation	X	See Access	
Archaeology	X	<p>Archaeological interest is predominantly linked to the construction of the reservoirs and will, where appropriate, be incorporated into the woodland design.</p> <p>Ings barn and associated drystone walls will be afforded appropriate buffers and will therefore not be significantly impacted upon.</p> <p>Rig and furrow is the only feature not manageable by appropriately located open ground component but this feature is degraded / poor.</p>	<p>FC formally requested details of known archaeological features from North Yorkshire Archaeology; these details were shared with the applicant for consideration in design / planning (particularly the location of open ground on and around archaeological features. Agent confirmed that open ground will be utilised to avoid planting on archaeological features.</p> <p>Rig and furrow area – direct planting (no cultivation) with native broadleaf trees and managing as broadleaf woodland is unlikely to have a significant detrimental impact on the degraded remnant features.</p>
Landscape	X	<p>Landscape; The landscape is open with productive agricultural fields the dominant land use type. The proposed work to increase the woodland cover across this site will incorporate significant areas of open space which will predominantly consist of areas that are prone to flooding and some waterlogging.</p> <p>The proposed tree planting on the southern side of the valley will increase the diversity of landscape as identified in 'New Native Woodlands for Nidderdale AONB: opportunities plan 2009' reducing the impact of overgrazing and will not have any significant impact on the landscape in this location. The existing linear woodland edge adjacent to Ings barn will be softened by the scalloped and graduated woodland edge of</p>	<p>Nidderdale AONB support the proposals as positive contribution to the landscape. Mitigation not required.</p> <p>FC follow-up of concerns raised including meeting with Mr and Mrs Hockey, and the estate. Planting design discussed with applicant (agent) and agreed to retain the softened / feathered edge and open ground in proximity to Nidd Cottage to minimise proximity impact on neighbours and maximise positive landscape impact of softening rectilinear feature of mature woodland blocks in the landscape. Additional area of OG to reduce impact on long distance views along PROW, these views are currently fragmented/ interrupted by existing woodland, additional impact on views of the planting proposals is not</p>

		<p>the new planting area. Concerns over loss of views, proximity and landscape impact raised by M Hockey during planting of woodland.</p>	<p>considered significant.</p>
Soil	X	<p>Flood events are not uncommon in this area with the potential for soil erosion being greatly increased by these events. This proposal will increase soil stability helping to alleviate sediment run-off into the river Nidd</p> <p>The removal of livestock together with tree planting will increase hydraulic roughness leading to less runoff which will reduce the risk of soil sediment transport/ erosion into local watercourses. There is unlikely to be any significant impact on the soil in these areas. Direct planting of mixed broadleaf trees avoids additional ground disturbance/ cultivation. Establishment weeding anticipated to be achieved by spot spraying minimising impact on soil exposure.</p>	<p>No significant impact. Further mitigation not required.</p>
Water	X	<p>Flooding of the river Nidd due to high rainfall in the upstream catchment area has been an issue in recent years, the creation of this woodland should help to mitigate against this by slowing the flow as the woodland matures.</p> <p>The creation of woodland will reduce grazing pressure and ground compaction mitigating against surface water runoff during high rainfall events, intercepting nutrients associated with years of intensive livestock grazing thereby helping to slow water flow and improving water quality. There is unlikely to be any significant impact on water presented by these proposals.</p> <p>Following advice from Mr</p>	<p>Estate aware of locations of water supplies and to ensure damage to these does not occur as a result of woodland creation and management. Management in line with UKFS should ensure no significant impact.</p>

