

Malton and Norton Neighbourhood Plan

Basic Conditions Statement: Appendices

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APPENDIX 1: NEIGHBOURHOOD PLAN FOR MALTON AND NORTON – SUSTAINABILITY ASSESSMENT REPORT

NEIGHBOURHOOD PLAN FOR MALTON & NORTON 2020-2027
SUSTAINABILITY ASSESSMENT

As Updated June 2023

**PREPARED ON BEHALF OF
MALTON AND NORTON TOWN COUNCILS**



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16th June 2023

THE BENCHMARK CRITERIA

These are the definitions, with illustrative examples, of the criteria that have been used in order to assess/benchmark the impact of each policy, representing the environmental, social and economic dimensions of sustainability:-

Biodiversity – wildlife sites, habitats, features plus geological sites and features. Also strategic wildlife value, i.e. green and blue infrastructure.

Landscape – character, views, attractiveness. Taking account of Special Landscape Areas and conservation areas.

Heritage – conservation area, listed buildings, positive buildings, non-designated heritage assets, archaeological interest.

Natural Resources – covering air, water and soil quality/pollution.

Movement – traffic levels/congestion/flow, public transport, cycling, walking and accessibility to facilities.

Open Spaces – spaces available for outdoor recreation and leisure.

Community – health, education, social, cultural and indoor leisure and recreation facilities.

Housing Provision – housing levels.

Safety/Security – e.g. in relation to crime, traffic, health/safety.

Social Inclusion – inclusion/exclusion, equality/inequality. Taking account of poorer and disadvantaged members of society, e.g. older people, the very young, non-car owners.

Businesses – local businesses, business/industrial sectors more generally.

Jobs/Training – levels of and opportunities for.

THE SCORING OF IMPACTS

significant positive impact = ++

some positive benefit = +

no overall impact or not applicable = 0

some negative impact = -

significant negative effects = --

uncertain as to benefits/effects/impact = ?

POLICY – TM1: PROTECTION & ENHANCEMENT OF PEDESTRIAN, CYCLE AND BRIDLEWAY NETWORKS		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	+?	Highlighted improvement route TM1 crosses the River Derwent SAC with the acceptability of any improvements being subject to no adverse effect on the SAC. It also abuts SINC2 adjacent to the river. 5 of the 8 improvement routes fall within or abut Green & Blue Infrastructure corridors. Any improvement works would be subject to both NPPF and Local Plan Strategy (Policy SP14) provisions in respect of biodiversity gain. The policy clause in respect of providing corridors of tree planting in association with route development offers some scope for biodiversity gain.
Landscape	+	5 of the 8 improvement routes fall within or abut Green & Blue Infrastructure corridors. Any improvement works would be subject to this plan's provisions in respect of infrastructure enhancement. The policy clause in respect of providing corridors of tree planting in association with route development offers particular scope for landscape gain.
Heritage	0	No likely overall impact
Natural Resources	+	Policy seeks to improve public rights of way/cycling provision, reducing motorised vehicle, particularly private car, use as a result, with a possible positive impact on traffic congestion and local air quality.
Movement	+	Policy seeks to improve public rights of way/cycling provision, reducing motorised vehicle, particularly private car, use as a result, with a possible positive impact on traffic congestion.
Open Spaces	+	Improvement of the highlighted routes will have positive benefits in terms of spaces available for outdoor recreation and leisure.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	+	Policy seeks to improve public rights of way/cycling provision, reducing motorised vehicle, particularly private car, use as a result, with a possible positive impact on local air quality/health. Policy clauses re improving the user's experience of the networks specifically address safe and secure cycle parking and designing-in of natural route surveillance to promote safety.
Social Inclusion	+	Policy seeks to improve public rights of way/cycling provision impacting positively on non-car users such as older people, the disabled and young people and on poorer members of society.
Businesses	+?	If development to improve highlighted routes takes place, it could have positive implications for local businesses i.e. more work, but impossible to be certain at time of assessment.
Jobs/Training	+?	If development to improve highlighted routes takes place, it could have positive implications for jobs/training, but impossible to be certain at time of assessment.

POLICY – TM2: NEW PEDESTRIAN AND CYCLE RIVER/RAILWAY CROSSING		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	0	No likely overall impact.
Heritage	0	No likely overall impact.
Natural Resources	0	No likely overall impact.
Movement	+	Policy seeks to keep open the possibility of future river and/or rail pedestrian/cycle crossing thereby keeping options open for improved sustainable travel/accessibility and reduced congestion and air pollution.
Open Spaces	0	No likely overall impact.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	+?	In keeping open the possibility of future crossings, there is the future potential for reducing motorised vehicle, particularly private car, use as a result, with a possible positive impact on local air quality/health.
Social Inclusion	+?	In keeping open the possibility of future crossings, potential futures positive impacts on non-car users such as older people, the disabled and young people and on poorer members of society exist.
Businesses	0	No likely overall impact.
Jobs/Training	0	No likely overall impact.

POLICY – TM3: HIGHWAY IMPROVEMENT SCHEMES		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	0	No likely overall impact.
Heritage	0	No likely overall impact.
Natural Resources	0	No likely overall impact.
Movement	++	Policy seeks to keep open the possibility of future highway improvement schemes thereby keeping prospects open for reduced traffic volumes and improved congestion and traffic flow in Malton & Norton town centres, improving accessibility to town centre services.
Open Spaces	0	No likely overall impact.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	+	In keeping open the possibility of future highway improvements to relieve town centres congestion, there is the future potential for possible positive impacts on town centres air quality and therefore health. Also on local traffic safety.
Social Inclusion	0	No likely overall impact.
Businesses	0	No likely overall impact.
Jobs/Training	0	No likely overall impact.

POLICY – TM4: COUNTY BRIDGE LEVEL CROSSING		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	0	No likely overall impact.
Heritage	0	No likely overall impact.
Natural Resources	0	No likely overall impact.
Movement	++	Policy seeks to bring about improvements to this bottleneck crossing, thereby improving traffic flow, reducing congestion, and improving conditions for pedestrians and cyclists.
Open Spaces	0	No likely overall impact.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	+	The proposed improvements would improve the safety of pedestrians and cyclists. The reduction of congestion would also bring about air quality and associated health benefits.
Social Inclusion	+	Improvements benefitting pedestrians and cyclists are likely to impact positively on non-car users such as older people, the disabled and young people and on poorer members of society.
Businesses	+?	If development to improve the crossing takes place, it could have positive implications for local businesses i.e. more work, but impossible to be certain at time of assessment.
Jobs/Training	+?	If development to improve the crossing takes place, it could have positive implications for jobs/training, but impossible to be certain at time of assessment.

POLICY – TM5: NEW VEHICULAR RIVER/RAILWAY CROSSINGS		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	0	No likely overall impact.
Heritage	0	No likely overall impact.
Natural Resources	0	No likely overall impact.
Movement	++	Policy seeks to keep open the possibility of future river and/or rail vehicular crossings thereby keeping options open for reducing congestion at the existing bottleneck level crossing.
Open Spaces	0	No likely overall impact.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	+	In keeping open the possibility of future crossings relieve town centres congestion, there is the future potential for possible positive impacts on town centres air quality and therefore health. Also on local traffic safety.
Social Inclusion	0	No likely overall impact.
Businesses	0	No likely overall impact.
Jobs/Training	0	No likely overall impact.

POLICY – TM6: DEVELOPMENT ON NON-ALLOCATED SITES		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	+/-?	Could have some negative impact on biodiversity depending on the biodiversity value of any non-allocated land in question, but this could be balanced out through biodiversity gain requirements. Without information on the land to be developed, it is impossible to predict whether positive or negative at time of assessment.
Landscape	+/-?	Could have some negative impact on landscape depending on the landscape value of any non-allocated land in question, but this could be balanced out by new landscaping proposals. Without information on the land to be developed, it is impossible to predict whether positive or negative at time of assessment.
Heritage	+/-?	Could have some negative impact on heritage depending on the heritage value of any non-allocated land in question or of buildings/the area in its setting , but could be balanced out by restoration of heritage assets through development. Without information on the land to be developed, it is impossible to predict whether positive or negative at time of assessment.
Natural Resources	+/-?	Development is likely to have at least some impact on air, water and soil resources. Without information on the land to be developed, it is impossible to predict whether positive or negative at time of assessment.
Movement	+	Policy seeks to ensure that any development brings about a net improvement in terms of movement.
Open Spaces	+/-?	Could have some negative impact on open spaces depending on the open space value of any non-allocated brownfield land in question for leisure/recreation, but could equally have a positive impact through new provision. Without information on the land to be developed, it is impossible to predict whether positive or negative at time of assessment.
Community	+/-?	Could result in new school, health, local service provision to meet need generated by new development resulting in some overall positive impact, but could equally be a development of former community facilities. Without information on the land to be developed, it is impossible to predict whether positive or negative at time of assessment.
Housing Provision	+	If housing development, could have positive impact on housing numbers.
Safety/Security	0	No likely overall impact.
Social Inclusion	0	No likely overall impact.
Businesses	++	Any development is likely to have a positive impact on the construction industry. If new economic development, could have positive impact on other businesses.
Jobs/Training	+	Development is likely to have some positive impact on jobs and training.

POLICY – TM7: ELECTRIC VEHICLE CHARGING INFRASTRUCTURE		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	0	No likely overall impact.
Heritage	0	No likely overall impact.
Natural Resources	+	Policy requires electric vehicle charging infrastructure provision to minimum standards in new development with encouragement of enhanced standards in and around the Malton AQMA. The increased provision for electric vehicles will have likely positive impacts on electric vs petrol/diesel vehicle use, thereby positively impacting air quality and pollution levels across the Neighbourhood Area and particularly in and around the AQMA.
Movement	+?	Hoped for increased electric vehicle use and improved air quality as a result of policy may encourage greater levels of walking and cycle use.
Open Spaces	0	No likely overall impact.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	+?	Hoped for increased electric vehicle use and improved air quality as a result of policy may have knock-on health benefits.
Social Inclusion	+?	Hoped for increased electric vehicle use and improved air quality as a result of policy may encourage greater levels of walking and cycle use, to benefit of non-car users such as older people, the disabled and young people and on poorer members of society.
Businesses	+?	If development to install infrastructure takes place, it could have positive implications for local businesses i.e. more work, but impossible to be certain at time of assessment.
Jobs/Training	+?	If development to install infrastructure takes place, it could have positive implications for jobs/training, but impossible to be certain at time of assessment.

POLICY – TM8: TRAFFIC MANAGEMENT PLANS		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	0	No likely overall impact.
Heritage	+?	Policy may have positive impacts if construction traffic is routed away from the neighbourhood area's 3 conservation areas in terms of reduced impact of heavy lorries (e.g. vibrations) on heritage assets.
Natural Resources	+?	Policy may have positive impacts if construction traffic is routed away from the town centres in terms of reduced impact of heavy lorries on AQMA air quality.
Movement	+	Policy seeks to regulate construction traffic levels, flow and congestion impacts to the benefit of local residents.
Open Spaces	0	No likely overall impact.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	+	Policy seeks to regulate construction traffic levels, flow and congestion impacts to the benefit of local residents.
Social Inclusion	0	No likely overall impact.
Businesses	-?	Policy may have negative impacts on haulage and constructions businesses in terms operational logistics relating to development sites.
Jobs/Training	0	No likely overall impact.

POLICY – RC1: MALTON & NORTON RIVER CORRIDOR DEVELOPMENT		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	+?	Site RC1 abuts the River Derwent SAC and/or SINC, with the acceptability of any development being subject to no adverse effect on the SAC. It also falls within the Derwent Green & Blue Infrastructure Corridor. Any development would be subject to both NPPF and Local Plan Strategy (Policy SP14) provisions in respect of biodiversity gain.
Landscape	+	The site falls within the Derwent Green & Blue Infrastructure Corridor. Any improvement works would be subject to this plan's provisions in respect of infrastructure enhancement. Development would also be subject to the policy clause regarding maintenance or enhancement of existing landscape quality.
Heritage	+?	The site falls within the Malton Town Centre Conservation Area. Development would be subject to the policy clause regarding the conservation or enhancement of the significance of heritage assets including their settings and subject also to policies HD1-5 of this plan regarding heritage and design.
Natural Resources	0	No likely overall impact.
Movement	+	Policy supports the development of enhanced footpath, cycleway and bridleway provision along the river frontage which is likely to have positive impacts in terms of sustainable travel and accessibility of facilities.
Open Spaces	+	Policy seeks to improve the quality of riverside open space for leisure and recreation.
Community	+	Policy supports the development of a new picnic area, improved riverside seating and café/refreshment facilities which is likely to have a positive impact in terms of leisure and recreational facilities.
Housing Provision	0	No likely overall impact.
Safety/Security	+	Policy support for sustainable travel and flood risk clause are likely to have positive impacts in terms of health and safety of riverside users.
Social Inclusion	+	Improvements benefitting pedestrians and cyclists are likely to impact positively on non-car users such as older people, the disabled and young people and on poorer members of society.
Businesses	+?	If developments supported take place, they could have positive implications for local businesses i.e. more work, but impossible to be certain at time of assessment.
Jobs/Training	+?	If developments supported take place, they could have positive implications for jobs/training, but impossible to be certain at time of assessment.

POLICY – RC2: REGENERATION OF LAND NORTH AND SOUTH OF COUNTY BRIDGE		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	+?	Site RC2 abuts the River Derwent SAC and/or SINC, with the acceptability of any development being subject to no adverse effect on the SAC. It also falls within the Derwent Green & Blue Infrastructure Corridor. Any development would be subject to both NPPF and Local Plan Strategy (Policy SP14) provisions in respect of biodiversity gain.
Landscape	+?	The site falls within the Derwent Green & Blue Infrastructure Corridor. Any improvement works would be subject to this plan's provisions in respect of infrastructure enhancement.
Heritage	+?	The site falls within the Malton Town Centre and Norton-on-Derwent Conservation Areas. Development would be subject to policy clauses regarding the preservation and/or enhancement of the character and appearance of those areas, and the conservation or enhancement of the significance of heritage assets including their settings. Development would also be subject to policies HD1-7 of this plan regarding heritage and design.
Natural Resources	+	The policy clause regarding the incorporation, in development, of low emission measures to ensure that the overall impact on AQMA air quality is mitigated will have a positive impact on air quality/pollution.
Movement	+	The policy clause regarding the maximisation of opportunities to improve pedestrian, cycle and motorised vehicular access across the River Derwent and York/Scarborough Railway Line will have a positive impact on traffic flows/congestion and on sustainable travel.
Open Spaces	0	No overall likely impact.
Community	0	The policy clause regarding the retention/replacement of public conveniences within the site ensures the maintenance of an existing community facility.
Housing Provision	-?	The policy exclusion of housing as a regeneration use on the site may have a negative impact on local housing provision in a potentially attractive residential location.
Safety/Security	+	The policy's movement, low emission and flooding provisions will have positive impacts in terms of health and safety.
Social Inclusion	0	Development benefitting pedestrians and cyclists are likely to impact positively on non-car users such as older people, the disabled and young people and on poorer members of society. Conversely the exclusion of housing use and with that potential affordable housing provision may have a negative impact.
Businesses	+?	If development-related regeneration takes place, it could have positive implications for local businesses i.e. more work, but impossible to be certain at time of assessment.
Jobs/Training	+?	If development-related regeneration takes place, it could have positive implications for jobs/training, but impossible to be certain at time of assessment.

POLICY – E1: PROTECTION OF LOCAL GREEN SPACE		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	++	Designates and so bestows effective Green Belt protection to a number of sites with local and or infrastructure/habitat network value for biodiversity, so making a positive contribution.
Landscape	++	Designates and so bestows effective Green Belt protection to a number of sites with acknowledged landscape value (e.g. within the NA's conservation areas and green infrastructure), so making a positive contribution.
Heritage	++	Designates and so bestows effective Green Belt protection to a number of sites with acknowledged heritage value (e.g. within the NA's conservation areas), so making a positive contribution.
Natural Resources	0	No likely overall impact.
Movement	0	No likely overall impact.
Open Spaces	++	Designates and so bestows effective Green Belt protection to a number of sites with local and or infrastructure value for open space recreation, so making a positive contribution.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	0	No likely overall impact.
Social Inclusion	+	The recreational function of a number of open spaces will be protected through the policy's operation, maintaining/improving the opportunities for all freely to enjoy the many benefits of outdoor recreation.
Businesses	+/-?	The designation may have implications for some of the sites in private ownership/with commercial interests in terms of restrictions on future development. Conversely, owners may welcome the protected open space use which the designation confers.
Jobs/Training	0	No likely overall impact.

