

**RYEDALE
DISTRICT
COUNCIL**



Assessment under the Habitats Regulations

Appropriate Assessment

**Main Modifications MM6 and MM16
Local Plan Sites Document
Examination in Public**

December 2018

Contents

	Page
1. Executive Summary	1
2. Requirement for Appropriate Assessment	2
3. Appropriate Assessment Methodology	3
4. Mitigation Measures and In-Combination Effects	7
5. Conclusion	10

Appendices

1. Detailed Assessment of effects on Natura 2000 sites

1. Executive Summary

- 1.1 The Screening Assessment has identified that, with the exception of Main Modification 6 and Main Modification 16 (hereafter MM6 and MM16), all other proposed Main Modifications of the Local Plan Sites Document would have no Likely Significant Effects on the conservation objectives of Natura 2000 sites. Likely Significant Effects are: “Any effect that may reasonably be predicted as a consequence of a plan or project that may affect the achievement of conservation objectives of the features for which the site was designated, but excluding trivial or inconsequential effects (*de minimis*)”.
- 1.2 In relation to MM6 and MM16, it is the impact relating to the potential for mineral working of sites in Malton and Norton. The impact on the integrity of Natura 2000 sites could not be conclusively established at the Screening Assessment in relation to the River Derwent SAC (and Lower Derwent Valley SAC/SPA/Ramsar Site). Mitigation measures both embedded in established policy, or direct, site-specific mitigation would be applied. Therefore under the Habitats Directive (and the 2018 Court Judgement) an Appropriate Assessment is required.
- 1.3.1 This Appropriate Assessment has considered in more detail the scope and nature of any potential for harm to the integrity of Natura 2000 sites. This has revealed that effects may occur in relation to:
- Effects on water quality in the River Derwent SAC and Lower Derwent SAC, SPA and Ramsar from increased run-off; and
 - Effects on species in the River Derwent SAC from any need (resulting from increased rates of run-off) to alter water level controls or provide additional flood defences; or changes to the hydrological regime as a result of ground workings as part of minerals extraction.
- With consequential impacts Qualifying Habitat Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation; Rivers with floating vegetation often dominated by water-crowfoot
- And Species :
- Petromyzon marinus*; Sea lamprey
Lampetra fluviatilis; River lamprey
Cottus gobio; Bullhead
Lutra lutra; Otter;
- 1.3 The key objective of the allocations is to deliver new housing or employment land, and any minerals working is a by-product of that key land use change. Nevertheless, the Appropriate Assessment process has afforded greater examination of the nature of the individual sites and their development scenarios, and the application of both embedded mitigation measures, with the implementation of Local Plan Strategy Policies, and site specific measures within the wording the Local Plan Sites Document have been identified which will ensure that any adverse effects are avoided.
- 1.4 In light of the findings of this assessment, and allowing for appropriate avoidance measures to be implemented; Ryedale District Council is satisfied that the proposed MM6 and MM16 will not harm the integrity, and in particular the conservation objectives, of any Natura 2000 sites.

2. Requirement for an Appropriate Assessment

- 2.1 The Habitats Directive states that ‘any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In light of the conclusions of that assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.’
- 2.2 The Screening Assessment report contains more information on the background to Habitats Regulations Assessment, and process which needs to be undertaken.
- 2.3 This Appropriate Assessment therefore aims to ensure there will be no harm to the integrity of Natura 2000 sites from the proposed Main Modifications (specifically MM6 and MM16) which are proposed in the Local Plan Sites Document Main Modifications Consultation.

Screening Assessment (Main Modifications)

- 2.4 The Screening Assessment of Main Modifications has been undertaken in detail. It concluded that for the vast majority of Main Modifications there would be no Likely Significant Effects on the conservation objectives of the Natura 2000 sites.
- 2.5 However, the Screening Assessment could not rule out no likely significant effect from MM6 (SD3 Housing Allocation -Land to the east of Beverley Road, Norton: Development Principles) and MM16 (Policy SD12 New Employment Land Allocations – Specifically the proposed Broad Location). This was in relation to the application of mineral safeguarding considerations, and specifically concerning the River Derwent SAC. The areas for investigated centred on implications for water flows as a result of changes to the hydrological regime, or potential for contamination. It concluded that whilst significant effects may not be likely, they are possible, and could not be ruled out at that stage. The Screening Assessment took a precautionary approach, and therefore concluded that it is necessary to undertake an Appropriate Assessment of those sites and obtain further information about the nature of the impact, and whether avoidance of harm was achievable in the first instance.