		Hockey during planting (post initial FC consideration) FC made aware of presence of private water supplies in the vicinity. Fragmented woodland creation with direct planting NBL mix is unlikely to impact on water quantity or quality for the small number of affected properties.	
Flora	X	<p>The proposal seeks to target the most diverse and rich areas of existing open habitat by maintaining them as such, planting across much of the impoverished areas of grassland. The establishment of native woodland will further enhance biodiversity across the site.</p> <p>All areas have been subjected to significant grazing pressure which has impacted on any ground flora present. The creation of this woodland will remove this pressure and enable latent flora to recover adding to the biodiversity in this area. The project areas do not contain any identified priority habitats, as identified on the attached (Magic) maps. This proposal is unlikely to have any significant impact on ground flora.</p>	No significant impact further mitigation not required.
Fauna	X	The creation of native woodland will increase the habitat diversity for declining woodland birds. Wading birds known to be present in the wider environment will not be significantly impacted upon due to the profusion of similar open habitat along the River Nidd corridor.	Additional woodland creation is in close proximity to existing woodland minimising predation / habitat suitability impact on species associated with open landscape.
Wildfire risk			

2b. Does the project have an environmental effect?

If the project will have an effect or impact on the environment, is this significant enough to require a formal assessment under these Regulations?

Do the proposals require our consent?**No [delete as applicable]**

If you have answered **No** go to 2c, if **Yes** go to 2e

Enter details of the proposals in the “Scheme Details” screen on GLS database**Enter ‘OPIN’ stage in the “Scheme Stages” screen on GLS database****AO - Initials and date the project is entered on GLS****2c. Confirmation that the project does not require consent**

I confirm that the proposals for this project do not require consent under the terms of the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999

Signature (WO) C Grice (info transferred to current form by S Cooper) **Date** 13/4/18**Signature (FM/Area Director)** S Cooper**Date** 31/5/18

(optional)

2d. “Consent not required” letter sent**Yes / No [delete as applicable]****AO – Initials and date sent****WO – Date project recorded on the EIA case tracker** 17th Feb 2018**2e. Confirmation that the project does require consent**

I confirm that the proposals for this project do require consent under the terms of the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999

Signature (WO)**Date****Signature (FM/Area Director)****Date****Signature (NO)****Date**

If you have signed and dated 2e above then please also **complete Checklist 10c**

1. Check you have a complete and accurate map. Compare this against a recent aerial photo to check that features (hedgerows, woodland boundaries, ponds, other identified features, etc.) align with reality.

- Map received

2. Is the project development related? Particularly relevant for roads and quarries projects, but also afforestation and deforestation associated with planning applications. See above.

N/A

3. Check LIS to see if the land is low risk or not. If so, no further checks need to be carried out into the criteria excluded from low risk land. See Appendix D. If the land is not low risk, try to identify which of the low risk criteria is present on the land causing it to not be low risk land (and therefore rule out the remaining criteria). Note: existing woodland is excluded from low risk land. Additionally, inaccurate mapping/granulation may account for some exclusions from low risk.

N/A >50ha

4. Run a constraints check on LIS to reveal any other constraints, e.g. water quantity issues. Is the project compatible with these? E.g. afforestation below 50ha generally won't affect water quantity issues, but is there need for further consideration?

JUST OVER 50HA (50.33) POST APPROVAL DISCOVERED THERE ARE PRIVATE WATER SUPPLIES IN THE VICINITY. FRAGMENTED EXTENSIVE WOODLAND CREATION PROPOSAL WITH DIRECT PLANTING NBL MIX IS UNLIKELY TO IMPACT ON WATER QUANTITY OR QUALITY FOR THE SMALL NUMBER OF AFFECTED PROPERTIES. ESTATE TO TAKE ACCOUNT OF LOCATIONS AND FOLLOW UKFS.

5. Review the grant application / EIA Enquiry form to assess constraints identified (and omitted) by the applicant. Are these assertions or are they supported by evidence? Water supplies highlighted by M Hockey

6. If necessary, consult MAGIC, Heritage Gateway, WIYBY or SHINE (if available) to validate or interrogate information provided by the applicant. If the applicant has made no effort to provide evidence from these publically available sources, and you would expect such information due to the nature of the project, you should request the evidence from the applicant rather than search for it yourself.

INFO REQUESTED AND SUPPLIED BY NORTH YORKS ARCHAEOLOGY – RIG AND FURROW IS ONLY ISSUE NOT MANAGEABLE BY APPROPRIATELY LOCATED OG COMPONENT, THIS IS DEGRADED/ POOR QUALITY AND WILL NOT BE ADVERSLEY AFFECTED BY DIRECT PLANTING WITH NO CULTIVATION..

