



Assessment under the Habitats Regulations

Screening Assessment of Sites and Policies September 2018

**Local Plan Sites Document
Examination in Public**

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1. Introduction and Scope of Assessment

1.1 The Habitats Directive¹ seeks to protect the integrity of Natura 2000 sites and requires a Habitats Regulations Assessment to be undertaken to assess the adverse effects of the plan or project on Natura 2000 sites, which includes Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites. The key principle is to adopt the precautionary approach and to preserve the integrity of sites. The sites identified for inclusion in the assessment are:

- North York Moors SAC
- North York Moors SPA
- River Derwent SAC
- Lower Derwent SAC, SPA and Ramsar
- Eller's Wood and Sand Dale SAC
- Strensall Common SAC
- Beast Cliff SAC
- Flamborough Head SAC SPA and Bempton Cliffs SPA
- Humber Estuary SAC/SPA/Ramsar
- Fen Bog SAC
- Arnecliff and Park Hole Woods

Only the River Derwent SAC is within or immediately adjacent to settlements which have been identified as locations for development. The others have been included due to proximity or other geographical reasons, and to assess any indirect impacts. The River Derwent SAC, and Lower Derwent SAC, SPA and Ramsar are physically related to the Settlements of Malton and Norton, with the river running through them, and by their fluvial nature, have tributaries which are proximal to other settlements in Ryedale and adjacent authorities.

1.2 The Ryedale Local Plan Strategy was adopted in September 2013. As part of its production, a Habitats Regulations Assessment² was undertaken in December 2009. This considered the implications of the strategic options and quantum for housing and employment development. The effects of the principle of an additional 1500 homes in Malton and Norton, 750 homes in Pickering, 300 homes in Kirkbymoorside and 150 homes in Helmsley, with 300 homes distributed across ten service villages have therefore been considered already as part of the production of the Ryedale Local Plan Strategy. Unless new evidence prompts a re-evaluation of the Local Plan Strategy's HRA it is not the purpose of this HRA Screening Report to revisit previous material, but to consider if there are any site-specific matters which will then need to be considered through an Appropriate Assessment.

1.3 The Local Plan Sites Document is the second part of the Local Plan Strategy and will allocate land for housing and employment development within some or all the following settlements, for the period up to 2027, depending on residual requirements at the point at which the Local Plan Sites Document is Published:
Malton/Norton
Pickering

¹ The Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive) (Directive 92/43/EEC)

² Habitats Regulations Assessment (Entec for Ryedale District Council, 2009)

Kirkbymoorside
Ampleforth
Amotherby/Swinton
Hovingham
Nawton/Beadlam
Sherburn
Sheriff Hutton
Staxton/Willerby
Thornton le Dale

This Screening Assessment is concerned with the assessment of sites which have been considered through the preliminary stages of the production of the Local Plan Sites Document, both from a site perspective and in-combination effects considerations. It has been updated for the Publication Local Plan Sites Document, and considers both the sites and policies of this document. In 2018, in preparation for the Hearing Sessions, it has be subsequently updated to reflect recent case law on the Screening process. This is set out later in the assessment.

- 1.4 Helmsley is considered in a separate plan which is subject to HRA and is considered in conjunction with this component of the Local Plan Sites Document, concerning preferred sites.

2. The Regulatory Framework

Requirement to carry out an assessment under the Habitats Regulations

- 2.1 Articles 6(3) and 6(4) of the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive) (Directive 92/43/EEC) require an appropriate assessment to be undertaken for plans and projects that are likely to have a significant effect, alone or in combination with other plans and projects, on one or more European sites (Special Protection Areas and Special Areas of Conservation). Article 6(3) states:

'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 and projects, 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 the 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 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 This is translated into UK statute via The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 and via The Conservation of Habitats and Species Regulations 2010 which state:

Assessment of implications for European sites and European offshore marine sites

61.—(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

(2) A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required.

(3) The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specify.

(4) They must also, if they consider it appropriate, take the opinion of the general public, and if they do so, they must take such steps for that purpose as they consider appropriate.

(5) In the light of the conclusions of the assessment, and subject to regulation 62 (considerations of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

(6) In considering whether a plan or project will adversely affect the integrity of the site, the authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given.

(7) This regulation does not apply in relation to a site which is—

(a) a European site by reason of regulation 8(1)(c), or

(b) a European offshore marine site by reason of regulation 15(c) of the 2007 Regulations

(site protected in accordance with Article 5(4) of the Habitats Directive).

(8) Where a plan or project requires an appropriate assessment both under this regulation and under the 2007 Regulations, the assessment required by this regulation need not identify those effects of the plan or project that are specifically attributable to that part of it that is to be carried out in Great Britain, provided that an assessment made for the purpose of this regulation and the 2007 Regulations assesses the effects of the plan or project as a whole.

Assessment of implications for European sites and European offshore marine sites:

102.—(1) Where a land use plan—

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of the site,

the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site's conservation objectives.

(2) The plan-making authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specify.

(3) They must also, if they consider it appropriate, take the opinion of the general public, and if they do so, they must take such steps for that purpose as they consider appropriate.

(4) In the light of the conclusions of the assessment, and subject to regulation 103 (considerations of overriding public interest), the plan-making authority or, in the case of a regional strategy, the Secretary of State must give effect to the land use plan only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

(5) A plan-making authority must provide such information as the appropriate authority may reasonably require for the purposes of the discharge of the obligations of the appropriate authority under this Chapter.

(6) This regulation does not apply in relation to a site which is—

(a) a European site by reason of regulation 8(1)(c), or

(b) a European offshore marine site by reason of regulation 15(c) of the 2007 Regulations

Purpose of the Screening Assessment (including recent case law implications)

- 2.3 The purpose of a Screening Assessment under the Habitats Regulations is to determine whether the Plan is likely to give rise to significant effects which would affect achievement of the sites' conservation objectives. If a likely significant effect (LSE) is identified then an Appropriate Assessment of this effect will be necessary. The precautionary principle must be applied; if significant effects cannot be ruled out then an Appropriate Assessment must be undertaken. Significant effects can be defined as ***“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)”***.
- 2.4 The recent Judgment of the Court (Seventh Chamber) of 12 April 2018 *People Over Wind and Peter Sweetman v Coillte Teoranta* which ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of an appropriate assessment (AA) and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage.
- 2.5 Prior to this judgment, case law in England and Wales had established that avoidance or reduction measures that form part of a proposal could be taken into account when considering whether the plan or project would be likely to have a significant effect on a European site.
- 2.6 The Council was asked to consider the extent to which it considered the Habitats Regulation report is legally compliant in light of the judgment, reviewing the screening assessment where necessary. This was in specific reference to the application of wording concerning in-combination effects of other plans, what is described as 'embedded mitigation'.

Purpose of the Appropriate Assessment

- 2.4 An Appropriate Assessment identifies any adverse effects on the integrity of a SPA or SAC and, if necessary, identifies mitigation measures which will reduce (ideally eliminate) those effects. If effects cannot be reduced sufficiently then the Appropriate Assessment will conclude that an adverse effect on integrity will occur. If no site/policy alternative exists and the competent authority wishes it to go ahead, then a case for “Imperative Reasons of Overriding Public Interest” (IROPI) has to be made, and any necessary compensatory measures will need to be secured. This would be only under exceptional circumstances, as other site options could be chosen.

How does this differ from Strategic Environmental Assessment and Sustainability Appraisal?

- 2.5 Strategic Environmental Assessment and Sustainability Appraisal is required to be carried out as part of plan preparation under separate legislation and is used to inform decision-making throughout the production of the Plan. Habitats Regulations Assessment, on the other hand, requires a certain standard to be met under the Habitats Regulations. Both assessments have iteratively informed the assessment of preferred and potential option sites for development, which inform the production of the Local Plan Sites Document.

Guidance

- 2.6 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>

Consultation

- 2.7 The 2007 and 2010 Regulations, which relate to land use plans, require that ‘The plan making authority shall for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies.’ The ‘appropriate nature conservation body’ is Natural England. Natural England were consulted prior

to the initiation of the Screening Assessment, and on the Screening Assessment and will be consulted on the Appropriate Assessment when it is produced after the Sites Consultation in Autumn 2015. Consultation has also be conducted with the Environment Agency, to ensure that the information is objectively analysed. The Local Planning Authority must be satisfied that there is no reasonable scientific doubt remaining as to the absence of such 'likely significant effects'.

- 2.8 Natural England were also consulted in light of the recent (2018) Court Judgement. They advised in a non-formal capacity (as the formal position has not yet been made) the following:

“Competent authorities undertaking HRAs should be aware of a recent ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta (ref: C-323/17). The case relates to the treatment of mitigation measures at the screening stage of a HRA when deciding whether an appropriate assessment of a plan/project is required. The Court’s Ruling goes against established practice in the UK that mitigation measures can, to a certain degree, be taken into account at the screening stage.

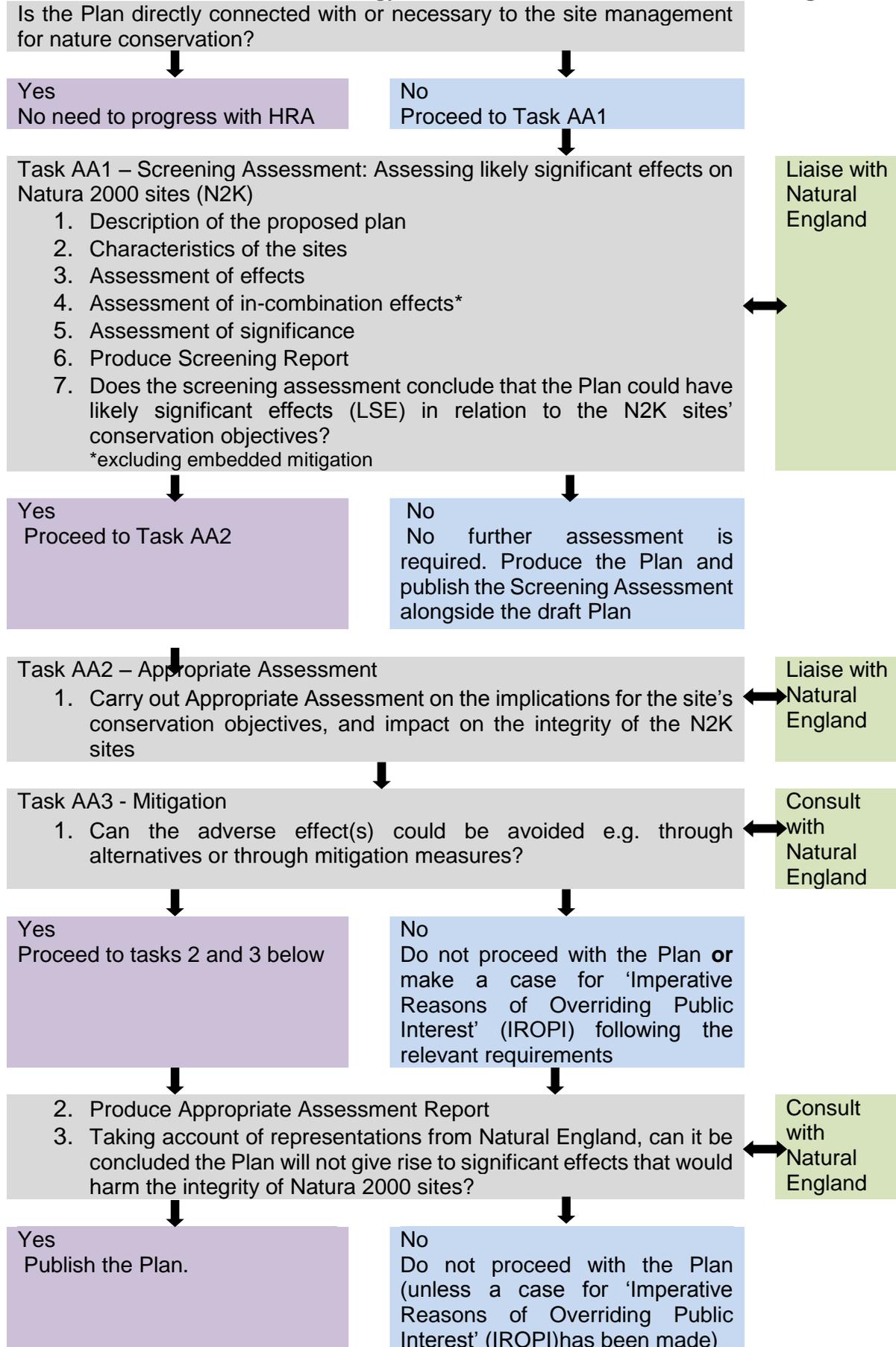
As a result, Natural England advises that any “embedded” mitigation relating to protected sites under the Habitat Regulations 2017 Regulation 63 (1) should no longer be considered at the screening stage, but taken forward and considered at the appropriate assessment stage to inform a decision as whether no adverse effect on site integrity can be ascertained. In light of the recent case law, any reliance on measures intended to avoid or reduce harmful effects at the likely significant stage is vulnerable to legal challenge. You may also want to seek your own legal advice on any implications of this recent ruling for your decisions.”