POLICY – E2: ENHANCEMENT OF LOCAL GREEN SPACE		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	Enhancement could result in biodiversity benefits but impossible to be certain at time of assessment.
Landscape	0	Enhancement could result in landscape benefits but impossible to be certain at time of assessment.
Heritage	0	Enhancement could result in heritage benefits but impossible to be certain at time of assessment.
Natural Resources	0	Enhancement could result in natural resource benefits, e.g. to soil or water but impossible to be certain at time of assessment.
Movement	0	Enhancement could result in accessibility benefits but impossible to be certain at time of assessment.
Open Spaces	++	Enhancement very likely to result in open space benefits.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	0	Enhancement could result in safety/security benefits but impossible to be certain at time of assessment.
Social Inclusion	0	Enhancement could result in social inclusion benefits (e.g. greater access to sites for all where current access limited or prevented) but impossible to be certain at time of assessment.
Businesses	0	Enhancement could result in benefits for private owners but impossible to be certain at time of assessment. Owners unlikely to agree to enhancements that would impact negatively on their interests.
Jobs/Training	0	Enhancement could have implications for jobs/training but impossible to be certain at time of assessment.

POLICY – E3: OPEN SPACE IN NEW DEVELOPMENT		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	+	The policy clause expectation to create a variety of habitats within varied topography should lead to positive impacts in terms of biodiversity gains.
Landscape	+	The policy's addressing of 'provision of individual and interesting places for recreation', 'play areas constructed of varied materials' and 'habitat incorporation within varied topography' should result in positive landscape impacts.
Heritage	0	No likely overall impact.
Natural Resources	+?	New open space provision could result in soil, water and air benefits but impossible to be certain at time of assessment.
Movement	+?	New open space provision could result in accessibility benefits, but impossible to be certain at time of assessment.
Open Spaces	++	Policy is very likely to result in open space benefits.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	+?	New open space provision could result in safety/security benefits but impossible to be certain at time of assessment.
Social Inclusion	+	New open space provision likely to result in social inclusion benefits (e.g. access to open space for more people where previously limited or no access).
Businesses	+?	New open space provision could have positive implications for local businesses i.e. more work, but impossible to be certain at time of assessment.
Jobs/Training	+?	New open space provision could have implications for jobs/training but impossible to be certain at time of assessment.

POLICY – E4: GREEN & BLUE INFRASTRUCTURE		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	+	The wildlife corridor function of green infrastructure should be both protected and enhanced through the policy's operation.
Landscape	+	The amenity function of green infrastructure should be both protected and enhanced through the policy's operation.
Heritage	0	While there is heritage interest within and/or close to identified GBI, there is unlikely to be any noticeable positive or negative overall impact on that interest.
Natural Resources	0	While the River Derwent and minor tributaries are features of identified GBI, there is unlikely to be any noticeable positive or negative overall impact on those water resources.
Movement	+	The proposed PROW improvements highlighted elsewhere in the NDP represent specific proposed movement enhancements within GBI, and constitute a likely measurable positive impact.
Open Spaces	+	The recreational corridor function of green infrastructure should be both protected and enhanced through the policy's operation.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	0	No likely overall impact.
Social Inclusion	+	The recreational corridor function of green infrastructure should be both protected and enhanced through the policy's operation, maintaining/improving the opportunities for all to enjoy the many benefits of outdoor recreation.
Businesses	0	No likely overall impact.
Jobs/Training	0	No likely overall impact.

POLICY – E5: HIGH MALTON VISUALLY IMPORTANT UNDEVELOPED AREA (VIUA)		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	+	The policy seeks to safeguard trees and hedgerows which are contribute to the character and appearance of the VIUA.
Landscape	++	The policy seeks to safeguard the VIUA's character, views/vistas and trees/hedgerows which contribute significantly to the character and appearance of the settlement of Malton.
Heritage	0	No likely overall impact.
Natural Resources	0	No likely overall impact.
Movement	0	No likely overall impact.
Open Spaces	+?	The policy seeks to safeguard an open space which although not open for recreational use itself, contributes markedly to the recreational enjoyment of those who walk its adjoining public footpaths.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	0	No likely overall impact.
Social Inclusion	0	No likely overall impact.
Businesses	0	No likely overall impact.
Jobs/Training	0	No likely overall impact.

POLICY – E6: GATEWAYS		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	+	The policy seeks to protect key nationally and locally important views and is expected to have a positive landscape impact.
Heritage	+	The policy seeks to protect key conservation area views and is expected to have a positive landscape impact.
Natural Resources	0	No likely overall impact.
Movement	0	No likely overall impact.
Open Spaces	0	No likely overall impact.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	0	No likely overall impact.
Social Inclusion	+	The protection of freely available views of national and local value will maintain and possibly improve the opportunities for all to enjoy such views into the future.
Businesses	0	No likely overall impact.
Jobs/Training	0	No likely overall impact.

POLICY – E7: DEVELOPMENT AFFECTING THE MALTON AQMA		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	+	Air quality improvements plus possible new green infrastructure pursuant to policy should result in some local biodiversity benefits.
Landscape	+?	Possible green infrastructure provision may have local landscape benefits.
Heritage	+	Air quality improvements should benefit buildings in the Malton Town Centre Conservation Area currently impacted by effects of pollution on stonework.
Natural Resources	++	Policy will have direct positive impacts on local air quality/pollution.
Movement	0	No likely overall impact.
Open Spaces	+?	Possible green infrastructure provision may have local open space benefits.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	+	Air quality improvements should have positive impacts on health.
Social Inclusion	+?	Air quality improvements, while benefitting all, may have a proportionately greater positive impact on the health of the old, young and vulnerable.
Businesses	-	The incorporation of mitigation measures as required by policy may result in more work and greater costs to businesses involved in AQMA development.
Jobs/Training	0	No likely overall impact.

POLICY – CF1: NORTON’S SWIMMING POOL		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact. Policy clause re the River Derwent SAC will ensure no adverse effect on the SAC’s integrity.
Landscape	0	No likely overall impact.
Heritage	0	No likely overall impact.
Natural Resources	0	No likely overall impact.
Movement	+	Any provision of off-road parking will have a positive impact in respect of traffic flow on Church Street and improved accessibility to leisure facilities.
Open Spaces	0	No likely overall impact.
Community	++	Possible improvements to Norton’s swimming pool will have a definite positive impact on community facilities.
Housing Provision	0	No likely overall impact.
Safety/Security	0	No likely overall impact.
Social Inclusion	+?	Possible improvements to Norton’s swimming pool could encourage the coming together of the community and have a positive impact on inclusiveness within the community.
Businesses	+?	If development works take place, they could have positive implications for local businesses i.e. more work, but impossible to be certain at time of assessment.
Jobs/Training	+?	If development works take place, they could have positive implications for jobs/training, but impossible to be certain at time of assessment.

POLICY – CF2: MALTON COMMUNITY SPORTS CENTRE		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	0	No likely overall impact.
Heritage	0	No likely overall impact.
Natural Resources	0	No likely overall impact.
Movement	+	Provision of off-road car parking as a policy requirement will result in less on-road parking, congestion and improved traffic flows on the adjacent road.
Open Spaces	0	No likely overall impact.
Community	++	Possible improvements to Malton's community sports centre will have a definite positive impact on community facilities.
Housing Provision	0	No likely overall impact.
Safety/Security	0	No likely overall impact.
Social Inclusion	+?	Possible improvements to Malton's community sports centre could encourage the coming together of the community and have a positive impact on inclusiveness within the community.
Businesses	+?	If development works take place, they could have positive implications for local businesses i.e. more work, but impossible to be certain at time of assessment.
Jobs/Training	+?	If development works take place, they could have positive implications for jobs/training, but impossible to be certain at time of assessment.

POLICY – CF3: MEDICAL CENTRE DEVELOPMENT		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	0	No likely overall impact.
Heritage	0	No likely overall impact.
Natural Resources	0	No likely overall impact.
Movement	0	No likely overall impact.
Open Spaces	0	No likely overall impact.
Community	++	Possible improvements to existing or provision of new medical facilities will have a definite positive impact on community facilities.
Housing Provision	0	No likely overall impact.
Safety/Security	+	Possible improvements to existing or provision of new medical facilities will have a positive impact on health within the community.
Social Inclusion	+?	Possible improvements to or provision of new medical facilities could encourage the coming together of the community and have a positive impact on inclusiveness within the community, depending on the nature of services offered within such facilities.
Businesses	+?	If development works take place, they could have positive implications for local businesses i.e. more work, but impossible to be certain at time of assessment.
Jobs/Training	+?	If development works take place, they could have positive implications for jobs/training, but impossible to be certain at time of assessment.

POLICY – TC1: NEW MUSEUM AND VISITOR FACILITIES		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	0	No likely overall impact.
Heritage	+	New or enhanced museum/visitor facilities are likely to stimulate increased awareness of the area's rich heritage with potential knock-on effects in terms of the conservation of that heritage.
Natural Resources	0	No likely overall impact.
Movement	0	No likely overall impact.
Open Spaces	0	No likely overall impact.
Community	++	Possible new or improvements to existing museum/visitor facilities will have a definite positive impact on community facilities.
Housing Provision	0	No likely overall impact.
Safety/Security	0	No likely overall impact.
Social Inclusion	+?	Possible improvements to or provision of new museum facilities could encourage the coming together of the community and have a positive impact on inclusiveness within the community.
Businesses	+?	If development works take place, they could have positive implications for local businesses i.e. more work, but impossible to be certain at time of assessment.
Jobs/Training	+?	If development works take place, they could have positive implications for jobs/training, but impossible to be certain at time of assessment.

POLICY – TC2: ORCHARD FIELD		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	0	No likely overall impact.
Heritage	+	Enhanced visitor facilities are likely to stimulate increased awareness of the site's rich heritage with potential knock-on effects in terms of the respect for and care of that heritage. The policy's 2 nd clause will both ensure that any enhancements are carried out with no adverse effects to the site's heritage value and potentially increase knowledge of the site.
Natural Resources	0	No likely overall impact.
Movement	0	No likely overall impact.
Open Spaces	+	Policy is designed to improve the recreational value of the Orchard Field open space.
Community	+	Development of visitor facilities will have a positive impact on community facilities.
Housing Provision	0	No likely overall impact.
Safety/Security	0	No likely overall impact.
Social Inclusion	0	No likely overall impact.
Businesses	+?	If development works take place, they could have positive implications for local businesses i.e. more work, but impossible to be certain at time of assessment.
Jobs/Training	+?	If development works take place, they could have positive implications for jobs/training, but impossible to be certain at time of assessment.

POLICY – TC3: HOTEL DEVELOPMENT		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	0	No likely overall impact.
Heritage	0	No likely overall impact.
Natural Resources	-?	Hotel development in a central location is likely to lead to an increase in people movements within the town centres, including motorised vehicular movements, possibly leading in turn to a negative impact on air quality in the NA.
Movement	-?	Hotel development is likely to lead to an increase in people movements within/into the NA, including motorised vehicular movements which may have some negative impacts on traffic congestion in the NA.
Open Spaces	0	No likely overall impact.
Community	+?	Hotel provision could add to the store of facilities available to the community, e.g. for functions, restaurant etc.
Housing Provision	0	No likely overall impact.
Safety/Security	-?	Likely increased motorised vehicular movements may have some negative effects on traffic/road safety.
Social Inclusion	0	No likely overall impact.
Businesses	++	Provision of any new business would make a positive contribution to the NA's economic base. Hotel provision is likely to have a positive impact on tourism.
Jobs/Training	+	Provision of any new business is likely to result in more jobs/training opportunities in the NA.

POLICY – TC4: WENTWORTH STREET		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	0	No likely overall impact.
Heritage	0	No likely overall impact.
Natural Resources	0	Hotel development in this central location may lead to an increase in people movements within Malton town centre, including motorised vehicular movements, possibly leading in turn to a negative impact on air quality in the NA. Conversely, the site's existing car park function already generates such movements. No likely overall impact.
Movement	0	Hotel development is likely to lead to an increase in people movements within/into the NA, including motorised vehicular movements which may have some negative impacts on traffic congestion in the NA. Conversely, the site's existing car park function already generates such movements. No likely overall impact.
Open Spaces	0	No likely overall impact.
Community	+?	Hotel provision could add to the store of facilities available to the community, e.g. for functions, restaurant etc.
Housing Provision	0	No likely overall impact.
Safety/Security	0	No likely overall impact.
Social Inclusion	0	No likely overall impact.
Businesses	++	Provision of any new business would make a positive contribution to the NA's economic base. Hotel provision is likely to have a positive impact on tourism.
Jobs/Training	+	Provision of any new business is likely to result in more jobs/training opportunities in the NA.

POLICY – HRI1: PROTECTION OF HORSE RACING STABLES		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	0	No likely overall impact.
Heritage	0	No likely overall impact.
Natural Resources	0	No likely overall impact.
Movement	0	No likely overall impact.
Open Spaces	0	No likely overall impact.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	0	No likely overall impact.
Social Inclusion	0	No likely overall impact.
Businesses	++	Horse racing is a key local industry and potential tourism asset. The retention of stables within the NA will have a significant positive impact on the local economy.
Jobs/Training	++	The retention of commercial stables will have a positive impact on local jobs and training opportunities.

POLICY – HRI2: HORSE RACING ZONES AND DEVELOPMENT		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	0	No likely overall impact.
Heritage	0	No likely overall impact.
Natural Resources	0	No likely overall impact.
Movement	+	Policy will have a positive impact on the movement of horse/riders and associated vehicles and pedestrians in accessing stables and local gallops.
Open Spaces	0	No likely overall impact.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	+	Policy will have a positive impact in terms of the safety of horse/riders and associated vehicles and pedestrians in accessing stables and local gallops.
Social Inclusion	0	No likely overall impact.
Businesses	+	Horse racing is a key local industry and potential tourism asset. The policy will have positive impacts in terms of the efficient operation of local horse racing stable businesses.
Jobs/Training	0	No likely overall impact.

POLICY – HRI3: IMPROVED ACCESSIBILITY TO THE HORSE RACING INDUSTRY		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	0	No likely overall impact.
Heritage	0	No likely overall impact.
Natural Resources	0	No likely overall impact.
Movement	+	Policy will have a positive impact on pedestrians, horse riders and cyclists using the PROW/cycle route network in the vicinity of racing stables.
Open Spaces	+	Policy will improve accessibility to the countryside for recreational/leisure purposes.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	+	Improved footpaths, bridleways and cycle routes will have a positive impact on user safety.
Social Inclusion	0	The improved quality of freely available footpath, bridleway and cycle routes will have a positive impact on poorer and disadvantaged members of society, e.g. older people, the very young, non-car owners.
Businesses	+	Horse racing is a key local industry and potential tourism asset. The policy will have positive impacts in terms of improving visitor accessibility to local stables.
Jobs/Training	0	No likely overall impact.

POLICY – HRI4: HORSE RACING MUSEUM		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	0	No likely overall impact.
Heritage	+	A new museum is likely to stimulate increased awareness of the area's rich horse racing heritage.
Natural Resources	0	No likely overall impact.
Movement	0	No likely overall impact.
Open Spaces	0	No likely overall impact.
Community	+	A new museum will have a positive impact on community facilities.
Housing Provision	0	No likely overall impact.
Safety/Security	0	No likely overall impact.
Social Inclusion	+	Possible improvements to or provision of new museum facilities could encourage the coming together of the community and have a positive impact on inclusiveness within the community.
Businesses	+	A new museum would create a new tourist attraction and greater awareness of Malton/Norton as a horse racing centre, to the likely benefit of local businesses, including the local horse racing stables. If development works take place, they could have positive implications for local businesses i.e. more work, but impossible to be certain at time of assessment.
Jobs/Training	+	A new museum could generate some new jobs. If development works take place, they could have positive implications for jobs/training, but impossible to be certain at time of assessment.

POLICY – HD1: DEVELOPMENT AND DESIGN – CONSERVATION AREAS		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No overall likely impact.
Landscape	+	Policy is likely to have a positive impact on townscape within the 3 conservation areas.
Heritage	++	Design and development respecting key architectural and historic features within the conservation areas very likely to have positive heritage impacts.
Natural Resources	0	No likely overall impact.
Movement	0	No likely overall impact.
Open Spaces	0	No likely overall impact.
Community	-?	Some possible negative impact on the ability of community facilities housed in conservation area buildings to adapt in order to continue to/better provide facilities/services.
Housing Provision	0	No overall likely impact.
Safety/Security	0	No overall likely impact.
Social Inclusion	0	No overall likely impact.
Businesses	-?	Some possible negative impact on the ability of businesses housed in conservation area buildings to adapt in order to maintain/improve their commercial operations.
Jobs/Training	-?	Possible negative impacts on businesses/community facilities may have possible knock-on effects on job/training opportunities.