7. Are there any statutory designations on the land? E.g. SSSI, Scheduled Monuments etc. Has the project design taken these into account?

SSSI, SPA, SAC. SMALL SCALE WOODLAND PLANTING ADJACENT TO EXISTING MATURE WOODLAND BLOCKS, UNLIKELY TO HAVE A SIGNIFICANT IMPACT ON THESE FEATURES.

8. Consider the project's impact on the landscape. Is it in keeping with the local context? Is the landscape sensitive or protected (ANOB etc.)? Does it impact on view points?

MINOR IMPACT ON SOME VIEWPOINTS ALONG PROW, SHORTENING THE LENGTH OF THESE VIEWPOINTS, WHICH ARE ALREADY RESTRICTED BY EXISTING WOODLAND BLOCKS, THIS IS UNLIKELY TO BE A SIGNIFICANT CHANGE TO LANDSCAPE. BUFFERING OF EXISTING

GEOMETRIC MIXED PLANTATION BLOCKS IS LIKELY TO HAVE A GRADUAL POSSITIVE IMPACT ON LANDSCAPE, INLINE WITH LOCAL CONTEXT – PROPOSALS SUPPORTED BY AONB.

9. Are Public Rights of Way, Countryside Rights of Way (CROW), open access etc. a consideration?

PROW WITHIN SOME WC BLOCKS AND CROW AFFECTS SOME BLOCKS.

USE OF GATES ON PROW AND STYLES CROW, COMBINED WITH OPEN GROUND TO ALLOW ACCESS ALONG ROUTES AND ONTO CROW LAND. CHANGE OF LAND COVER ON CROW WILL EVENTUALLY IMPACT ON EXTENT, BUT BECAUSE OF GOOD PROW INFRASTRUCTURE THE ABILITY TO MOVE ACROSS THE LANDSCAPE BETWEEN POINTS, SHOULD NOT BE SIGNIFICANTLY AFFECTED BY THESE PROPOSALS

10. Have neighbours been consulted (see Stakeholder Engagement below) and what are their opinions?

AGENT ADVISED NEIGHBOURS WERE CONTACTED, COPY OF LETTER PROVIDED. MR AND MRS HOCKEY SUBSEQUENTLY ADVISED FC THEY HAD NOT BEEN CONSULTED, ALTHOUGH ACKNOWLEDGE THEY HAD BEEN SHOWN A MAP OF PLANTING AREAS, BUT AT THE TIME HAD NOT REALISED THE CONTEXT OF DISUCSSION.

11. Are there any previous forest projects of the same type as the proposal, which border the proposed project, and that were completed in the last 5 years? How will this impact upon the thresholds that the new proposal falls within?

NO IMPACT

12. Is the proposal split over several geographic areas? Should the project be considered as a single or multiple EIA projects?

MANY SMALL AREAS CREATING LANDSCAPE CONNECTIVITY – CONSIDER AS A SINGLE PROJECT

13. Does the proposal cover multiple forest project types (i.e. Afforestation and Roads)? What additional information might you need as a result?