Methodology

- 2.9 The process of carrying out the Habitats Regulations Assessment is set out in Chart 1 overleaf. The Tasks AA1 – AA3 have been taken from the 2006 draft DCLG guidance (which has now been archived) and the detailed stages have been adapted from the 2001 European Commission guidance. The stages have not undergone substantial modification, but the Screening has been reviewed to exclude ‘embedded mitigation’ at the Screening Stage, as now confirmed by the Judgment of the Court (Seventh Chamber) People Over Wind and Peter Sweetman v Coillte Teoranta. In doing so to examine the features of the designated sites, and the capability of the sites proposed to establish whether there is a Likely Significant Effect which can be reasonably predicted as a consequence of the development of the identified sites which would affect the achievement of conservation objectives of the features for which the site was designated.
- 2.10 Natural England have advised, within the context of the Council’s existing Publication Screening Assessment, to re-examine and evaluate whether any identified embedded mitigation is indeed capable of being measures to be treated as *“intended to avoid or reduce harmful effects”* in respect of the qualifying features of the Natura 2000 sites. Embedded mitigation therefore could be identified in this Screening Assessment as that which is provided through compliance with the strategic policies of the Local Plan Strategy, concerning principally matters of site hydrology and improving connections to the local countryside.
- 2.11 On that basis, this revised screening assessment has firstly re- examined the designated sites and their features and whether there would be a LSE on features of

acknowledged significance in respect of the Natura 2000 designated sites. It has also re-evaluated the features of the potential development sites to consider whether there is indeed any previously referred to 'embedded mitigation' around surface water management and enhancing recreational opportunities within sites, and whether this is indeed explicit mitigation in relation to LSE on conservation features/objectives of designated sites.

Chart 1 - Procedure and Methodology for Assessment under the Habitats Regulations



3. Screening Assessment

- 3.1 The purpose of the screening stage is to examine whether there are likely to be any significant effects upon the notified features and their conservation objectives of the Natura 2000 sites. The preferred sites consultation is not connected with, or necessary to, the site management for nature conservation, and it is therefore necessary to progress to Task AA1. This Screening Assessment covers sites which were identified as option choices or preferred sites in the 2015 Sites Consultation; it also includes those significant sites which have since obtained planning permission. It also identifies sites whose assessment circumstances have changed, and the site has been subsequently identified as a proposed allocation. It has also been reviewed to consider sites through the screening assessment in light of the 2018 Court Judgement, as discussed in paragraphs 2.10 and 2.11.

Natura 2000 sites

- 3.2 In identifying which Natura 2000 sites could possibly be affected, consideration has been given to topography, physical factors and possible impact pathways as well as proximity. Table 2 has been produced to identify the distances between the Natura 2000 sites and the settlements where development is likely to occur. Sites will be adjacent to the built-up edge of the existing settlements. The Natura 2000 sites considered as part of this screening assessment are:

- North York Moors SAC*
- North York Moors SPA*
- River Derwent SAC*
- Lower Derwent SAC, SPA and Ramsar*
- Eller's Wood and Sand Dale SAC*
- Strensall Common SAC
- Fen Bog SAC
- Beast Cliff SAC
- Flamborough Head SAC SPA and Bempton Cliffs SPA
- Humber Estuary SAC/SPA/Ramsar
- Arnecliff and Park Hole Woods SAC
- Skipwith Common SAC

*Full details of these sites, including the site's features, vulnerabilities, conservation objectives and location maps, are contained in Appendix 1.

Habitats Regulations Assessment of the Ryedale Local Plan Strategy

- 3.3 The Ryedale Local Plan Strategy was adopted in September 2013. As part of its production, a Habitats Regulations Assessment³ was undertaken in December 2009 – this considered the implications of the strategic options for housing and employment development. Consultation on the options took place in summer 2009 with a Draft Core Strategy being published for consultation in summer 2010. This was followed by a Publication version of the Local Plan Strategy which was available for comments in January 2012. This was accompanied by an addendum to the Habitats Regulations Assessment which stated that there had been no significant changes to the strategy

³ Habitats Regulations Assessment (Entec for Ryedale District Council, 2009)

which would affect the conclusions of the assessment. The effects of the principle of an additional 1500 homes in Malton and Norton, 750 homes in Pickering, 300 homes in Kirkbymoorside and 150 homes in Helmsley, with 300 homes distributed across ten service villages, in conjunction with an additional 20% land supply buffer, have therefore been considered already as part of the production of the Ryedale Local Plan Strategy.

3.4 The Ryedale Local Plan Strategy Habitats Regulations Assessment (2009/12) examined the three Development Location options. The selected option (option 3) concentrated development in the Market Towns, with a modest level of development to the Service Villages, it was concluded that the following effects may result from the approach of concentrating development in market towns and a selection of key service villages:

- River Derwent SAC – flood management, infrastructure, effluent discharge
- Lower Derwent Ramsar, SPA and SAC - flood management, effluent discharge
- North York Moors SPA and SAC – Loss of foraging grounds, recreational pressure effects
- Fen Bog SAC – recreation pressure
- Eller's Wood and Sandsdale SAC – recreational pressure

The following sites were considered indirectly effected:

- Strensall Common SAC (Recreational Pressure)
- Beast Cliff SAC (Recreational Pressure)
- Flamborough Head SAC SPA and Bempton Cliffs SPA (Recreational Pressure)
- Arnecliff and Park Hole Woods SAC (Recreational Pressure)
- Skipwith Common SAC (Recreational Pressure)

3.5 Beast Cliff - (Whitby) SAC, Fen Bog SAC, Flamborough Head and Bempton Cliffs SPA, and Flamborough Head SAC were considered as part of the Habitats Regulations Assessment carried out on the Ryedale Local Plan Strategy in 2009, and it is considered that due to distance that they can be screened out of this HRA.

3.6 The HRA undertaken for the Local Plan Strategy concluded that due to the distance of the of these sites from the settlements, the nature and scale of development being proposed, means that the recreational pressure would be insignificant as regards Arnecliff and Park Hole Woods SAC, and Skipwith Common SAC,

3.7 As the Market Towns are mostly located towards the North of the District it is considered that option 3 could result in increased amounts of development close to the North York Moors SAC and SPA. Whilst it was concluded that direct impacts were not probable, it was concluded that detrimental effects may occur through the loss of foraging and loafing sites for golden plover (*Pluvialis apricaria*) where this bird utilizes pasture land on the outskirts of existing towns, when such land is used for housing or is disturbed. However this option would reduce pressure on the River Derwent SAC.

3.8 In terms of the quantum of development, it was considered that in relation to option 3 (the selected option) the development of a proportion of 1250 new houses in the northern market towns may result in the loss of pasture land used for foraging golden

plover and increased use of pasture land for dog walking may lead to disturbance to golden plover.

- 3.9 In order to ensure that the impacts identified in 3.7 and 3.8 do not occur the assessment set out a series of recommendations which should be followed in allocating sites through undertaking an Appropriate Assessment. This is factored into the considerations undertaken as part of this Screening Assessment.

Table 1: Conclusions and recommendation of the Habitats Regulations Assessment of the Ryedale Local Plan Strategy

Natura 2000 site	Conclusion / recommendation
River Derwent SAC	Except within Malton/Norton, development will not be permitted within the floodplain of the River Derwent and its tributaries unless it can be demonstrated through an Appropriate Assessment that there will be no adverse effect on the SAC, alone or in combination with other plans and projects.
River Derwent SAC	Developments within the catchment of the River Derwent and its tributaries must incorporate sustainable drainage measures to: a) Ensure there is no increase in surface water run-off (accounting for climate change) and thus demand for flood defences; and b) Ensure there is no increase in diffuse pollution from the built up area entering the river system.
North York Moors SAC and SPA	To help manage recreational pressure on the North York Moors SPA/SAC and east coast designated sites all new residential developments within 10km should provide a financial contribution (appropriate to the scale of development in question and distance from the designated sites) towards on-going access management in accordance with this management plan.
North York Moors SAC and SPA	To avoid increasing recreational pressure on the North York Moors SPA/SAC, in line with the Natural England guidance, an area of accessible natural greenspace of at least 500ha in size must be provided within 10km of each home forming part of new residential developments in Kirkbymoorside, Helmsley and Pickering.
North York Moors SAC and SPA	In Pickering / Kirkbymoorside / Helmsley, a sequential approach will be taken to site allocation such that development will only be permitted on Greenfield sites if no other sites are reasonably available.
North York Moors SPA	Greenfield development sites within 10km of the North York Moors SPA will only be granted planning approval once a breeding bird survey has been completed by an appropriately qualified ecologist. If golden plover are recorded, development will only be permitted where it has been demonstrated through an Appropriate Assessment that the development site is not of significant value to golden plover.
North York Moors SPA	To avoid increasing recreational pressure on pasture land of value to golden plover, in line with Natural England guidance, at least 2ha of accessible natural greenspace within 300m of each home must be provided as part of the development proposals in respect of residential developments on Greenfield sites in Pickering / Helmsley / Kirkbymoorside, unless an Appropriate

	Assessment at Site Allocations DPD stage can demonstrate there will be no adverse effect on the integrity of the SPA/SAC, alone or in combination with other plans or projects.
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The Development Site Appraisal

- 3.10 In order to begin the Screening Assessment, the physical distance between the settlements where development is to be located, and the Natura 2000 site was identified. This helps to establish whether any effect is direct, indirect, insignificant or non-existent. This is shown in Table 2 on the following page.
- 3.11 The Ryedale Plan Local Plan Sites Document will allocate land for housing and employment development to meet the requirements for the District as established through Ryedale's Local Plan Strategy. The sites will come forward for development over the period to 2027.
- 3.12 This screening report assesses the sites which have performed better through the Site Selection Methodology, and therefore through the sustainability appraisal process. The screening assessment covers more sites than will be necessary to meet Plan requirements. As the Local Plan Sites Document has progressed, the number/scale of sites would be reduced to a level which conforms to the Local Plan Strategy.
- 3.13 Surveys of the extent of the Golden Plover were undertaken for the Northern Market Towns and Service Villages, on the land surrounding the settlements which had been submitted for consideration.