3. Appropriate Assessment Methodology

3.1 The following guidance has been taken into account in undertaking the Habitats Regulations Assessment:

- *Conservation of Habitats and Species Regulations 2010 (as amended) Chapter 1 and Chapter 8*

<http://www.legislation.gov.uk/ukxi/2010/490/contents/made>

- *Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites'* (European Commission, 2001)

http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf

- *Planning Practice Guidance* (on-line) (DCLG 2015)

- *The Appropriate Assessment of Spatial Plans in England – A Guide to How, When and Why to do it* (RSPB, 2007)

<http://www.seit.ee/failid/470.pdf>

Scope and Information Requirements

3.3 In order to assess the possible effects of each site in sufficient detail it is necessary to first establish the level of information that is required. The following information is required in relation to the SACs and SPAs:

- Location of the site;
- The site's qualifying features;
- Vulnerabilities;
- Conservation Objectives
- The conservation status of the sites

This information is contained, where available, in the Screening Assessment.

The questions below will help to identify the nature of any effects:

- Will it lead to a loss of habitat?
- Will it lead to fragmentation and isolation of habitats?
- Will it change any key habitat features?
- Will it lead to disturbance of species from noise, light or other visible features?
- Will it affect the quantity or quality of water in the sites?
- Will it affect air quality?

3.4 The assessment considers whether these effects are direct or indirect, and whether there are likely to be any cumulative effects. The significance of these effects is

considered in relation to their magnitude and permanence. The assessment considers the effects in relation to the sites' qualifying features. In-combination effects were also considered as part of the screening process.

Data sources

- 3.5 Condition assessments are not available for the sites. The assessment has been based upon information contained in the Habitats Regulations Assessment of the Ryedale Local Plan Strategy¹, The Habitats Regulations Screening Assessment which identifies the sites' vulnerabilities and reference to published data and reports where these are available, as well as the use of Ordnance Survey maps, along with advice received from Natural England.

Principal Features of the Main Modifications subject to Appropriate Assessment

SD3 (MM6) Housing Allocation -Land to the east of Beverley Road, Norton: Development Principles

- 3.6 The specific element of the Main Modification (MM6) is the addition of a development principle:

“As a Safeguarded Site, the feasibility and viability of the extraction/utilisation of the minerals resource will be demonstrated”

Whilst it is important to note that the development principle does not require that mineral extraction to occur, just that it is considered, based on whether it is feasible and viable. The primary objective of the LPSD allocation (SD3) is for housing development with infrastructure. Therefore, there is a need to ensure that any risk of LSE to the River Derwent SAC is clearly avoided.

- 3.7 SD3, is a large open, cropped field to the south of residential development and the Norton Grove Industrial Estate. Distance from River Derwent is c. 1.7 km from the River, using the Centenary Route which runs through Norton and along the southern side of the river, to the west of the Town. The site is also 0.5km (nearest point) to Prior Pot Beck which is a tributary of the River Derwent, and has a history of flooding. The site is on its eastern boundary subject to a drainage channel. The site itself has a low flood risk (Flood Zone 1). The fields are cropped. On the Norton side of the River Derwent there is no public access up stream of the town. The Centenary Way PROW follows the river from Castlegate Bridge to Huttons Ambo.

SD12 (MM16) Policy SD12 New Employment Land Allocations (Broad Location)

- 3.8 The specific element of the Main Modification (MM6) is the addition of a development principle:

“As a Safeguarded Site, the feasibility and viability of the extraction/utilisation of the minerals resource will be demonstrated”

The primary objective of the identification of the Broad Location is to provide a steer for future employment land releases, if required in the Plan Period. Whilst it is important to note that the development principle does not require that mineral extraction to occur, just that it is considered, based on whether it is feasible and viable. There is a need, therefore, to ensure that any risk of LSE to the River Derwent SAC are clearly avoided.

- 3.9 The sites which are proximal to the Broad Location (Sites 578 and 579) are east of the A169 and north of the A64. Distance from River Derwent is c. 1km from the sites using roads, and gaining access to the closest public footpath. This footpath which does not actually run close to the River. The site is close to Great Sike Drain, which flows into the Derwent via The Cut. The fields are cropped.

