

**Item Number:** 7  
**Application No:** 20/01252/MFUL  
**Parish:** Sherburn Parish Council  
**Appn. Type:** Full Application Major  
**Applicant:** Jamboree Entertainment  
**Proposal:** Change of use of agricultural land for a temporary period of 5 years between the months of July and September of each year, for the use as visitor attraction with maze, childrens' funfair, fairground and refreshment stands with associated parking  
**Location:** Land East Of White Gate Sherburn Malton North Yorkshire  
**Registration Date:** 29 January 2021  
**8/13 Wk Expiry Date:** 30 April 2021  
**Overall Expiry Date:** 17 March 2021  
**Case Officer:** Niamh Bonner **Ext:** 43325

#### CONSULTATIONS:

<b>Sherburn Parish Council</b>	Objection
<b>Highways North Yorkshire</b>	Recommends conditions
<b>Sherburn Parish Council</b>	No objection
<b>NYCC Natural Services</b>	Comments
<b>Highways England</b>	No objection
<b>Archaeology Section</b>	No objection
<b>Environmental Health</b>	No objection
<b>Public Rights Of Way</b>	Recommend informative
<b>Wolds Way/Cleveland Way Projects</b>	Recommend conditions

**Representations:** Miss Bethany Foster, Mr Michael Barstow, Mrs Tanya Oldroyd, Mrs Stacey Walker-Stabler, Mr Adrian Lewis, Mr Jonathan Carter, Mr JOHN HOLTBY, Mr Freddie Cade,

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#### SITE:

The application site relates to agricultural fields measuring approximately 6.55 hectares located to south of the A64 in Sherburn. This is located to the east of White Gate and to the west of Sked Dale. The site is bounded by Sand Lane to the north and fields to the south. Land levels rise steeply beyond the site to the south.

The site is located within an Area of High Landscape Value and the Wolds Way National Trail (PROW) bisects the site. The site is also designated as an Area of Archaeological Interest.

The nearest residential properties to the site are Rose Croft and Wesley Manse whose domestic curtilages are located approximately 12 metres from the western boundary of the west of the Yorkshire Rose Maze Field. White Gates is also located approximately 16 metres from the north western corner of the site. Beyond that, the domestic curtilage of Springfield Farm appears to be located approximately 315 metres from the western boundary of the site. To the east the closest property is High Mill Farm to the west, the domestic curtilage of which is located at a distance of approximately 161 metres from the eastern boundary of the site. This will be discussed in more detail in the 'Amenity' Section of this report.

## **PROPOSAL:**

This application seeks permission for the change of use of agricultural land for a temporary period of 5 years between the months of July and September of each year, for the use as a visitor attraction with maze, childrens funfair, fairground and refreshment stands with associated parking

The proposed maze would be operational for 12 weeks in the summer, of which two would allow for site set up and one for site dismantling. The site would be open for visitors for the remaining 9 week period.

The main 'Yorkshire Rose Maze' would incorporate the main maze to the north of the site. It would span approximately 220 metres from north to south and approximately 228 metres from east to west at its maximum point, as this section of the site tapers slightly inwards towards the north.

The 'Scarecrow Maze' intended for younger children would be located to the south east, spanning approximately 117 metres from east to west and approximately 81 metres from north to south.

To the west of the 'Scarecrow Maze' and to the south of the 'Yorkshire Rose Maze' would be the 'Field of Dreams' where the Big Top and associated rides would be located. The Agent has confirmed that the Big Top would have a maximum height of 9.5metres, the next largest installation would be the Chairplane at 6.25 metres maximum height, with the remaining rides spanning between 3.5metres and 5 metres in height. All the rides would be powered by generator.

The site would incorporate a one-way access system, approached from Sked Dale and egressed from White Gate. This is indicated on what would become the approved plan, if the proposal is approved. The car park would be located at the southern edge of the site and would have capacity for up to 400 parking spaces. It is confirmed that the cars would be parked on grass.

Some submitted photos from the 2020 event illustrate that the 'Field of Dreams' was undertaken on a section of bare earth within the field, but no hardstanding was present. Hardstanding has not been applied for as part of this application as confirmed by the Agent.

The opening hours have been amended from the initial hours proposed, which were intended to host visitors between 9.00am and 6.00pm. This was confirmed in an email from the Agent dated 3rd March 2021 as being altered to allow visitors between 9.30am and 5.00pm daily. Permission was sought to ensure staff could be present on the site to facilitate morning set up and evening litter picking between 9.00am to 5.30pm.

It is anticipated that around 15 temporary full time employees would be employed at the site and it is considered likely that these would be mainly drawn from the local area.

The proposal would also include the siting of two security caravans for the 12 week period in the south west corner of the field. The Agent noted in an email dated 27th May that security "will be provided overnight throughout the event by two guards who will each be provided with a caravan as an "amenities hut". The guards are required to remain awake each night on a rota basis and to patrol the site as necessary. The other may sleep but is available to deal with emergencies. On-site security is a condition of the promoter's insurance and two guards are necessary to provide back-up in the event of any illegal activities and to protect each others personal safety. The location of the caravans within the site is shown on the attached plan which is a revision of the Application Site Plan and Location Plan.

In relation to waste, it is noted that waste bins (including recycling points) will be provided throughout the site and the waste will be collected by commercial contractor. It has also been noted that litter picking would be undertaken within the site.

The site would be served by Portaloos.

## **HISTORY:**

There is no relevant site history, however it is noted that this business ran between 22nd July and 6th August 2020, which according to the supporting letter dated 16th December 2020 attracted a total of 18,006 visitors.

## **POLICY:**

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy  
Local Plan Strategy – Policy SP8 Tourism  
Local Plan Strategy -Policy SP9 The Land-Based and Rural Economy  
Local Plan Strategy - Policy SP13 Landscapes  
Local Plan Strategy – Policy SP14 Biodiversity  
Local Plan Strategy - Policy SP16 Design  
Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources  
Local Plan Strategy - Policy SP18 Renewable and Low Carbon Energy  
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development  
Local Plan Strategy - Policy SP20 Generic Development Management Issues  
National Planning Policy Framework  
National Planning Practice Guidance

## **ENVIRONMENTAL IMPACT ASSESSMENT:**

The application has been considered in relation to whether a potential Environmental Impact Assessment is required under the Environmental Impact Assessment Regulations.