POLICY – HD2: DEVELOPMENT AND DESIGN – AREA-WIDE PRINCIPLES		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No overall likely impact.
Landscape	+	Policy provides for suitable landscaping as an integral part of development and is likely to have a positive impact on townscape generally.
Heritage	+	Design and development respecting local character and distinctiveness is likely to have positive heritage impacts.
Natural Resources	0	No likely overall impact.
Movement	0	No likely overall impact.
Open Spaces	0	No likely overall impact.
Community	0	No likely overall impact.
Housing Provision	0	No overall likely impact.
Safety/Security	+	Policy provisions in respect of a safe environment, paying particular attention to design, layout and lighting; and balancing people's access needs, including wheelchair users and those with sensory or cognitive impairments, with local historic and architectural interests, will have a positive impact on safety and security.
Social Inclusion	0	Policy provisions respecting the needs of wheelchair users and those with sensory or cognitive impairments, will have a positive impact on the more disadvantaged members of society.
Businesses	0	No likely overall impact.
Jobs/Training	0	No likely overall impact.

POLICY – HD3: SHOP FRONTS		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	+	Policy is likely to have a positive impact on townscape.
Heritage	+	Policy to conserve traditional shop fronts, particularly within the conservation areas, is likely to have a positive heritage impact. Similarly provisions in respect of listed buildings and NDHA.
Natural Resources	0	No likely overall impact.
Movement	0	No likely overall impact.
Open Spaces	0	No likely overall impact.
Community	-?	Some possible negative cost impacts on community facilities in shop front locations to adapt properties in order to continue to/better provide facilities/services, particularly where in conservation areas, listed buildings and NDHAs.
Housing Provision	0	No likely overall impact.
Safety/Security	0	No likely overall impact.
Social Inclusion	0	No likely overall impact.
Businesses	-?	Some possible negative cost impacts on businesses to adapt properties for business purposes, particularly where in conservation areas, listed buildings and NDHAs.
Jobs/Training	0	No likely overall impact.

POLICY – HD4: MALTON TOWN CENTRE CONSERVATION AREA- ENHANCEMENT		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	Policy clause re no adverse effects on the integrity of the river Derwent SAC will ensure no negative biodiversity impacts. No likely overall impact.
Landscape	++	Specific proposed landscape enhancements, particularly improvements of views/vistas at Castle Garden, together with enhancement proposals generally will have a positive impact on townscape within the conservation area.
Heritage	++	Specific proposed enhancement of the grade II* listed screen wall at The Lodge, together with enhancement proposals generally will have a very positive impact on the conservation area.
Natural Resources	0	No likely overall impact.
Movement	0	No likely overall impact.
Open Spaces	+	Specific proposed enhancements at Orchard Field and Castle Garden will have positive open space impacts.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	+	Specific proposed enhancements to stabilise walls at risk of collapse will make a positive impact to community safety.
Social Inclusion	+	Specific proposed enhancements at the freely accessible Orchard Field and Castle Garden will have a positive impact on the poorer members of society.
Businesses	+	Proposed conservation area enhancements should increase the attractiveness of businesses/the town centre generally to both local shoppers and visitors. If development works take place, they could have positive implications for local businesses i.e. more work, but impossible to be certain at time of assessment.
Jobs/Training	+?	If development works take place, they could have positive implications for jobs/training, but impossible to be certain at time of assessment.

POLICY – HD5: PUBLIC REALM IMPROVEMENTS WITHIN MALTON TOWN CENTRE CONSERVATION AREA		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	+	Specific proposed landscape enhancements will have a positive impact on townscape within the conservation area.
Heritage	+	Enhancement proposals will have a positive impact on the conservation area and any individual heritage asset impacted by proposals.
Natural Resources	0	No likely overall impact.
Movement	0	No likely overall impact.
Open Spaces	0	No likely overall impact.
Community	+?	Proposed enhancement of Malton Library may make the facility more attractive to users.
Housing Provision	0	No likely overall impact.
Safety/Security	0	No likely overall impact.
Social Inclusion	+	No likely overall impact.
Businesses	+?	Proposed enhancements at the rear of The Globe Inn may increase the attractiveness of the business to local people and visitors. If works take place, they could have positive implications for local businesses i.e. more work, but impossible to be certain at time of assessment.
Jobs/Training	+?	If development works take place, they could have positive implications for jobs/training, but impossible to be certain at time of assessment.

POLICY – HD6: NORTON ON DERWENT CONSERVATION AREA - ENHANCEMENT		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	++	Enhancement proposals will have a very positive impact on townscape within the conservation area.
Heritage	++	Specific proposed enhancements of 2 listed buildings, together with enhancement proposals generally will have a very positive impact on the conservation area.
Natural Resources	0	No likely overall impact.
Movement	0	No likely overall impact.
Open Spaces	0	No likely overall impact.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	0	No likely overall impact.
Social Inclusion	0	No likely overall impact.
Businesses	+	Proposed conservation area enhancements should increase the attractiveness of businesses/the town centre generally to both local shoppers and visitors. If development works take place, they could have positive implications for local businesses, i.e. more work, but impossible to be certain at time of assessment.
Jobs/Training	+?	If development works take place, they could have positive implications for jobs/training, but impossible to be certain at time of assessment.

POLICY – HD7: PUBLIC REALM IMPROVEMENTS WITHIN THE NORTON ON DERWENT CONSERVATION AREA		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	Policy clause re no adverse effects on the River Derwent SAC will ensure no negative impacts on biodiversity. No likely overall impact.
Landscape	+	Proposed landscape enhancements/planting will have a positive impact on townscape/landscape within the conservation area.
Heritage	+	Enhancement proposals will have a positive impact on the conservation area and any individual heritage asset impacted by proposals.
Natural Resources	0	No likely overall impact.
Movement	0	No likely overall impact.
Open Spaces	0	No likely overall impact.
Community	+?	Proposed enhancement of County Bridge Public Conveniences may make the facility more attractive to users.
Housing Provision	0	No likely overall impact.
Safety/Security	0	No likely overall impact.
Social Inclusion	0	No likely overall impact.
Businesses	+	Proposed enhancements may increase the attractiveness of the town centre to local people and visitors with positive benefits for businesses. If works take place, they could have positive implications for local businesses i.e. more work, but impossible to be certain at time of assessment.
Jobs/Training	+?	If works take place, they could have positive implications for jobs/training, but impossible to be certain at time of assessment.

POLICY – HD8: MALTON OLD TOWN CONSERVATION AREA - ENHANCEMENT		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	++	Enhancement proposals will have a very positive impact on townscape/landscape within the conservation area.
Heritage	++	Enhancement proposals will have a very positive impact on the conservation area.
Natural Resources	0	No likely overall impact.
Movement	+	Specific proposed enhancements in respect of road surfacing and car park surfacing (linked to kerbside parking) will have a positive impact on traffic flow.
Open Spaces	0	No likely overall impact.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	+	Specific proposed road surfacing enhancements will have a positive impact on motorist safety.
Social Inclusion	0	No likely overall impact.
Businesses	+?	If development works take place, they could have positive implications for local businesses, i.e. more work, but impossible to be certain at time of assessment. Enhancements at the Wentworth Arms may also make the business more attractive to users.
Jobs/Training	+?	If development works take place, they could have positive implications for jobs/training, but impossible to be certain at time of assessment.

POLICY – HD9: PUBLIC REALM IMPROVEMENTS WITHIN THE MALTON OLD TOWN CONSERVATION AREA		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	+	The general improvements supported/encouraged by policy will have a positive impact on townscape/landscape within the conservation area.
Heritage	+	Enhancement proposals will have a positive impact on the conservation area and any individual heritage asset impacted by proposals.
Natural Resources	0	No likely overall impact.
Movement	0	No likely overall impact.
Open Spaces	0	No likely overall impact.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	0	No likely overall impact.
Social Inclusion	0	No likely overall impact.
Businesses	+?	If works take place, they could have positive implications for local businesses i.e. more work, but impossible to be certain at time of assessment.
Jobs/Training	+?	If works take place, they could have positive implications for jobs/training, but impossible to be certain at time of assessment.

POLICY – HD10: AREA-WIDE PUBLIC REALM IMPROVEMENTS		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	+	The general improvements supported/encouraged by policy will have a positive impact on townscape/landscape within the NA.
Heritage	+	Enhancement proposals will have a positive impact on any heritage asset impacted by proposals.
Natural Resources	0	No likely overall impact.
Movement	0	No likely overall impact.
Open Spaces	0	No likely overall impact.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	0	No likely overall impact.
Social Inclusion	0	No likely overall impact.
Businesses	+?	If works take place, they could have positive implications for local businesses i.e. more work, but impossible to be certain at time of assessment.
Jobs/Training	+?	If works take place, they could have positive implications for jobs/training, but impossible to be certain at time of assessment.

POLICY – HD11: ARCHAEOLOGY		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	0	No likely overall impact.
Heritage	++	Policy will have a very positive impact on the preservation and/or recording of archaeological remains in an area rich in such remains.
Natural Resources	0	No likely overall impact.
Movement	0	No likely overall impact.
Open Spaces	0	No likely overall impact.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	0	No likely overall impact.
Social Inclusion	0	No likely overall impact.
Businesses	0	No likely overall impact.
Jobs/Training	0	No likely overall impact.

POLICY – H1: HOUSING MIX		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	0	No likely overall impact.
Heritage	0	No likely overall impact.
Natural Resources	0	No likely overall impact.
Movement	0	No likely overall impact.
Open Spaces	0	No likely overall impact.
Community	0	No likely overall impact.
Housing Provision	++	Development will have a positive impact on the provision of the types of housing required by the NA community.
Safety/Security	+?	Development may possibly lead to safer, more secure accommodation for the older community, e.g. level access, single storey, warden-linked.
Social Inclusion	+	A housing mix which meets the needs of smaller households (e.g. first time buyers), the older community and those in need of affordable rented accommodation is likely to have some positive impact on social inclusion and equality.
Businesses	-?	The requirement to build smaller properties/properties that meet older people's needs may possibly impact negatively on housebuilder profitability, as it may be argued that housebuilders prefer to build more profitable 4+ bedroom dwellings.
Jobs/Training	0	No likely overall impact.

POLICY – EM1: ENCOURAGEMENT OF LOCAL EMPLOYMENT SECTORS		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	0	No likely overall impact.
Heritage	0	No likely overall impact.
Natural Resources	+?	Encouragement of/support for green industries could conceivably have positive impacts on natural resources, dependent on the exact nature of any industries attracted.
Movement	0	No likely overall impact.
Open Spaces	0	No likely overall impact.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	0	No likely overall impact.
Social Inclusion	0	No likely overall impact.
Businesses	+	Encouragement of/support for employment generating uses both generally and sector-specifically is likely to have a positive impact on businesses.
Jobs/Training	+	Encouragement of/support for employment generating uses both generally and sector-specifically is likely to have a positive impact on jobs/training.

POLICY – M1: WENTWORTH STREET CAR PARK		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	+?	Policy encourages/supports improvements to the car park environment which may result in positive landscape impacts.
Heritage	0	No likely overall impact.
Natural Resources	0	No likely overall impact.
Movement	+	Retention of town centre car parking capacity maintains accessibility for users of Malton town centre facilities.
Open Spaces	0	No likely overall impact.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	+?	Policy encourages/supports improvements to car park operation which may result in positive safety/security impacts.
Social Inclusion	+?	Policy encourages/supports improvements to car park operation which may result in positive impacts for more disadvantaged members of society, e.g. in respect of disabled, parent/child parking.
Businesses	+	Retention of town centre car parking capacity maintains ease of accessibility to Malton town centre businesses.
Jobs/Training	+?	Retention of town centre car parking capacity maintains ease of accessibility to Malton town centre businesses which may in turn sustain businesses and the jobs they support.

POLICY – M2: MALTON MARKET PLACE		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	No likely overall impact.
Landscape	+?	Policy encourages/supports improvements to the car park environment which may result in positive landscape impacts.
Heritage	0	No likely overall impact.
Natural Resources	0	No likely overall impact.
Movement	+	Retention of town centre car parking capacity maintains accessibility for users of Malton town centre facilities.
Open Spaces	0	No likely overall impact.
Community	0	No likely overall impact.
Housing Provision	0	No likely overall impact.
Safety/Security	+?	Policy encourages/supports improvements to car park operation which may result in positive safety/security impacts.
Social Inclusion	+?	Policy encourages/supports improvements to car park operation which may result in positive impacts for more disadvantaged members of society, e.g. in respect of disabled, parent/child parking.
Businesses	+	Retention of town centre car parking capacity maintains ease of accessibility to Malton town centre businesses.
Jobs/Training	+?	Retention of town centre car parking capacity maintains ease of accessibility to Malton town centre businesses which may in turn sustain businesses and the jobs they support.

POLICY – N1: LAND TO THE REAR OF COMMERCIAL STREET		
BENCHMARK CRITERION	IMPACT	EXPLANATION
Biodiversity	0	Policy clause regarding no adverse effect on the integrity of the River Derwent SAC will ensure no negative impact on biodiversity. No overall likely impact.
Landscape	+?	Regeneration of this underused, neglected site may have positive impacts on the townscape/landscape of this part of the River Derwent green & blue infrastructure corridor.
Heritage	+?	Regeneration of this underused, neglected site may have positive impacts on this part of the Norton-on-Derwent Conservation Area.
Natural Resources	0	No likely overall impact.
Movement	+	Improved service access and increased public parking is likely to improve access to local shopping facilities and to have positive impacts on local traffic flow and congestion.
Open Spaces	0	No likely overall impact.
Community	0	No likely overall impact.
Housing Provision	-	The site's flood risk status will have a negative impact on the potential development of the site for housing.
Safety/Security	+	The policy's service access and parking provisions are likely to have positive impacts on highway safety.
Social Inclusion	0	No likely overall impact.
Businesses	+	The support for retail and light industrial uses on the site is likely to have a very positive effect on businesses, albeit mitigated somewhat by the necessary flood risk requirements.
Jobs/Training	+	The support for retail and light industrial uses on the site is likely to have a positive effect on jobs/training.

