

**North Yorkshire Council**

**Community Development Services**

**SELBY AND AINSTY AREA CONSTITUENCY PLANNING COMMITTEE**

**13<sup>TH</sup> MARCH 2024**

**ZC24/00001/FUL - CONSTRUCTION OF SIX PONDS AS HABITAT FOR GREAT CRESTED NEWTS UNDER NATURAL ENGLAND'S DISTRICT LEVEL LICENSING PROGRAMME.**

**AT LAND COMPRISING OS FIELD 2062, WAR FIELD LANE, COWTHORPE, NORTH YORKSHIRE, ON BEHALF OF WILDSCAPES CIC**

**Report of the Assistant Director Planning – Community Development Services**

**1.0 Purpose of the Report**

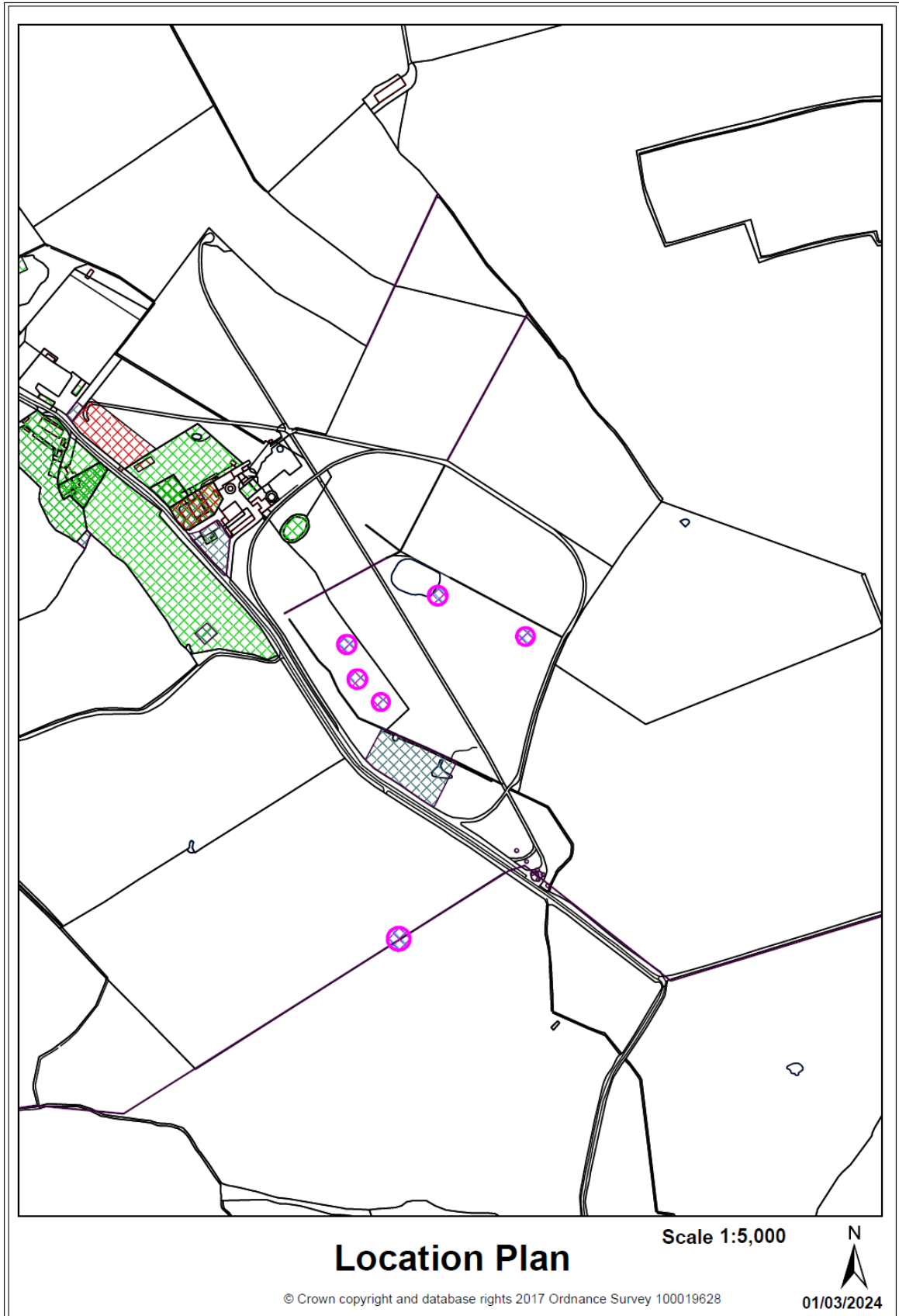
- 1.1 To determine a planning application for the construction of six ponds to create habitats for Great Crested Newts under Natural England's District Level Licensing programme at land to the rear of 2 Goosemoor Cottages and Goosemoor Nature Reserve near Cowthorpe on behalf of the Assistant Director – Planning.
- 1.2 This application is brought to the Area Planning Committee because the land to the rear of 2 Goosemoor Cottages where a pond is to be sited is owned by a councillor. It is therefore necessary that the application is considered by the Committee.