The survey undertaken in 2013 at the Market Towns concluded: *“The 2013 survey recorded no Golden Plover at any of the survey sites. In addition there were no sightings of Golden Plover within 1km of any survey site. We can therefore be confident that none of the survey sites are of significant importance for Golden Plover and that it is safe to conclude that the loss of these sites will not be detrimental to the species in the North York Moors SPA.”*

The survey undertaken in 2014 at the Service Villages concluded: *“The 2014 survey recorded no Golden Plover at any of the Survey Sites. In addition, there were no sightings of Golden Plover within 1km of any survey site. We can therefore be confident that none of the surveys sites are of significant importance for Golden Plover and safe to conclude that the loss of these sites will not be detrimental to the species in the North York Moors SPA”.*

Table 2 Distance between settlements and Natura 2000 Sites in kilometres (km)

Settlement	Beast Cliff SAC	Eller's Wood and Sand Dale SAC	Fen Bog SAC	Flamborough Head SAC/SPA	Bempton Cliffs SPA	River Derwent SAC **	Lower Derwent Valley SAC/SPA/ Ramsar	North York Moors SPA/SAC *	Strensall Common SAC	Arnecliffe and Park Hole Woods
Malton/Norton		14	26.5			Passes through these settlements	28	20	17	
Pickering		5.1	15.9			8.8		7.5	26.3	22
Kirkbymoorside		15.3	19.7			16.6		4.3	24.5	21
Amotherby/ Swinton		15	26.3			3.5		17.5	15.1	
Ampleforth		28	33.5			21		9.3	18.4	
Hovingham		20	29			12		15.5	13.6	
Nawton/Beadlam		20.1	23.5			19.2		6.9		
Rillington		10	24			2.5		17.3	23.3	
Sherburn		12.7	24			13		19.5	34	
Sheriff Hutton		27	37				21	24	4.2	
Slingsby		18	28.7			8.7		15.9	13.1	
Staxton/Willerby		16	25	14.3	14.3	19		22.4	40	
Thornton le Dale	22.5	1.8	14			8.1		8	28.9	23

This table demonstrates the shortest (as the crow flies) distance to a Natura 2000 site, and is approximate. It uses data from Magic Website. <http://www.magic.gov.uk>

* SAC and SPA have the same boundary, and it is not reflective of the National Park Boundary.

** Riverine environments have the potential to be impacted upon by upstream activity, and the Derwent SAC begins where the R. Derwent meets the R. Rye. Impacts on the river are not necessarily a function of distance from the SAC.

- 3.13 The questions used in the screening assessment are adapted from ‘*Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites*’ (European Commission, 2001) and provide the basis for ascertaining whether there will be any likely significant effects. It provides information on the: The description of the proposed plan; Characteristics of the sites; Assessment of effects; Assessment of in-combination effects; and assessment of significance.
- 3.12 The assessment process has been multi-stage, and reflects the changes in site situations. Appendix 3 tabulates the screening assessment of potential effects for all sites in each of the Market Towns and Service Villages which have through the Site Selection Methodology, and demonstrated some potential. Below is the list of sites which were consulted upon in 2015. In the intervening period a small number of changes to sites have been proposed, (change of proposed site allocation in Amotherby (from site 8 to site148), a new site in Thornton le Dale (662) which now has planning permission, and an additional site in Malton (450)) these have been subsequently screened. Through further assessment based on existing commitments (consents and completions) the list below now identified the following sites which have been chosen as preferred sites to be allocated in the Local Plan Sites Document:

Malton and Norton

Residential Option Choices Consulted on in 2015

- Site 649 (88) – Land at Norton Lodge (east of Beverley Road) (Circa 578 dwellings) in conjunction with site 651 Land to the south and east of Hugden Way, which is proposed as a mixed use site.
- Site 218 (108/281) - Land North of Castle Howard Road, West of Castle Howard Drive and East of the A64 (Circa 445 dwellings)
- Site 249 - Land South of Castle Howard Road (Circa 237 dwellings)
- Site 324 - Land South of Westgate Lane and North of Green Lane (Circa 241 dwellings)

Ryedale Plan- Local Plan Sites Document 2017- proposed allocations

- Site 649 (88) – Land at Norton Lodge (east of Beverley Road) (Circa 600 dwellings)
- Site 450 - Ryedale House (District Council Offices) (c.60-90 dwellings) is to be subject to the Appropriate Assessment

Employment land proposed in the 2015 Sites Consultation:

- Site 578 - Land to the North of A64 and South of Wyse House Lane, Old Malton

(13.93ha)

- Site 579 - Land North of Wyse House Lane and East of A169, Old Malton (16.46ha)

Ryedale Plan- Local Plan Sites Document 2017

- An undefined area of land to the east of the A169 and north of the A464 is identified as a broad location

Pickering

Residential Options consulted on in 2015:

- Site 116 - Land to the north of Middleton Road and east of Crook Lane (Circa 117 dwellings)
- Site 200 - Land West of Malton Road and Haygate Lane (Circa 108 dwellings)
- Site 347 - Land East of Whitby Road and North of Corbie Way/ Marshall Drive (Circa 180 dwellings)
- Site 205/ 387 - Land South of Firthland Road and West of Greenlands Road (Circa 265- 312 dwellings)

Ryedale Plan- Local Plan Sites Document 2017- proposed allocations

- Site 200 - Land West of Malton Road and Haygate Lane (Circa 108 dwellings)
- Site 347 - Land East of Whitby Road and North of Corbie Way/ Marshall Drive (Circa 180 dwellings)

Proposed Employment land 2015

- Site 650 – Land south of Enterprise Way and East of Outgang Lane (16.3 ha)

Proposed Employment Allocation 2017

- Site 650 – Land south of Enterprise Way and East of Outgang Lane (12.28 ha)

Kirkbymoorside

Residential Options consulted on in 2015

2 Options for development at the settlement:

- The redevelopment of the Micrometalsmiths site 454 and adjoining land (259) for residential purposes to support the relocation of the factory and deliver circa 124 homes or,
- The development of a combination of other sites including site 265; a limited supply of land from sites 201, 345 and Site 156

Ryedale Plan- Local Plan Sites Document 2017- proposed allocations

- Site 265 Former Brickworks, Swineherd Lane (7 Dwellings)
- Site 201 Keld Head Road (18 Dwellings)
- Site 156 Land south of Swineherd Lane (30 Dwellings)

Employment land consultation 2015

- Site 622 – Land to the south of Kirkby Mills

Ryedale Plan- Local Plan Sites Document 2017-

No allocations. Employment land supply met by planning permission.

Service Villages

2015 Sites Consultation

- Site 51- Pecketts Yard, Sheriff Hutton (circa 15 units)
- Site 430 (incorporating site 464) - Land East of the Balk and south of Aspen Way, Slingsby (Circa 73 units max)
- Site 638 (including previous site submission references 176/286/291/292/536) - Land to east of Low Moorgate and north of Manor View, Rillington (circa net additional 17 units)
- Site 8- Land to east of properties on Main Street and north of St Helen's, Amotherby (circa 19 units)

Ryedale Plan- Local Plan Sites Document 2017- proposed allocations

- Site 430 (incorporating site 464) - Land East of the Balk and south of Aspen Way, Slingsby (Circa 36 units max)
- Site 148- Land to east of properties on Main Street and north of St Helen's, Amotherby (circa 40 units)

Permissions have now been granted at the following sites:

- Site 662 - Land at East Hill House, Thornton le Dale (26 Units)
- Site 51- Pecketts Yard, Sheriff Hutton (12 units)
- Site 638 - (including previous site submission references 176/286/291/292/536) - Land to east of Low Moorgate and north of Manor View, Rillington (net additional 17 units resulting in 26 units in total)
- Site 347- Whitby Road at Pickering 239 units has a permission in principle at the time of writing.

Projects / Plans which might act in combination

3.15 The Directive states that the assessment needs to consider whether the proposal (sites) will have an effect on the Natura 2000 site either individually or in-combination with other plans and projects. This should include:

- approved but incomplete plans and projects;
- permitted ongoing activities; and
- plans or projects begun/applied for but not yet approved.

Plans have also been selected depending upon their relevance and significance, and have been selected where:

- They are not directly connected with or necessary to the site management for nature conservation; and
- They cover all or part of a Natura 2000 site or sites, or they relate to activities which may impact upon Natura 2000 sites.

The Local Plan Sites Document

3.16 This HRA Screening Assessment is considering the 'in-combination' effects of the sites consulted on in 2015, and now as part of the Publication of the Local Plan Sites Document. In combination effects should also be considered in terms of the effects of the Policy component of the Ryedale Plan-Local Plan Sites itself.

3.17 The further policies of the Local Plan Sites Document are considered in Appendix 2. They are concerned with site-specific policies regarding restraint of development, known as Visually Important Undeveloped Areas. Or, in respect of retail policy, and existing businesses, focus on existing developed areas. As such, the other policy

elements of the Local Plan Sites Document would have no impact on the conservation objectives of Natura 2000 Sites, alone or in-combination with the proposed site allocations.

- 3.18 Whilst a large number of the Plans and projects identified below have been subject to their own HRA, in-combination effects cannot not be ruled out on the sole basis that the plan has undergone HRA, and been found compliant with the Directive. In combination assessment should determine whether effects determined to be *de minimis*, or would be a Likely Significant Effect combined with other policies/sites. The aim is to avoid the incremental and cumulative harm to the Natura 2000 sites.

The Local Plan Strategy

- 3.19 The Ryedale Plan is made up of three key documents. The Local Plan Strategy (LPS) provides the strategic steer on where development can take place, through the Spatial Strategy, and policies on housing and employment land distribution and quantum. It therefore is the principal guide to the second parts of the Ryedale Plan: the Helmsley Plan and Local Plan Sites Document, and is the key influence on the Local Plan Sites Document (LPSD). The spatial approach has been to concentrate development around Market Towns and key villages, to bring about the most sustainable pattern of growth. With the exception of Malton and Norton, this means that new development sites will not be proximal to any of the Natura 2000 sites. The LPS also provides a number specific policies which consider the ecological impact of schemes from a biological perspective concerning habitat resilience, but also from a ecosystems services perspective covering the protection of air, soil and water quality, the promotion of Green Infrastructure between the town and countryside interface, and the application of water attenuation systems (such as SUDs) which ensure that water runoff rates do not exceed the flow-rate of the land as an open field. This policy document will therefore be a principle steer on not only which sites progress as allocations, but also, importantly, how the sites are developed.

Other Plans and Projects

- 3.20 Other relevant plans and projects that should be considered in combination with the Preferred sites:
- The Helmsley Plan
 - North York Moors National Park Core Strategy and Development Policies Development Plan Document
 - Redcar and Cleveland Core Strategy and Development Policies
 - Hambleton Core Strategy Development Policies and Allocations
 - Scarborough Borough Council Local Plan
 - North Yorkshire Local Transport Plan
 - North Yorkshire Rights of Way Improvement Plan
 - River Derwent Catchment Flood Management Plans
 - River Derwent Catchment Abstraction Management Plan
 - Humber River Basin Management Plans
 - North York Moors National Park Management Plan
 - North York Moors Recreation and Access Strategy
 - Joint Minerals and Waste Plan for York and North Yorkshire

- 3.21 The consideration of the in-combination effects concerning these plans and their projects and an assessment of the effects of these plans upon the integrity of Natura 2000 sites, with the sites subject to this consultation is tabulated in Appendix 2 of this report, and the conclusions outlined below.

Planning Permissions already granted

- 3.22 As part of considering the in-combination effects the most significant planning approvals have also been considered. They will be factored in to the calculation of the residual amount of housing/employment land to be provided.