The screening undertaken by the Case Officer determined that the development falls within development type 12(d) of Schedule 2 The Town and Country Planning (EIA) Regulations 2011 as amended because it is would form a ‘Theme Park.’

Schedule 2 developments only require an EIA if the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location. The proposal has been assessed against the selection criteria contained within Paragraphs 1, 2 and 3 of Schedule 3 of the Regulations. It is not considered that the characteristics of the development, nor the location of the development, nor the types and characteristics of the potential impact would result in significant impacts that would require an Environmental Impact Assessment.

This proposal is considered to be located within a ‘sensitive’ area as defined by the EIA Regulations in only in relation to the locally designated Area of High Landscape Designation and the Archeologically sensitive designation.

Whilst this is an archaeologically sensitive area, this proposal would not change the subsurface and NYCC Archaeology have confirmed no objection.

In terms of the Area of High Landscape Value the site would be well landscaped with mature hedgerows with only occasional gaps. It is only a section of the site that would contain the funfair and whilst some the big top would span 9.5m and the Chairplane 6.25m, the other rides would span c3.5-5m in height. Views may be possible, but this would be for a limited period of 12 weeks only, of which 2 weeks would be set up and 1 week clearance. There would be no additional night time lighting of the site.

Consequently, the Local Planning Authority has determined that it is this does not meet the parameters of requiring further EIA.

## **REPRESENTATIONS:**

Objections have been received from the occupiers of the following properties; Old Wesley Manse Sherburn, White Gates Sherburn, Dowsthorpe Hall Hull, Springfield Farm Sherburn, Members are advised that these and all formal representations are available to review in full on the public register. Due to the scale of these responses, a summarised overview of the concerns raised received in these four letters will be summarised below:

Letters of Support have been received from the occupiers of the following properties; 3 Walnut Grove Sherburn, 10 Vicarage Farm Close, Inglenook 4 High Street Sherburn (initial response indicating support only but subsequent fuller letter received.) Brewery House High Street Sherburn. These will be noted below.

A signed petition has also been submitted in objection to the scheme and this will be further detailed below, as will the Responses from the Parish Council.

### **Objection**

#### *Principle/consultation*

Significant concern due to proximity of The Manse which is their property but should be a concern for the local community and not just those in proximity.

Concern over local awareness of proposal, they did receive a letter as did direct neighbours but what of village of a whole. A number of people knew nothing until they happened to be walking along White Gate and saw a few carefully unobtrusive notices (Case Officer Note: the properties directly adjoining the site were consulted by neighbour letter due to the size of the site, 5 bright yellow site notices were erected around the perimeter of the site to highlight the current application running on the land, to allow other interested parties to become aware of this application. Advertisement in the local newspaper was also undertaken and the Parish Council were advised by letter and this was discussed at various public Parish Council meetings. As is their right, the Parish Council additionally publicised at the notice board at the crossroads in Sherburn.)

My client (Springfield Farm 300 metres to the west) in incensed he was not consulted about the application. (Case Officer note: confirmation on appropriate nature of consultation process above, however the LPA as per the Statement of Community Involvement would not normally consult properties at a distance such as this. The occupier of Springfield became aware through the yellow site notice.)

The applicant/agent did not consult with the village community in line with good practice set out in the NPPF.

Last year my client out of kindness turned a blind eye to a similar development even though he had not been consulted prior to the event, because he did not realise the scale of the venture (Case Officer note – ‘consultation’ refers to private consultation from the Applicant only in this instance.)

My client collected, almost singlehandedly 102 signatures to his petition opposing the application, testimony to the desire for a public meeting in the village.

If this is as successful as is hoped, the village with a population of 1000 people will see an influx of 15,000 to 20,000 visitors over the 3 month number. This is a huge number. Potential for up to 20,000 – 30,000 visits to the site over a 7 week period.

The development is not diversification of agriculture of other land based rural business.

The site is not physically well related to the settlement of Sherburn.

It is not considered to be a sustainable rural tourism venue or leisure development which respects the

character of the countryside (para.83 c NPPF)

The village will suffer an overall decline in employment; an estimated net loss (not gain) of £200k p.a will arise directly from the application. A shooting syndicate was established in 1960 and had been operated in a friendly manner between neighbours using the family(s) combined land holdings ever since. As a result of no prior consultation with Mr Barstow, the shoot was dissolved by him as of February 2020, leaving people without genuine jobs.

Within a 12 mile radius of the site there is a nearby funfair already in operation at Flamingoland which has probably suffered severe financial difficulties due to covid. Needs a good summer to protect employees and doesn't need competition. Also in the area in the North Yorkshire Water Park, Wykeham, a maze at Sledmere (half price) funfairs at the coast and all the attractions at Castle Howard. Over supply of this type of structure, has potential to threaten the viability and sustainability of other rural businesses. Eg. The shoot. What is the need for the development, what impact will it have on the local economy.

No evidence of public benefit to village (ie. through C106 or CIL) Strongly refute argument that this will enhance the income of the area, 13 temporary local employees (some not so local they have to sleep in caravans) will earn c52k, possibly 20,000 in local shops. By contrast the village is losing £270k whilst the shoot is non-operational.

No information on how long the site will need to be serviced prior to the open season, ie. for setting up or dismantling. This could in effect add another month of two either side of the summer months.

S194(amended) of the 1990 Act provides it is an offence to provide false or misleading information or to withhold material with intent to deceive.

5 year period is too long, as patronage in 2021 and 2022 cannot be represented by the 2020 trial nor be in any way predictable due to the pandemic. This is not reflected or referred to in the application and could very likely be much higher. This could undermine the base information provided and seriously exacerbate adverse impacts locally. If no additional information is provided by the applicant, the application cannot surely even be considered as realistic.

If the Council is minded to consider approving an application for the holding of the event it should put in place conditions to enable from time to time enforceable measures to be included to review adverse effects off the event and to make changes where necessary.

Proposals for major development shall be refused except in 'exceptional' circumstances and where it can be demonstrated that they are in the 'public interest.' (Case Officer note: This is not part of the Ryedale Plan, Local Plan Strategy, but appears to form part of the North Yorkshire Moors National Park Planning Authority Local Plan.)