**2.0 SUMMARY**

**RECOMMENDATION: That planning permission be GRANTED subject to conditions.**

- 2.1. The proposal seeks full planning permission for a series of six ponds. One pond is to be situated in a parcel of land to the rear of 2 Goosemoor Cottages. Five ponds are to be sited within Goosemoor Nature Reserve near Cowthorpe.
- 2.2. The surrounding area is largely rural with this area of War Field Lane characterised by its agricultural, flat and open nature.
- 2.3. The applicants (Wildscapes CIC) have been commissioned by Natural England as part of the District Level Licensing Scheme (DLLS) to deliver a set of ponds in North Yorkshire with the aim of mitigating the loss of habitats for Great Crested Newts, which are a species protected under law. This particular site has been identified as a Strategic Opportunity Area under the DLLS, which is close enough to existing populations of Great Crested Newts providing opportunity for colonisation and population increase.

- 2.4. The ponds are considered to be features which will integrate well within the wider rural landscape with the potential to enhance existing biodiversity across the two parcels of land. In consideration of this the scheme would comply with Local Plan Policies NE4, NE3, HP3 and HP4. The scheme also complies with Paragraphs 180 and 186 (d) of the NPPF, which prioritises the conservation and enhancement of biodiversity.
- 2.5. As such the proposal accords with guidance in the National Planning Policy Framework and the relevant policies of the Development Plan.



### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found here - [link](#)
- 3.2. Amended plans were received during the course of the application. These plans were received on 16<sup>th</sup> February 2024, which altered the location of the pond to the north-east of the nature reserve to ensure that a 9 metres distance from the watercourse within the site remains, as requested by the Ainsty Internal Drainage Board.
- 3.3. There are no relevant applications or appeals in the site history of this particular site.

### **4.0 Site and Surroundings**

- 4.1. The application concerns a parcel of land to the rear of 2 Goosemoor Cottages and Goosemoor Nature Reserve near Cowthorpe. Both sites are accessed from War Field Lane. There are no conservation areas, listed buildings or Tree Preservation Orders in the immediate vicinity.

### **5.0 Description of Proposal**

- 5.1. The proposal seeks full planning permission for a series of six ponds. One pond is to be situated in a parcel of land to the rear of 2 Goosemoor Cottages. Five ponds would be located within Goosemoor Nature Reserve.

### **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

#### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
  - Harrogate District Local Plan 2014 – 2035, adopted March 2020.

#### Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is listed below.
  - The North Yorkshire Local Plan. No weight can be applied in respect of this document at the current time because it is at an early stage of preparation.

#### Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
  - National Planning Policy Framework 2023
  - National Planning Practice Guidance
  - Kirk Deighton to Tockwith Arable Farmland Landscape Character Area assessment

## 7.0 **Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Parish Council** – Support the application in the interests of creating new habitats for endangered species of wildlife.
- 7.3. **Ainsty (2008) Internal Drainage Board** - Initially objected to the proposal, requesting further details across the following queries:
1. Will the ponds be lined?
  2. Is there a watercourse within 9 metres?
  3. Is there a field drainage system?
  4. Will there be any inlet pipes into the pond?
  5. Will there be any outlet pipes from the pond?

Following this, the applicant provided further details in response to these questions. This document is available to view on the case file as received on 7<sup>th</sup> February 2024. An amended plan was also provided. Subsequently, concerns were alleviated, and the objection was withdrawn by the drainage board.

- 7.4. **Assistant Ecologist NYC** – no objection, subject to a condition restricting development during Great Crested Newt and other amphibians breeding season.

### Local Representations

- 7.5. Three letters of representation have been received at the time of writing. All of the comments are in support of the application and are summarised below:
- 7.6. Support:
- The ponds have been carefully located in areas which naturally fill with water to avoid unnecessary lining.
  - The ponds will provide habitats for endangered species.
  - Five of the six ponds are located in a nature reserve open to the public for education and research.
  - The need for more initiatives like this to counteract damage to the environment from other developments.

## 8.0 **Environment Impact Assessment (EIA)**

- 8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

## **9.0 Main Issues**

9.1. The key considerations in the assessment of this application are:

- Design and siting
- Ecological benefits
- Impact on amenity

## **10.0 ASSESSMENT**

### Design and siting

- 10.1. The Harrogate District Local Plan 2014-2035 was adopted by the Council on 4 March 2020. The Inspectors' Report concluded that, with the recommended main modifications which are set out in his report, that the Harrogate District Local Plan satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) and meets the criteria for soundness in the NPPF. All the policies in the Local Plan can therefore be given full weight.
- 10.2. Policy HP3 of the Local Plan states that development should incorporate high quality design that protects, enhances, or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the district's rural and urban environments.
- 10.3. Policy NE4 of the Local Plan states that proposals will protect, enhance, or restore the landscape character of the Harrogate district. This is achieved by requiring that development has a particular regard to maintaining the aesthetic and biodiversity of the natural heritage within the landscape such as ponds.
- 10.4. Paragraph 135 of the National Planning Policy Framework (NPPF) states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 10.5. The proposal is for the construction of six ponds to create habitats for Great Crested Newts under the Natural England's District Level Licensing programme at land to the rear of 2 Goosemoor Cottages and Goosemoor Nature Reserve.
- 10.6. Five of the proposed ponds are to be sited within Goosemoor Nature Reserve. Three of the ponds are to be located in close proximity to one another to the south of the site. The other two ponds are located to the north-east of the site with approximately 40 metres between the two ponds. The other remaining pond is to be located in a parcel of land to the rear of 2 Goosemoor Cottages. The proposal makes effective use of space as currently water is naturally pooling within the designated locations, which avoids the need for additional lining to facilitate this development.

- 10.7. The indicative cross section for the ponds shows a depth of approximately 2 metres with gradually sloping sides at either a 15 or 20 degree angle. This is considered typical of a pond structure and acceptable to ensure that safety is maintained. In consideration of the above, the design is considered acceptable for its intended use and therefore complies with Local Plan Policy HP3.
- 10.8. The sites are located within Landscape Character Area 100: Kirk Deighton to Tockwith Arable Farmland of the local Landscape Character Assessment. The assessment for this area states that new development should be appropriately located and designed to sit harmoniously in the landscape. Overall, the ponds will not be visible from any long-range views and are considered acceptable within the existing sites character and use. The scheme therefore complies with Local Plan Policy NE4.
- 10.9. Overall, the design and siting of the scheme is considered acceptable and would not result in harm to the character or appearance of the surrounding landscape. As such, the proposal accords with policies HP3 and NE4 of the Local Plan.