AFFORESTATION ONLY

Issues Log Summerstone Estate CRM-496210-S9L9S8

Issue Number	Name and contact details (Not to be released publically)	Organisation	Date comment submitted	Concern or Comment	FC notes / response	Closed? (Does the concern indicate a significant impact?)
1 – Archaeology		County Archaeologist		Several archaeological features within the proposal footprint or nearby. But there are no Scheduled Ancient Monuments on the site.	Agent / estate provided with details of features. Open ground to be utilised where features are present. This will avoid damage to underground archaeology in future. (NB WC proposals are direct planting with native broadleaves and therefore represent relatively low impact on archaeological features as no cultivation or drainage.)	Closed – use of open ground around any known features ensures no significant impact. Rigg and furrow area is degraded and direct planting with native trees on this area will not significantly affect the feature.
2 – Private water pipes/ supplies	Martin Hockey			Water supplies (springs and pipes) present on the site	Agent advised of the presence of private water supplies relating to Nidd Cottage and other properties. Agent response to FC confirmed that the estate are aware of known water supplies, and will take account of these in line with UKFS guidance to ensure they are not impacted. NB - the species and planting proposed all meet the UKFS design guidance for buffer strip woodland. Maintenance of trees to take account of water supplies in line with UKFS. Extent of catchment, steep slope and nature of planting proposals (small blocks distributed across the landscape (albeit creating linkage to existing woodland), are unlikely to have a significant impact on water supplies in the vicinity. Below ground plastic water pipes are unlikely to be affected by tree planting. FC to remind applicant of the importance of protecting water supplies as detailed in the UKFS.	Closed – no significant impact subject to appropriate compliance with UKFS. As this information came to light during scheme planting, there may be need to consider the location/ management of planted trees.
3 - CROW		LAF – not contacted,		Proposals cover part of the CROW open access land, and could impact on availability of open access and extent of open access	Consultation with LAF was missed at consultation stage. Retrospective consideration of proposals deemed that there would be no significant impact on access to any particular point due to track/footpath which runs along the lower side of the proposals on CROW land and also across the top of the planting proposals. Stiles/gates to be incorporated into fence lines to allow access into the CROW areas, although this is not expected to be heavily used (due to good quality footpath routes on easier terrain)	Closed
4 - Landscape	Martin Hockey	Neighbour		Creating rectilinear plantation adjacent to his property with negative impact on the landscape	Discussion with AONB and review against UKFS & landscape design principles identified the proposals as having a positive impact on the landscape, moving away from the rectilinear T shape plantation utilising feathered	Closed no significant impact, minor beneficial only

					edges.	
5 – Proximity to neighbouring domestic property	Martin Hockey	Neighbour		Proposals are in close proximity to Nidd Cottage. Proposals impact on sight lines for him and the adjacent well used footpath along the track passing through the planting proposal area.	The proposals place a feathered woodland edge >40m from Nidd Cottage property boundary and >100m from the house perpendicular to the direction of slope. Given the proposal is native broadleaf plantation the level of shading is unlikely to be significant and loss of view from the adjacent path will be relatively minor (current views are broken by existing trees/ woodlands along the PROW.	Closed –FC met with Mr Hockey to discuss his specific concerns. Following the meeting the FC discussed the issue with the applicant who has agreed to amend the planting design to increase the area of open space in the RLR parcel nearest the property. The impact was considered not to be significant given the final design and the location of the property.



RE: Summerstone woodland creation scheme

Cooper, Sam <sam.cooper@forestrycommission.gov.uk>
To: Martin Hockey <mhockey29@gmail.com>
Cc: "Thorn, Crispin" <Crispin.Thorn@forestry.gsi.gov.uk>

5 October 2018 at 18:38

Dear Martin

Apologies for the delayed response, the last few months has been a particularly busy period, which combined with staff changes in the team, resulted in my reply to your enquiry being delayed. It also took some time to secure to the relevant information from the agent.

I've responded to each of the points you've raised in your email of 3rd September below. I've copied the text from your original email and used an alternative colour to hopefully ensure clarity.

Dear Sam

Many thanks for your email of 17 August and its enclosures, which are very helpful. I am really sorry that my delay in replying has meant that I overlooked your last paragraph suggesting a meeting between 4 and 12 September. A meeting would have been very useful, but unfortunately I am at present abroad, and we do not return home until 13 September.

Due to other pressures, and anticipating the start of the new Woodland Officer (significantly delayed but finally in place) I have not yet undertaken a follow up visit. I would like to now take this forward to conclude our discussions and we would be happy to meet with you if you feel this would help.

We much appreciate the thoroughness with which you have carried out your review, and we are pleased at the FC's willingness to acknowledge past deficiencies and learn lessons for future cases.