Extends beyond village boundaries without public benefit with a development that exceed the level of local scale needed to meet the social and economic needs of the local community, this fails the first test.

Lack of information to make an informed decision – fails to meet the validation requirements of RDC. Fundamental inaccuracies, no business case/plan, there is no proven need for the type of development, no waste collection plan(foul and surface water collection) there is no full noise assessment - it is highly possible for assessment to take place where no event is currently in operation. A decibel limit needs to be established and easily checked by neighbours at any time.

fire control risk – no provision made for fire hydrant. Finally – if a company does not exist, ie. it has not been formally registered at Companies House with share capital can such an application be made valid.

The application is exceptionally brief, for a major form of development in the open countryside for which there is no national and local significance, we query why Sherburn is the right place and if other sites have been considered and why they were eliminated through and 'appropriate assessment.'

This type of tourist facilities is not supported in Policy SP8, SP16 or Para. 83 of the NPPF.

### *Traffic/Safety*

The fields host the Wolds and Centenary Way and are very popular routes for local walkers – with dogs and children. White Gate is a family route where people meet and talk. The traffic will irretrievably compromise this element of village life. Conflicts with the recreational walkers, cyclists and equine traffic on the road, as well as usual vehicular traffic and the accesses on to White Gate and Sand Lane junction. Excess traffic will block entrance to fields and would be unsuitable for volumes of traffic during harvest. Increased traffic dangers of a normally peaceful route, with no speed restrictions and it won't be immediately clear to either pedestrians or driver not used to the road that great care must be taken.

The traffic using the roads peaks in the proposed open season, with heavy agricultural traffic nearby and sometimes daily articulated eg. lorries.

There is no direct footpath link from the village, development does not exploit opportunities to make the location sustainable, ie. there is no mention of the site being accessed by foot, cycle, or public cycle.

On White Gate, many occasions where vehicles had to either reverse or overrun the edge of the carriageway onto the verge, causing damage to carriageway and verge and possibly utilities which is unacceptable, noting Highways Act of 1980 and the provision in Section 59. This should be dealt with either retrospectively or in advance of another event.

An overwhelming increase in traffic would cause tailbacks in both directions on A64 at the lights, incentivising impatient drivers with sat navs or those from Springfield Terrace to cut through the Springfield Farm yard.

There is no reference to the increased volume and impact on the offsite traffic that the increased parking provision referred to in the application plans to cater for, only references to offsite traffic in 2020. We believe higher forecasts of traffic information should be included within the application, together with the likely associated problems and mitigation measures. Based on the expectation in the application of the event becoming even more successful, the impacts of traffic for a possible 5 year planning permission are likely to have significant implications. A full traffic assessment should be submitted in discordance with the assertion of the Agent.

Due to the 5 year permission any traffic measure should include provision for review/change in light of any change in respect of a threshold.

Experienced numerous traffic problems in 2020. Vehicles existing the site on the single Track White Gate often travelled at excessive speed.

Visitors wandering and trespassing, whether accidental or intentional. Crowd control barriers required.

### *Amenity*

Residents will be affected through increased noise and activity – last year the noise and significant increase in traffic was noticeable.

Hours of operation – unacceptably long hours, increased beyond last year from 10:00-18:00 to 09:00 to 18:00. Will opening hours be further extended for profit. Will there be any checks and balances in place. Will affect quiet enjoyment of properties nearby.

Do not understand why the number of weeks proposed for operation is 9, 2 weeks longer than the trial period, given likely earliest start and latest finish of school holidays. A shorter duration would be more appropriate.

The maze is literally 10 metres from the windows of my house (The Manse) the funfair fairground and refreshment stands 200m up the road and in clear and dominant view.

With the patronage issues referred to there may be other issues rather than just traffic issues that could change so significantly as to cause hazards, detriment or nuisance.

#### *Landscape/Character/Ecology*

Tranquillity and natural beauty of the environment will be significantly compromised. Detrimental to the environment.

No assessment of local landscape designations which include, national trails, woodland priority habitat area, high priority area for flood risk management, climate change vulnerability buffer, adjoins a nitrate vulnerable zone, high level stewardship target area, woodland grant scheme 2, habitat species. How will these be affected.

The site is inferior to those of its rivals in the locality. No landscape screening has been proposed and site is insufficiently screened.

Will have a detrimental landscape impact on this part of the District and in turn on the character and distinctiveness of Sherburn and The Yorkshire Wolds Way in an Area of High Landscape Value. This major development is contrary to local planning policies and the National Planning Policy Framework.

No Environmental Impact Assessment carried out for the application, it would appear to be of prime importance.

Fast food and service structures aid the proliferation of buildings unsuitable in a countryside location.

Scale layout and density of the development is uncharacteristic. Felt the maze is being use as a 'cover' to bring other inappropriate structures onto the site which would have a higher environmental impact.

#### *Other issues:*

Waste and rubbish – not addressed.

Major impact upon property value as a result of this annual proposal – need provision for redress

The caravans present in 2020 were harmful to landscape, indicate residential use and imply the developer is employing local people with no fixed address.

Referred to the on google earth with no valid planning consent in place.

Increased theft in the locality is an inevitable consequence; the village has suffered enough (church roof.)

5 years is too long to grant permission for, too easy to therefore convert into perpetuity.

#### **Support**

Occupier of 10 Vicarage Farm: *“It was a wonderful attraction last year and they supported the village well. Noise was very limited and the attraction was always clean when we visited. It also helps the village with summer time jobs which due to Covid this has to be a positive to the local community. Also the trade received by the businesses in Sherburn was very welcomed last year and they need out support more than ever due to the past year. I fully support the planning and would be such a shame if it got declined.”*

Occupier of Inglenook, 4 High Street: *“I believe the site would provide summer jobs which is vital now more than ever given the last year. As well as providing additional custom for our village shops and a safe outdoor activity for families local and further afield. I love just at the cross road and you did not*

*notice the traffic last year. The site is out the way from the village, the carpark and traffic does not impact on the village. I can only see this as a positive addition to our local area.”*

*Occupier of Brewery House: “I was involved with the Maze last year, and found it to be a very enjoyable experience. My family came and had an enjoyable time there and the customers that were there all also seemed to enjoy themselves. It was great for people to have a place to have the day out in an otherwise boring time in our lives. The management was great and all the COVID rules of the time were in place, followed and enforced. The event brought lots of business to the local area, such as staff and customers using village shops or the pub, and local shops getting business from materials to build the event. It provided labour to locals. I personally really enjoyed the experience, and can see no way in which it could have had a negative effect on anyone. All in all I think it was a brilliant idea and should definitely be allowed to continue as it did last year.”*

*Occupier of 3 Walnut Grove: “The site brought a lovely local attraction, and summer jobs for local people. They also supported our local fund raising for Sherburn playpark by donating entry tickets for us to use as a raffle prize.”*

### **The Petition**

A Petition has been submitted organised by the occupier of Springfield House. 101 signatures were provided on this petition.