SUMMARY ANALYSIS

	NEIGHBOURHOOD PLAN POLICY NUMBERS																		
BENCHMARK CRITERION	TM1	TM2	TM3	TM4	TM5	TM6	TM7	TM8	RC1	RC2	E1	E2	E3	E4	E5	E6	E7	SUMMARY IMPACT 1	
Biodiversity	+?	0	0	0	0	+/-?	0	0	+?	+?	++	0	+	+	+	0	+	-	
Landscape	+	0	0	0	0	+/-?	0	0	+	+?	++	0	+	+	++	+	+?	-	
Heritage	0	0	0	0	0	+/-?	0	+?	+?	+?	++	0	0	0	0	+	+	-	
Natural Resources	+	0	0	0	0	+/-?	+	+?	0	+	0	0	+?	0	0	0	++	-	
Movement	+	+	++	++	++	+	+?	+	+	+	0	0	+?	+	0	0	0	-	
Open Spaces	+	0	0	0	0	+/-?	0	0	+	0	++	++	++	+	+?	0	+?	-	
Community	0	0	0	0	0	+/-?	0	0	+	0	0	0	0	0	0	0	0	-	
Housing Provision	0	0	0	0	0	+?	0	0	0	-?	0	0	0	0	0	0	0	-	
Safety /Security	+	+?	+	+	+	0	+?	+	+	+	0	0	+?	0	0	0	+	-	
Social Inclusion	+	+?	0	+	0	0	+?	0	+	0	+	0	+	+	0	+	+?	-	
Businesses	+?	0	0	+?	0	++	+?	-?	+?	+?	+/-?	0	+?	0	0	0	-	-	
Jobs/Training	+?	0	0	+?	0	+	+?	0	+?	+?	0	0	+?	0	0	0	0	-	
SUMMARY IMPACT 2																		-	
	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	
	NEIGHBOURHOOD PLAN POLICY NUMBERS																		
BENCHMARK CRITERION	CF1	CF2	CF3	TC1	TC2	TC3	TC4	HRI1	HRI2	HRI3	HRI4	HD1	HD2	HD3		HD4	HD5	HD6	SUMMARY IMPACT 1
Biodiversity	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	-
Landscape	0	0	0	0	0	0	0	0	0	0	0	+	+	+		++	+	++	-
Heritage	0	0	0	+	+	0	0	0	0	0	+	++	+	+		++	+	++	-
Natural Resources	0	0	0	0	0	-?	0	0	0	0	0	0	0	0		0	0	0	-
Movement	+	+	0	0	0	-?	0	0	+	+	0	0	0	0		0	0	0	-
Open Spaces	0	0	0	0	+	0	0	0	0	+	0	0	0	0		+	0	0	-
Community	++	++	++	++	+	+?	+?	0	0	0	+	-?	0	-?		0	+?	0	-
Housing Provision	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	-
Safety /Security	0	0	+	0	0	-?	0	0	+	+	0	0	+	0		+	0	0	-
Social Inclusion	+?	+?	+?	+?	0	0	0	0	0	0	+?	0	0	0		+	+	0	-
Businesses	+?	+?	+?	+?	+?	++	++	++	+	+	+	-?	0	-?		+	+?	+	-
Jobs/Training	+?	+?	+?	+?	+?	+	+	++	0	0	+	-?	0	0		+?	+?	+?	-

SUMMARY IMPACT 2	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve		+ve	+ve	+ve	-
																			+ve
	NEIGHBOURHOOD PLAN POLICY NUMBERS																		
BENCHMARK CRITERION	HD7	HD8	HD9	HD10	HD11	H1	EM1	M1	M2	N1									SUMMARY IMPACT 1
Biodiversity	0	0	0	0	0	0	0	0	0	0									+ve
Landscape	+	++	+	+	0	0	0	+?	+?	+?									+ve
Heritage	+	++	+	+	++	0	0	0	0	+?									+ve
Natural Resources	0	0	0	0	0	0	+?	0	0	0									+ve
Movement	0	+	0	0	0	0	0	+	+	+									+ve
Open Spaces	0	0	0	0	0	0	0	0	0	0									+ve
Community	+?	0	0	0	0	0	0	0	0	0									+ve
Housing Provision	0	0	0	0	0	++	0	0	0	-									+ve
Safety /Security	0	+	0	0	0	+?	0	+?	+?	+									+ve
Social Inclusion	0	0	0	0	0	+	0	+?	+?	0									+ve
Businesses	+	+?	+?	+?	0	-?	+	+	+	+									+ve
Jobs/Training	+?	+?	+?	+?	0	0	+	+?	+?	+									+ve
SUMMARY IMPACT 2	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve									+ve
																			+ve

Summary Impact 1 = impact/contribution of policies as a whole on/to individual sustainability benchmark criteria

-Overall +ve

-No negatives

-Weak positives (i.e. positive score of 2 or less) – Housing Provision

Summary Impact 2 = Impact/contribution of individual policies on sustainability/benchmark criteria as a whole

Overall +ve

-No negatives

-Weak positives (i.e. positive score of 2 or less) – TM2; TM7; E2; HD3; HD11

APPENDIX 2: MALTON AND NORTON NEIGHBOURHOOD PLAN SCREENING REPORT

Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan

August 2019

Fleming Ecology Limited

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Client Name: Malton and Norton Town Councils
Document Reference: MN NDP HRAv1.0
Issue date: August 2019

Issue	Date	Prepared, checked and approved by
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SUMMARY

The Malton and Norton-upon-Derwent Town Councils are together preparing their Neighbourhood Development Plan. This Habitats Regulations Assessment (HRA) evaluates the Plan as required by the Conservation of Habitats and Species Regulations 2017 (the *Habitats Regulations*).

Its role is to test the impact of the proposed policies and allocations on the internationally important sites for biodiversity in and around the neighbourhood. Together, these Special Protection Areas, Special Areas of Conservation and Ramsar sites are known as European sites.

HRA asks very specific questions of a local plan. Firstly, it “*screens*” the plan to identify which policies or allocations may have a *likely significant effect, alone or (if necessary) in combination* with other plans and projects, on the European sites. If likely significant effects can be ruled out, then the plan may be adopted but if they cannot, the plan must be subjected to the greater scrutiny of an ‘*appropriate assessment*’ to find out if it may result in *an adverse effect on the integrity* (AEIOI) of the European sites. Again, if AEIOI can be ruled out, the plan may be adopted. At this stage, but only if necessary, the plan should be amended to *mitigate* any problems, which typically means that some policies or allocations need to be modified or, more unusually, may have to be removed altogether. If mitigation is unable to rule out AEIOI then derogations may be sought but only as a last resort and few local plans would be expected to pass these additional tests.

This document follows best practice, drawing heavily on guidance contained within the Habitats Regulations Assessment Handbook, and takes full account of current Government policy and law.

Forty-two policies were screened; the individual outcomes of the pre-screening of each policy and allocation can be found in Appendix C and are summarised in Table 8. Overall, this HRA found that likely significant effects could be ruled out for all 42. There was no need for an in-combination assessment and no need for an appropriate assessment. There is no need for any further scrutiny of the Plan under the Habitats Regulations.

Lastly, although this HRA has been prepared to help the Council discharge its duties under the Habitats Regulations, the Council is the competent authority and it must decide whether to adopt this report or otherwise.

1. INTRODUCTION

Background

- 1.1. The Malton and Norton-upon-Derwent Town Councils are together preparing their Neighbourhood Development Plan (*the Plan* or *NDP*). Alongside the adopted Ryedale Local Plan, this will help to deliver strategic vision and objectives across the neighbourhood until 2027. When adopted, the NDP will influence all future development within the towns' boundaries.
- 1.2. The Habitats Directive requires local (or '*competent*') authorities to assess the impact of development plans on the Natura 2000 network of protected sites. The Directive is given domestic effect by the Habitats and Species Regulations 2017¹ (the '*Habitats Regulations*'). In England, this requirement is implemented via a *Habitats Regulations Assessment (HRA)* which comprises a series of mandatory tests.
- 1.3. The production of this HRA draws heavily on guidance provided by the Habitats Regulations Assessment Handbook² (the *Handbook*) utilising charts, pro-forma, definitions and interpretation throughout. The Handbook draws on best practice and case law at home and across the EU to identify over 180 principles to inform the production of HRAs. Subscribers to the Handbook include Natural England, the Environment Agency and the Planning Inspectorate amongst others.
- 1.4. Defra guidance³ allows competent authorities to reduce the duplication of effort by drawing on earlier conclusions of other relevant plans where there has been no material change in circumstances. If there is any doubt, the allocation or policy is assessed normally. Consequently, this current HRA draws on the findings of previous documents where possible but evaluates the Plan in the context of contemporary evidence and best practice.

Habitats Regulations Assessment of Neighbourhood Plans, Natura 2000 and European sites

- 1.5. Natura 2000 is the cornerstone of European nature conservation policy; it is an EU-wide network of Special Protection Areas (SPA) classified under the 1979 Birds Directive and Special Areas of Conservation (SAC) designated under the 1992 Habitats Directive. Together, the network comprises over 27,000 sites⁴ and safeguards the most valuable and threatened habitats and species across Europe; it represents the largest, coordinated network of protected areas in the world.
- 1.6. In the UK, these sites are commonly referred to as 'European sites' which, according to Government policy⁵, also comprise 'Wetlands of International Importance', or Ramsar sites. Importantly, European sites also include the relevant 'proposed' or 'potential' sites which have not yet been formally designated. Each is 'classified' or 'designated' for a range of habitats and species which are referred to as 'qualifying features'.
- 1.7. Over 8.5% of the UK land area forms part of this network including, locally, sites such as the River Derwent, the Lower Derwent Valley and Strensall Common. Further afield, it also incorporates such well known sites as the Yorkshire Dales and the North York Moors.

¹ *Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018*

² Tyldesley, D., and Chapman, C., (2013) *The Habitats Regulations Assessment Handbook*, July 2018 edition UK: DTA Publications Ltd

³ Habitats Directive – Guidance on competent authority coordination under the Habitats Regulations, Defra (July 2012).

⁴ Natura 2000 Barometer

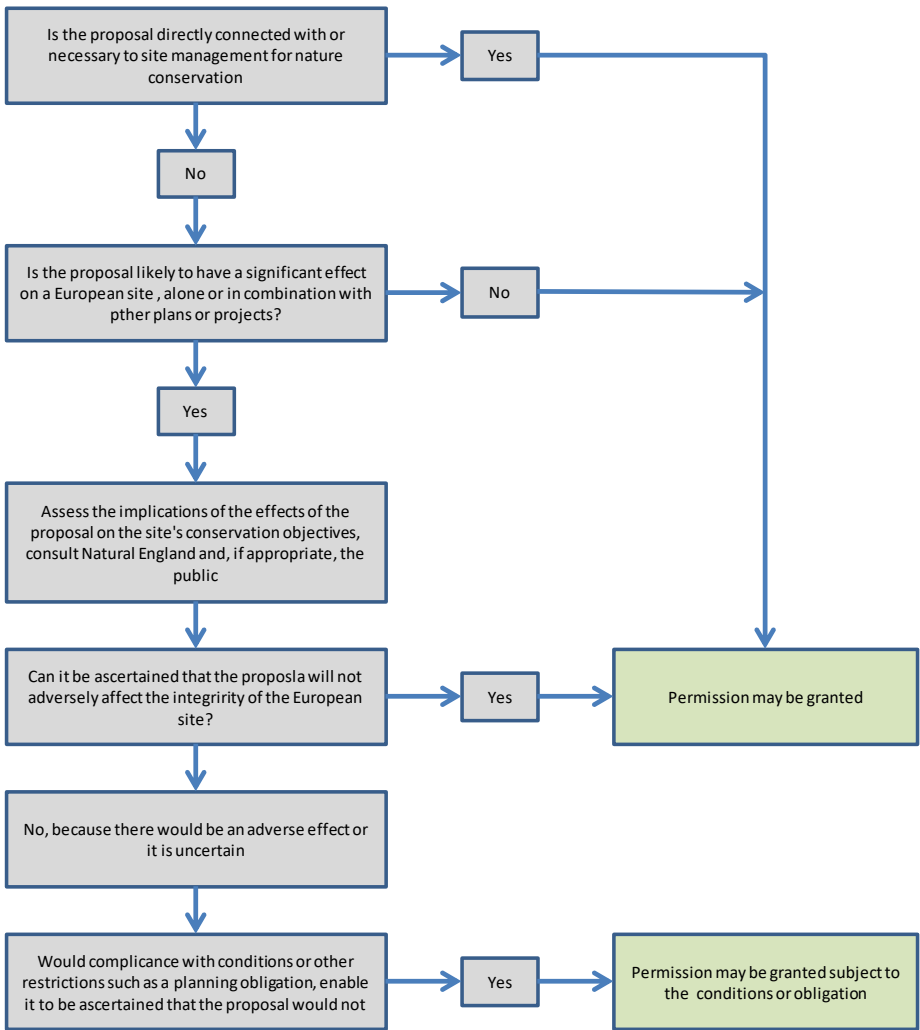
<https://view.officeapps.live.com/op/view.aspx?src=http://ec.europa.eu/environment/nature/natura2000/barometer/docs/Natura%202000%20barometer.xlsx> accessed 14 February 2019

⁵ ODPM Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (16 August 2005)

1.8. The Regulations employ a series of mandatory tests listed below and graphically represented in Fig 1⁶ which set out a four-stage process.

Stage	Test	Task
1	Screening	Determines if the Plan will lead to a <i>likely significant effect</i> on a European site alone or in combination with other plans or projects.
2	Appropriate assessment	If likely significant effects cannot be ruled out, a more thorough appropriate assessment (AA) must be carried out to assess whether it is possible to ascertain that the Plan will have 'no adverse effect on the integrity of the site' (AEOI) or not.
3	Alternative solutions	If AEOI cannot be ruled out, the HRA must explore if less damaging <i>alternative solutions</i> could deliver the overall objective of the Plan
4	Imperative Reasons of Overriding Public Interest (IROPI) and Compensation	If no alternative solutions exist, the Plan can only proceed if IROPI apply and compensatory measures must be delivered

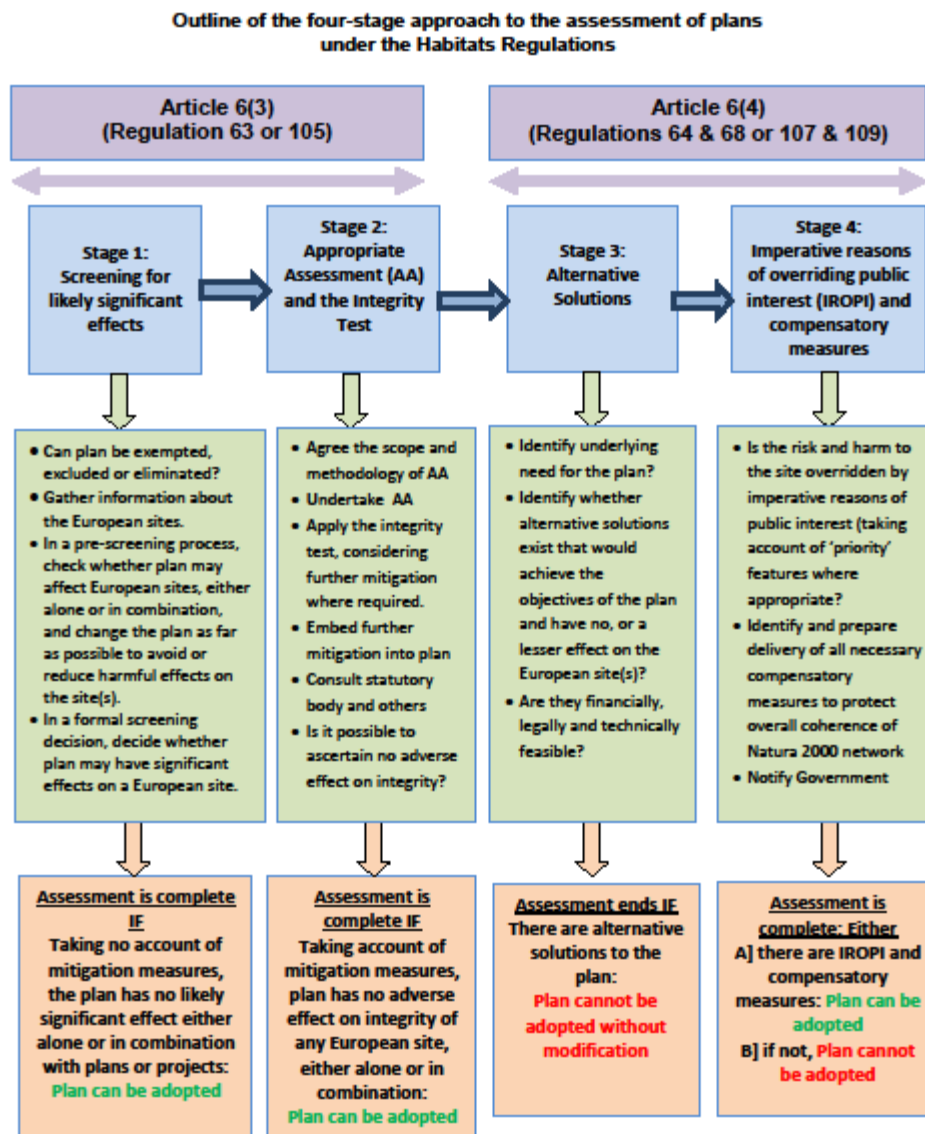
Figure 1: Consideration of development proposals affecting European sites



⁶ Ibid

- 1.9. In reality, experience gained from implementation of the process has encouraged the adoption of a 'pre-screening' process and the use of additional filters at the outset to explore if the plan even needs to be subject to HRA at all. This more pragmatic approach is laid out in Fig 2 where many of the component steps are given expression. It is the process described in Fig 2 that is followed in this HRA.
- 1.10. So, for example, the initial test adopted in this HRA (in Section 3) firstly explores if the plan can be excluded from the HRA simply because it is considered that it could not have any conceivable effect on a European site before exploring whether the plan is actually necessary for the management of a European site. Through the subsequent use of pro-forma and associated filters it refines the European sites at risk and the policies that may cause harm to arise.
- 1.11. If the plan cannot be ruled out at this stage, the competent authority (ie the Councils) must then move onto the formal screening process to identify whether the plan is '... likely to have a significant effect on a European Site ... either alone or in combination with other plans or projects'. The formal screening opinion is provided in Section 4. If significant effects are found to be absent or can be avoided, the plan may be adopted without further scrutiny. If not, an appropriate assessment is required.
- 1.12. Importantly, an in-combination assessment is only required where an impact is identified which would have an insignificant effect on its own ('a residual effect') but where likely significant effects arise cumulatively with other plans or projects. Together, these first few steps of Stage 1 (in Fig 2) are often referred to as 'Screening'.