A couple of points on the new form 10b:

Under People: I think that the distance from our boundary to the boundary of the tree planting area is quite a bit less than the 50 metres indicated in the checklist. I measured the distance from our boundary wall to the new fence marking the boundary of the tree planting area at 26 metres (using both my GPS and a tape measure). I understand that the new fence is on the boundary of the new land parcel determined by the RPA, which is about 10 metres different (nearer our property) from the boundary in the agreement map. I mentioned in my letter of 15 January 2018 to Crispin that the RPA had told me that it has a "protocol" which means that *"boundaries for a land parcel [determined by the RPA] may not reflect the boundaries set out in the approved woodland creation grant"*. I am still trying to establish precisely what the RPA means by that, because if it is the case that the RPA varies land parcels from those approved by the FC it seems to undermine the FC's work and statutory responsibility. So far the RPA has refused to disclose its procedures which could lead to such a discrepancy, and the Information Commissioner's Office is pursuing the matter. I'll let you know the outcome.

Issues relating to form 10b:

People - distance of the fence, and distance of woodland (newly planted trees), from your property boundary. I accept your on the ground measure of the distance between the fence and your boundary, and similarly the distance between the woodland and your property, for the EIA it is the significance of the impact of proposals that is the relevant consideration. We will amend the 10b form to correct the distance figure. Whilst the distance is less than previously indicated, I do not consider that the shorter distance will result in the afforestation with native woodland having a significant impact as we did consider the location of the planting when we visited earlier in the year. It is however important that the planting maps reflect the revised plan which was adjusted following the concerns you raised in relation to the planting of this particular parcel. We will consider this issue again as part of our follow up site visit.

In the attachment, under Q11, it says: "Mr and Mrs Hockey subsequently advised FC that they had not been consulted, although acknowledge that they had been shown a map of planting areas, but at the time had not realised the context of discussion." That is not the case. We were shown no map of the planting areas until 2 April 2017, when Roy Burrows handed us the map which I copied to Chris Grice on 20 April 2017. What is true is that in the course of casual conversations in 2016 Roy told me that the estate was discussing with NE and Nidderdale AONB a scheme to plant native trees on the upper slopes, particularly around the edges of the rectangular 20th century plantations. He gave us no details of the scheme, but he gave us the clear impression that the tree planting would be well away from our property, so we had no reason to be concerned, and indeed felt that softening the edges of the rectangular plantations was a good idea.

Apologies for the confusion here. Greater understanding and evidencing stakeholder engagement undertaken by an applicant (for a grant or EIA consideration of a project) has been identified and included in the revised 10b checklist, (recognising it is challenging to evidence the details of the content of a conversation). This should help to ensure records of stakeholder engagement/notification are kept to demonstrate that these conversations have taken place.

I also see from the attachment under Q11 that you now have a copy of the letter which the agent said had been sent to neighbours. If that is the case, I would be grateful if you would send me a copy of it.

With regard to stakeholder engagement, it appears there was some confusion on my part (a misunderstood conversation between myself and Chris Grice) regarding the nature of the stakeholder engagement that was undertaken. Following recent conversations with both Chris Grice and Simon Marrington, it has been clarified to me that there was no letter sent to residents, and that the stakeholder engagement was undertaken (entirely) in person by a combination of Simon Marrington and Roy Burrows. Apologies for the confusion. The record of EIA decision will be corrected to show that Tilhill confirmed that stakeholder engagement had taken place and to remove the specific reference to the letter.

You also asked me if I could give you details of the private water supplies. I can tell you what I know, but I only have precise details of our own water supply at Nidd Cottage. My limited information on the other water supplies is based on various casual conversations with neighbours, and in particular with David Graham, who was the farming tenant of the estate until his tenancy was terminated in April 2018. David (and his brother and father) probably know more than anyone else about the land, including the water sources and pipes.