This notes *“we the undersigned are concerned residents who wish to object to the above development in the strongest possible terms. Our main reasons for objection relate to (amongst other material planning considerations):*

- *Landscape impact and catastrophic impacts of noise and disruption to residents of Sherburn Village – it will be detrimental to the environment*
- *An overwhelming increase in vehicular activity and activity in general in the locality with severe disruption to the peace and tranquillity of the area*
- *This is based on our knowledge of a similar event taking place at the same site in the summer of 2020*
- *Following the theft last year of the lead from the church roof by unwelcome visitors to the village we are alarmed by the prospect of between 20,000 to 30,000 visitors, perhaps more to the maze event in July/September – it would overwhelm the village’s infrastructure.*
- *There would be no benefit to the village (i.e S106 or CIL) only the disadvantage of traffic congestion (hindering harvest traffic) litter abandoned in the hedgerows and excessive sound destroying the tranquillity of the beautiful countryside. There are no controls in place to prevent trespass out of the car park across neighbouring fields to prevent picnic in crops or in the woods. The opportunity to engage in dog or small tool theft is all too evident.*
- *5 years is too long a period to give without an annual check.*
- *The parish has no way of seeking recompense with which to repair traffic damaged verges and highway drains etc.*
- *The site is badly located and not well screened. Better sites in the locality are Sledmere 8 miles (existing much cheaper maze and other facilities) 14 miles Flamingo Park, 4 Miles Wykeham Water Park – much better facilities and location.*
- *The publicity from Ryedale District Council alerting the village to this ‘Major Development’ has been totally inadequate. There should be a meeting to discuss people’s views before any 5 year decision is taken.”*

A further page detailing calculation on a loss to the village due to the loss of the Shoot, compared with estimated economic gains of the proposal was provided.

### **Parish Council Response:**

Sherburn Parish Council confirmed in an email dated 17th March 2021 that *“Following the receipt of the above planning application and our meeting on 15th March 2021, I am writing on behalf of the*



*Parish Council to express our objections to the plans 20/01252/MFUL*

*The objection is on the grounds that the Parish Council do not feel that enough material has been provided to support the information given in the original application, for example while estimated visitor numbers have been given, there is no explanation as to how these figures have been calculated.*

*Concerns have also been raised that a number of consultees don't appear to have returned their opinions as yet, meaning that the Parish Council has been unable to formulate a fair and informed decision.*

*The Parish Council would be happy to review their objections should more information become available, but at this time feel they have no choice but to object and request that this application be refused."*

Sherburn Parish Council confirmed in an email dated 5th May 2021 that *"Following our Parish Council Meeting, the Councillors have reviewed the updates on the plan and are happy to remove their objections on this basis.*

*We know a number of residents have expressed concerns over the plans and are keen to make sure that all our residents are happy with whatever plans are finalised (whether approved or not). In that respect, I would like to ask who is our point of contact, should there be any concerns going forward i.e. problems with noise or litter, anything that may breach the approved application and its criteria."*

#### **APPRAISAL:**

The main considerations within the determination of this application are:

- i. The principle of Development
  - ii. Character, Form and Impact upon Area of High Landscape Value
  - iii. Impact upon Amenity
  - iv. Impact upon Access and Highway Safety
  - v. Impact upon Ecology
  - vi. Other matters, including consultation responses.
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- i. The Principle of Development

Policy SP1 (General Location of Development and Settlement Hierarchy) notes that in all other villages, hamlets and in the open countryside development will be restricted to that *'which is necessary to support a sustainable, vibrant and healthy rural economy and communities.'*

Policy SP8 (Tourism) notes support for *"Tourism in areas where potential is significantly underdeveloped, in particular, Malton and Norton and the Wolds"* and for *"Cultural and creative businesses in Ryedale inspired by Ryedale's unique environment."*

This is not considered to relate to a permanent loss or degradation of agricultural land, given the limited months of operation and the temporary 5 year period applied for. Its position beyond the village boundaries is not necessarily considered an issue and any competition with other surrounding similar businesses is not a material planning consideration.

The Applicant, whilst potentially not a registered company has applied in an appropriate manner as confirmed by the Council's Solicitor.

There is no specific need for a business case for an application such as this. The cessation of a different business is beyond the control of the planning system and is therefore non material in the consideration of this application. The reinstatement of this now closed business could not be controlled should this current application be refused.

As was detailed in the representations section above, Ryedale District Council does not have any planning policy which fundamentally precludes all major development.

It is not considered that the 5 year temporary approval is an unduly long time period for permission for a temporary event such as this, particularly when it is limited to 12 weeks annually, of which 9 would involve the general public on the site.

It is also noted that there is no statutory requirement to undertaken pre-application consultation with the local community, although this is always encouraged.

In terms of likely visitors to the site, the Agent has indicated that it is difficult to be precise. The Agent has also confirmed that during the 7 week period in 2021, there were on average 380 guests per day, allowing for multiple occupancy this was equated to relate to around 95 arrivals and 95 departures per day. The NYCC Highways Officer has considered the proposed scheme and its potential growth in future years and this will be addressed later in the report.

Additionally, character and landscape impact, the amenity of neighbouring occupants and ecology will all be assessed below. However it is considered that should they be satisfied, this proposal in principle would accord with Policies SP1 and SP8 of the Ryedale Plan, Local Plan Strategy.

ii. Character, Form and Impact upon Area of High Landscape Value (AHLV)

The site is situated on relatively flat land to the south of the village of Sherburn. Land levels rise steeply to the south and the site is presently well landscaped by established hedgerows. The site itself is of a significant scale.