Figure 2: The four stage assessment of plans under the Habitats Regulations⁷



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⁷ The HRA of Neighbourhood Plans is required under Reg. 106. Although this figure does not refer to Reg. 106, the same process still applies.

Definitions, Evidence, Precautionary Principle and Case Law

- 1.13. The specific meaning of the key terms and tests in HRA is of considerable importance. Drawing on Section C.7 of the Handbook and other sources the following definitions, embedded in case law, apply to key words, phrases and stages throughout the HRA:

Stage One - Screening

- *Likely* in the context of 'a likely significant effect' means a 'a possible significant effect; one whose occurrence cannot be excluded on the basis of objective information';⁸; therefore, 'likely' can be interpreted as a risk and so differs from the normal English meaning of a probability.
 - *Significant*, in the same context, means 'any effect that would undermine the conservation objectives for a European site ...';⁹
 - *'Objective information'*, in this context, means clear verifiable fact rather than subjective opinion.
 - *There should be credible evidence to show that there is a real rather than a hypothetical risk¹⁰ of effects that could undermine the site's conservation objectives. Any serious possibility of a risk that the conservation objectives might be undermined should trigger an 'appropriate assessment'.*
- 1.14. In other words, this means the initial screening phase should not be exhaustive, a point candidly described by Advocate General Sharpston in paragraphs 49 and 50 of the Sweetman case¹¹ when describing the levels of scrutiny to be applied to each test as follows:

'The threshold at the first stage [the test for LSE] ... is thus a very low one. It operates merely as a trigger, in order to determine whether an appropriate assessment must be undertaken ... The threshold at (the second) [the appropriate assessment] stage is noticeably higher than that laid down at the first stage. That is because the question (to use more simple terminology) is not 'should we bother to check?' (the question at the first stage) but rather 'what will happen to the site if this plan or project goes ahead ...'.

- 1.15. This was amplified in the Bagmoor Wind case¹² as follows:

'If the absence of risk ... can only be demonstrated after a detailed investigation, or expert opinion, that is an indicator that a risk exists, and the authority must move from preliminary examination to appropriate assessment'.

- 1.16. In other words, if there is any serious possibility of a risk that the conservation objectives might be undermined this should trigger an appropriate assessment.'

Stage Two – Appropriate Assessment and the Integrity Test

- 1.17. Fundamentally, the HRA process employs the precautionary principle and Regulation 105 ensures that where a plan is 'likely to have a significant effect', it can only be adopted if *the competent authority* can ascertain (following an *appropriate assessment*) that it 'will not adversely affect the

⁸ European Court of Justice Case C – 127/02 *Waddenzee* 7 September 2004

⁹ Peter Charles Boggis and Easton Bavants Conservation v Natural England and Waveney District Council, High Court of Justice Court of Appeal case C1/2009/0041/QBACF Citation No [2009] EWCA Civ. 1061 20th October 2009

¹⁰ Peter Charles Boggis and Easton Bavants Conservation v Natural England and Waveney District Council, High Court of Justice Court of Appeal case C1/2009/0041/QBACF Citation No [2009] EWCA Civ. 1061 20th October 2009

¹¹ C-258/11 Sweetman reference for a preliminary ruling from the Supreme Court of Ireland. Opinion of the Advocate General 22 November 2012

¹² Bagmoor Wind Limited v The Scottish Ministers Court of Sessions [2012] CSIH 93

integrity of the European site. In simpler terms, it is not for the competent authority to prove harm but for the plan proposer to demonstrate that adverse effects have been voided.

- 1.18. The *integrity* of a European site was described in para 20 of ODPM Circ. 06/2005 as:

the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified.

- 1.19. Elsewhere, the CJEU (*Sweetman*)¹³ defined integrity as:

'the lasting preservation of the constitutive characteristics of the site ... whose preservation was the objective justifying the designation of that site

- 1.20. Whilst the Supreme Court (*Champion*)¹⁴ has found "appropriate" is not a technical term and indicates no more than that the assessment should be appropriate to the task in hand, it can be seen that when compared with the test at the screening stage for likely significant effect, the a '*appropriate assessment*' is more thorough.

Stages Three and Four – The Derogations

- 1.21. If an adverse effect on the integrity of the site can be avoided, the plan can be adopted (Fig 1). If not, derogations would have to be sought to allow the plan to continue; these are regarded as a last resort and considered only in exceptional circumstances. For these to be successful it has to be shown that there are no less damaging *alternative solutions*. If there are none, *imperative reasons of overriding public interest* must apply. If they do, compensatory measures must be delivered. These latter stages are not shown in Fig 1, but the entire process is summarised in Stages 2, 3 & 4 of Fig 2.

Overall approach

- 1.22. The HRA of development plans was first made a requirement in the UK following a ruling by the European Court of Justice in *EC v UK*¹⁵. However, the judgement¹⁶ recognised that any assessment had to reflect the actual stage in the strategic planning process and the level of evidence that might or might not be available. This was given expression in the UK High Court (*Feeney*)¹⁷ which stated:

"Each ... assessment ... cannot do more than the level of detail of the strategy at that stage permits".

- 1.23. This is where a way has to be found that whilst mindful of the need for the precautionary principle to be applied, the HRA must strive to identify only those plausible effects and not the extremely unlikely.
- 1.24. Because this is a strategic plan, the '*objective information*'¹⁸ required by the HRA is typically only available at a strategic or high level, without the detail that might be expected at the planning application stage.

Mitigation and recent case law

- 1.25. Recently, the European Court of Justice gave its ruling on the *People Over Wind*¹⁹ case which provided a new interpretation of when and how mitigation measures should be considered in an HRA. In departing from previous decisions, it clearly identifies that measures designed specifically to avoid or reduce likely significant effects should not be evaluated at the screening stage but reserved for the

¹³ *Sweetman* EU:C:2013:220 para 39

¹⁴ *R (on the application of Champion) v. North Norfolk District Council* [2015] UKSC 52.

¹⁵ Case C-6/04: Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland judgment of the Court 20 October 2005.

¹⁶ Opinion of advocate general Kokott, 9th June 2005, Case C-6/04. Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland

¹⁷ *Sean Feeney v Oxford City Council and the Secretary of State CLG* para 92 of the judgment dated 24 October 2011 Case No CO/3797/2011, Neutral Citation [2011] EWHC 2699 Admin

¹⁸ European Court of Justice Case C – 127/02 *Waddenzee* 7 September 2004

¹⁹ [Case C/323-17 People Over Wind](#)

appropriate assessment. The implications of this recent judgment are still to be fully understood, in circumstances where the plan which is the specific subject of consideration under the Directive and Regulations, itself includes policies which provide for mitigation. However, this HRA takes full account of this ruling by restricting consideration of any mitigation measures to the appropriate assessment.

Brexit

- 1.26. The requirement for this HRA is embedded in the European Union's Habitats Directive and so the decision to leave the EU potentially throws doubt on the need for the HRA of this and other local plans. However, UK law and policy are currently unchanged and the need to produce an HRA and act on its outcomes remains until such time as Government indicates otherwise.

Role of the competent authority

- 1.27. Lastly, although this HRA has been prepared to help the Councils discharge their duties under the Habitats Regulations, the Councils remain the competent authorities and they must decide whether to adopt this report or otherwise.

2. THE NEED FOR ASSESSMENT AND IDENTIFYING EUROPEAN SITES AT RISK

Exclusion, Elimination and Exemption from the need for Assessment

- 2.1. As part of the pre-screening exercise, prior to the identification of vulnerable European sites, Stage 1 of Fig.2 (elaborated in F3.2 – F3.4 of the Handbook) encourages a brief review of the plan to explore if it can be:
- **Excluded** from the HRA because 'it is not a plan within the meaning and scope of the Habitats Directive', or
 - **Eliminated** from the HRA because it can easily be shown that although 'it is a plan ... it could not have any conceivable effect on any European site', or
 - **Exempted** from the HRA because it is '... directly connected with or necessary to the management of the ... European site' (ie the first formal stage of the HRA - Fig 1).
- 2.2. Taking these in turn, **it is clear the Local Plan represents a plan within the meaning and scope of the Habitats Directive with the potential to harm European sites and so can neither be excluded nor eliminated from the HRA. Likewise, the purpose of the Plan is not the nature conservation management of any European sites and so it cannot be made exempt from further assessment.** Consequently, the next steps in Stage 1 of Fig 2 need to be pursued by identifying which European sites and which features may be vulnerable as follows.

Identification of European sites at risk

- 2.3. To encourage a consistent, reliable and repeatable process, the Handbook (Figure F4.4) identifies 16 generic criteria, listed in full in Appendix A (Columns 1 & 2), that when evaluated generate a preliminary and precautionary, 'long' list of European sites in Column 3 that could be affected by the Plan²⁰. However, when considered further, using readily available information and local knowledge (Column 4) the list of plausible threats can be refined, and the list of potentially affected sites reduced (Column 5). Albeit a coarse filter, this complies with the Boggis case by focusing scrutiny only on realistic and credible threats whilst avoiding the hypothetical or exceedingly unlikely.
- 2.4. If Column 5 remains empty of European sites, then no European sites will be at risk and no further scrutiny will be required. Note that sites identified against the first criterion (ie '1. All plans') should be ignored as this is simply a checklist of European sites within the NBP boundary.
- 2.5. The search was restricted to those European sites found within 20km of the Neighbourhood Plan boundary as this was considered to be the maximum extent that policies and allocations could seriously be considered to generate measurable effects. This focuses the attention of this HRA on the River Derwent, Lower Derwent Valley, Strensall Common, Ellers Wood and Sand Dale and the North York Moors. However, only the River Derwent is found within the Town Councils' boundaries.
- 2.6. It is important to note that although the outcomes of this site identification task will reflect the type and location of activities proposed within the plan and/or the ecological characteristics of the European sites, it does not represent the test for likely significant effect (which follows later).
- 2.7. The exercise identified that only three of the 16 criteria, 'aquatic features' (2), 'mobile species' (5a) and recreational pressure (6) represented a credible threat to European sites in the area. For reasons of brevity, only relevant extracts from Appendix A are presented in Table 1 below. None of the remaining 13 criteria were considered to represent a credible threat and are removed from any further scrutiny as are all other European sites.

²⁰ This table is taken from the Handbook albeit with changes to the number and titles of Columns appropriate to this HRA.

Table 1: Potential mechanisms and the initial list of European sites that could be affected - extracted from Appendix A

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
2. Plans that could affect aquatic features	(a) Sites upstream or downstream of the plan area in the case of river or estuary sites	Lower Derwent Valley SPA, SAC, Ramsar River Derwent SAC	<p>Effects considered are those associated with the physical presence of built development and the <i>localised</i> effects on surface/groundwater resources and quality, resulting from changes in run-off, sedimentation, erosion etc.</p> <p>Given that the Lower Derwent Valley lies around 20km as the crow flies from the plan area, localised effects on aquatic features can be confidently ruled out from any further consideration for this European site.</p> <p>However, given that the River Derwent flows through the Plan area, all features of the River Derwent SAC remain vulnerable to development proposed in the NDP even though the section within the town centres is not designated.</p> <p>Note that the <i>indirect</i> effects of changes to wastewater disposal are assessed separately under '7b'.</p>	River Derwent SAC
5. Plans that could affect mobile species	Sites whose qualifying features include mobile species which may be affected by the plan irrespective of the location of the plan's proposals or whether the species would be in or out of the site when they might be affected	Lower Derwent Valley SPA, SAC, Ramsar River Derwent SAC	<p>This considers direct impacts of plan proposals on mobile species.</p> <p>Given the distance between the plan area and the Lower Derwent Valley European site (LDV), otter populations which range along the entire length of the river, can be considered to be distinct from those found within the Plan area. Consequently, harmful effects can be ruled out.</p> <p>Similarly, impacts on both the breeding and wintering bird populations which use 'functionally-linked land' outside the LDV are highly unlikely given the distances involved and so too can be ruled out.</p> <p>However, given the development proposed in close proximity to the River Derwent, impacts on the otter, bullhead and lamprey populations of the river cannot be ruled out.</p> <p>Therefore, these features of the River Derwent will be considered further.</p>	River Derwent SAC

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
6. Plans that could increase recreational pressure on European sites potentially vulnerable or sensitive to such pressure	(a) Such European sites in the plan area	River Derwent SAC (within the plan area)	<p>The plan does not make provision for any housing and so the impact of new residents can be discounted.</p> <p>The plan encourages the development of both horse racing and other tourist attractions but does not allocate land for either and at present these remain aspirations. Even if pursued, it is not anticipated that visitors to those destinations would increase pressure on the River Derwent to which there is only limited access through much of the plan area. Consequently, the impact of these proposals can be discounted.</p> <p>Modest proposals are encouraged on land adjacent to the river in the town centre albeit adjacent to a stretch that isn't designated. Despite this, the potential exists for an increase in recreational pressure from existing residents to harm the qualifying features.</p> <p>Therefore, possible impacts on the River Derwent require further consideration.</p> <p>Extract from <i>The Habitats Regulations Assessment Handbook</i>, www.dtapublications.co.uk © DTA Publications Limited (November) 2018 all rights reserved This work is registered with the UK Copyright Service</p>	River Derwent SAC

- 2.8. The outputs of the review carried out in Table 1 rule out the possibility of any credible effects from any aspect of the Plan on the Lower Derwent Valley, Strensall Common, Ellers Wood and Sand Dale and the North York Moors. These sites will therefore be ruled out of any further scrutiny in this HRA.
- 2.9. In addition, the exercise reduces the number of factors at play and begins to clarify the nature of potential impacts. Importantly, it confirms that the focus of this HRA should be restricted entirely to the River Derwent SAC and the following issues as shown in Table 2:

Table 2: European sites and qualifying features potentially at risk

European sites	Feature
(2a) Aquatic features	River Derwent SAC
(5) Mobile species	River Derwent SAC
(6a) Recreational pressure	River Derwent SAC

- 2.10. The net result, and benefit to the HRA, is that the list of issues and sites potentially affected is reduced, making for a shorter and more focused HRA than would otherwise be the case.
- 2.11. However, as impacts on the River Derwent European site cannot be ruled out, further ecological information needs to be gathered to inform subsequent tests in the HRA. Drawing on the citation²¹, conservation objectives²², supplementary advice²³ and site improvement plan²⁴, the characteristics of the River Derwent SAC are described in Table 3 and are accompanied by observations on their sensitivity to external factors – the latter informed by Table 1. Conservation objectives, qualifying features and threats and pressures extracted from the SIP are provided in full. The citation is provided in Appendix B.

²¹ River Derwent SAC Citation. 14 June 2005
²² Conservation Objectives for River Derwent SAC. 27 November 2018. (Version 3)
²³ Draft Supplementary advice on conserving and restoring features. River Derwent SAC. 27 March 2017 (Version 2)
²⁴ River Derwent SAC Site Improvement Plan. Natural England. V1.0. 8 October 2014.