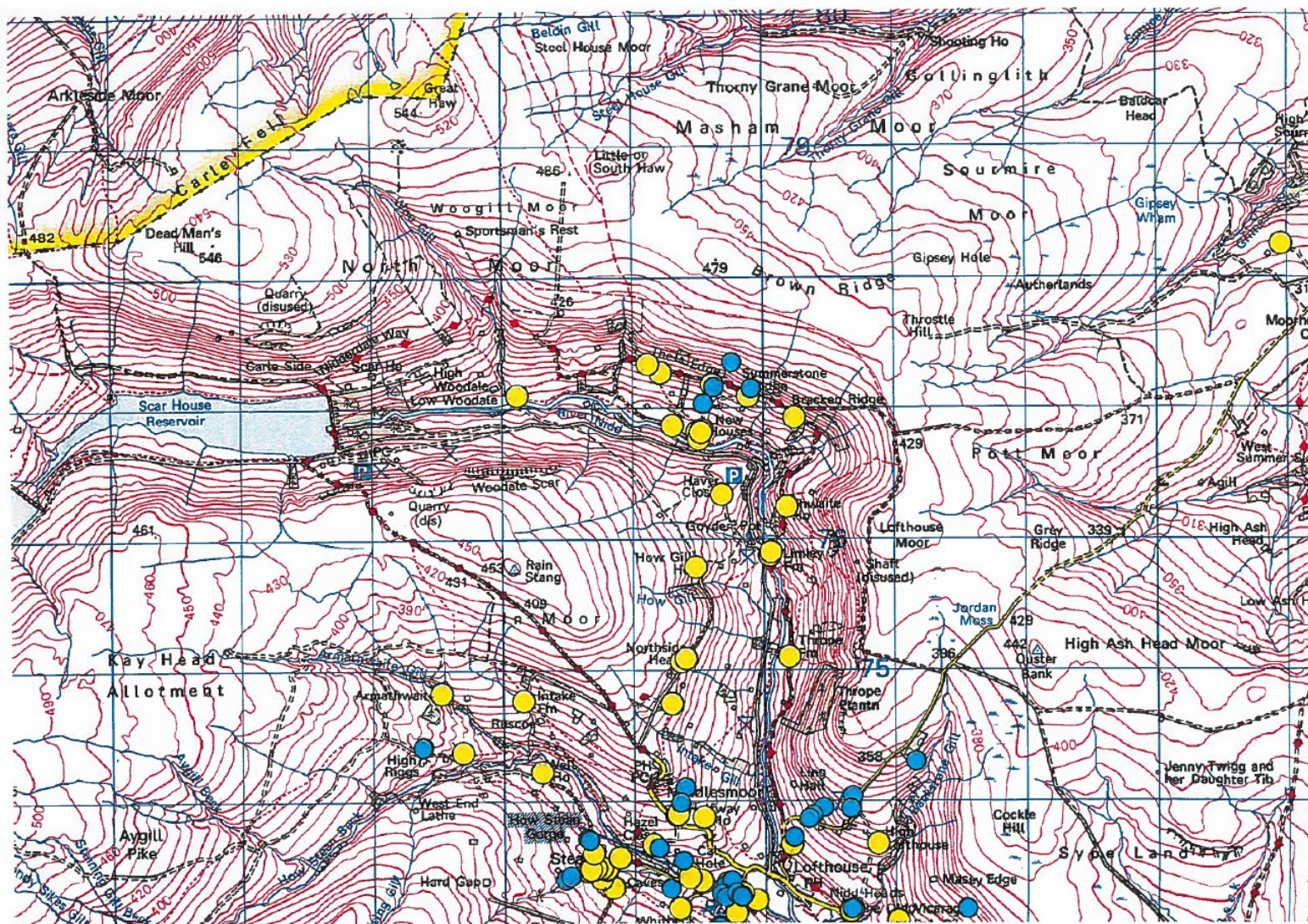
We have followed your queries in relation to private water supplies. The map below shows local authority (HBC) register indicating the location of private water supply sources (blue points) and known outlets (yellow points) downstream of Scar House Reservoir. The estate have also provided a map on known water suppliers. The agent has confirmed they are complying with UKFS and having raised your concerns they have provided the following response regarding the operational activity on the site.