The site as described in the Proposal Section would incorporate four main areas, these include the 'Yorkshire Rose Maze' to the north which is the largest area, the 'Scarecrow Maze' to the south east and the 'Field of Dreams' to the south west, with car parking at the direct west of the site.

As noted, the site is located in the Wolds Area of High Landscape Value. Policy SP13 Landscapes, of the Ryedale Plan - Local Plan Strategy seeks to protect both national and locally designated landscapes. It states that "The Yorkshire Wolds and Fringe of the Moors are valued locally for their natural beauty and scenic qualities."

The two areas of Mazes would be un-impacted by temporary structures as these would be retained in the more limited south west corner of the site within the 'Field of Dreams' where it is noted that the fairground rides would be located. These are not precisely plotted on the submitted plans, but this is considered acceptable given there may be variation in rides annually and they may be repositioned around the site.

As noted, the big top would span 9.5 metres and the Chairplane 6.25 metres, the other rides would span c3.5-5 metres in height. It is considered appropriate with the exception of these two highlighted installations, all other rides must be of a height 5m or below, unless otherwise approved in writing with the Local Planning Authority. This will prevent the proliferation of installations with particularly high height proportions. This will not prevent them entirely, but rather will just allow control over the number of such structures.

The Agent has agreed that there would be no on-site lighting outside operational hours. The only lighting would be associated with lighting on the rides themselves. This will be controlled by condition as inappropriate lighting in hours of darkness would otherwise be unacceptable in this Area of High Landscape Value location.

It is considered the presence of the security huts has been adequately justified and these will not appear isolated in the context of the setting, nor will they result in permanent residential development.

The agent has noted in their supporting statement that there is no new landscaping proposed as "*no part*

*of the development affects the hedges bordering the site.*” This is acknowledged but this is proposing a new and different use within the site in comparison to its current agricultural use. There are some quite limited areas of gaps within the existing hedgerows sporadically, which is to be expected given the length perimeter of the site but it would be considered appropriate for this to be infilled.

It is also noted that there may be some need for trimming back of hedgerow/verges/ limited removal of a section of hedgerows to achieve the necessary visibility splays. The NYCC Highways Officer confirmed it was his expectation that there would be no need to remove hedges on Sked Dale and possibly just a short section of hedge removal may be needed along White Gate.

Although the precise details of visibility will be confirmed on in the Highways Section and will be the subject of specific conditions, it is considered pragmatic and appropriate in this rural AHLV setting to include a standalone condition on landscaping, to illustrate what areas of planting may need to be trimmed/removed to facilitate the visibility splays and where limited infilling of hedgerows would occur. The replanting once agreed should be replanted in the upcoming planting season (November to March.)

Wider and more immediate views of this development may be possible, but this would be for a limited period of 12 weeks only, of which 2 weeks would be set up and 1 week clearance. It is considered on balance, with adherence to the recommended conditions, this would not adversely impact upon the Area of High Landscape Value in accordance with the requirements of Policy SP13 (Landscapes) SP16 (Design) and SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

### iii. Impact upon Amenity

The application site is in an area of open countryside. The nearest dwellings are Rose Croft and Wesley Manse, whose domestic curtilages are located approximately 12 metres from the western boundary of the west of the ‘Yorkshire Rose Maze Field’ but would be located approximately 120m metres from the ‘Field of Dreams’ where the fairground rides and big top would be located.

White Gates is also located approximately 16 metres from the north western corner of the site. Beyond that, the domestic curtilage of Springfield Farm appears to be located approximately 315 metres from the western boundary of the site. To the east the closest property is High Mill Farm to the west, the domestic curtilage of which is located at a distance of approximately 161 metres from the eastern boundary of the site.

In considering the potential impacts upon amenity, The Council’s Environmental Health Team reviewed this proposal and the submitted letters of representation.

They provided a formal consultation response on this application on the 21st April 2021 which confirmed *“I have considered the above application and consulted with Robert Robinson Environmental Health Manager, We have no objection with regard to noise.*

*The application proposes limited operating times for visitors between 09:30hrs and 17:00hrs and the applicants have requested that operating hours be conditioned to 09:00hrs until 17:30hrs this will allow an extra half an hour at the start of the day and at the end of the day for preparation and tidy up.*

*The proposed site is adjacent to the A64 York- Scarborough road and therefore ambient noise levels will be elevated during the summer months due to traffic to and from the coast.*

*Should approval for this application be considered we recommend that the following conditions be in place.*

*Operating times be limited to 09:00hrs and 17:30hrs as requested by the applicants.*

*We should also recommend that a condition requiring the applicants to submit a Noise Management*

*Plan (NMP). The NMP should impose a 50dB(A) measured as a Sound Pressure Level at the field boundary to the nearest noise sensitive receptor. It should also include regular site walk around by The Yorkshire Maze staff to ensure that break out noise is kept under control and the behaviour of visitors is monitored. There should also be a nominated contact on site for local authority officers to liaise with in the event of complaints.*

*It should be noted that there is no night time activities on this site and therefore we are confident that should the applicants put in place the above procedures (Which will be reviewed by the EHO Team on the submission of a discharge of condition application) this will limit material impact by virtue of noise on residents.”*

The Agent opted to deal with the condition in advance of a decision and submitted a Noise Management Plan as part of an incoming document dated 29th April 2021, which noted the following:

“Noise Management Plan

*The hours of operation of the facility will be 09.00hrs -17.30hrs to include 30 minutes at the start and end of each day for site preparation and tidying up with the facility being open to the public between 09.30hrs and 17.00hrs.*

*The site operators will ensure that noise levels at the field boundary to the nearest noise sensitive receptors (Rose Cottage and Wesley Manse) will not exceed 50dB(A) measured as a Sound Pressure Level (SPL).*

*The SPL will be checked on Sundays and Thursdays (or more frequently if required by the Environmental Health Officer in conjunction with the Local Planning Authority) and a log will be kept of the readings. The log will be available for inspection by Council Officers on request.*

*The name of the site manager and his/her contact details will be supplied to the Local Planning Authority 7 days before the facility opens each year.*

*The Applicant has confirmed that during the 2020 event daily noise readings were taken at the site boundaries. If the Local Planning Authority considers that “daily” should be substituted for “Sundays and Wednesdays” in the above Plan, this would be acceptable.”*

The Environmental Health Officer asked for the daily checks to be included. An updated Noise Management Plan was submitted on the 27th May 2021 that included confirmation that *“The SPL will be checked daily by the promoter or a suitably qualified employee nominated by him. A log will be kept of the readings which will be available for inspection by Council Officers on request.”*

The updated Noise Management Plan also indicated that the name of the site manager and his/her contact would also be provided to Sherburn Parish Council following their most recent consultation response.