#### Ecological benefits

- 10.10. Paragraph 180 (d) of the NPPF states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 186 (d) also gives weight towards enhancement of public access to nature.
- 10.11. Local Plan Policy NE3 also seeks to protect and enhance features of ecological interest with the provision of net gains in biodiversity supported.
- 10.12. In support of the application, a desktop and field survey were provided by Wildscapes to establish the suitability for pond creation within the sites. The results concluded that the conscious siting of the ponds will increase the 'pond cluster effect' by increasing current naturally ponding areas and creating suitable amphibian breeding habitat. The sites fall within a Great Crested Newt Strategic Opportunity Area with good connectivity to other habitats through mature hedgerows.
- 10.13. The development plan and framework both have the primary objective of conserving and enhancing biodiversity especially where there is a public benefit. In this instance, the majority of the ponds are to be sited within the nature reserve, which has recreational and educational benefits for members of the public utilising this space. Through the licence sought from Natural England, the scheme aims to mitigate the loss of habitats for at risk species, providing positive ecological benefits for the locality and wider landscape. In consideration of this, the proposal accords with Local Plan Policy NE3 and the framework.

### Impact on amenity

- 10.14. Paragraph 135 of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 10.15. Local Plan Policy HP4 seeks to ensure that development will not result in significant adverse impacts on the amenity of occupiers and neighbours. This includes overlooking, overshadowing, and overbearing, as well as noise, vibration and fumes.
- 10.16. With regards to the five ponds within the nature reserve, there are no amenity concerns due to the isolated nature of the site. Additionally, the pond to the rear of 2 Goosemoor Cottages is to be sited approximately 5 metres from the boundary with 1 Goosemoor Cottages and will be located within a naturally ponding area to ensure that it does not create an intrusive feature within the landscape.
- 10.17. Overall, the proposed works will not significantly harm the amenities of neighbours. The proposal is in accordance with Local Plan Policy HP4.

### **11.0. PLANNING BALANCE AND CONCLUSION**

- 11.1. The design, siting and principal of the proposed works are considered acceptable. They will not detrimentally impact the locality or wider character of the landscape. The proposal is in accordance with Local Plan Policy HP3 and NE4. It is considered that the development would have key ecological benefits through the provision of habitats for Great Crested Newts and other species. This accords with paragraphs 180 and 186 of the NPPF and Policy NE3 of the Local Plan.
- 11.2. The proposal will not significantly harm the amenities of neighbours. The proposal is in accordance with Local Plan Policy HP4.
- 11.3. As such the proposal accords with guidance in the National Planning Policy Framework and the relevant policies of the Development Plan.

### **12.0 RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to conditions listed below

#### **Recommended conditions:**

##### **Condition 1 Time Limit**

The development hereby permitted shall be begun on or before three years from the date of this permission.

Reason: To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.



**Condition 2 Approved Plans**

The development hereby permitted shall be carried out in strict accordance with the following drawings:

‘Goosemoor Nature Reserve Ponds 1-6 Location Plan’ from Land App

‘Goosemoor Nature Reserve Ponds 4-5 – Site Plan’ from Land App

Received by the council on 16<sup>th</sup> February 2024.

‘Goosemoor Nature Reserve Ponds 1-3 – Site Plan’ from Land App

‘Goosemoor Nature Reserve Pond 6 – Site Plan’ from Land App

Received by the council on 2<sup>nd</sup> January 2024.

Reason: In order to ensure compliance with the approved drawings.

**Condition 3 Protection of species**

No work is to be carried out in the great crested newt and other amphibian breeding season (March to August inclusively) as this will impact existing pond habitat on the site.

Reason: To safeguard protected species during the construction phase.

**Target Determination Date:** 18<sup>th</sup> March 2024

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