Parameters of Potential Impacts

- 3.10 As identified earlier in this report, the primary objective of the allocation of land is for housing and employment land-use, and this use has been previously subjected to HRA. Being identified as allocations in a mineral safeguarding area, there is a need to consider the implications of this in terms of wider sustainability, and the finite locations of minerals resources to explore whether minerals extraction is feasible and viable. However, there is no detailed assessment of the mineral resource to assess the genuine likelihood of viability of extraction, nor the technical measures employed to undertake any identified extraction. Therefore, the development principle simply requires that consideration of the extraction and/or utilisation of a minerals resource in the site, not that extraction is required to take place. Accordingly, if there are issues identified within the context of the site (and they may not necessarily in relation to issues regarding biodiversity) which are incapable of resolution there will be no extraction. This would be the strongest avoidance measure available. On a hypothetical basis, assuming extraction is both feasible and viable, this could require the implementation of specific policy measures are set out in section 4.
- 3.11 The HRA Screening has identified that in terms of these Main Modifications, being associated with extractive process, it would not increase disturbance through recreational activity indirectly or directly.
- 3.12 Both sites covered by MM6 and MM16 are of a situation (by virtue of their location and connectivity) which would render any working of the ground having the potential to impact on the surface water run-off regime. This having been already established by the HRA of the Local Plan Sites Document. They have direct connectivity to the Derwent through the drainage ditches and watercourses. The nature of these potential impacts within the context of potential extractives, it considered in greater detail in Appendix 1, but it is done so within the prevailing context of the general uncertainty around the nature of the extraction process. Returning to the definition of Likely Significant Effects, this is: *“any effect that may reasonably be predicted as a consequence of a plan or project that may affect the achievement of conservation*

objectives of the features for which the site was designated, but excluding trivial or inconsequential effects (de minimis)". Without mitigation, it is prudent to assume impacts on the quality/quantity of water in the River Derwent SAC, would be both reasonable to predict, and that with potentially serious consequences for the Conservation Objectives of the River Derwent SAC as a result of impacts on water flow and quality. That being said, in any scenario, either suitable mitigation is available (depending on the extraction required) or it will not be feasible or viable to extract and/or use the resource, resulting in avoidance. The feasibility/viability of the extraction will be tested prior to consideration of the planning application; forming part of the evidence base of the application's submission. As such it will be possible to identify during the validation process whether there are any sensitivities raised.

3.13 For site 649 (SD3), the impact of development (housing) would bring a net reduction in agricultural runoff, and other mitigation measures are set out in the relation to the site in Appendix 1 of the Local Plan Sites Document HRA Appropriate Assessment. Wider policy mitigation measures and in-combination effects are considered in the following section. This is particularly pertinent within the consideration of the Broad Location at SD12, as the proposed development is not yet identified in its extent, so the ability to identify specific mitigation is not possible. However, any subsequent application would be assessed within the regulatory framework, and subject to the mitigation measures both direct and indirect that are mentioned in chapter 4, and in appendix 1.

4. Mitigation Measures and In-Combination Effects

- 4.1 For the purposes of the HRA, mitigation can be defined as ‘measures that avoid or reduce overall potential adverse effects on the integrity of a Natura 2000 sites and should be taken into account during the Appropriate Assessment of the impacts of a plan or project.’² In-combination effects are the effects of other policies, plans, projects, which act with the plan/policy/project subject to Appropriate Assessment, the action can be positive or negative. Since the 2018 Court Judgement positive, ameliorating in-combination effects, which could be viewed as embedded mitigation, are still to be considered within the Appropriate Assessment.
- 4.2 Where effects have been identified that could, harm the integrity of a Natura 2000 site (River Derwent SAC) it is necessary to identify mitigation measures to avoid any harm. These are identified against each effect in Table 1. Given the lack of detail, they are accordingly, high-level strategic policies which require compliance with key objectives. In terms of the development of the sites, positive in-combination effects are both policy-driven, through embedded mitigation, which leads to site-specific mitigation which is expected to be incorporated into a development scheme. This is considered as part of the allocation process, and then the planning application.

Site- Focused Mitigation

- 4.3 As discussed earlier, the ability to identify site-specific mitigation is limited as the technical considerations around mineral extraction on the sites in question has not be identified. The Local Plan Sites Document identifies a series of Development Principles which are associated with the proposed allocations. For SD3, (site 649) Land to the East of Beverley Road, Norton, this would involve maximising opportunities for green infrastructure, including 3 phase Sustainable Drainage Systems, and areas of formal and informal recreation. These would all come forward post any extractive application, but they will still require compliance - without any extraction process undermining their efficacy in the first instance.