Table 3: European site characteristics

Description (including summary of qualifying features)	Conservation objectives	Pressures and threats (P/T)
<p>River Derwent SAC</p> <p>The River Derwent represents one of the best examples in England of a lowland river stretching from Ryemouth in the north to its confluence with the Ouse in the south of the District – a small section lies within the Lower Derwent Valley National Nature Reserve. Not all of the river is designated though and a small stretch through Malton and Norton-upon-Derwent is excluded, reflecting its urbanised location here.</p> <p>It supports diverse communities of flora and fauna, notably floating vegetation dominated by water crowfoot, river lamprey, sea lamprey, bullhead and otter. The latter are mobile species with the potential/need to utilise extensive stretches of the river throughout the catchment beyond the boundaries of the SAC, and are critically dependent on the maintenance of a favourable hydrological (including physical and chemical) conditions throughout their range and so are vulnerable to pollution events and the creation of physical or chemical barriers; for instance, lamprey migrate to the open sea via the Humber Estuary.</p> <p>The Derwent is meso/eutrophic and carries a high nutrient load providing a degree of resilience against air pollution, and whilst otter can be considered resilient, the floating vegetation communities and fish populations may be vulnerable. Overall though, the site can be considered relatively robust but vulnerable to changes in water quality (especially inputs of phosphate) from wastewater disposal, for instance.</p> <p>Restricted access to the river reduces the impact of existing recreational pressure and the simple width of the channel effectively rules out harmful impacts on bullhead, both species of lamprey and the floating vegetation community. However, the otter population remains vulnerable.</p> <p>Natural England has assessed 99.2% of the River Derwent SSSI to be in 'favourable' or 'unfavourable recovering' condition; 0.8% is 'unfavourable no change' but the threat level is considered to be 'high' across a much wider area.</p>	<p>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:</p> <p>The extent and distribution of qualifying natural habitats and habitats of qualifying species;</p> <p>The structure and function (including typical species) of qualifying natural habitat;</p> <p>The structure and function of the habitats of qualifying species;</p> <p>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;</p> <p>The populations of qualifying species, and,</p> <p>The distribution of qualifying species within the site.</p> <p>Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:</p> <p><input type="checkbox"/> Water courses of plain to montane levels with the <i>Ranunculon fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation. (Rivers with floating vegetation often dominated by water-crowfoot)</p> <p>Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:</p> <p><input type="checkbox"/> Bullhead <i>Cottus gobio</i></p> <p><input type="checkbox"/> River lamprey <i>Lampetra fluviatilis</i></p> <p><input type="checkbox"/> Otter <i>Lutra lutra</i></p> <p><input type="checkbox"/> Sea lamprey <i>Petromyzon marinus</i></p>	<ol style="list-style-type: none"> 1. Physical modification (P/T); 2. Water pollution (T); 3. Invasive species (T); 4. Change in land management (T); 5. Water abstraction (T).

2.12. The outputs of Table 1 allow this HRA to focus solely on a restricted number of possible impacts on just one European site: the River Derwent SAC. However, by drawing on the additional information provided in Table 3, the HRA is able to further refine the possible impacts to specific features, habitats and species. These, the key issues for the next, formal stage of this screening exercise are presented in Table 4.

Table 4: Refined list of European sites and features at risk

European site	Potential effects	Qualifying features at risk
River Derwent SAC	(2) Impacts on aquatic features	Otter, river and sea lamprey, and bullhead Floating vegetation dominated by water crowfoot
	(5) Impacts on mobile species	Otter, river and sea lamprey, and bullhead
	(6) Impacts from recreational pressure	Otter

3. SCREENING – PROCESS AND OUTCOMES

Methodology

- 3.1. Section 2 confirmed that the NDP could not be excluded, eliminated or exempted from the need for HRA and clarified which European sites and which features might be vulnerable. The next step is to explore if proposals in the Plan may represent a credible risk to the River Derwent by evaluating policies and allocations to identify if they should be:
- **Screened out from further scrutiny** (because the individual policies or allocations are considered not 'likely to have a significant effect on a European site, either alone or in combination with other plans and projects'), or
 - **Screened in for further scrutiny** (because the individual policies or allocations are considered 'likely to have a significant effect on a European site, either alone or in combination with other plans and projects').
- 3.2. To achieve this, all 42 policies within the Plan are scrutinised in terms of the key issues from Table 4 (based on an approach drawn from section 6.3 of the Handbook) and allocated to one (or more) broad, 'pre-screening categories' (summarised in Table 5 below).

Table 5: Pre-screening categories

Code	Category	Outcome
A	General statement of policy/general aspiration	Screened out
B	Policy listing general criteria for testing the acceptability/sustainability of the plan	Screened out
C	Proposal referred to but not proposed by the plan	Screened out
D	Environmental protection/site safeguarding policy	Screened out
E	Policies or proposals which steer change in such a way as to protect European sites from adverse effects	Screened out
F	Policy that cannot lead to development or other change	Screened out
G	Policy or proposal that could not have any conceivable effect on a site	Screened out
H	Policy or proposal the (actual or theoretical) effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects (used when the location of a policy or allocation is unspecified)	Screened out
I	Policy or proposal with a likely significant effect on a site alone	Screened in
J	Policy or proposal with an effect on a site but not likely to be significant alone, so need to check for likely significant effects in combination	Check
K	Policy or proposal unlikely to have a significant effect either alone or in combination (screened out after the in-combination test)	Check
L	Policy or proposal which might be likely to have a significant effect in combination (screened in after the in-combination test)	Check
M	Bespoke area, site or case specific policies or proposals intended to avoid or reduce harmful effects on a European site	Screened in

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- 3.3. This process provides a bespoke, precautionary and preliminary analysis for every policy in the Plan and identifies which proposals could pose a threat to the European site. This initial but lengthy exercise is provided in Appendix C.
- 3.4. The relevant proposals are subjected to formal screening below where each preliminary outcome is evaluated in terms of the conservation objectives (listed in Table 3) of the relevant features of the European site affected (Table 4). Here, the initial assessment will be either confirmed or amended by identifying which would result in a likely significant effect alone or in combination. The outcome of this summarised in Tables 7 and 8.
- 3.5. If likely significant effects cannot be ruled out an appropriate assessment will be required. Those that are 'screened-out' are considered to have no potential to harm any European site and are removed from any further consideration in this HRA.
- 3.6. Importantly, this exercise complies with the People Over Wind decision and recent Ministry of Housing, Communities and Local Government HRA Planning Guidance (2019)²⁵ by distinguishing between the *essential features and characteristics* of the Plan, and, in Category M, those *mitigation measures* specifically embedded within the Plan to reduce impacts on European sites and which would be subject to appropriate assessment.

Screening Exercise

- 3.7. In this instance, potential impacts on aquatic features, mobile species and from recreational pressure have been identified. Appendix C goes further and identifies which proposals are associated with each threat as shown in Table 6.

Table 6: Features affected and relevant policies

Potential effect	Feature	Policies
Aquatic features	Otter, river and sea lamprey, and bullhead Floating vegetation dominated by water crowfoot	RC1, RC2, CF2, N1
Mobile species	Otter, river and sea lamprey, and bullhead	RC1, RC2, CF2, N1
Recreational pressure	Otter	RC1, RC2

- 3.8. Each potential effect is now described in turn and is followed by a screening opinion for each policy listed above.

Aquatic features

- 3.9. This potential effect is concerned with built development and its localised effects on surface and sub-surface flows both in terms of water quality and water resources resulting from changes in run-off, sedimentation, erosion etc. Table 4 shows that all the features of the River Derwent SAC, ie the otter, river and sea lamprey, and bullhead populations, and the floating vegetation community could all be at risk.

²⁵ Ministry of Housing, Communities and Local Government HRA Planning Guidance <https://www.gov.uk/guidance/appropriate-assessment> 22 July 2019 (accessed 14 August 2019)

- 3.10. The Council proposes development at four locations immediately adjacent or in close proximity to the River Derwent SAC (Policies RC1, RC2, CF2 and N1). All encourage at least some form of development and water pollution is identified as a threat in the River Derwent SIP (Table 3).
- 3.11. None of the policies provide any mitigation measures to safeguard the European site. Each policy is considered in turn below.

Mobile species

- 3.12. Mobile Species are defined here as those that utilise ('functionally-linked') land or water beyond the European site boundary for some part of their lifecycle be it seasonally, diurnally or even intermittently. Consequently, they are vulnerable to a range of both localised and strategic effects away from protected areas. Therefore, in the case of fish and otter, effects on water quality and resources will have to be considered both up and downstream, and, in terms of otter populations, attention will have to be paid to land-take or disturbance on potentially wide areas of land. Inevitably, there is considerable overlap between the assessment of this issue and that of aquatic features.
- 3.13. Table 4 shows that otter, river and sea lamprey, and bullhead could be affected and potentially, Policies RC1, RC2, CF2 and N1 could be implicated and although water pollution is listed as a threat in the SIP for the River Derwent, 'disturbance' is not (Table 3).
- 3.14. None of the policies provide any mitigation measures to safeguard the European site. Each policy is considered in turn below.

Recreational pressure

- 3.15. The most popular destinations can draw in visitors in great numbers from considerable distances and lead to erosion and disturbance. Less popular sites, or those with fewer facilities, have a smaller catchment, fewer visitors and the issue is typically less problematic. Alternatively, sites managed specifically to encourage large numbers of visitors can tolerate these pressures without causing significant harm.
- 3.16. Excessive recreational pressure typically leads to the disturbance of qualifying species, and a reduction in habitat quality/extent from trampling. It can be particularly problematic on land with open or unauthorised access where desire lines can be created and so compromise site management.
- 3.17. Of course, each site is different and other key factors will include the fragility of the feature, size of the development, the accessibility of alternative destinations, the availability of footpaths, public transport and so on. Again, there is considerable overlap between this issue and both aquatic features and mobile species.
- 3.18. Table 4 shows that only the otter population could be affected and potentially by Policies RC1 and RC2. However, 'disturbance' is not identified as a threat in the River Derwent SIP (Table 3).

Screening opinions

- 3.19. Importantly, the stretch of the River Derwent in closest proximity to all four proposals is not designated as a SAC. However, in terms of this HRA this is considered an irrelevance as the river provides an unbroken hydraulic link with adjacent designated stretches of the river that are and so all elements of the river are assessed equally.
- 3.20. The river supports floating vegetation communities, otter and three species of fish. In varying degrees, they are potentially vulnerable to changes in the local surface or sub-surface hydrological regime and pollution incidents. Should the proposed developments occur, it is anticipated that

construction could be prolonged, perhaps extending over several years and could comprise substantial works, including the installation of drains, the storage of fuel and other potential contaminants, all with the potential to adversely affect the local hydrological regime of the river. In addition, any increase in recreational pressure brought about by development could threaten otter populations.

- 3.21. Whilst it is not suggested that impacts from construction will adversely affect the entire length of the River Derwent, it is possible that harmful changes could extend across significant areas of the SAC. This would conflict with the conservation objective for the SAC to *'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 ...'*
- 3.22. None of the policies provide any mitigation measures to safeguard the European site. Each policy is considered in turn below.

RC1 – Malton and Norton River Corridor Development

- 3.23. Although relatively modest in scope, the aspiration behind this policy is to increase low-key recreational activities on a 1.2km stretch of land immediately adjacent to both designated and non-designated stretches of the river.
- 3.24. There are two broad elements to this policy – the provision of open space allied with modest proposals for a picnic area, seating, mooring points and fishing pegs, and built development comprising the construction of a café, bandstand and the unspecified conversion of existing buildings.
- 3.25. Fundamentally though, this policy only lays out the support of both Town Councils for development of this type in this area. It does not represent a formal allocation. Indeed, the land is not allocated for this purpose in either the NBP or the Ryedale local plan.
- 3.26. [Therefore] the policy does not allocate the site for development and neither does it accept or establish the principle of development ... The policy is an aspirational one where the deliverability of the policy is dependent on a range of other factors not demonstrated (viability or deliverability or availability of land). Whilst not explicitly clear in the policy wording, the supporting text to the policy is clear in stating *"any projects or development would need to take full account of the ecological value of the river corridor, as reflected in its SAC and SSSI status. In addition, flood risk is a recognised issue, especially in light of forecasting models that are expected to inform future decisions concerning development opportunities."*
- 3.27. Consequently, it cannot conceivably lead to development and there can be confidence that reliance on SP14 will provide adequate safeguards to ensure that adverse effects on the European site can be avoided should the criteria laid out in the policy be met in the future.
- 3.28. Therefore, the risk of harmful effects from Policy RC1 can be effectively ruled out.

Screening conclusion for RC1

- 3.29. Overall, given the aspirational nature of this proposal **it is considered highly unlikely that this proposal could undermine the conservation objectives of the River Derwent SAC and so likely significant effects (alone) can be screened out. Consequently, there will be no residual effects and no need for an in-combination assessment** (Category G).

RC2 – Regeneration of Land North and South of County Bridge

- 3.30. This policy seeks to encourage the loosely defined, development-led regeneration of riverside land along both banks of the River Derwent.

- 3.31. Fundamentally though, this policy only lays out the support of both Town Councils for development of this type in this area. It does not represent a formal allocation. Indeed, the land is not allocated for this purpose in either the NBP or the Ryedale local plan.
- 3.32. [Therefore] the policy does not allocate the site for development and neither does it accept or establish the principle of development. The policy is carefully worded to state *“in the event that the principle of development on this site is accepted via the Local Plan or otherwise, relative to the requirements of Local Plan Strategy Policy SP14”*, the policy sets out specific criteria which will be also be sought as part of a proposal (being found as acceptable through a mechanism other than through the Neighbourhood Plan). The policy is an aspirational one where the deliverability of the policy is dependent on a range of other factors not demonstrated (viability or deliverability or availability of land). Whilst not explicitly clear in the policy wording, the supporting text to the policy is clear in stating *“any projects or development would need to take full account of the ecological value of the river corridor, as reflected in its SAC and SSSI status. In addition, flood risk is a recognised issue, especially in light of forecasting models that are expected to inform future decisions concerning development opportunities.”* (Extract from draft SEA).
- 3.33. Consequently, it cannot conceivably lead to development and there can be confidence that reliance on SP14 will provide adequate safeguards to ensure that adverse effects on the European site can be avoided should the criteria laid out in the policy be met in the future.
- 3.34. Therefore, the risk of harmful effects from Policy RC2 can be effectively ruled out.

Screening conclusion for RC2

- 3.35. Overall, given the aspirational nature of this proposal **it is considered highly unlikely that this proposal could undermine the conservation objectives of the River Derwent SAC and so likely significant effects (alone) can be screened out. Consequently, there will be no residual effects and no need for an in-combination assessment** (Category G).

CF2 – Norton’s swimming pool

- 3.36. This policy seeks to encourage the expansion of the size of and facilities available at Norton swimming pool. Although located in relatively close proximity to the River Derwent SAC, it is considered almost inconceivable that expansion of one facility could result in any harmful effects on the SAC.
- 3.37. Confidence in this outcome can be drawn from the need for any development of this scale to be accompanied by comprehensive construction mitigation measures to effectively rule out any threat from pollution etc. As these measures would be required by law and best practice to afford wide-ranging environmental safeguards and would not be required specifically for the SAC, they would not conflict with the People Over Wind judgement. Furthermore, it is separated from the river by the railway line making any pollution incidents of the scale that can be anticipated, very unlikely.
- 3.38. Fundamentally though, this policy only lays out the support of both Town Councils for development of this type at this address. It does not represent a formal allocation. Indeed, the land is not allocated for this purpose in either the NBP or the Ryedale local plan.
- 3.39. The policy is an aspirational one where the deliverability of the policy is dependent on a range of other factors not demonstrated (viability or deliverability or availability of land).
- 3.40. Consequently, it cannot conceivably lead to development and there can be confidence that reliance on SP14 will provide adequate safeguards to ensure that adverse effects on the European site can be avoided should the criteria laid out in the policy be met in the future.
- 3.41. Therefore, the risk of harmful effects from Policy CF2 can be effectively ruled out.

Screening conclusion for CF2

- 3.42. **Overall, given the modest nature of this proposal it is considered highly unlikely that this proposal could undermine the conservation objectives of the River Derwent SAC and so likely significant effects (alone) can be screened out. Consequently, there will be no residual effects and no need for an in-combination assessment (Category G).**

N1 – Land to the Rear of Commercial Street

- 3.43. This policy seeks to encourage the redevelopment of land to the rear of Commercial Street in Norton town centre. The establishment of a car park appears to be the main objective but further, unspecified development is not ruled out. Although located in close proximity to the undesignated stretch of the River Derwent, it is considered almost inconceivable that this could result in any harmful effects on the SAC.
- 3.44. Confidence in this outcome can be drawn from the need for any development of this type to be accompanied by comprehensive construction mitigation measures to effectively rule out any threat from pollution etc. As these measures would be required by law and best practice to afford wide-ranging environmental safeguards and would not be required specifically for the SAC, they would not conflict with the People Over Wind judgement. Furthermore, it is separated from the river by the railway line making any pollution incidents of the scale that can be anticipated, very unlikely.
- 3.45. Fundamentally though, this policy only lays out the support of both Town Councils for development of this type at this site. It does not represent a formal allocation. Indeed, the land is not allocated for this purpose in either the NBP or the Ryedale local plan.
- 3.46. [Therefore] the policy does not allocate the site for development and neither does it accept or establish the principle of development. The policy is carefully worded to state “*in the event that the principle of development on this site is accepted via the Local Plan or otherwise, relative to the requirements of Local Plan Strategy Policy SP14*”, the policy sets out specific criteria which will be also be sought as part of a proposal (being found as acceptable through a mechanism other than through the Neighbourhood Plan). The policy is an aspirational one where the deliverability of the policy is dependent on a range of other factors not demonstrated (viability or deliverability or availability of land). Furthermore, whilst not explicitly clear in the policy wording, the supporting text to the policy is clear in stating “Such development would be *Subject of course to ... the biodiversity provisions of Policy SP14 in respect of the statutory protection of the River Derwent ... SAC*’ ensuring that any projects or development would need to take full account of the ecological value of the river corridor, as reflected in its SAC and SSSI status.”
- 3.47. Consequently, it cannot conceivably lead to development and there can be confidence that reliance on SP14 will provide adequate safeguards to ensure that adverse effects on the European site can be avoided should the criteria laid out in the policy be met in the future.
- 3.48. Therefore, the risk of harmful effects from Policy N1 can be effectively ruled out.