Summary Conclusions of the potential for In- Combination Effects

- 3.21 The assessment should consider significant effects alone and proceed with those that are likely have LSE to the appropriate assessment. Those that are not LSE alone should be considered in combination and those that are (can't be ruled out) should also proceed to appropriate assessment. This ensures in-combination effects are considered.
- 3.22 It is considered that through the examination of the other relevant plans and projects, it has been possible to identify no in-combination effects which would present a situation whereby the Conservation Objectives of Natura 2000 sites would be harmed by the Local Plan Sites Document, or that in-combination effects could be viewed as 'embedded mitigation'. However, due to site-specific potential vulnerabilities concerning the River Derwent SAC, and the need to discount any in-combination effects which may be viewed as 'embedded mitigation', such as the operation of Policies in the Local Plan Strategy, sites in Malton and Norton will still need to be subjected to scrutiny through the Appropriate Assessment process.

4. Conclusions on impact on Conservation Objectives of the Natura 2000 Sites

- 4.1 The screening matrix in appendix 3 identifies that the development of the proposed sites for allocation in the following settlements Pickering, Kirkbymoorside, Amotherby and Slingsby, and the identification of commitments will not have any likely significant effect on the conservation objectives of any Natura 2000 sites. For Malton and Norton there are no likely significant effects in relation to all Natura 2000 sites, except for the River Derwent SAC and Lower Derwent SAC/SPA/Ramsar Site. The scale, location and nature of the proposed allocations has been assessed against the features of the Designated Sites and there are no embedded mitigation measures which are specifically required on that basis.
- 4.2 The totality of the sites assessed through the 2015 Screening Assessment, were a level of development that would significantly exceed that of the requirements Local Plan Strategy. However, as set out earlier in this Screening Assessment, the proposed allocations are identified to now meet residual plan requirements. Some sites will have a reduced development area. This will be necessary in some site situations to mitigate other constraints (such as flood risk and setting of heritage assets) which are present on the sites, and is identified as a Development Principle on that basis. Although these mitigations are not related in any manner to the Natura 2000 sites.
- 4.3 In respect of the other site-specific policies of the Local Plan Sites Document. This Screening Assessment has confirmed that the other policies in the Local Plan Sites Document will not have any effect individually, or in combination, with conservation objectives any of the Natura 2000 sites. This is due to the other site specific policies involving currently developed with no pathways/receptors which would directly impact on Natura 2000 sites and their Conservation Objectives.
- 4.4 However, for the proposed Allocations (and other option choices) in Malton and Norton, it has not been possible to conclude for certain, within the screening assessment, whether significant effects will occur or not in respect of the River Derwent SAC. But it can be concluded that they are possible 'likely significant effects'. Any positive in-combination effects identified through the operation of the Local Plan Strategy, which might be termed 'embedded mitigation' are unable to be identified as mitigation. It should be noted that whilst the proposed allocations are identified, in order demonstrate that alternatives have been considered the option choice sites of 2015 and the proposed allocations are both subjected to Appropriate Assessment.
- 4.5 Potential effects have been identified in this Screening Assessment may arise in relation to sites in Malton and Norton concerning:
- Effects on water quality in the River Derwent SAC and Lower Derwent SAC, SPA and Ramsar from increased run-off;
 - 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;
- With consequential impacts Qualifying Habitat Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-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;

And

- Increased recreational pressure on the Derwent leading to disturbance to Otters (*Lutra lutra*)

4.6 The following sites are identified to be assessed through the Appropriate Assessment process:

The proposed allocations/broad locations are in bold.

- Site 218 (108/281) - Land North of Castle Howard Road, West of Castle Howard Drive and East of the A64 *
(Circa 445 dwellings)
- Site 249 - Land South of Castle Howard Road
(Circa 237 dwellings)
- Site 324 - Land South of Westgate Lane and North of Green Lane
(Circa 241 dwellings)
- **Site 450 - Ryedale House (Ryedale District Council Offices)**
(Circa 90 dwellings)
- **Site 88 (649) – Land at Norton Lodge (east of Beverley Road)**
(Circa 500 dwellings)
- **Malton and Norton – Employment Land to be Safeguarded- as a broad location**
- Site 578 - Land to the North of A64 and South of Wyse House Lane, Old Malton (13.93ha)
- Site 579 - Land North of Wyse House Lane and East of A169, Old Malton (16.46ha)

*Site 218 has been subject of a HRA screening assessment as part of the planning application which was refused in Autumn 2015. It concluded no likely significant effects based on various avoidance measures which are achievable, and can be conditioned, and assessment of the expected recreational pressure. However, since no application has been approved, it remains prudent to objectively consider the site in combination with other sites. It is therefore to be considered through the Appropriate Assessment on that basis.

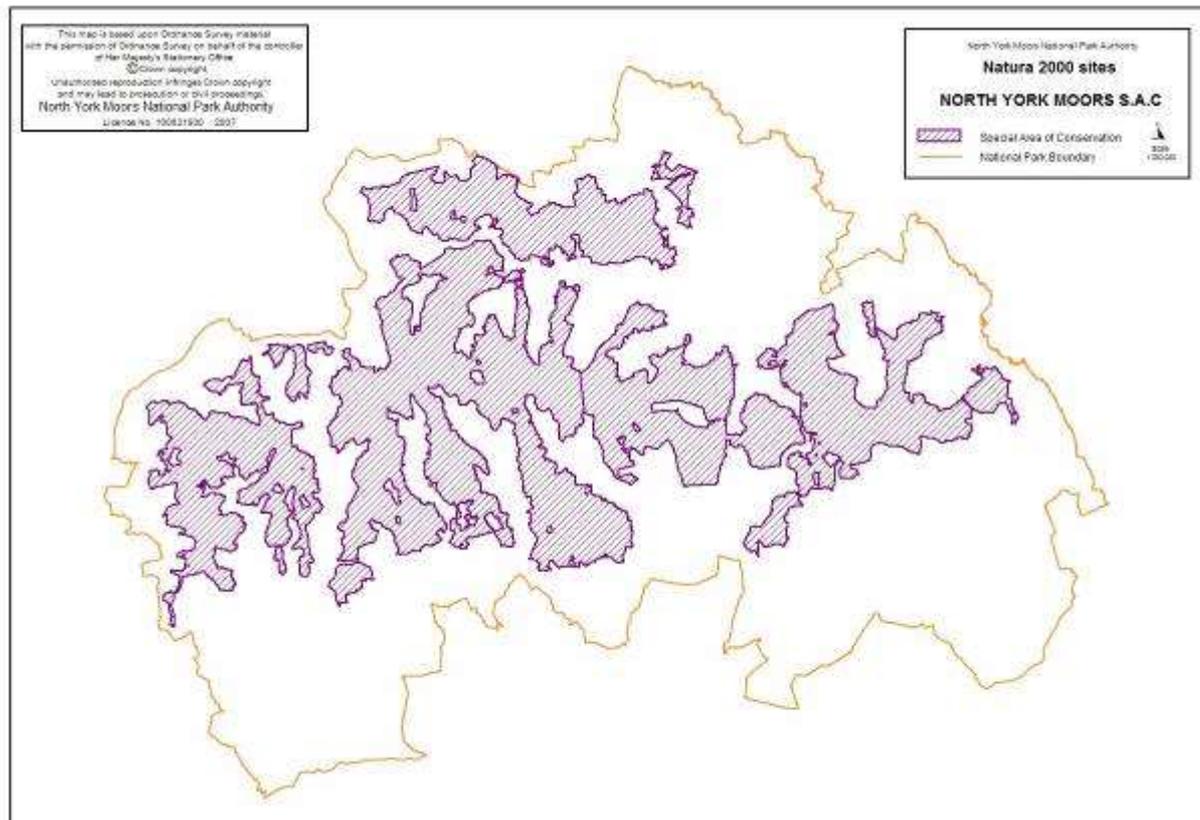
4.7 The Appropriate Assessment accompanies this HRA Screening has been prepared with detailed information from those responsible for the submission of the sites. The Appropriate Assessment will look at the proposed options, and consider their cumulative effects, and configurations which would best reflect the residual Plan requirements. The Appropriate Assessment will examine if the identified potential likely significant effects concerning water run-off/contamination and recreational

pressure can be avoided, or mitigated to a level where there is no adverse effect on the Conservation Objectives of the Natura 2000 site, the River Derwent SAC.

APPENDICIES

Appendix 1: Details and locations of Natura 2000 sites

North York Moors Special Area of Conservation Site code: UK0030228



With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change; Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- The extent and distribution of the qualifying natural habitats;
- The structure and function (including typical species) of the qualifying natural habitats; and
- The supporting processes on which the qualifying natural habitats rely.

This document should be read in conjunction with the accompanying Supplementary Advice document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Qualifying Features:

H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath

H4030. European dry heaths

H7130. Blanket bogs*

* denotes a priority natural habitat or species (supporting explanatory text on following page)

* Priority natural habitats or species

Some of the natural habitats and species listed in the Habitats Directive and for which SACs have been selected are considered to be particular priorities for conservation at a European scale and are subject to special provisions in the Directive and the Habitats Regulations.

These priority natural habitats and species are denoted by an asterisk (*) in Annex I and II of the Directive. The term 'priority' is also used in other contexts, for example with reference to particular habitats or species that are prioritised in UK Biodiversity Action Plans. It is important to note however that these are not necessarily the priority natural habitats or species within the meaning of the Habitats Directive or the Habitats Regulations.

Explanatory Notes: European Site Conservation Objectives

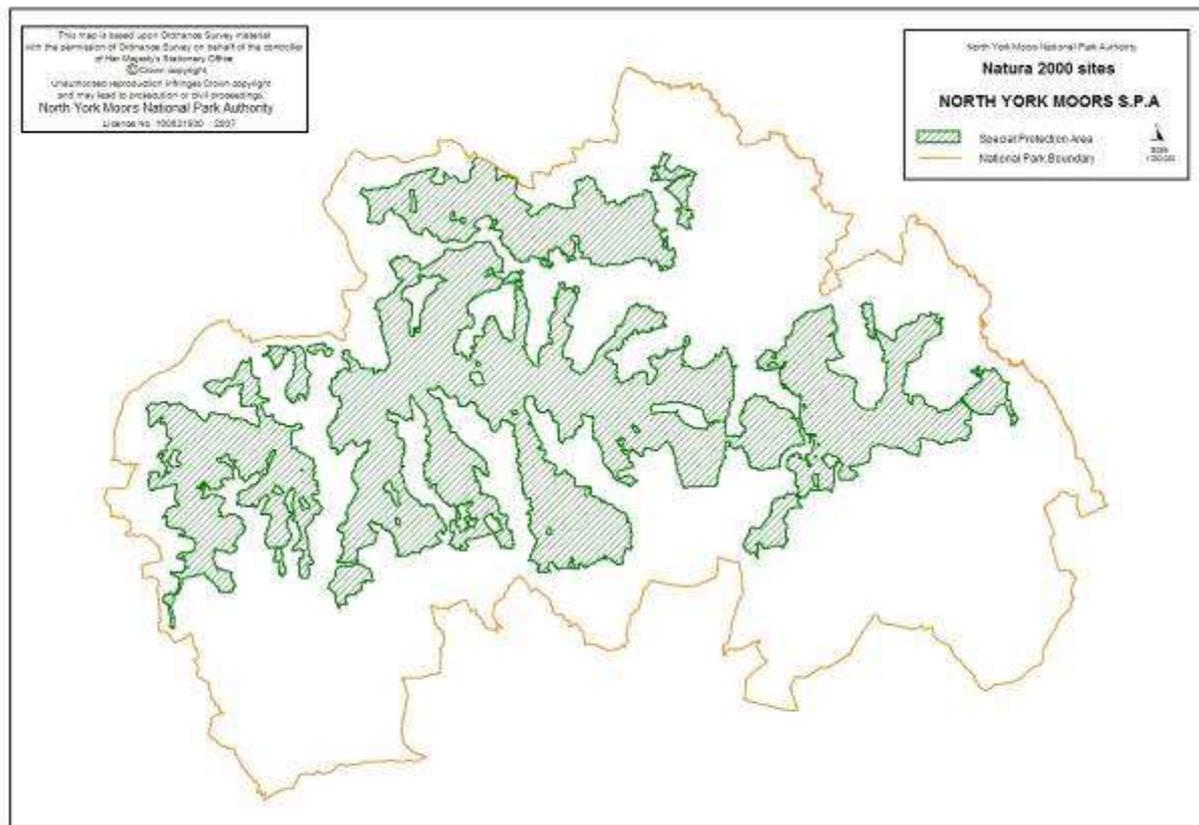
These Conservation Objectives are those referred to in the Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations") and Article 6(3) of the Habitats Directive. They must be considered when a competent authority is required to make a 'Habitats Regulations Assessment', including an Appropriate Assessment, under the relevant parts of this legislation.