Wider Planning Permission Regime – Embedded Mitigation

- 4.4 Although the Local Plan Sites Document will allocate land for residential and employment uses; prior to development taking place planning permission will still need to be secured in relation to the details of these developments. This will enable the specific nature of any potential extraction and any detailed layout proposals to be assessed in more detail at that time. The adopted Ryedale Local Plan Strategy contains policies to protect Natura 2000 sites. Of particular importance is SP14 (part):

“In considering proposals for development –

² The Appropriate Assessment of Spatial Plans in England – A Guide to Why, When and How to do it (RSPB, 2007)

Proposals which would have an adverse effect on any site or species protected under international or national legislation will be considered in the context of the statutory protection which is afforded to them.”

- 4.5 The Appropriate Assessment undertaken for the Local Plan Sites Document and this Main Modifications consultation will be a point of reference for the subsequent consideration of planning applications, and the mitigation measures identified as part of these appropriate assessments have been included as Development Principles accompanying the proposed allocation.
- 4.6 The policy framework as provided by the Ryedale Local Plan Strategy concerning Green Infrastructure – Policy SP15 (part) recognises the need for the sites themselves to contribute to providing green infrastructure:
*“Protecting and enhancing the quality and integrity of the following corridors and areas of Green Infrastructure Networks considered of Regional or Sub-Regional significance within Ryedale: including the River Derwent
And by protecting, enhancing, creating and connecting wider elements of Green Infrastructure”*
various measures are included, and this includes: “Habitats to support the resilience of biodiversity”. Whilst this is more strategic in its aspirations, proposals for future development would not be supported if they actively undermined this.
- 4.7 In respect of water contamination through run-off, there is a policy requirement in the Local Plan Strategy, Policy SP17, which requires the use of sustainable drainage systems and techniques, where technically feasible, to promote groundwater recharge and reduce flood risk. Development proposals will be expected to attenuate surface water run off to the rates recommended in the Strategic Flood Risk Assessment. In addition, major development proposals within areas highlighted as having critical drainage problems in the North East Yorkshire Strategic Flood Risk Assessment (SFRA) (or future updates) as Critical Drainage Areas may, if appropriate, be required to demonstrate that the development will not exacerbate existing problems by modelling impact on the wider drainage systems. This will be particularly important for Site SD3 (MM6) because it is identified as being with Critical Drainage Areas in the SFRA. None of the sites for either residential or employment uses are affected by geological/hydrological matters which would preclude the use of sustainable drainage systems. There are no ground source protection zones either on or adjacent to the sites. Information which has been provided by the developer/landowner demonstrates that they are willing to use such systems, and the site is capable of using them. As part of the consideration of any application; there would also be a requirement for the sustainable, long term maintenance of SuDs features.
- 4.8 The Local Plan Strategy also requires that the necessary sewerage and water treatment infrastructure improvements are provided in tandem with new development and that scale, type, location and phasing of new development or land-based activity can be accommodated without an unacceptable impact on water supply. Yorkshire Water is aware of the overall development requirements, and these sites in particular, and will be factoring the extra requirements into their capital programme. The River Derwent Catchment Partnership is an umbrella organisation which helps to publicise and coordinate activities which manage the Derwent, with the commitment to providing a more resilient river to reducing the risk of flooding, and enhancing biodiversity.

4.9 A further, albeit indirect, consideration is the reduction in the use of agricultural fertilisers and pesticides on the sites. Both sites SD3 and the Broad Location of SD12 are used for cropping, not grazing, resulting in a more intensive agricultural regime. As such, these sites are indirectly contributing to the identified problems of diffuse sediment run-off, and pollution from agricultural activities. Introducing a regime which eliminates that type of pollution from those specific fields, and reducing run-off to reduce sedimentation, would be a net benefit in terms of improving opportunities for biodiversity activity, although this is more related to the use of the land for the end-land use rather than in relation to any extractive activities in the interim.