Tilhill Forestry adopt industry best practice in accordance with our ISO/OHSAS accreditations. Our managers are IOSH trained and are able to instruct all works in a safe, quality controlled and environmentally compliant manner by qualified, technically competent operatives.

To clarify, the estate are aware of the supplies and outlets detailed on the attached maps which represent all of the data we have, this being taken into account when planning pesticide operations either in the woodlands or on the farm.

Tilhill Forestry adopt 50m buffer zones to known water supplies, 20m to open water and watercourses in accordance with UKFS.

The recent pesticide application was spot treatment of Roundup Proactive in accordance with the product label, COSHH assessments and product safety data sheet.



The Nidd Cottage water supply comes from a spring on the hillside about 60 metres north of the Nidderdale Way. It is not within the tree planting area, but close to it and a little downhill from it. If you visit the site you can recognise it by the small square fenced area inside which is the spring, protected by a black barrel with a manhole cover on top. From the spring an underground alcothene pipe runs down to a brick-built collection tank about 5 metres above the Nidderdale Way (near the small beck), and from there an alcothene pipe runs into our property.

This is what I know about the other private water supplies on the Summerstone Estate:

Middle Woodale: David Graham told me that it has a separate water supply, but I do not know where it is. However, there are no new tree planting areas above this property, so presumably its water supply is not affected.

The three properties at Low Woodale (Brook Barn, Low Woodale Farmhouse and The Lodge): I understand these three properties share a water source somewhere around Bull Brae. The Lodge changed hands only a couple of months ago, and when I was chatting to the new owner (George, I do not know his last name), he told me roughly where it was. (He happens to be a plumber!)

Newhouses Edge Farm: This has been empty for nearly 7 years, and is owned by the estate. There is a collection tank just by the farm (but on the opposite side of the Nidderdale Way), but there is a bit of a mystery about the location of its spring. About 4 years ago we had some work done on the Nidd Cottage water supply, and we thought it possible that Newhouses Edge Farm might share our spring, but when we asked the then owner of Newhouses Edge Farm if he wanted to share the work, he told us that it did not affect Newhouses Edge Farm, so did not want to share the cost.

Edge Barn and Edge Farm: These have separate but adjacent springs and collection tanks. The collection tanks are some way up the field above the houses, and I understand that the springs are high up near the top wall between the field and the moor.

Summerstone Lodge: This property changed hands earlier this year, and I know that the new owners commissioned someone to investigate the water supply, but I do not know where their spring is. Old Brackenridge and Brackenridge: these share a water supply above the properties. I do not know where it is, but Tim Hird, the owner of Old Brackenridge, has recently completed a renovation of his property and knows about the water supply.

Thwaite House: I think this has a separate spring. The house is now owned by Steve Halsall (the estate owner), so Roy Burrows probably knows where the spring is.

Holme Farm, Newhouses Farm, Newhouses Cottage, Newhouses Barn and The Chapel: these all share a water source which I think is in or near the field above Edge Farm and Edge Barn.

Island Barn (recently converted into a shooting lodge with some sleeping accommodation): the estate drilled a bore hole (quite deep), so it does not rely on a spring.

Probably the best source of information on the various private water supplies are the owners of the individual properties. I can put you in touch with them if you wish.

Only one property water supply appears not to be identified on either the LA map or estate map - we will advise the agent of this omission.

Incidentally, I don't think that you can assume that all the below ground water pipes are plastic, which seems to be the implication of your note in the Issues Log you sent me. When we had the work done on our water supply 4 years ago we found a mixture of ceramic, lead and copper pipes, and I suspect that other properties have a similar mishmash of pipes.

Thank you for clarifying this point, I will revisit the issues log to reflect this information.

I would like to visit the site with our new Woodland Officer for the area to review the final planting locations in relation to the agreement. If you would like to us to meet with you to discuss any of the above points then please let me know. We are currently contemplating a visit on the afternoon of 16th October, as this is the earliest date we are both available.