Screening conclusion for N1

- 3.49. **Overall, given the modest nature of this proposal it is considered highly unlikely that this proposal could undermine the conservation objectives of the River Derwent SAC and so likely significant effects (alone) can be screened out. Consequently, there will be no residual effects and no need for an in-combination assessment (Category G).**

Summary of the Screening Exercise and Next Steps

- 3.50. The outcomes of this stage of the formal screening assessment are brought together in Table 7 which lists those sites and issues where it has been found that the conservation objectives may be undermined and where likely significant effects cannot be ruled out. Table 8 lists all the policies in the Plan and summarises the outcome of both the preliminary screening assessment and how it has been modified by the screening exercise above.

Table 7: Summary of the Screening exercise by policy and feature

European site	Issue	Policies	Feature affected	Conservation objectives*	Undermined?	Residual effects?	In combination effect?	Outcome
River Derwent SAC	Aquatic features Mobile species Recreational pressure	RC1, RC2, CF2, N1	Floating vegetation communities Otter, river and sea lamprey, and bullhead	Extent and distribution of qualifying habitats and those of qualifying species	Ruled out	None	None	No in combination assessment required. No appropriate assessment required.
				Structure and function (including typical species) of qualifying habitats	Ruled out	None	None	
				Structure and function of habitats of qualifying species	Ruled out	None	None	
				Supporting processes on which qualifying natural habitats and the habitats of qualifying species rely	Ruled out	None	None	
				Populations of qualifying species	Ruled out	None	None	
				Distribution of qualifying species	Ruled out	None	None	

3.51. Table 8 summarises the outcome of the pre-screening and formal screening exercises and highlights changes of opinion accordingly.

Table 8: Summary of the Screening exercise by category

Screening outcome	Pre-screening	Post-Screening
A General statement of policy Screened out	Vision EM1	Vision EM1
B General criteria for testing acceptability of proposals Screened out	HD1, HD2, HD3, HD4, HD5, HD6, HD7, HD8, HD9, HD10, HD11 H1	HD1, HD2, HD3, HD4, HD5, HD6, HD7, HD8, HD9, HD10, HD11 H1
C Proposal referred to but not proposed by the Plan Screened out	None	None
D Environmental protection policy Screened out	E1, E2, E3, E4	E1, E2, E3, E4
E Policies or proposals which steer change in such a way as to protect European sites Screened out	None	None
F Policy that cannot lead to development or other change Screened out	None	None
G No conceivable effect on a European site Screened out	TM1, TM2, T3, TM4, TM5, TM6 E5, E6 CF1 TC2, TC4 HR I1, HR I2, HRI3 M1, M2	TM1, TM2, T3, TM4, TM5, TM6 RC1, RC2 E5, E6 CF1, CF2 TC2, TC4 HR I1, HR I2, HRI3 M1, M2 N1
H Policy or proposal with unspecified location which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects	CF3 TC1, TC3 HRI4 M1, M2	CF3 TC1, TC3 HRI4 M1, M2
I Likely significant effect alone cannot be ruled out Screened in	RC1, RC2, CF2, N1	None

Screening outcome	Pre-screening	Post-Screening
J Likely significant effect in combination cannot be ruled out Screened in	None	None
K Policy or proposal with no likely significant effect alone but which lead to in combination effects	None	None
L Policy or proposal considered to have in combination effects	None	None
M Bespoke area, site or case specific policies or proposals intended to avoid or reduce harmful effects on a European site	None	None

Screening conclusion

- 3.52. This exercise found that all 42 policies could be screened out of the need for further assessment in this HRA. Policies screened against category H include those which lack spatial specificity and, by way of precaution, rely on the specific protection for European sites afforded through strategic policy SP14 of the Ryedale Local Plan to ensure that any effects which might undermine the conservation objectives (should a policy ever be applied in a sensitive location) will be avoided.
- 3.53. This HRA has found that the NBP will not lead to any likely significant effects alone on the European sites both within and beyond the Town Councils' boundary. There are no residual effects and, therefore, no need for an in-combination assessment or, indeed, an appropriate assessment.

4. FORMAL SCREENING OPINION

- 4.1. During July and August 2019, this HRA 'screened' the policies of the Malton and Norton-upon-Derwent Town Councils' Neighbourhood Development Plan according to the statutory procedures laid out in the Habitats Regulations and using the methodology laid out in the Habitats Regulations Assessment Handbook
- 4.2. With reference to the pre-screening exercise, it can be demonstrated that likely significant effects and the need for further assessment could be ruled out alone for all policies. There were no residual effects and, therefore, no need for an in-combination assessment. Consequently, there is no need for an appropriate assessment.
- 4.3. The decision to adopt this HRA or otherwise now lies with the Town Councils.

Bernard Fleming CEcol MCIEEM

Director, Fleming Ecology Ltd

August 2019

APPENDICES

A. Identification of European sites at risk

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
1. All plans (terrestrial, coastal and marine)	Sites within the geographic area covered by or intended to be relevant to the plan	River Derwent SAC	This 'test' simply identifies all the European sites in the Councils' administrative area. All sites present will be included.	River Derwent SAC
2. Plans that could affect aquatic features	(a) Sites upstream or downstream of the plan area in the case of river or estuary sites	Lower Derwent Valley SPA, SAC, Ramsar River Derwent SAC	Effects considered are those associated with the physical presence of built development and the <i>localised</i> effects on surface/groundwater resources and quality, resulting from changes in run-off, sedimentation, erosion etc. Given that the Lower Derwent Valley lies around 20km as the crow flies from the plan area, localised effects on aquatic features can be confidently ruled out from any further consideration for this European site. However, all features of the River Derwent SAC remain vulnerable to development in the Plan. Note that the <i>indirect</i> effects of changes to wastewater disposal are assessed separately under '7b'.	River Derwent SAC
	(b) Open water, peatland, fen, marsh and other wetland sites with relevant hydrological links to land within the plan area, irrespective of distance from the plan area	Ellers Wood and Sand Dale SAC Lower Derwent Valley SPA, SAC, Ramsar North York Moors SPA, SAC Strensall Common SAC	Effects considered are those associated with the physical presence of built development and the <i>localised</i> effects on surface/groundwater resources and quality, resulting from changes in run-off, sedimentation, erosion etc. Given the distances, involved, all the listed sites lie over 15km from the plan area, localised effects on wetland features from the type of development proposed can be confidently ruled out from any further consideration.	None

			Note that the <i>indirect</i> effects of changes to wastewater disposal are assessed separately under '7b'.	
3. Plans that could affect the marine environment	Sites that could be affected by changes in water quality, currents or flows; or effects on the inter-tidal or sub-tidal areas or the seabed, or marine species	None	No European sites with marine features are considered vulnerable to development proposed within the plan	None
4. Plans that could affect the coast	Sites in the same coastal 'cell', or part of the same coastal ecosystem, or where there are interrelationships with or between different physical coastal processes	None	No European sites with coastal features are considered vulnerable to development proposed within the plan	None
5. Plans that could affect mobile species	Sites whose qualifying features include mobile species which may be affected by the plan irrespective of the location of the plan's proposals or whether the species would be in or out of the site when they might be affected	Lower Derwent Valley SPA, SAC, Ramsar River Derwent SAC	<p>This considers direct impacts of plan proposals on mobile species.</p> <p>Given the distance between the plan area and the Lower Derwent Valley European site, otter populations which range along the entire length of the river, can be considered to be distinct from those found within the plan area. Consequently, harmful effects can be ruled out.</p> <p>Similarly, impacts on both the breeding and wintering bird populations which use 'functionally-linked land' outside the designated site are highly unlikely given the distances involved and so too can be ruled out.</p> <p>However, given the development proposals in close proximity to the River Derwent SAC, impacts on the otter, bullhead and lamprey populations of the river cannot be ruled out.</p> <p>Therefore, these features of the River Derwent will be considered further.</p>	River Derwent SAC
6. Plans that could increase recreational pressure on European sites potentially vulnerable or	(a) Such European sites in the plan area	River Derwent SAC (within the plan area)	<p>The plan does not make provision for any housing and so the impact of new residents can be discounted.</p> <p>The plan encourages the development of both horse racing and other tourist attractions but does not allocate land for either and at present these remain aspirations. Even if pursued, it is not anticipated that</p>	River Derwent SAC

sensitive to such pressure			<p>visitors to those destinations would increase pressure on the River Derwent to which there is only limited access through much of the plan area. Consequently, the impact of these proposals can be discounted.</p> <p>Modest proposals are encouraged on land adjacent to the river in the town centre albeit adjacent to a stretch that isn't designated. Despite this, the potential exists for an increase in recreational pressure from existing residents to harm the qualifying features.</p> <p>Therefore, the River Derwent will be considered further.</p>	
	(b) Such European sites within an agreed zone of influence or other reasonable and evidence-based travel distance of the plan area boundaries that may be affected by local recreational or other visitor pressure from within the plan area	River Derwent SAC (upstream and downstream but beyond the plan area)	<p>Given that proposals for recreational facilities (see above) are rather modest, any impacts are likely to be very localised restricting impacts to those stretches of the River Derwent within the plan area. Therefore, impacts on all other, more distant sites can be ruled out.</p> <p>Therefore, only the River Derwent within the plan area will be considered further.</p>	None
	(c) Such European sites within an agreed zone of influence or other evidence-based longer travel distance of the plan area, which are major (regional or national) visitor attractions such as European sites which are National Nature Reserves where public visiting is promoted, sites in National Parks, coastal sites and sites in other major tourist or visitor destinations	Peak District SPA, SAC Flamborough Head SPA North York Moors SPA, SAC Yorkshire Dales SPA and SAC	The popular tourist destinations sites of the Peak District, Flamborough Head, North York Moors and Yorkshire Dales are considered too distant to be affected by any credible threats from the type of development proposed and are removed from any further consideration in this HRA.	None
7. Plans that would increase the amount of development	(a) Sites in the plan area or beyond that are used for, or could be affected by, water abstraction irrespective of distance from the plan area	Ellers Wood and Sand Dale SAC Lower Derwent Valley SPA, SAC, Ramsar North York Moors SPA, SAC River Derwent SAC Strensall Common SAC	<p>The plan does not promote intensive development and so the need for additional water abstraction does not arise.</p> <p>Furthermore, the HRA of Yorkshire Water's Water Resources Management Plan found that there were unlikely to be any significant effects on European sites from anticipated development in the region</p>	None

			anyway, either alone or in combination with other plans or projects ²⁶ . Therefore, all potentially affected sites can therefore be ruled out from further scrutiny.	
	(b) Sites used for, or could be affected by, discharge of effluent from wastewater treatment works or other waste management streams serving the plan area, irrespective of distance from the plan area	Lower Derwent Valley SAC, Ramsar River Derwent SAC	The plan does not promote intensive development and so the need for additional effluent discharge does not arise. Therefore, all potentially affected sites can be ruled out from further scrutiny.	None
	(c) Sites that could be affected by the provision of new or extended transport or other infrastructure	River Derwent SAC	Although the plan seeks to safeguard land to allow for future transport infrastructure, no actual projects are proposed	None
	(d) Sites that could be affected by increased deposition of air pollutants arising from the proposals, including emissions from significant increases in traffic	Lower Derwent Valley SPA, SAC, Ramsar River Derwent SAC Strensall Common SAC	The plan does not contain proposals that will meaningfully increase road traffic within the plan area or beyond. Therefore, all potentially affected sites can be ruled out from further scrutiny.	None
8 Plans for linear developments or infrastructure	Sites within a specified distance from the centre line of the proposed route (or alternative routes), the distance may be varied for differing types of site / qualifying features and in the absence of established good practice standards, distance(s) to be agreed by the statutory nature conservation body	River Derwent SAC	No such infrastructure proposed	None
9. Plans that introduce new activities or new uses into the marine, coastal or terrestrial environment	Sites considered to have qualifying features potentially vulnerable or sensitive to the effects of the new activities proposed by the plan	River Derwent SAC	No such activities proposed	None
10. Plans that could change	Sites considered to have qualifying features potentially vulnerable or	River Derwent SAC	No such activities proposed	None

²⁶ Water Resource Management Plan 2014 Strategic Environmental Assessment Post Adoption Statement Cascade/Yorkshire Water

the nature, area, extent, intensity, density, timing or scale of existing activities or uses	sensitive to the effects of the changes to existing activities proposed by the plan			
11. Plans that could change the quantity, quality, timing, treatment or mitigation of emissions or discharges to air, water or soil	Sites considered to have qualifying features potentially vulnerable or sensitive to the changes in emissions or discharges that could arise as a result of the plan	River Derwent SAC	No such activities proposed	None
12. Plans that could change the quantity, volume, timing, rate, or other characteristics of biological resources harvested, extracted or consumed	Sites whose qualifying features include the biological resources which the plan may affect, or whose qualifying features depend on the biological resources which the plan may affect, for example as prey species or supporting habitat or which may be disturbed by the harvesting, extraction or consumption	River Derwent SAC	No such activities proposed	None
13. Plans that could change the quantity, volume, timing, rate, or other characteristics of physical resources extracted or consumed	Sites whose qualifying features rely on the non-biological resources which the plan may affect, for example, as habitat or a physical environment on which habitat may develop or which may be disturbed by the extraction or consumption	River Derwent SAC	No such activities proposed	None
14. Plans which could introduce or increase, or	Sites whose qualifying features are considered to be potentially sensitive to disturbance, for example as a result of	Lower Derwent Valley SPA, SAC, Ramsar River Derwent SAC	For the purposes of this HRA, it is considered that the effects of this category will be captured effectively via	None

alter the timing, nature or location of disturbance to species	noise, activity or movement, or the presence of disturbing features that could be brought about by the plan		the application of criteria 5 (mobile species) and/or 6 (recreation). Therefore, this criterion is screened out to avoid duplication and will be removed from further consideration in this HRA.	
15. Plans which could introduce or increase or change the timing, nature or location of light or noise pollution	Sites whose qualifying features are considered to be potentially sensitive to the effects of changes in light or noise that could be brought about by the plan	River Derwent SAC	No such activities proposed	None
16. Plans which could introduce or increase a potential cause of mortality of species	Sites whose qualifying features are considered to be potentially sensitive to the source of new or increased mortality that could be brought about by the plan	River Derwent SAC	No such activities proposed	None
Extract from <i>The Habitats Regulations Assessment Handbook</i> , www.dtapublications.co.uk © DTA Publications Limited (November) 2018 all rights reserved This work is registered with the UK Copyright Service				

B. River Derwent Citation and Qualifying Features

River Derwent SAC	
SAC	EC Directive 92/43 on the Conservation of Natural Habitats and of Wild Fauna and Flora
Citation including qualifying features	Citation for Special Area of Conservation (SAC) Name: River Derwent Unitary Authority/County: East Riding of Yorkshire, North Yorkshire, York SAC status: Designated on 1 April 2005 Grid reference: SE704474 SAC EU code: UK0030253 Area (ha): 411.23 Component SSSI: River Derwent SSSI Site description: <p>The Yorkshire Derwent is considered to represent one of the best British examples of the classic river profile. This lowland section, stretching from Ryemouth to the confluence with the Ouse, supports diverse communities of aquatic flora and fauna. Fed from an extensive upland catchment, the lowland course of the Derwent has been considerably diverted and extended as a result of glacial action in the Vale of Pickering.</p> <p>The river supports an aquatic flora uncommon in Northern Britain. Several species, including river water-dropwort <i>Oenanthe fluviatilis</i>, flowering rush <i>Butomus umbellatus</i>, shining pondweed <i>Potamogeton lucens</i>, arrowhead <i>Sagittaria sagittifolia</i>, opposite-leaved pondweed <i>Groenlandia densa</i> and narrow-leaved water-parsnip <i>Berula erecta</i> are more typically found in lowland rivers in southern England.</p> <p>The Derwent is noted for the diversity of its fish communities, which include river <i>Lampetra fluviatilis</i> and sea lampreys <i>Petromyzon marinus</i> populations that spawn in the lower reaches, as well as bullhead <i>Cottus gobio</i>. The diverse habitats also support otters <i>Lutra lutra</i>.</p> <p>Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 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>Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Bullhead <i>Cottus gobio</i> <input type="checkbox"/> River lamprey <i>Lampetra fluviatilis</i> <input type="checkbox"/> Otter <i>Lutra lutra</i> <input type="checkbox"/> Sea lamprey <i>Petromyzon marinus</i>