5. Conclusion

- 5.1 This Habitats Regulations Assessment (Appropriate Assessment) has identified that the proposed main Modification MM6 and MM16 will not have a Likely Significant Effect on the conservation objectives of the River Derwent SAC, accordingly it will not have an effect on the Lower Derwent Valley SAC/SPA/Ramsar Site. This is based on the objective of the Development Principle, and the wider, embedded mitigation which would need to be applied to any consideration around the potential for minerals extraction.
- 5.2 The proposed wording of the Main Modification only requires consideration around mineral extraction. It does not explicitly require it. The objective of the allocations and Broad Location is to identify land and allow it to come forward to meet needs for residential and employment land uses, and these uses have been subject to HRA Appropriate Assessment. The Development Principle requires that the feasibility and viability of extraction is considered, and no details are available to consider in detail what the scope/extent of those proposals could be. Depending on the findings of that work, avoidance may result should it not be feasible and/or viable to extract the resource. If it is both feasible and viable, this will have been identified through the integral application of the embedded mitigation measures identified through the operation of the Ryedale Plan Local Plan Strategy, and that of the Local Plan Sites Document.
- 5.3 Ryedale District Council are therefore satisfied that, based on the proposed wording of the MM6 and MM12, there will not be a situation whereby effects from the operation of the MM6 and MM12 would result in harm to the integrity of Natura 2000 sites, by adversely affecting the Conservation Objectives of the designated sites.

Appendix 1

Table 2: Assessment of effects on Natura 2000 sites

Site	Consequence of MM6 and MM16	Qualifying features	Potential harm to the integrity	Mitigation Measures capable of being used
River Derwent SAC	Because of the lack of specific nature of any extraction proposal, it is not possible to identify specific impacts. But, on the basis that the surface run off rate is changed adversely by changing the level of interception of water, increased levels of run-off from extractive activities resulting in higher flood risk downstream in the River Derwent (of which the River Rye is a tributary). Which affects habitats in terms of water flow rates, scouring risk, water levels.	Water courses of plain to montane levels with <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> Otters <i>Lutra lutra</i> Sea Lamprey <i>Petromyzon marinus</i> River Lamprey <i>Lampetra fluviatilis</i> Bullhead <i>Cottus gobio</i>	Effects on River and Sea lampreys, in the River Derwent SAC through the need for altered water level control measures or flood defences which alter the flow of the water. This can affect the quality of the riverbed as lamprey spawning habitat. Increasing water levels can effect food supply for Otters and Bullhead fish	<p>The Development Plan is clear that surface water run-off rates will need to be carefully managed. This is in terms of both in terms of surface water management (and not increasing any risk of flooding), but also has a link to ensuring that the flow rates of the River Derwent are not adversely affecting the ecology of the river system. The Environment Agency also requires that run-off rates do not increase those of the existing, undeveloped, site.</p> <p>Policy SP17 of the Local Plan Strategy requires the use of sustainable drainage systems where feasible. On these potential proposed sites (and the proposed allocations) there are no constraints (such as Ground Source Protection Zones) which would preclude the use of such measures. The Local Plan Sites Document identifies that in the Development Principles for each site to use Sustainable Drainage Systems. Since there are no technical constraints identified from the information submitted which would preclude their use, they will be required as a matter of course. They can (as discussed below) also improve the quality of the water entering the river.</p> <p>In conclusion there is sufficient information to establish that should issues around the flow regime of the Derwent be identified during the consideration of whether the site has the capacity for extraction/utilisation of any on-site minerals resource, then the lack of feasibility of the extraction will have been identified, and the extraction would not be taken forward. If the site has the</p>

Site	Consequence of MM6 and MM16	Qualifying features	Potential harm to the integrity	Mitigation Measures capable of being used
				capacity, embedded mitigation measures would be employed to require that there was no adverse impacts.
River Derwent SAC	Broad Location SD12 (MM16) has potential for direction connection to the Derwent and indirect connection for site SD3 (MM6) Increased levels of diffuse pollution through run-off from developed sites, affects the water quality (nutrient and pollutant content) affecting food sources	<p>Water courses of plain to montane levels with <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i></p> <p>Otters <i>Lutra lutra</i></p> <p>Sea Lamprey <i>Petromyzon marinus</i></p> <p>River Lamprey <i>Lampetra fluviatilis</i></p> <p>Bullhead <i>Cottus gobio</i></p>	Effects on water quality in the River Derwent SAC and Lower Derwent SAC, SPA and RAMSAR sites could affect the qualifying habitats and species present in these sites, as they are also dependent upon the high quality of the water for their supply of food.	<p>As part of managing surface water run-off in principle, there is a need to ensure that techniques employed, and management of foul/contaminated water, is undertaken to ensure no adverse impact on the quality of water entering the River Derwent.</p> <p>Policy SP17 of The Local Plan Strategy, requires applications for new development assess impacts on water quality and propose mitigation measures to reduce the risk of pollution and a deterioration of water quality, and aligned to this ensure that necessary sewerage and water treatment infrastructure improvements are provided in tandem with new development.</p> <p>Policy SP17 requires the use of sustainable drainage systems where feasible. As discussed in respect of water levels, the use of SUDs will be expected in principle on the allocations, both manage run-off and improve water quality. There is no evidence submitted which demonstrates that they are not feasible, and they have been added as a development Principle.</p> <p>It is recognised that any drainage scheme will demand consultation with and agreement of the Environment Agency. A detailed drainage scheme is yet to be designed for any submission but any planning approval would be conditioned to ensure the prior approval of drainage details prior to the commencement of the scheme.</p>