Kind regards

Sam

Sam Cooper

Field Manager

Forestry Commission England

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From: Martin Hockey [mailto:mhockey29@gmail.com]
Sent: 29 September 2018 10:24
To: Cooper, Sam
Cc: Thorn, Crispin
Subject: Fwd: Summerstone woodland creation scheme

Dear Sam

Just following up your email of 17 August, we were wondering if you had now managed to establish the location of the private water supplies on the estate.

Also, I haven't received the copy of the letter which Tilhill said had been sent to neighbours, as I requested in my email of 3 September (below). I would be grateful if you could now send me a copy, or let me know if that is a problem.

Finally, I promised to update you on my request to the RPA for detail of its procedures which appear to lead to differences in boundaries of tree planting areas from those approved by the FC. The Information Commissioner's Office has now issued a Decision Notice requiring the RPA to disclose the information I have requested. Unless the RPA decides to appeal the decision (which seems unlikely in view of the robust terms of the ICO's decision), the RPA has until 29 October 2018 to comply, failing which they risk being held to be in contempt of court. I'll let you know when I receive the information.

Many thanks

Kind regards

Martin

----- Forwarded message -----
From: **Martin Hockey** <mhockey29@gmail.com>
Date: Mon, 3 Sep 2018 at 14:06
Subject: Summerstone woodland creation scheme
To: <Sam.Cooper@forestry.gsi.gov.uk>
Cc: <Crispin.Thorn@forestry.gsi.gov.uk>

Dear Sam

Many thanks for your email of 17 August and its enclosures, which are very helpful. I am really sorry that my delay in replying has meant that I overlooked your last paragraph suggesting a meeting between 4 and 12 September. A meeting would have been very useful, but unfortunately I am at present abroad, and we do not return home until 13 September.

We much appreciate the thoroughness with which you have carried out your review, and we are pleased at the FC's willingness to acknowledge past deficiencies and learn lessons for future cases.

A couple of points on the new form 10b:

Under People: I think that the distance from our boundary to the boundary of the tree planting area is quite a bit less than the 50 metres indicated in the checklist. I measured the distance from our boundary wall to the new fence marking the boundary of the tree planting area at 26 metres (using both my GPS and a tape measure). I understand that the new fence is on the boundary of the new land parcel determined by the RPA, which is about 10 metres different (nearer our property) from the boundary in the agreement map. I mentioned in my letter of 15 January 2018 to Crispin that the RPA had told me that it has a "protocol" which means that *"boundaries for a land parcel [determined by the RPA] may not reflect the boundaries set out in the approved woodland creation grant"*. I am still trying to establish precisely what the RPA means by that, because if it is the case that the RPA varies land parcels from those approved by the FC it seems to undermine the FC's work and statutory responsibility. So far the RPA has refused to disclose its procedures which could lead to such a discrepancy, and the Information Commissioner's Office is pursuing the matter. I'll let you know the outcome.

In the attachment, under Q11, it says: "Mr and Mrs Hockey subsequently advised FC that they had not been consulted, although acknowledge that they had been shown a map of planting areas, but at the time had not realised the context of discussion." That is not the case. We were shown no map of the planting areas until 2 April 2017, when Roy Burrows handed us the map which I copied to Chris Grice on 20 April 2017. What is true is that in the course of casual conversations in 2016 Roy told me that the estate was discussing with NE and Nidderdale AONB a scheme to plant native trees on the upper slopes, particularly around the edges of the rectangular 20th century plantations. He gave us no details of the scheme, but he gave us the clear impression that the tree planting would be well away from our property, so we had no reason to be concerned, and indeed felt that softening the edges of the rectangular plantations was a good idea.

I also see from the attachment under Q11 that you now have a copy of the letter which the agent said had been sent to neighbours. If that is the case, I would be grateful if you would send me a copy of it.

You also asked me if I could give you details of the private water supplies. I can tell you what I know, but I only have precise details of our own water supply at Nidd Cottage. My limited information on the other water supplies is based on various casual conversations with neighbours, and in particular with David Graham, who was the farming tenant of the estate until his tenancy was terminated in April 2018. David (and his brother and father) probably know more than anyone else about the land, including the water sources and pipes.

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Martin

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Line of path 126/10/1