These Conservation Objectives and the accompanying Supplementary Advice (where available) will also provide a framework to inform the measures needed to conserve or restore the European Site and the prevention of deterioration or significant disturbance of its qualifying features as required by the provisions of Article 6(1) and 6(2) of the Directive.

These Conservation Objectives are set for each habitat or species of a Special Area of Conservation (SAC). Where the objectives are met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving Favourable Conservation Status for that species or habitat type at a UK level. The term 'favourable conservation status' is defined in Article 1 of the Habitats Directive.

North York Moors Special Protection Area Site code UK9006161

<http://publications.naturalengland.org.uk/publication/6207512114102272?category=5758332488908800>



The North York Moors SPA contains the largest continuous tract of heather moorland in England. The site displays a wide range of high quality dry heathland and blanket bog vegetation types dominated by *Calluna*. The transition from dry heathland to blanket bog is complemented by a diverse mosaic of wet heath and flush communities. Boundary of SPA: The SPA boundary is coincident with North York Moors SSSI.

Size of SPA: The SPA covers an area of 44,087.68 ha.

European ornithological importance of the SPA: North York Moors SPA is of European importance because:

The site qualifies under article 4.1 of the Directive (79/409/EEC) as it is used regularly by 1% or more of the Great Britain population of two species listed in Annex I in any season:

Annex I species

Merlin *Falco columbarius*

Golden Plover *Pluvialis apricaria*

Features of Interest

The North York Moors supports an intimate mosaic of dry and wet heath interspersed in parts with smaller amounts of blanket bog (see North York Moors SAC). This heathland supports an important assemblage of moorland breeding birds.

In particular, the tall heather is favoured for breeding by populations of merlin *Falco columbarius*, the UK's smallest bird of prey. Merlin are of international importance and are a primary reason for the selection of this site as an SPA. There is also a long recorded history of occupancy of Merlin at this site.

In addition, the diversity of heather of found on these moors as a result of heather management also supports a large population of golden plover *Pluvialis apricaria*, who generally favour the shorter vegetation. Golden plover are also of international importance and are a primary reason for the selection of this site as an SPA.

Vulnerabilities

The value of the North York Moors as a habitat for merlin, golden plover and other breeding birds is dependent upon maintaining the existing levels of moorland management currently carried out by farmers and gamekeepers. Overgrazing or too frequent heather burning (deliberate or accidental) could lead to a loss of structural diversity on the heaths and mires, whilst the removal of grazing could result in large areas of old heather and invasion by bracken. In addition, poor keeping of the moors for grouse may also lead to increasing persecution of raptors, including merlins.

Conservation Objectives

- Subject to natural change, to maintain or restore:
- The extent and distribution of the habitats of the qualifying features;
- The structure and function of the habitats of the qualifying features;
- The supporting processes on which the habitats of the qualifying features rely;
- The populations of the qualifying features;
- The distribution of the qualifying features within the site.

River Derwent Special Area of Conservation
Site code: UK0030253

<http://publications.naturalengland.org.uk/publication/4824082210095104?category=5758332488908800>

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change; Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species;
- The structure and function (including typical species) of qualifying natural habitats;
- The structure and function of the habitats of qualifying species;
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;
- The populations of qualifying species; and
- The distribution of qualifying species within the site.

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Qualifying Features:

H3260. Water courses of plain to montane levels with the *Ranunculus fluitantis* and *Callitriche-Batrachion* vegetation; Rivers with floating vegetation often dominated by water-crowfoot

S1095. *Petromyzon marinus*; Sea lamprey

S1099. *Lampetra fluviatilis*; River lamprey

S1163. *Cottus gobio*; Bullhead

S1355. *Lutra lutra*; Otter

Explanatory Notes: European Site Conservation Objectives

These Conservation Objectives are those referred to in the Conservation of Habitats and Species Regulations 2010 (the “Habitats Regulations”) and Article 6(3) of the Habitats Directive. They must be considered when a competent authority is required to make a ‘Habitats Regulations Assessment’, including an Appropriate Assessment, under the relevant parts of this legislation.

These Conservation Objectives and the accompanying Supplementary Advice (where this is available) will also provide a framework to inform the measures needed to conserve or restore the European Site and the prevention of deterioration or significant disturbance of its qualifying features as required by the provisions of Article 6(1) and 6(2) of the Directive. These Conservation Objectives are set for each habitat or species of a Special Area of Conservation (SAC). Where the objectives are met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving Favourable Conservation Status for that species or habitat type at a UK level. The term ‘favourable conservation status’ is defined in Article 1 of the Habitats Directive.

Lower Derwent Valley Special Area of Conservation
Site Code: UK0012844

The Lower Derwent SAC is located 8km south of the southern boundary of Ryedale District. A location map can be viewed at

<http://publications.naturalengland.org.uk/publication/5660734323163136?category=5758332488908800>

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- The extent and distribution of qualifying natural habitats and habitats of qualifying species;
- The structure and function (including typical species) of qualifying natural habitats;
- The structure and function of the habitats of qualifying species ;
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;
- The populations of qualifying species; and
- The distribution of qualifying species within the site.

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Qualifying Features:

H6510. Lowland hay meadows (*Alopecurus pratensis*, *Sanguisorba officinalis*)

H91E0. Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*); Alder woodland on floodplains*

S1355. *Lutra lutra*; Otter

* denotes a priority natural habitat or species (supporting explanatory text on following page)

*** Priority natural habitats or species**

Some of the natural habitats and species listed in the Habitats Directive and for which SACs have been selected are considered to be particular priorities for conservation at a European scale and are subject to special provisions in the Directive and the Habitats Regulations. These priority natural habitats and species are denoted by an asterisk (*) in Annex I and II of the Directive. The term 'priority' is also used in other contexts, for example with reference to particular habitats or species that are prioritised in UK Biodiversity Action Plans. It is important to note however that these are not necessarily the priority natural habitats or species within the meaning of the Habitats Directive or the Habitats Regulations.

Explanatory Notes: European Site Conservation Objectives

These Conservation Objectives are those referred to in the Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations") and Article 6(3) of the Habitats Directive. They must be considered when a competent authority is required to make a 'Habitats Regulations Assessment', including an Appropriate Assessment, under the relevant parts of this legislation.

These Conservation Objectives and the accompanying Supplementary Advice (where available) will also provide a framework to inform the measures needed to conserve or restore the European Site and the prevention of deterioration or significant disturbance of its qualifying features as required by the provisions of Article 6(1) and 6(2) of the Directive. These Conservation Objectives are set for each habitat or species of a Special Area of Conservation (SAC). Where the objectives are met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving Favourable Conservation Status for that species or habitat type at a UK level. The term 'favourable conservation status' is defined in Article 1 of the Habitats Directive.

Lower Derwent Valley Special Protection Area UK9006092

Location

The Lower Derwent SPA is located 8km south of the southern boundary of Ryedale District, and now includes the Derwent Ings SPA. More details are available at

<http://publications.naturalengland.org.uk/publication/6223883187257344>

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Qualifying Features:

A037 *Cygnus columbianus bewickii*; Bewick's swan (Non-breeding)

A050 *Anas penelope*; Eurasian wigeon (Non-breeding)

A052 *Anas crecca*; Eurasian teal (Non-breeding)

A056 *Anas clypeata*; Northern shoveler (Breeding)

A140 *Pluvialis apricaria*; European golden plover (Non-breeding)

A151 *Philomachus pugnax*; Ruff (Non-breeding)

Waterbird assemblage

Conservation Objectives

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- The extent and distribution of the habitats of the qualifying features;
- The structure and function of the habitats of the qualifying features;
- The supporting processes on which the habitats of the qualifying features rely;
- The population of each of the qualifying features; and
- The distribution of the qualifying features within the site.

Explanatory Notes: European Site Conservation Objectives

These Conservation Objectives are those referred to in the Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations") and Article 6(3) of the Habitats Directive. They must be considered when a competent authority is required to make a 'Habitats Regulations Assessment' including an Appropriate Assessment, under the relevant parts of this legislation.

These Conservation Objectives and the accompanying Supplementary Advice (where this is available) will also provide a framework to inform the management of the European Site under the provisions of Articles 4(1) and 4(2) of the Wild Birds Directive, and the prevention of deterioration of habitats and significant disturbance of its qualifying features required under Article 6(2) of the Habitats Directive.

These Conservation Objectives are set for each bird feature for a Special Protection Area (SPA). Where the objectives are met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving the aims of the Wild Birds Directive.

Eller's Wood and Sand Dale Special Area of Conservation
Site Code: UK0030039

This site is approximately 1.5 km north east of Thornton le Dale.

<http://publications.naturalengland.org.uk/publication/6000415904628736?category=5758332488908800>

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change; Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species;
- The structure and function (including typical species) of qualifying natural habitats;
- The structure and function of the habitats of qualifying species;
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;
- The populations of qualifying species; and
- The distribution of qualifying species within the site.

This document should be read in conjunction with the accompanying Supplementary Advice document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Qualifying Features:

H7220. Petrifying springs with tufa formation (Cratoneurion); Hard-water springs depositing lime*

S1013. Vertigo geyeri; Geyer's whorl snail

* denotes a priority natural habitat or species

Priority natural habitats or species

Some of the natural habitats and species listed in the Habitats Directive and for which SACs have been selected are considered to be particular priorities for conservation at a European scale and are subject to special provisions in the Directive and the Habitats Regulations. These priority natural habitats and species are denoted by an asterisk (*) in Annex I and II of the Directive. The term 'priority' is also used in other contexts, for example with reference to particular habitats or species that are prioritised in UK Biodiversity Action Plans. It is important to note however that these are not necessarily the priority natural habitats or species within the meaning of the Habitats Directive or the Habitats Regulations.

Explanatory Notes: European Site Conservation Objectives

These Conservation Objectives are those referred to in the Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations") and Article 6(3) of the Habitats Directive. They must be considered when a competent authority is required to make a 'Habitats Regulations Assessment', including an Appropriate Assessment, under the relevant parts of this legislation.

These Conservation Objectives and the accompanying Supplementary Advice (where available) will also provide a framework to inform the measures needed to conserve or restore the European Site and the prevention of deterioration or significant disturbance of its qualifying features as required by the provisions of Article 6(1) and 6(2) of the Directive.

These Conservation Objectives are set for each habitat or species of a Special Area of Conservation (SAC). Where the objectives are met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving Favourable Conservation Status for that species or habitat type at a UK level. The term 'favourable conservation status' is defined in Article 1 of the Habitats Directive.

Lower Derwent Ramsar

Location

The Lower Derwent SPA is located approximately 13km south of the boundary of Ryedale District. More details are available at <http://jncc.defra.gov.uk/pdf/RIS/UK11037.pdf>.