This confirmation would provide a direct line of discussion between the Parish Council and the Site Operator should any localised issues arise, but Ryedale District Council (the Community Team, the Environmental Health Team and the Planning Team) can also become involved should any issued arise.

This Noise Management Plan will be conditioned for compliance but can be called in for review by the Local Planning Authority in conjunction with the Environmental Health Team if necessary.

It is considered that the proposal method of waste collection is acceptable and that this proposal would not necessarily result in greater levels of littering in the locality. No request for a waste management plan was considered necessary by the Council’s Environmental Health Team.

It is therefore concluded that occupiers of nearby residential properties would not be materially adversely impacted by additional noise from the use within the site.

The increased level of traffic is noted and this will be reviewed in the section below, however

appropriate visibility splays and warning signs will be secured by condition – which will be detailed. It is therefore not considered that the increased road use during this 12 week period would result in adverse impacts upon the amenity of highway users or users of the Public Right of Way subject to conditions and informatives.

Subject to condition, this proposal is therefore considered to satisfy the requirements of Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

iv. Impact upon Access and Highway Safety

Highways England, with statutory responsibility for the A64 have confirmed no objection to the development.

North Yorkshire Highways had originally sought additional information from the Applicant on the proposed development. A further supporting letter was received from the Agent dated 29th March 2021 which noted the following details:

*“The number of visitor vehicles accessing the site each day during the 2020 event is set out in the planning documents which you have seen. These are accurate figures. Advance ticket sales are dealt with by Ticket Source, an independent company, and daily tickets are issued by the Applicant – the site operator. You have asked about predicted trip rates over the next 5 years. This is extremely difficult to estimate. The 2020 event took place between Covid19 lockdowns when there were no restrictions on movement and it is reasonable to assume that visitor numbers were not compromised by the pandemic. However, 2020 was the first year of the operation and the Applicant obviously hopes that visitor numbers will increase. Set against that, the very well established York Maze did not operate in 2020 and it is entirely possible that once it reopens it will affect visitor numbers to the Sherburn Maze and offset any increase in visitors to Sherburn.*

*2. Within the application site there is capacity for around 400 vehicles to park. This is based on the 1ha (2.5ac) of grassland within the application site set aside for parking and assumes a less-than-100% efficient parking regime of c.200 spaces/acre than would occur on a lined-out car park. In 2020, the maximum number of vehicles parked on any one day was 178. You will appreciate that visitors come and go throughout the day and I have checked with the operator who has confirmed that in general visitor numbers were spread evenly throughout the day. Your assessment of around 30 (vehicle traffic movements) per hour is therefore about right. The operator has also confirmed that no queuing occurred at any time at the site entrance and there were no problems at the signalised junction in the centre of Sherburn or, to the best of their knowledge elsewhere, in the surrounding highway network. Your e-mail does not refer to any traffic-related issues during the 2020 event. I assume if there had been problems, you would have been made aware of these either directly or via the Authority’s Area Office.*

*3. Apart from staff and visitors, the only additional traffic accessing the site during the event is a dustbin lorry once a week and a landrover and trailer, twice a week, to empty the WCs.*

*4. Set up of the event takes place over 2 weeks with one articulated vehicle accessing the site each day (that is, 2 vehicular movements per day). The existing access into the site from the road to the west is more suitable for large vehicles and is therefore used to both access and leave the site by “setting up” vehicles (this is the access used as the exit for visitors when the attraction is up and running). Site clearance takes place over a somewhat shorter period – 10 days – again involving a total of 14 articulated vehicles – an average of 1.4 vehicles (2.8 vehicular movements) per day.*

*5. I think it would be fair to describe the roads to the west and east of the site as lightly trafficked and, again, the operator has confirmed that there were no occasions on which visitor traffic caused problems for other road users in the locality.*

*6. The majority of staff travelled to site by car although it is believed a number of those living in Sherburn cycled to work. The Applicant/operator is a well-established provider of visitor attractions and experienced in marshalling employees to minimise car usage. At most attractions – including the Sherburn Maze – staff work on a rota basis and in confirming their employment and working out their*

*rotas, the operator groups employees together by their home location with the specific aim of encouraging car sharing. This approach has proved extremely successful.”*

The Highways Officer confirmed in a response dated 1st April 2021:

*“The site is located in close proximity to the strategic road network with the access gained from the A64 and Sked Dale road. The applicant is proposing to use an existing field access off Sked Dale road as ‘an entrance only’ for visitors, with the exit located off White Gate. It is noted that during set up and dismantling of the site the access off Sked Dale road is used for both access and egress.*

*Whilst Sked Dale road is a typical rural road in nature, from the A64 junction up to the proposed site entrance, its width is generally above 5.5m and as such can accommodate the passage of 2 way traffic. Part of the route is kerbed and part has unrestrained edges. White Gate is largely single track from the proposed site exit through to the junction with Sked Dale, although it is a relatively lightly used route. Whilst there has not been a formal transport statement submitted the applicant has provided details of traffic movements required to set up / dismantle the site and trip generation for the site based on visitor numbers recorded last year. On average over the 7 week period in 2020 the site attracted around 380 guests per day. Allowing for multiple occupancy in vehicles, this equates to around 95 arrivals and 95 departures per day. Whilst it is expected there will have been particular peak days and peak times during the day, on average over 6/7 hours, this would have resulted in just under 30 trips per hour, 15 arrivals and 15 departures. Servicing requirements are limited to occasional movements, typically a couple over the week. In addition there will have been a small number of trips by staff.*

*Due to the nature of the proposals, an estimate of future visitor numbers is difficult. It is noted there is room for up to 400 cars to park on site, which would be more than double the maximum parking demand on the busiest day last year. Expecting such a large increase in visitor numbers is perhaps unlikely to happen immediately, but some growth in visitor numbers could be expected to occur as the site becomes more established.*