Site	Consequence of MM6 and MM16	Qualifying features	Potential harm to the integrity	Mitigation Measures capable of being used
				<p>Site submissions for site 649(SD3) have confirmed that a drainage strategy will demonstrate that water quality is not negatively affected through the provision of 3 phase SUDS and removal of silt and chemical inputs from intensive arable agriculture. A Construction Environment Management Plan would be produced to demonstrate that construction runoff will be attenuated to prevent silt or diffuse pollutants entering the catchment. They have confirmed that Yorkshire Water have agreed a strategy for the management of sewerage and foul water. It is expected that for site 649 (SD3) there is likely to be a direct improvement due to the reduction in agricultural pollution due to the direct connection of field run off into Prior Pot Beck; a tributary of the River Derwent.</p> <p>Further development sites at the Town will be designed with their own drainage systems which will require approval and existing adjacent residential development sites have their own positive drainage systems which will not impact on the proposed development.</p> <p>Yorkshire Water are aware of the increased pressure on sewerage and surface water, and that it is factored into their 5-year rolling capital programme to expand the capacity to accommodate the levels of development identified in the Local Plan Strategy. It is also important to note that given the size of some of the land submissions, they will not be built out <i>en-masse</i>, and will be phased. Site 649 (SD3) has provided confirmation of</p>

Site	Consequence of MM6 and MM16	Qualifying features	Potential harm to the integrity	Mitigation Measures capable of being used
				<p>the principle of Yorkshire Water permitting foul drains to enter into the main sewerage system.</p> <p>As to the nature of alterations to the type of contaminants entering the River; it is considered that there will be a net improvement. All the original option sites which are being considered as preferred sites are used in arable farming, and as such the level of nutrient input and where necessary pesticide control are much greater than either grazed land, or land which is then taken into a urbanised context, which is then subjected to various interceptors for pollutant control.</p> <p>In conclusion there is sufficient information to assess the principle of development, for allocation purposes, that drainage schemes which would meet the requirements of Yorkshire Water and the Environment Agency can be achieved, which will in turn ensure that the scheme can be achieved, alone and in combination with other development, without impacting on the water quality or water flow in the River Derwent.</p>
Lower Derwent SAC	Increased levels of diffuse pollution through run-off from developed sites, affects the water quality (nutrient and pollutant content) affecting food sources	Lowland hay meadows, Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> , Otters <i>Lutra lutra</i>	Effects on water quality from increased run-off could affect the species and habitats supported by the river.	<p>As part of managing surface water run-off in principle, there is a need to ensure that techniques employed, and management of foul/contaminated water, is undertaken to ensure no adverse impact on the quality of water entering the River Derwent.</p> <p>Policy SP17 of The Local Plan Strategy, requires applications for new development assess impacts on water quality and propose mitigation measures to reduce the risk of pollution and a</p>

Site	Consequence of MM6 and MM16	Qualifying features	Potential harm to the integrity	Mitigation Measures capable of being used
				<p>deterioration of water quality, and aligned to this ensure that necessary sewerage and water treatment infrastructure improvements are provided in tandem with new development.</p> <p>Policy SP17 requires the use of sustainable drainage systems where feasible. As discussed in respect of water levels, the use of SUDs will be expected in principle on the allocations, both manage run-off and improve water quality. There is no evidence submitted which demonstrates that they are not feasible, and they have been added as a development Principle.</p> <p>It is recognised that any drainage scheme will demand consultation with and agreement of the Environment Agency. A detailed drainage scheme is yet to be designed for any submission but any planning approval would be conditioned to ensure the prior approval of drainage details prior to the commencement of the scheme.</p> <p>Site submissions for site 649 (SD3) have confirmed that a drainage strategy will demonstrate that water quality is not negatively affected through the provision of 3 phase SUDS and removal of silt and chemical inputs from intensive arable agriculture. A Construction Environment Management Plan would be produced to demonstrate that construction runoff will be attenuated to prevent silt or diffuse pollutants entering the catchment. They have confirmed that Yorkshire Water have agreed a strategy for the management of sewerage and foul water. It is expected that for site 649 there is likely to be a direct</p>