Qualifying features

Internationally important wetland assemblage – plants, invertebrates

Ramsar criterion 1

The site represents one of the most important examples of traditionally managed species-rich alluvial flood meadow habitat remaining in the UK. The river and flood meadows play a substantial role in the hydrological and ecological functioning of the Humber Basin.

Ramsar criterion 2

The site has a rich assemblage of wetland invertebrates including 16 species of dragonfly and damselfly, 15 British Red Data Book wetland invertebrates as well as a leafhopper, *Cicadula ornata* for which Lower Derwent Valley is the only known site in Great Britain.

Ramsar criterion 4

The site qualifies as a staging post for passage birds in spring. Of particular note are the nationally important numbers of Ruff, *Philomachus pugnax* and Whimbrel, *Numenius phaeopus*.

Ramsar criterion 5 – assemblages of international importance:

Species with peak counts in winter:

31942 waterfowl (5 year peak mean 1998/99-2002/2003)

Ramsar criterion 6 – species/populations occurring at levels of international importance.

Qualifying Species/populations (as identified at designation):

Species with peak counts in winter:

Eurasian wigeon, *Anas penelope*, NW Europe 8350 individuals, representing an average of 2% of the GB population (5 year peak mean 1998/9- 2002/3) Eurasian teal, *Anas crecca*, NW Europe 4200 individuals, representing an average of 1% of the population (5 year peak mean 1998/9- 2002/3)

Vulnerabilities

Information not available

Appendix 2: In-Combination Assessment of Other Plans, Policies and Projects

Plan / Project	Purpose / Content	Effects on Natura 2000 Sites
<p>The Publication Version of the Local Plan Sites Document</p>	<p>Site Allocations Identification of Visually Important Undeveloped Areas (VIUAs) Retail/Town Centre Policy Specific policies concerning existing business enterprises</p>	<p>Site allocations is assessed in Appendix 3. Policy Considerations: VIUA designations are a policy of restraint which identifies areas/parcels of land for which is considered that the development of such areas would be detrimental to the plan objectives of ensuring that the form, character and setting of settlements is not compromised. This policy has no effects on any conservation objectives of the Natura 2000 sites. Retail/Town Centre policy is concerning the approach to retail development at the Market Towns, within the built up urban area, and as such has no implications on the conservation objectives of the Natura 2000 Sites Policies concerned established businesses are within their existing business operation extents and located away from Natura 2000 Sites. No implications on the conservation Objectives of Natura 2000 sites. Development principles will also accompany the site allocations, these will focus on various aspects of the sites to ensure wider compliance with the Local Plan Strategy, and are aligned to matters which are related to Natura 2000 sites where relevant. These are discussed as part of the Appropriate Assessment.</p>
<p>The Helmsley Plan</p>	<p>Site Allocations and site-specific policies</p>	<p>Possible effects on the North York Moors SPA relating to loss of pasture land for foraging birds and recreational disturbance of birds foraging on pasture land.</p> <p>Possible effects on North York Moors SPA and North York Moors SAC from increased recreation.</p> <p>Possible effects on River Derwent SAC from effluent discharge and from the need for flood defences as a result of increased surface water drainage on the Rye Catchment.</p> <p>The sites are adjacent to Helmsley, and not in the SAC/SPA areas. The level of development to Helmsley was a series of medium-sized sites, c.20-60 units each site, with one site having an extra-care facility on site. The sites were assessed for their contribution</p>

Plan / Project	Purpose / Content	Effects on Natura 2000 Sites
		<p>to the range of habitat used by Golden plover, no such birds were found on any of the sites or within a 1km radius.</p> <p>The sites in Helmsley benefit from substantial areas of open space which are publically accessible, and the sites will develop further areas for informal recreation.</p> <p>Sites were considered through Appropriate Assessment which concluded that mitigation measures, including current activities as well as alterations to the Plan would ensure no adverse effects. On that basis there can be no in-combination effects because adverse impacts are avoided.</p>
Ryedale Local Plan Strategy	Sets out strategic policies for future development in Ryedale district.	<p>The HRA for the LPS indicated possible effects on the North York Moors SPA relating to loss of pasture land for foraging birds and recreational disturbance of birds foraging on pasture land. Possible effects on North York Moors SPA and North York Moors SAC from increased recreation. Possible effects on River Derwent SAC from effluent discharge and from the need for flood defences as a result of increased surface water drainage.</p> <p>The spatial approach has been to concentrate development around Market Towns and key villages, to bring about the most sustainable pattern of growth. With the exception of Malton and Norton, this means that new development sites will not be proximal to any of the Natura 2000 sites.</p> <p>Bird recording studies have concluded that for the North York Moors SAC and SPA designations there is no presence of qualifying species which would warrant a conclusion of LSE in terms of loss of pasture as foraging land and disturbance – this is also given the proximity to existing development. Therefore there is no LSE in this regard.</p> <p>The level of recreational pressure as a result of the development levels identified in the LPS would result in no LSE in relation to the North York Moors SAC and SPA. Any increase in recreational activity would be dispersed and within established areas of recreational access across the National Park area.</p>

Plan / Project	Purpose / Content	Effects on Natura 2000 Sites
		<p>Due to the Proximity of Malton and Norton to the River Derwent it has not been possible to rule out LSE in terms of recreational pressure and the impact on <i>Lutra lutra</i> (Otter) and the impacts on the River Derwent's hydrological regime and consequential impacts for the Qualifying Habitat Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation; Rivers with floating vegetation often dominated by water-crowfoot</p> <p>And Species :</p> <p><i>Petromyzon marinus</i>; Sea lamprey <i>Lampetra fluviatilis</i>; River lamprey <i>Cottus gobio</i>; Bullhead <i>Lutra lutra</i>; Otter</p> <p>Positive in-combination effects are identified. The LPS also provides a number specific policies which consider the ecological impact of schemes from a biological perspective concerning habitat resilience, but also from an ecosystems services perspective covering the protection of air, soil and water quality, the promotion of Green Infrastructure between the town and countryside interface, and the application of water attenuation systems (such as SUDs) which ensure that water run off rates do not exceed the flow-rate of the land as an open field. This policy document will therefore be a principle steer on not only which sites progress as allocations, but also, importantly, how the sites are developed.</p> <p>In conclusion, the operation of the Local Plan Strategy as a whole, will not create a likely significant effect on the conservation objectives of the above-referenced Natura 2000 sites. However, for the sites in Malton and Norton identified through the LPSD, where LSEs cannot be ruled out at this stage, due to the proximity of the Sites to the Derwent SAC and the impacts of this inherent proximity, an Appropriate Assessment is required to be undertaken. There will be embedded mitigation as a result of the operation of the Local Plan Strategy, which is not taken into account at the Screening assessment stage. Therefore the Appropriate Assessment will need to assess whether adverse impacts can be avoided.</p>

Plan / Project	Purpose / Content	Effects on Natura 2000 Sites
		<ul style="list-style-type: none"> • Effects upon species from wind development located in flights paths or migration routes. <p>Effects upon the North York Moors SPA and SAC from:</p> <ul style="list-style-type: none"> • The regeneration of Market Towns, and the new development that comes with this, would lead to increased pressure upon water abstraction and water quality. • Policies to assist the economy and employment, including road schemes, have been assessed as having the potential to lead to impacts upon air quality. • Policies to assist economy and employment, market town regeneration, tourism and major outdoor recreation have the potential to lead to disturbance. <p>Mitigation:</p> <ul style="list-style-type: none"> • Changes to the nature protection policy have been made to state that ‘any proposed development that could have an adverse effect on the integrity of a Natura 2000 or Ramsar site alone or in combination with other plans or projects will not be permitted unless it can be demonstrated that the legislative provisions to protect such sites can be fully met’, with additional explanation in the supporting text. • Supporting text to the nature conservation policy will include reference to the potential water abstraction and water quality impacts on Natura 2000 sites. • Supporting text to the nature conservation policy will include reference to potential air quality impacts on Natura 2000 sites. • Changes to the supporting text of nature conservation and tourism policies to include reference to potential effects of tourism upon Natura 2000 sites. • Additional criterion added to renewable energy policy to ensure wind development does not affect integrity of SPAs. <p>Detailed report – Habitats Regulations Assessment of Hambleton Development Policies Development Plan Document Submission Draft (Land Use Consultants, May 2007)</p> <p>The Allocations Document identifies the location of sites, which are all adjacent to established settlements. Distanced from the North York Moors SPA/SAC. They are not within the Derwent Catchment, and therefore not capable of affecting the River Derwent SAC in terms of surface water contamination/run-off regime. Water abstraction from the River Derwent will be subject to compliance with the Water Framework Directive, and</p>

Plan / Project	Purpose / Content	Effects on Natura 2000 Sites
		<p>provided as mains piped supply. The Derwent Licensing Abstraction Plan (Catchment Abstraction Management) also limits the levels of abstraction to ensure they remain within the Environment Agency's tolerance.</p>
<p>Scarborough Borough Local Plan Adopted July 2017</p>	<p>Sets out strategic policies for future development in Scarborough Borough. Sets out the policies for consideration of planning applications in Scarborough</p>	<p>Housing and employment sites and general spatial approach is to focus the majority of development at Scarborough (and Cayton), with development at Whitby and Filey and sites in larger villages. No sites will physically impinge on a Natura 2000 site.</p> <p>New housing, and tourism policies which seek to attract more visitors to Scarborough, could lead to indirectly more visitors in the National Park and coastal sites. Potential effects through disturbance/trampling upon Arnecliff and Park Hole Woods SAC, Beast Cliff SAC, Fen Bog SAC, North York Moors SAC and SPA, River Derwent SAC, and Flamborough Head SAC and Flamborough Head and Bempton Cliffs SPA and Flamborough and Filey Coast pSPA. There is no direct, proportional relationship between new residential development and recreational pressure; there are complex reasons why visitors come to an area/site. Given the level of visitors to the National Park (who come from the UK and further afield) and given the size of the North York Moors SPA/SAC (and the other SAC sites within this area), any increase in visitor pressure is managed by co-ordinated and targeted actions to ensure that the Public Rights of Way are used appropriately, and where rights of way are already used, species will be habituated to the presence of walkers and dogs (kept on leads) so that the conservation objectives are not compromised. A number of the sites are not readily/physically accessible (particularly coastal sites). The Plan also seeks to complement the development sites with opportunities for recreation within and around the settlements, which will provide opportunities for regular recreation, particularly for families, irrespective of whether they are existing residents, or residents in the new dwellings.</p> <p>The River Hertford is a tributary of the River Derwent SAC, consequently impacts on the river regime such as changes to water levels, and levels of surface water runoff have the potential to impact on the river Derwent. New developments will be required to ensure that water run-off rates do not exceed those of open Greenfield/agricultural land. Measures will also need to be implemented to ensure that pollution through contamination is avoided both on the employment land and allocations.</p>