*Therefore the development does have the potential to generate significantly more trips than was experienced in 2020. The split entrance, exit arrangements would to some extent separate most of these trips onto different 2 routes, apart from the first 100m or so of Sked Dale from the A64 junction.*

*It is accepted the site was in operation last year and that the level of trips generated at that time was accommodated on the immediate road network. With relatively light existing traffic flows on the minor roads around the site and in the region of 95 cars per day generated by the development it is unlikely there was significant congestion or excessive queuing. There is the potential for conflict on White Gate, as has been noted by local residents, due to its narrow width and the existing residential properties which require access. There are wide highway verges and some localised carriageway widening could be undertaken to provide passing places and facilitate easier movement of 2 way traffic.*

*Appropriate visibility splays should be provided at both the proposed access points, which may require some removal/set back of existing hedges. Directional signage for the site should also be provided along with warning signage on White Gate.*

*There are no local highway authority objections, it is recommended that the following conditions are attached to any permission granted”*

The condition proposed related to improvements of the two access points, provision of visibility splays north and south at the two accesses and delivery of offsite works including 2 passing places on White Gate and provisional of directional signage prior to the operation of the site.

In an letter dated 29th April 2021 the Agent noted they “would appreciate a discussion with you (and, if you consider it appropriate, also with Mr Kennedy) regarding the conditions proposed by the Highway Authority which, on the face of it, appear excessive for a development which Mr Kennedy acknowledges did not cause highway problems in 2020. The available space for 400 cars, to which he refers in his consultation response, is a simple arithmetic reflection of the size of the field used for car parking last

*year not an indication or an assessment of the Applicant's expectations for traffic generation this year. As previously noted, whilst – clearly the Applicant would not object to an increase in visitor numbers it needs to be remembered that the very well established and somewhat larger York Maze did not open in 2020 which undoubtedly contributed to visitor numbers at Sherburn. It does not seem reasonable to require the works specified in the Highway Authority's consultation response, which ignores actual 2020 traffic generation and assumes increases in traffic in 2021(of a significant order of magnitude), without any basis for this. An alternative approach which monitors the 2021 event would perhaps allow more evidence-based and proportionate conditions to be imposed before the 2022 opening."*

Discussions are ongoing with the Applicant and North Yorkshire Highways in relation to appropriate conditions to ensure this proposal would not have a detrimental impact upon access or highway safety. These discussions have not yet been concluded. It is anticipated however that Member's will be updated on the late pages with a conclusion to this point.

As noted, the site includes a Public Right of Way. The Wolds Way Trail bisects the site and North Yorkshire Highways Public Rights of Way Team have provided a consultation response on the Application.

An informative was recommended in relation to this Public Right of way and it was noted *"The Yorkshire Wolds ay National Trail passes through the site via the proposed entrance and exit. Please ensure that drivers are made aware of the likelihood of walkers on the trail and take due care and consideration at these point to ensure the safety of pedestrians. The Field of Dreams and Scarecrow Maze must not obstruct the track."*

The National Trails Officer of the North York Moors National Park noted *"I have no objection from the Yorkshire Wolds Way Perspective, but I request that two of the conditions are to take any necessary measures to ensure the safety of Yorkshire Wolds Way users at the entrance and exit to the site, where vehicles will be turning in and out and that the surface of the trail where vehicles will also be using it is maintained to the high standard necessary for use by walkers. "*

The Agent confirmed in a letter dated 29th March that *"The Wolds Way long distance footpath crosses the site. Visitors to the Maze were informed of this by notices posted across the site which asked visitors to respect the footpath and its users. Early on in the operation it became clear that walkers using the long distance footpath found it convenient to stop at the site for rest and/or food and/or a WC break and a rest area was set aside for them for this purpose. The same arrangements will be put in hand for the 2021 event."*

This appears to present an appropriate way forward and may be further enhanced by improvements to visibility. This matter is under discussion with NYCC Highways. A condition will be recommended to ensure the continued use of these measures and to ensure that the track is maintained to a high standard.

NYCC Highways officers have sought confirmation of direction signage and this remains under discussion. It is considered appropriate to recommend a standalone condition in relation to this matter in order to seek confirmation on the provision and position of specific signage for the site. This is recommended below but may be subject to change following further confirmation from NYCC Highways.

As part of any signage submission, the LPA will expect to see details of speed signs and the highlighting of the Public Right of Way as part of this submission. Of particular importance will be warning signs about walkers/equine/farm traffic on the roads (in particular White Gate.)

v. Impact upon Ecology

North Yorkshire Ecology were consulted on the proposal and noted the following:

*"I don't think we would have any specific concerns. The site is an arable field and, given this, I can't see anything which would trigger protected species surveys or the need for a Preliminary Ecological Appraisal. There are on-stream ponds at High Mill Farm to the east and Springfield Farm to the west*

*but these are separated by arable fields so amphibian dispersal across the site is unlikely. There might be some disturbance impact on birds nesting in boundary hedgerows but by July the nesting period is tailing off so there's no reason to consider this significant.*

*The site has no statutory or local nature conservation designations and the visitor attraction would be unlikely to impact any nationally-designated or European wildlife sites. The site is within the outer radius of the Impact Risk Zone for Sked Dale Site of Special Scientific Interest (SSSI) but the proposed development does not fall into any of the categories which require consultation with Natural England. Sked Dale is a side-valley towards the top of the Wolds escarpment 1.5 km to the south-east of the application site and there is no hydrological or other environmental connectivity between the sites.*

*The fact that the site is within a target area for agri-environment schemes does not refer to any intrinsic importance of the application site. The DEFRA environmental mapping system does not show any Priority Habitat on the site. It is within broad target areas for a number of Priority Species but this simply indicates that they are present in the surrounding landscape and there may be opportunities to tailor farm-based environment schemes to the needs of those species. It's not evidence those species are present in a specific location. Virtually all of Ryedale is within a target zone for one Priority Species or another. DEFRA mapping does not show the application site to be within an agri-environment or forestry agreement and it appears to be outside the Yorkshire Wolds NVZ."*

It is therefore not considered that this would result in harm to ecology in accordance with Policy SP14 of the Ryedale Plan, Local Plan Strategy.

vi. Other Matters, including consultation responses

The North Yorkshire County Council Archaeologist has noted that on the basis that the proposal indicated that there is no new hardstanding proposed "*I have no objection to the proposal and have no further comments make. It is not necessary to consult us again on this application*"

The impact of a proposal on property values is not a material planning consideration, neither is the demarcation of a business on Google Earth.