Site	Consequence of MM6 and MM16	Qualifying features	Potential harm to the integrity	Mitigation Measures capable of being used
				<p>improvement due to the reduction in agricultural pollution due to the direct connection of field run off into Prior Pot Beck; a tributary of the River Derwent.</p> <p>Further development sites at the Town will be designed with their own drainage systems which will require approval and existing adjacent residential development sites have their own positive drainage systems which will not impact on the proposed development.</p> <p>Yorkshire Water are aware of the increased pressure on sewerage and surface water, and that it is factored into their 5-year rolling capital programme to expand the capacity to accommodate the levels of development identified in the Local Plan Strategy. It is also important to note that given the size of some of the land submissions, they will not be built out <i>en masse</i>, and will be phased. Site 649 (SD3) has provided confirmation of the principle of Yorkshire Water permitting foul drains to enter into the main sewerage system.</p> <p>As to the nature of alterations to the type of contaminants entering the River; it is considered that there will be a net improvement. All the original option sites which are being considered as preferred sites are used in arable farming, and as such the level of nutrient input and where necessary pesticide control are much greater than either grazed land, or land which is then taken into a urbanised context, which is then subjected to various interceptors for pollutant control.</p>

Site	Consequence of MM6 and MM16	Qualifying features	Potential harm to the integrity	Mitigation Measures capable of being used
				<p>In conclusion there is sufficient information to assess the principle of development, for allocation purposes, that drainage schemes which would meet the requirements of Yorkshire Water and the Environment Agency can be achieved, which will in turn ensure that the scheme can be achieved, alone and in combination with other development, without impacting on the water quality or water flow in the River Derwent, and consequently the Lower Derwent SPA.</p>
Lower Derwent SPA	Increased levels of diffuse pollution through run-off from developed sites, affects the water quality (nutrient and pollutant content) affecting food sources	Bewick's swan Eurasian wigeon Eurasian teal Northern shoveler European golden plover Ruff Waterbird assemblage Great bittern Spotted crane Corn crane	Effects on water quality from increased run-off could affect the species and habitats supported by the river.	<p>As part of managing surface water run-off in principle, there is a need to ensure that techniques employed, and management of foul/contaminated water, is undertaken to ensure no adverse impact on the quality of water entering the River Derwent.</p> <p>Policy SP17 of The Local Plan Strategy, requires applications for new development assess impacts on water quality and propose mitigation measures to reduce the risk of pollution and a deterioration of water quality, and aligned to this ensure that necessary sewerage and water treatment infrastructure improvements are provided in tandem with new development.</p> <p>Policy SP17 requires the use of sustainable drainage systems where feasible. As discussed in respect of water levels, the use of SUDs will be expected in principle on the allocations, both manage run-off and improve water quality. There is no evidence submitted which demonstrates that they are not feasible, and they have been added as a development Principle.</p>

Site	Consequence of MM6 and MM16	Qualifying features	Potential harm to the integrity	Mitigation Measures capable of being used
				<p>It is recognised that any drainage scheme will demand consultation with and agreement of the Environment Agency. A detailed drainage scheme is yet to be designed for any submission but any planning approval would be conditioned to ensure the prior approval of drainage details prior to the commencement of the scheme.</p> <p>Site submissions for site 649 (SD3) have confirmed that a drainage strategy will demonstrate that water quality is not negatively affected through the provision of 3 phase SUDS and removal of silt and chemical inputs from intensive arable agriculture. A Construction Environment Management Plan would be produced to demonstrate that construction runoff will be attenuated to prevent silt or diffuse pollutants entering the catchment. They have confirmed that Yorkshire Water have agreed a strategy for the management of sewerage and foul water. It is expected that for site 649 there is likely to be a direct improvement due to the reduction in agricultural pollution due to the direct connection of field run off into Prior Pot Beck; a tributary of the River Derwent.</p> <p>Further development sites at the town will be designed with their own drainage systems which will require approval and existing adjacent residential development sites have their own positive drainage systems which will not impact on the proposed development.</p>