Plan / Project	Purpose / Content	Effects on Natura 2000 Sites
		<p>The River Hertford is not publically accessible along the banks, although there are crossing points. Accordingly, there will not be increased recreational pressure species at the established crossing points will be habitualised. The Upper reaches of the Derwent do have footpaths (such as those in Forge Valley) which are close but not on the edge of the river bank. They are managed subject to the North York Moors Management Plan and the Access and Recreational Plan. These walks are established routes, and species which inhabit the banks would already be habitualised to walkers/cyclists.</p>
<p>North York Moors National Park Management Plan</p>	<p>Sets out policies for the management of the National Park</p>	<p>Prior to mitigation HRA identified effects relating to:</p> <ul style="list-style-type: none"> • Reduction in open space for Golden Plover to nest and forage in through reinstatement of landscape features (North York Moors SPA); • Loss of vegetation and habitat through archaeological works, geological promotion, species rich grassland creation, woodland planting and forestry works, storage of water, installation of renewable energy, overgrazing, new tracks and ponds, burning, new development, new mobile phone masts, upgrading rail infrastructure (all sites); • Disturbance to golden plover and merlin through the above works plus increased numbers of visitors, increased numbers of trains (North York Moors SPA); • Displacement of merlin and golden plover due to above works taking place in the nesting season, installation of wind turbines, (North York Moors SPA); • Trampling of vegetation and habitat through re-use of buildings, increased numbers of visitors, archaeological works, works to store water, (North York Moors SAC and North York Moors SPA); • Damage to vegetation from dust (North York Moors SAC); • Damage to vegetation from use of inappropriate modern machinery (North York Moors SAC); • Loss of foraging and foraging areas due to species rich grassland creation and restoration, woodland planting, (North York Moors SPA); • Drying out of peatlands (due to tree planting) (Fen Bog SAC and North York Moors SAC);

Plan / Project	Purpose / Content	Effects on Natura 2000 Sites
		<ul style="list-style-type: none"> • Changes in chemical composition of the air through increased vehicle numbers and increased train journeys (Fen Bog SAC, North York Moors SAC and North York Moors SPA); • Increased run-off from roads due to increased visitor numbers (Fen Bog SAC and North York Moors SAC); • Loss of peat due to peat cutting (North York Moors SAC). <p>The potential in-combination effects would relate to increased visitor pressure as a result of new housing on the potential site options. However, there is no direct, proportional relationship between new residential development and recreational pressure; there are complex reasons why visitors come to an area/site. However, given the size of the SPA/SAC the in-combination effects of other parts of the Plan would ensure that any increase in visitor pressure is managed by co-ordinated and targeted actions to protect those more isolated parts of the Park so that the conservation objectives are not compromised.</p>
<p>North Yorkshire Local Transport Plan 2011 – 2016 ⁴</p> <p>Mid- term review 2013</p>	<p>Sets out long term objectives for transport across the county, and actions to be undertaken up to 2016.</p>	<p>The HRA identified that uncertainty exists in relation to effects on Natura 2000 sites from highways maintenance in relation to Arnecliff and Park Hole Woods SAC, Beast Cliff – Whitby SAC, Eller's Wood and Sand Dale SAC, Fen Bog SAC, North York Moors SAC/SPA and River Derwent SAC.</p> <p>The HRA concludes that if North Yorkshire County Council adheres to the policies outlined in LTP 3 as well as following Planning Policy Guidance, best practice guidance and seeks advice from Natural England and specialists regarding biodiversity, habitats, air pollution impact modelling and maintenance personnel the North Yorkshire LTP3 should have no likely significant direct or indirect impacts on Natura 2000 sites.</p> <p>(Detailed report 'North Yorkshire Local Transport Plan 3 – Habitat Regulations Assessment Screening Report (North Yorkshire County Council, 2011).)</p>

⁴ North Yorkshire Local Transport Plan 2006 – 2011 (North Yorkshire County Council, 2006)

Plan / Project	Purpose / Content	Effects on Natura 2000 Sites
		<p>There will be a net increase in vehicular movements as a result of new sites. However, as none of the sites are within the SPA/SAC, this will not be placing directly increases in vehicular movements in the North York Moors SAC/SPA. Recreational activities in the SPA/SAC area would be using established road routes, and would be of a much reduced frequency. The level of use is likely to be <i>de minimis</i>. The new development is sites at settlements covered by the LPT, which is concerned with reducing the need to travel (through modal shift) and ensuring that the highways operate safely and efficiently, and ensuring traffic is not idling for long periods (increasing air pollution). The strategy is to enhance other modes of transportation to reduce the reliance on the car, including cycling and use of public transport, and looks at significant transport infrastructure projects which are to be rolled out across North Yorkshire (and beyond).</p>
<p>North Yorkshire Public Rights of Way Improvement Plan</p>	<p>Sets the framework for the future management of the public rights of way network in North Yorkshire</p>	<p>The improvement to public rights of way could have effects of disturbance and physical loss (due to trampling) through increased use at Arnecliff and Park Hole Woods SAC, Beast Cliff SAC, and North York Moors SAC and SPA. However, the Rights of Way are already designated walks. The Improvement Plan could also have a positive effect through ensuring a clear, attractive, accessible network of public footpaths, which would reduce the desire to walk away from footpaths. Eller's wood and Sands Dale SAC is not publicly accessible. The River Derwent has parts of its length which have a walk near to the river (but not immediately beside the river), and so there is potential for disturbance. There is no direct, proportional relationship between new residential development and recreational pressure; there are complex reasons why visitors come to an area/site. However, given the size of the SPA/SAC, the length of the River Derwent and the approach to management of Public Rights of Way, any increase in visitor pressure is managed by co-ordinated and targeted actions to ensure that the Public Rights of Way are used appropriately, and where rights of way are already used, species will be habituated to the presence of walkers and dogs (kept on leads) so that the conservation objectives are not compromised.</p>
<p>Yorkshire Derwent Catchment Flood</p>	<p>Sets the framework for actions to address flooding in the River Derwent catchment, which covers</p>	<p>Potentially effects on water levels in the North York Moors SAC and SPA from the proposed actions to reduce run-off and create storage in the upland areas. The proposed sites would be subject to maintaining a surface water run-off regime which is the same as the sites being considered as Greenfield sites. There is also a positive in-combination effect: The</p>

Plan / Project	Purpose / Content	Effects on Natura 2000 Sites
Management Plan	the Eller's Wood and Sand Dale, Fen Bog and North York Moors SAC and SPA and the River Derwent SAC, Lower River Derwent SPA/ Ramsar	<p>holding back of water, and delaying its run-off from the elevated parts of the North York Moors would ensure that a more moderated flow regime is maintained for the River Derwent SAC, which aside from reducing the flood risk, this will help to reduce the adverse impacts from: turbidity, significant variations in water levels and increased risk of pollution from high run-off or flooding of agricultural land.</p> <p>An Appropriate Assessment is to be undertaken on sites in Malton and Norton, if through the assessment it can be demonstrated that the potential adverse impacts can be avoided, then no adverse in-combination effects.</p>
Humber River Basin Management Plan	The RBMP describes the RBD and the pressures that the water environment faces. It shows what this means for the current state of the water environment, and what actions will be taken to address the pressures. It sets out what improvements are possible by 2015 and how the actions will make a difference to the local environment.	<p>No specific effects in relation to any of the Natura 2000 sites concerned in this HRA were identified and the HRA concluded that the RBMP is not likely to have any significant negative effects on any European sites, alone or in combination with other plans or projects.</p> <p>Detailed report – Habitats Regulations Assessment of the Humber River Basin Management Plan for the Humber River Basin District (Environment Agency, 2009)</p> <p>In examining the potential in-combination effects for the housing sites proposed at Malton and Norton for the upstream sites of the River Derwent SAC and the Lower Derwent Valley SAC/SPA/Ramsar, there would be no adverse in-combination impact.</p> <p>An Appropriate Assessment is to be undertaken on sites in Malton and Norton, if through the assessment it can be demonstrated that the potential adverse impacts can be avoided, then no adverse in-combination effects.</p>
North York Moors Recreation and Access Strategy	Sets out policies for providing opportunities for recreation and access.	<p>The HRA identified potential effects from trampling and disturbance and physical loss and damage to Arnecliff and Park Hole Woods SAC, Beast Cliff SAC, Fen Bog SAC, North York Moors SAC and North York Moors SPA.</p> <p>Concerning the potential site allocations the Arnecliff and Park Hole Woods SAC, Beast Cliff SAC, Fen Bog SAC are considered to be of sufficient distance from the potential site options and be features where recreational pressure is not achieved to any significant extent due to</p>

Plan / Project	Purpose / Content	Effects on Natura 2000 Sites
		<p>the site's relative inaccessibility. Eller's Wood and Sand Dale SAC is not publically accessible.</p> <p>North York Moors SAC and North York Moors SPA cover a much larger area, and the impacts are diffuse. The access strategy seeks to promote recognised routes, which concentrates the activities into discrete areas, which allows the general areas to remain undisturbed. The production of a clear, attractive, accessible network of public footpaths, which would reduce the desire to walk away from footpaths.</p> <p>There is no direct, proportional relationship between new residential development and recreational pressure; there are complex reasons why visitors come to an area/site. However, given the size of the SPA/SAC, and the approach to management of Public Rights of Way, any increase in visitor pressure is managed by co-ordinated and targeted actions to ensure that the Public Rights of Way are used appropriately, and where rights of way are already used, species will be habituated to the presence of walkers and dogs (kept on leads) so that the conservation objectives are not compromised.</p>
Joint Minerals and Waste Plan	Strategy for minerals extraction and waste management up to 2030	<p>The HRA concluded no LSE in respect of the strategic Policies and in respect of the sites identified as allocations no pathways have been identified that are likely to give rise to significant effects, and the reasons for this. A site at Whitewall Quarry (1.38km NW of the River Derwent SAC) has since received planning consent. The committee report advised that the further extraction may present a risk of a significant in combination effect, in relation to concerns raised over pollution of groundwater due to removal of some of the protection for the aquifer. This may also present a risk to the nearby River Derwent SAC if there is a link between it and underlying groundwater. However, the recommendation made in the Committee Report stated that the issue for that current application be resolved through an environmental permit and would likely be resolved through routine measures to prevent fuel spills means that impacts at this site are also likely to be readily avoidable. No further pathways have been identified that are likely to give rise to significant effects. As such this is considered through environmental consent permit regimes would still need to be satisfied.</p>

Appendix 3 - Assessment of Sites

Appendix 4 - Natural England Advice

Natural England were informally consulted on the Screening Assessment prior to the 2015 Sites Consultation and the Publication of the Local Plan Sites Document. They have confirmed that the methodology of the draft HRA Screening Assessment of the sites is compliant with the European Habitat Directives and the Conservation of Habitat and Species Regulations 2010. They also advised on the following matters.

- The terminology – LSE, adverse effects on integrity
- The correct conservation objectives for the Lower Derwent Valley SPA
- Ensuring that in-combination effects are not ruled out on the basis that the other plan or project has undergone HRA. The purpose of the in-combination assessment is to ensure that *de-minimis* effects or those not significant enough to adversely affect a site (and therefore not contrary to the Directive themselves) to not combine in an adverse manner with effects of the proposed plan/site/project.

The Council has taken on board the recommendations as part of the HRA of the Publication of the Local Plan Sites Document.

See Main report for Natural England's advice in respect of the 2018 Judgment of the Court (Seventh Chamber) *People Over Wind and Peter Sweetman v Coillte Teoranta*.

APPENDIX 3 HRA Screening of Sites for Likely Significant Effects on Natura 2000 Sites

Tabulated screening assessment for each site identified as having some appraised through the Site Selection Methodology/ Sustainability Appraisal

Sites * preferred sites in 2015. Sites \$ option choices in 2015. Sites **bold (SD-)** are proposed allocations. Sites ** are commitments with planning permission.