In relation to possible future instances of trespass or theft, it is not considered that this can be controlled as part of the planning process. All persons have a personal responsibility to adhere to the law. It is considered most likely that visitors to this attraction will be families, highly unlikely to engage in crime.

Subject to the final details on the matter of Access and Highway Safety being satisfied, it is considered that the proposal satisfies the other policy criteria contained within the Ryedale Plan – Local Plan Strategy and the National Planning Policy Framework. Members will be furnished with this updated information in due course.

**RECOMMENDATION:**                      **Approval subject to final NYCC Highways Approval and imposition of associated conditions.**

1            The development hereby permitted shall be begun on or before .

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2            The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Application Site Plan and Location Plan (Promap) (Drawing no. KK/13/01)  
Site Location Plan - Site of proposed maze, children's funfair/fairground and car park in its



wider context (Promap) (Drawing no. KK/13/02)

Reason: For the avoidance of Doubt and in the interests of proper planning.

- 3 The site shall only be operational for a 12 week period within July to September of the next 5 years, commencing from 2021. Of this period, 2 weeks shall be used for site set up only and 1 week shall be used for site clearance. The site shall only be open to Members of the public for 9 weeks annually.

The site shall operate between 9.00am to 5.30pm (with the exclusion of night time security staff) and paying visitors to the site shall be present only between 9.30 and 5.00pm daily.

Unless otherwise agreed in writing with the Local Planning Authority, at least 6 weeks before the development is due to open to the public the Local Planning Authority shall be notified in writing of the actual dates on which the development will open and close.

(Informative - it is noted that the 6 week advance warning is not necessary in this 2021 period but notice should be given as soon as possible.)

Reason: In the interest of amenity and landscape impact in accordance with the aims of Policies SP13 Landscapes, SP16 and Policy SP20 Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy.

- 4 Unless otherwise agreed in writing with the Local Planning Authority, the development hereby approved shall be operated in strict accordance with the approved Noise Management Plan submitted by the Agent in a Letter dated 27/05/2020,

Any variation to the Noise Management Plan shall require the written approval of the Local Planning Authority in conjunction with the Council's Environmental Health Team. The noise management plan shall be reviewed after a year from the date of this planning permission (or earlier at the request of the local planning authority, following receipt by either the Local Authority or the venue of a verified and justified complaint(s)), to ensure that measures to limit noise and other disturbance, in relation to agreed noise levels at the boundary of the application site, are maintained.

Reason: In the interests of neighbouring amenity in accordance with Policy SP20 Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy.

- 5 The only lighting hereby approved is that which is present on the fairground rides. No ride shall be illuminated outside of the hours of operation 09:00am - 17:30pm.

No additional external lighting shall be installed within the site without the prior approval of the Local Planning Authority.

Reason: Lighting is sensitive within this exposed location in an Area of High Landscape Value and to prevent harm to neighbouring amenity, in accordance with the aims of Policy SP13 Landscapes and Policy SP20 Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy.

- 6 Unless otherwise agreed in writing, the measures outlined in the Agent's letter of the 29th March 2021 to secure the safety of the users of the Yorkshire Wolds Way footpath shall continue to be undertaken for the lifetime of this development.  
The surface of the trail shall be maintained to the high standard necessary for use by walkers. No part of the proposed site use should block or restrict access to the Yorkshire Wolds Way footpath.

Reason: In the interest of access and highway safety and to secure the long term safety of National Trail users and its continued permeability through the countryside in accordance

with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

- 7 Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of development or such a longer period as agreed with the Local Planning Authority, a landscaping scheme shall be submitted to the Local Planning Authority for approval.

This landscaping scheme shall indicate what works are necessary to provide the agreed visibility splays at the site access and egress points, to be agreed with North Yorkshire County Council Highways (ie limited hedgerow removal/trimming, trimming of verges.) These works scheme shall not be undertaken without the prior approval of the Local Planning Authority.

Informative: Only the minimum intervention to the hedgerows/verges to achieve the necessary level of visibility should be undertaken will be supported by the Local Planning Authority.

The landscaping scheme shall also indicate areas for replanting within the site, including hedgerow gaps. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all new planting.

All new planting comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved Policy in accordance with Policies SP13, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy

- 8 Unless otherwise agreed in writing with the Local Planning Authority, with the exception of the 'Big Top' and 'Chairoplane' all rides to be installed within the 'Field of Dreams' must not exceed 5.0m in height.

Informative: This will not preclude the installation of structures with higher height proportions than 5.0m with agreement from the Local Planning Authority, but will prevent their proliferation to limit greater impact upon distance views.

Reason: In accordance with the aims of Policy SP13 Landscapes and Policy SP20 Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy.

- 9 Unless otherwise agreed in writing, or such a longer period as agreed in writing by the Local Planning Authority, prior to the operation of the site full details, including size and positioning of all signage associated with the site shall be submitted to the Local Planning Authority for its prior approval, in consultation with the Local Planning Authority. This submission shall include details of how far in advance these signs would be erected and when they would be removed following cessation of the operating season.

Reason: To maintain visual amenity and secure highway safety in accordance with the aims of Policies SP13 Landscapes, SP16 and Policy SP20 Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy.

## **INFORMATIVE(S)**

### **1. HI 12 Public Rights of Way**

- i. There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary - please see the attached plan.
- ii. If the proposed development will physically affect the Public Right of Way permanently

in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. Please contact the Local Planning Authority for a Public Path Order application form.

- iii. If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order is required. Please contact the County Council or visit their website for an application form.
- iv. The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.
- v. It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.
- vi. If there is a "claimed" Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.
- vii. Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists, and must have regard for the safety of Public Rights of Way users at all times.

Applicants should contact the County Council's Countryside Access Service at County Hall, Northallerton via [CATO@northyorks.gov.uk](mailto:CATO@northyorks.gov.uk) to obtain up-to-date information regarding the exact route of the way and to discuss any initial proposals for altering the route.