Site	Consequence of MM6 and MM16	Qualifying features	Potential harm to the integrity	Mitigation Measures capable of being used
				<p>Yorkshire Water are aware of the increased pressure on sewerage and surface water, and that it is factored into their 5-year rolling capital programme to expand the capacity to accommodate the levels of development identified in the Local Plan Strategy. It is also important to note that given the size of some of the land submissions, they will not be built out en masse, and will be phased. Site 649 (SD3) has provided confirmation of the principle of Yorkshire Water permitting foul drains to enter into the main sewerage system.</p> <p>As to the nature of alterations to the type of contaminants entering the River; it is considered that there will be a net improvement. All the original option sites which are being considered as preferred sites are used in arable farming, and as such the level of nutrient input and where necessary pesticide control are much greater than either grazed land, or land which is then taken into a urbanised context, which is then subjected to various interceptors for pollutant control.</p> <p>In conclusion there is sufficient information to assess the principle of development, for allocation purposes, that drainage schemes which would meet the requirements of Yorkshire Water and the Environment Agency can be achieved, which will in turn ensure that the scheme can be achieved, alone and in combination with other development, without impacting on the water quality or water flow in the River Derwent, and therefore on the Lower Derwent SPA.</p>

Site	Consequence of MM6 and MM16	Qualifying features	Potential harm to the integrity	Mitigation Measures capable of being used
Lower Derwent RAMSAR	Increased levels of diffuse pollution through run-off from developed sites, affects the water quality (nutrient and pollutant content) affecting food sources	Internationally important wetland assemblage – plants, invertebrates	Effects on water quality from increased run-off could affect the species and habitats supported by the river.	<p>As part of managing surface water run-off in principle, there is a need to ensure that techniques employed, and management of foul/contaminated water, is undertaken to ensure no adverse impact on the quality of water entering the River Derwent.</p> <p>Policy SP17 of The Local Plan Strategy, requires applications for new development assess impacts on water quality and propose mitigation measures to reduce the risk of pollution and a deterioration of water quality, and aligned to this ensure that necessary sewerage and water treatment infrastructure improvements are provided in tandem with new development.</p> <p>Policy SP17 requires the use of sustainable drainage systems where feasible. As discussed in respect of water levels, the use of SUDs will be expected in principle on the allocations, both manage run-off and improve water quality. There is no evidence submitted which demonstrates that they are not feasible, and they have been added as a development Principle.</p> <p>It is recognised that any drainage scheme will demand consultation with and agreement of the Environment Agency. A detailed drainage scheme is yet to be designed for any submission but any planning approval would be conditioned to ensure the prior approval of drainage details prior to the commencement of the scheme.</p> <p>Site submissions for site 649 (SD3) have confirmed that a drainage strategy will demonstrate that water quality is not</p>

Site	Consequence of MM6 and MM16	Qualifying features	Potential harm to the integrity	Mitigation Measures capable of being used
				<p>negatively affected through the provision of 3 phase SUDS and removal of silt and chemical inputs from intensive arable agriculture. A Construction Environment Management Plan would be produced to demonstrate that construction runoff will be attenuated to prevent silt or diffuse pollutants entering the catchment. They have confirmed that Yorkshire Water have agreed a strategy for the management of sewerage and foul water. It is expected that for site 649 there is likely to be a direct improvement due to the reduction in agricultural pollution due to the direct connection of field run off into Prior Pot Beck; a tributary of the River Derwent.</p> <p>Further development sites at the Town will be designed with their own drainage systems which will require approval and existing adjacent residential development sites have their own positive drainage systems which will not impact on the proposed development.</p> <p>Yorkshire Water are aware of the increased pressure on sewerage and surface water, and that it is factored into their 5-year rolling capital programme to expand the capacity to accommodate the levels of development identified in the Local Plan Strategy. It is also important to note that given the size of some of the land submissions, they will not be built out en masse, and will be phased. Site 649 (SD3) has provided confirmation of the principle of Yorkshire Water permitting foul drains to enter into the main sewerage system.</p>

Site	Consequence of MM6 and MM16	Qualifying features	Potential harm to the integrity	Mitigation Measures capable of being used
				<p>As to the nature of alterations to the type of contaminants entering the River; it is considered that there will be a net improvement. All the original option sites which are being considered as preferred sites are used in arable farming, and as such the level of nutrient input and where necessary pesticide control are much greater than either grazed land, or land which is then taken into a urbanised context, which is then subjected to various interceptors for pollutant control.</p> <p>In conclusion there is sufficient information to assess the principle of development, for allocation purposes, that drainage schemes which would meet the requirements of Yorkshire Water and the Environment Agency can be achieved, which will in turn ensure that the scheme can be achieved, alone and in combination with other development, without impacting on the water quality or water flow in the River Derwent, and therefore no impact on the Lower Derwent RAMSAR.</p>