Settlement and site	Nearest European site (s)	Conservation Objective(s) Reason for Designation	Development Site characteristics Summary	HRA Screening concerning established potential likely significant effect (LSE)? Pathways and Features of site	Screening outcome
Amotherby and Swinton:					
8* 148 (SD10)	River Derwent SAC	Population and distribution of River Lamprey, Bullhead, Otter. Extent and dist of river vegetation	3 km from River Derwent SAC, Between 0.5ha and 2ha in area Adjacent to existing settlements c. 19-40 units	No likely significant effect, within NE impact risk zone but both sites included in existing settlement areas. scheme of 30-40 units maximum Use of water attenuation mechanisms which are suitable for the site, to minimise ground water pollution although the underlying hydrology is not directly connected to the hydrology of the Derwent SAC, so no pathway for contamination or run-off	No LSE
Ampleforth:					
160	NYM SAC/SPA	Population and dist of moorland breeding birds. Extent and dist of wet/dry heathland, blanket bog	9.9km from North Yorkshire Moors SAC 1 ha	No likely significant effect, within NE impact risk zone but both sites included in existing settlement areas. Golden Plover Survey - no significant presence established Adacent to settlement.	No LSE
Hovingham:					
32	River Derwent SAC	Population and distribution of River Lamprey, Bullhead, Otter. Extent and dist of river vegetation	12.1km from River Derwent SAC	No likely significant effect, outside of NE risk zones. Site capable of less than 5 units. No pathways of contamination or run off to result in any impact on River Derwent SAC	No LSE
	NYM SAC/SPA	Population and dist of moorland breeding birds. Extent and dist of wet/dry heathland, blanket bog	15.7km from North Yorkshire Moors SAC SPA	No likely significant effect, outside of NE risk zones.No likely significant effect on SAC and SPA due to distance	No LSE
Beadlam and Nawton:					
481 173/252	NYM SAC/SPA	Population and dist of moorland breeding birds. Extent and dist of wet/dry heathland, blanket bog	c.6 km from NYM SAC/SPA 5ha in area Distances similar to above, less than 2 ha 17.8km from River Derwent SAC	481 larger than required, scheme of c.30 or less would be the LPS requirement. No likely significant effect, outside NE risk zone. Golden Plover Survey - no significant presence established	No LSE
Rillington:					
	River Derwent SAC	Population and distribution of River Lamprey, Bullhead, Otter. Extent and dist of	2.2km form River Derwent SAC	Due to site size, and distance to river and proximity to settlement no likely significant effect. River has no public access.	No LSE site 638 has consent

Settlement and site ID	Nearest European site (s)	Conservation Objective(s) Reason for Designation	Development Site characteristics Summary	Site characteristics	HRA Screening concerning established potential likely significant effect (LSE)? Pathways and Features of site	Screening outcome
638*		river vegetation	1ha and 1.2ha		Within NE impact risk zone but both sites included in existing settlement areas.	
Sherburn:	River Derwent SAC	Population and distribution of River Lamprey, Bullhead, Otter. Extent and dist of river vegetation	13.2km from River Derwent SAC		Due to site size and proximity to settlement no likely significant effect. outside NE risk zone, distanced from the hydrology of the River Derwent SAC.No pathway of contamination.	No LSE site 71 has consent
12/74/264 71**			less than 0.5ha 3.54ha		Planning consent approved for entire site - commitment 72 homes	
Sheriff Hutton:	5 River Derwent SAC	Population and distribution of River Lamprey, Bullhead, Otter. Extent and dist of river vegetation	7.5km from River Derwent SAC		Distance and scale of site no likely significant effect on River Derwent SAC, outside NE risk zone	No LSE site is completed
	Strensall Common SAC		4.2km from Strensall Common SAC		Settlement is not close enough to Strensall Common SAC for ad-hoc recreation such as dog walking. Site is owned by MOD and on the whole is not publicly accessible.	No LSE
			0.7ha			
Slingsby:	River Derwent SAC	Population and distribution of River Lamprey, Bullhead, Otter. Extent and dist of river vegetation	8.8km from River Derwent SAC		Due to size of site, and distance from SAC, no likely significant effect, outside NE risk zone. Surface water attenuation will be required, but this is not related to surface water contamination. There is no pathways which would lead to direct influence on the River Derwent.	No LSE
430* (464) SD 11			1.7ha and 0.5ha			
Thornton le Dale:	Eller's Wood and Sand Dale SAC	Population and extent of Petrifying springs and Geyers whorl snail	2.3km from Eller's Wood and Sand Dale SAC		Full site is not publically accessible, so no increased level of footfall across the site. Site is upstream, so no pathways for contamination or effect on surface water/ground water regime.	No LSE
109 662 **	River Derwent SAC	Population and distribution of River Lamprey, Bullhead, Otter. Extent and dist of river vegetation	7.9km from river Derwent SAC. Site 109 is 2.91ha		Considerable distance from River Derwent SAC, no clear pathways of contamination identified, or direct changes in flow rates. Site 109 landscape and hydrogeological sensitivities, but is still 8km from the River Derwent.	No LSE for 662. Site 662 has consent
	NYM SAC/SPA	Population and dist of moorland breeding birds. Extent and dist of wet/dry heathland, blanket bog	8km from NYM SAC/SPA		Re. 109 Golden Plover Survey - no significant presence established. Not all site required (landscape sensitivities). Site 662 is not open fields, and is a heavily treed holiday cabin site. Not conducive for Golden Plover, so no survey of site required.	No LSE
			Total site of 109 2.9ha, 662 is 1.1ha			
Staxton and Willerby:	River Derwent SAC	Population and distribution of River Lamprey, Bullhead,	18.5km from River Derwent SAC		Due to distance, and no established pathway for impact, and scale of site no effect, outside of NE risk Zone	No LSE
591 177 217			1.05ha 0.9ha 1.2ha			

Settlement and site	Nearest European site (s)	Conservation Objective(s) Reason for Designation	Development Site characteristics Summary	HRA Screening concerning established potential likely significant effect (LSE)? Pathways and Features of site	Screening outcome
		Population and dist of moorland breeding birds. Extent and dist of wet/dry heathland, blanket bog	3 to 4km from North York Moors SAC	Considered that any increase in recreational pressure on the NYM SPA/SAC would not be significant, given the level of visitor numbers to the National Park Planning consent approved for entire site - commitment 225 homes Residual of 60 units required - Not all sites required Golden Plover Survey - no significant presence established	No LSE
Kirkbymoorside:	NYM SAC/SPA				
102**			12ha		
201/345/ (in part)\$ (SD8)			(0.8, 2.9, 10 ha)		
156 \$(SD7)			1.4ha		
265 \$ (SD9)			less than 1 ha		
454/259 \$			1.8ha and 4ha		
<u>Employment</u>					
622 *			1.77ha	Employment site - no recreational pressure. Flood Risk - site fails sequential test	
Pickering:					
<u>Residential</u>					
347 \$ (SD5)			347 (8.58ha)	Not all sites required.	
387 \$			387 (12.75ha)	Sites are physically contiguous with the existing settlement	
116 \$			116 (5.55ha)		
200 \$ (SD6)			200 (5.13ha)		
<u>Employment</u>					
650 *(SD12)			16ha (although reduced)	Employment site- no recreational pressure would be remediating a contaminated site, not attractive to Golden Plover	
	Eller's Wood and Sand Dale SAC	Population and extent of Petrifying springs and Geyers whorl snail	All between 5 to 7km to Eller's Wood and Sand Dale SAC	For all sites: Full site is not publically accessible, so no increased level of footfall across the site. Different Dale (different hydrology) no impact on hydrology.	No LSE
	NYM SAC/SPA	Population and dist of moorland breeding birds. Extent and dist of wet/dry heathland, blanket bog	All between 7 to 8km to North York Moors SAC/SPA	For all sites: Golden Plover Survey - no significant presence established, and as such no likely significant effect on the species as a result of development on these sites. Considered that any increase in recreational pressure on the NYM SPA/SAC would not be significant, given the level of visitor numbers to the National Park	No LSE
	River Derwent SAC	Population and distribution of River Lamprey, Bullhead, Otter. Extent and dist of river vegetation	All between 8-9km to River Derwent SAC	For all sites: Distance to the river Derwent means no direct impact on the hydrology in terms of run off rates and pollution pathways	No LSE

Settlement and site	Nearest European site (s)	Conservation Objective(s) Reason for Designation	Development Site characteristics Summary	Site characteristics	HRA Screening concerning established potential likely significant effect (LSE)? Pathways and Features of site	Screening outcome
Malton/Norton:	North York Moors SAC/SPA	Population and dist of moorland breeding birds. Extent and dist of wet/dry heathland, blanket bog	c20km from North York Moors SAC/SPA		Distance would mean that specific journey would be made rather than general increase in use to proximity. Considered that any increase in recreational pressure on the NYM SPA/SAC would not be significant, given the level of visitor numbers to the National Park.	No LSE for all sites in contention re NYM SPA/SAC
	River Derwent SAC	Population and distribution of River Lamprey, Bullhead, Otter. Extent and dist of river vegetation	All less than 1km to River Derwent SAC		Selection of sites in consideration, but not expected to exceed the housing requirement as set out in the Local Plan Strategy.	
<u>Residential</u> 143 and 282 under construction **			143 (14.50ha) and 282 (11.55ha) under construction		Subject to HRA screening as part of planning application, no likely significant effect through mitigation concerning water quality and sediment input. Also no LSE concerning recreational pressure.	No LSE established (planning consent)
218 \$			218 (21.21ha)		Site was subject of a planning application (refused) the HRA screening determined that surface water run off attenuation and geo-hydrology of the site means no increase in run-off into the Derwent. Site is distanced from the river side, and will not lead to a commensurate increase in use of the limited stretches of River Derwent which is publicly accessible.	Likely Significant Effects cannot ruled out at this stage
<u>88 (649) \$ (SD3)</u>			(26ha)		Proximity of the Derwent, and scale of site means that run off rates will need to be ascertained. Potential LSE concerning water quality through the treatment of surface run off. Recreational pressure needs further information.	Likely Significant Effects cannot ruled out at this stage. Proceed to Appropriate Assessment
249 \$			(11.3 ha)		Proximity of the Derwent, and scale of site means that run off rates will need to be ascertained. Potential LSE concerning water quality through the treatment of surface run off. Recreational pressure needs further information.	Likely Significant Effects cannot ruled out at this stage. Proceed to Appropriate Assessment
324 \$			(11.49ha)		Proximity of the Derwent, and scale of site means that run off rates will need to be ascertained. Potential LSE concerning water quality through the treatment of surface run off. Recreational pressure needs further information.	Likely Significant Effects cannot ruled out at this stage. Proceed to Appropriate Assessment

Settlement and site ID	Nearest European site (s)	Conservation Objective(s) Reason for Designation	Development Site characteristics Summary	Site characteristics	HRA Screening concerning established potential likely significant effect (LSE)? Pathways and Features of site	Screening outcome
323**			(2.38ha)		Subject to HRA screening as part of planning application, no likely significant effect through mitigation concerning water quality and sediment input. Also no LSE concerning recreational pressure.	No LSE established (planning consent)
450 (SD4)			(1.44ha)		Brownfield site currently office use. Residential use indicated, opportunity to improve run-off rates, but uncertain residential	Likely Significant Effects cannot ruled out at this stage. Proceed to Appropriate Assessment
<u>Employment:</u>						
		Employment 578* and 579* as a broad location		578 13.93ha and 579 16.49 ha	Proximity of the Derwent, and scale of site means that run off rates will need to be ascertained. Potential LSE concerning water quality through the treatment of surface run off. Presence of drain into the Derwent. Recreational pressure issues less due to nature of the site, mitigation through providing areas of greenspace and walkways for worker's to use at lunch/break times.	Likely Significant Effects cannot ruled out at this stage. Proceed to Appropriate Assessment
588, 572 and 573 **				588 (6.4ha) 572 (7.79ha) and 573 (3.66ha) Livestock Market	Subject to HRA screening as part of planning application, no likely significant effect through mitigation concerning water quality and sediment input. Also no LSE concerning recreational pressure due to nature of the scheme.	No LSE established (planning consent mitigation measures)