C. Record of preliminary screening of proposed policies

Policy	Rationale	Screening outcome
Vision	This policy represents a vision or aspirations for the Neighbourhood and provides a series of broad objectives. It does not directly lead to development and cannot have any effect on a on a European site.	A – Screened out
TM1: Protection and Enhancement of Pedestrian, Cycle and Bridleway Networks	This policy seeks to safeguard the existing pedestrian, cycle and bridleway networks before identifying criteria to evaluate possible future development proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	G – Screened out
TM2: New Pedestrian and Cycle River/Railway Crossing	This policy seeks to safeguard land from development that would prevent the possible, future construction of a new pedestrian and cycle crossing of the River Derwent (though outside the SAC) and adjacent railway line. It does not directly lead to development (ie construction of the bridge) and therefore cannot have any effect on a on a European site.	G – Screened out
TM3: New Vehicular River/Railway Crossing	This policy seeks to safeguard land from development that would prevent the possible, future construction of a new vehicular crossing of the River Derwent (though outside the SAC) and adjacent railway line. It does not directly lead to development (ie construction of the bridge) and therefore cannot have any effect on a on a European site.	G – Screened out
TM4: Highway Improvement Schemes	This policy seeks to safeguard land from development that would prevent the possible, future implementation of a number of highway improvements across a range of locations within and around both towns that range from relatively modest changes to junctions to the construction of a new by-pass. It does not directly lead to development (ie construction of the individual projects) and therefore cannot have any effect on a on a European site.	G – Screened out
TM5: County Bridge Level Crossing	This policy seeks to encourage the introduction of several highway management improvements such as traffic lights and pedestrian crossings around the County Bridge Level Crossing. It does not directly lead to development (ie construction of the individual projects) and therefore cannot have any effect on a on a European site.	G – Screened out
TM6: Traffic Management Plans	This policy seeks to encourage the development of Traffic Management Plans for new development. It does not directly lead to development and therefore cannot have any effect on a on a European site.	G – Screened out
RC1: Malton and Norton River Corridor Development	<p>This policy seeks to encourage the development of new recreational infrastructure and so increase recreational use of a 1.2km stretch of both banks of land adjacent to the River Derwent; it occupies land adjacent to both designated and non-designated stretches of the river which provides a direct hydraulic link to the entire European site.</p> <p>Although relatively modest in scope the land is not allocated for this purpose in the Ryedale local plan and the desired effect is to increase recreational activities on land adjacent to the river and includes the unspecified change of use of existing buildings.</p>	I – Screened in

Policy	Rationale	Screening outcome
	Consequently, harmful effects from construction and recreational pressure on the aquatic and mobile features of the SAC cannot be ruled out and so this policy is carried forward for formal screening.	
RC2: Regeneration of Land North and South of County Bridge	<p>This policy seeks to encourage the loosely defined, development-led regeneration of riverside land either side of the River Derwent in the town centre including County Bridge. Although this lies adjacent to (and across) the undesignated stretch of the river, it remains intimately linked with the rest of the European site both up and downstream; there is no corresponding allocation in the Ryedale Local Plan.</p> <p>Given the lack of detail associated with this policy, harmful effects from construction and, potentially, recreational pressure on the aquatic and mobile features of the SAC cannot be ruled out and so this policy is carried forward for formal screening.</p>	I – screened in
E1: Protection of Local Green Space	This policy seeks to protect existing open space of recreational and/or environmental importance. It provides environmental benefits and cannot result in harmful effects on any European site.	D - Screened out
E2: Enhancement of Local Green Space	This policy seeks to encourage the management of existing open space of recreational and/or environmental importance. It provides environmental benefits and cannot result in harmful effects on any European site.	D - Screened out
E3: Open Space in New Development	This policy seeks to encourage the establishment of new open space of recreational and/or environmental importance within new development. It provides environmental benefits and cannot result in harmful effects on any European site.	D - Screened out
E4: Green Infrastructure	This policy seeks to protect the existing network of Green Infrastructure. The policy will provide environmental benefits and cannot result in harmful effects on any European site.	D – Screened out
E5: Gateways	This policy seeks to protect views of the built and semi-natural heritage. It does not directly lead to development (ie construction of the individual projects) and therefore cannot have any effect on a on a European site.	G – Screened out
E6: Development Affecting the Malton AQMA	This policy seeks to mitigate the impact of new development on the air quality of the town centres. It does not directly lead to development (ie construction of the individual projects) and therefore cannot have any effect on a on a European site.	G – Screened out
CF1: Norton's Swimming Pool	<p>This policy seeks to expand the facilities at Norton swimming pool which lies in relatively close proximity to the River Derwent SAC.</p> <p>Consequently, harmful effects from construction on the aquatic and mobile features of the SAC cannot be ruled out and so this policy is carried forward for formal screening.</p>	I – Screened in
CF2: Malton Community Sports Centre	This policy seeks to expand the facilities at Malton Community Sports Centre. As it is located over 1km from the River Derwent SAC, it is considered almost inconceivable that this could result in any harmful effects on this or any other European site.	G – Screened out

Policy	Rationale	Screening outcome
CF3: Medical Centre Development	<p>This policy seeks to promote the construction of a new medical centre at an unspecified location within the two towns and it is conceivable that harmful activities could arise if built in close proximity to the River Derwent SAC without the necessary safeguards.</p> <p>However, there can be confidence that Policy SP14 of the Ryedale Local Plan will apply and that the conservation objectives of the European site will not be undermined, and harmful effects avoided especially when the modest scale of the proposal is also taken into account.</p>	H – screened out
TC1: New Museums and Visitor Facilities	<p>This policy seeks to promote the development of new museum and tourism facilities at unspecified locations within the two towns and it is conceivable that harmful activities could arise if built in close proximity to the River Derwent SAC without the necessary safeguards.</p> <p>However, there can be confidence that Policy SP14 of the Ryedale Local Plan will apply and that the conservation objectives of the European site will not be undermined, and harmful effects avoided especially when the modest scale of the proposals is also taken into account.</p>	H – Screened out
TC2: Orchard Fields	<p>This policy seeks to encourage the sympathetic development of visitor facilities on this greenfield site and ancient monument in relatively close proximity to the River Derwent.</p> <p>Given the nature and anticipated scale of the proposed development and that it is separated from the river by industrial development, it is considered almost inconceivable that this could result in any harmful effects on this or any other Europeans site.</p>	G - Screened out
TC3: Hotel Development	<p>This policy seeks to promote the construction of a new hotel of an unknown scale at an unspecified location within or close to the two towns and it is conceivable that harmful activities could arise if built in close proximity to the River Derwent SAC without the necessary safeguards.</p> <p>However, there can be confidence that Policy SP14 of the Ryedale Local Plan will apply and ensure that the conservation objectives of the European site will not be undermined, and harmful effects avoided.</p>	H – Screened out
TC4: Wentworth Street	<p>This policy allocates land for the development of a new hotel. Although not allocated in the Ryedale Local Plan as it is located several hundred metres from the River Derwent SAC, it is considered almost inconceivable that this could result in any harmful effects on this or any other European site.</p>	G – Screened out
HRI1: Protection of Horse Racing Stables	<p>This policy seeks to safeguard the functioning or similar equine use of existing horse stables and identifies criteria to be applied should different proposals arise ad threaten their continued use. It does not directly lead to development and therefore can have no effect on any European site.</p>	G – Screened out
HRI2: Horse Racing Zones and Development	<p>This policy seeks to safeguard the functioning of existing horse stables and identifies criteria to be applied should other proposals threaten their continued use. It does not directly lead to development and therefore cannot have any effect on a on a European site.</p>	G – Screened out
HRI3: Improved Accessibility to	<p>This policy seeks to safeguard the functioning of existing horse stables and identifies criteria to be applied should other proposals threaten their continued use. It does not</p>	G – Screened out

Policy	Rationale	Screening outcome
the Horse Racing Industry	directly lead to development and therefore can have no effect on any European site.	
HRI14: Horse Racing Museum	This policy seeks to promote the construction of a new horse racing museum of an unknown scale at an unspecified location within or close to the two towns and it is conceivable that harmful activities could arise if built in close proximity to the River Derwent SAC without the necessary safeguards. However, there can be confidence that Policy SP14 of the Ryedale Local Plan will apply and ensure that the conservation objectives of the European site will not be undermined, and harmful effects avoided.	H – Screened out
HD1: Development and Design – Conservation Areas	This policy seeks to promote high quality design for new or infill building within existing conservation areas by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD2: Development and Design – Area-wide Principles	This policy seeks to promote high quality design for new building across the neighbourhood plan area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD3: Shop Fronts	This policy seeks to influence the design of shopfronts across the neighbourhood plan area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD4: Malton Town Centre Conservation Area – Enhancement	This policy seeks to encourage the high-quality design of new development at specific and non-specific locations in both towns by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD5: Public Realm Improvements within Malton Town Centre Conservation Area	This policy seeks to encourage improvements to the public realm within the Malton Town Centre conservation area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD6: Norton-on-Derwent Conservation Area – Enhancement	This policy seeks to encourage the enhancement of the Norton conservation area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD7: Public Realm Improvements within Norton-on-Derwent Conservation Area	This policy seeks to encourage improvements to the public realm within the conservation area of Norton by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD8: Malton Old Town Conservation Area – Enhancement	This policy seeks to encourage the enhancement of the Malton Old Town conservation area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out

Policy	Rationale	Screening outcome
HD9: Public Realm Improvements within Malton Old Town Conservation Area	This policy seeks to encourage improvements to the public realm within the Malton Old Town conservation area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD10: Area-wide Public Realm Improvements	This policy seeks to encourage improvements to the public realm across the Neighbourhood Plan area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD11: Archaeology	This policy seeks to influence development that affects archaeological features by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effects on a European site.	B – Screened out
H1: Housing Mix	This policy seeks to influence the housing mix of future residential development. It does lead directly to development and so cannot have any effects on a European site.	B – Screened out
EM1: Encouragement of Local Employment Sectors	This policy represents a vision or aspirations for the Neighbourhood by providing a single, broad objective. It does not directly lead to development and cannot have any effect on a on a European site.	A – Screened out
M1: Wentworth Street Car Park	<p>This policy seeks to safeguard Wentworth Street car park from development. It does not directly lead to development and therefore cannot have any effect on a on a European site.</p> <p>However, this policy also seeks to encourage the possible construction of a new car park of an unknown scale at an unspecified location and it is conceivable that harmful activities could arise if built in close proximity to the River Derwent SAC without the necessary safeguards.</p> <p>However, there can be confidence that Policy SP14 of the Ryedale Local Plan will apply and ensure that the conservation objectives of the European site will not be undermined, and harmful effects avoided</p>	G & H – Screened out
M2: Malton Market Place	<p>This policy seeks to safeguard car parking facilities in Malton Market Place from development. It does not directly lead to development and therefore cannot have any effect on a on a European site.</p> <p>However, this policy also seeks to encourage the possible construction of a new car park of an unknown scale at an unspecified location and it is conceivable that harmful activities could arise if built in close proximity to the River Derwent SAC without the necessary safeguards.</p> <p>However, there can be confidence that Policy SP14 of the Ryedale Local Plan will apply and ensure that the conservation objectives of the European site will not be undermined, and harmful effects avoided</p>	G & H – Screened out
N1: Land to the Rear of Commercial Street	This policy seeks to encourage the redevelopment of land to the rear of Commercial Street in Norton town centre. The establishment of a car park appears to be the main objective but further, unspecified development is not ruled out and the	I – Screened in

Policy	Rationale	Screening outcome
	<p>land is not allocated for this purpose in the Ryedale local plan.</p> <p>Given the lack of detail associated with this policy, harmful effects from construction and, potentially, recreational pressure on the aquatic and mobile features of the SAC cannot be ruled out and so this policy is carried forward for formal screening.</p>	

APPENDIX 3: MALTON AND NORTON NEIGHBOURHOOD PLAN S.E.A. SCREENING REPORT

Malton and Norton Neighbourhood Plan

Strategic Environmental Assessment Screening Report

8 August 2019

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1. Introduction
- 1.1 The purpose of this document is to help determine whether or not the draft Malton and Norton Neighbourhood Plan (NP) requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC (referred to from this point onwards in this report as the SEA Directive) and associated Environmental Assessment of Plans and Programmes Regulations 2004 (referred to from this point onwards in this report as the SEA Regulations).
- 1.2 The Malton and Norton Town Councils, together with the local planning authority, Ryedale District Council, as qualifying bodies under the SEA Regulations, are required to consult the statutory bodies, the Environment Agency, Natural England and English Heritage prior to reaching a screening determination. This report has been prepared on behalf of Malton and Norton Town Councils by Modicum Planning Ltd. The purpose of the report is to provide a basis for consultation with the statutory consultees and to assist with the reaching of a screening determination.

Introduction to the Malton and Norton Neighbourhood Plan

- 1.3 Work on the Neighbourhood Plan initially began in 2011. The plan area was however designated relatively recently on 19 February 2019. The plan boundary is available to view at www.ryedaleplan.org.uk/neighbourhood-plans/401-malton-and-norton-neighbourhood-plan
- 1.4 The NP covers the year up to 2027.
- 1.5 The NP is made up of the following chapters:
 - Chapter 1: Introduction
 - Chapter 2: Malton and Norton Yesterday and Today, describes the two towns and key issues
 - Chapter 3: Vision and Objectives for the area up to year 2027.
 - Chapter 4: 41 Planning Policies divided into eleven key themes
 - Chapter 5: Community actions. Non planning policies accompanying the plan policies and proposals
 - Chapter 6: Monitoring chapter
- 1.6 The Vision underpinning the plan is as follows:

Malton and Norton boast a rich heritage and culture, from their historical origins and archaeological and architectural legacy to their surviving traditional horse racing and food-based industries. These are the bedrocks on which our future vision for the towns are based.

As such, by the end of the plan period in 2027, our three conservation areas will be better understood, their assets better protected as a result, and their appearance and character enhanced by new development and other improvements in keeping with their key elements and features. This enlightened approach to development and design will also be reflected in the wider Neighbourhood Area.

The local food and horse-racing industries which are so much a part of the towns and their hinterland will be confirmed in their status and have developed further within a climate of promotion and encouragement.

The tourism which is vital to our towns will have continued to grow powered by the twin engines of heritage and culture.

The River Derwent, separating the two towns and running through the heart of the area is the other jewel in our crown but also the potential thorn in our sides! It is rich ecologically, and acknowledged as such by a European wildlife designation, while providing an important leisure resource for all. Conversely, it carries an ever present flood risk, acts as a barrier to movement between the towns and through the very thing that makes it so special (its wildlife) poses challenges to more productive and positive use. The town councils' vision is of a Derwent that floods less (or not at all), remains ecologically rich but which yields up its potential for sympathetic riverside enhancements and the positive use of under-utilised riverside land. The hope too is that new river crossings will have been created, allowing for much improved road, cycling and pedestrian links between Malton and Norton and, through them and other highway improvements, the alleviation of traffic congestion and air pollution in our town centres.

At root, we want the people in our towns to be able to freely enjoy an abundance of simple pleasures in a well- supported and fully serviced community. We aspire to culturally rich and vibrant leisure opportunities, including improvement of existing services and the development of new facilities and wellness activities.

We look forward to enjoying two towns which have enjoyed appropriate housing and employment growth and opportunity, within the context of an even higher quality environment, consistent with their status as Ryedale's principal towns.

1.7 Underpinning this vision, the plan defines the following eleven objectives:

- To protect and improve the local environment and particularly the ecological quality of the river corridor.
- To cut congestion and improve air quality.
- To improve connectivity between Malton and Norton.
- To improve access to the river for the community.
- To build upon local distinctiveness in order to enhance the visual quality and appearance of the towns.
- To protect heritage assets.
- To encourage regeneration and redevelopment of vacant plots.
- To capitalise on the history and culture of Malton and Norton to develop the tourism industry.
- To build upon the economic strengths of the towns and address deficiencies in the economy.
- To protect and improve community services and facilities.
- To encourage housing provision that meets local needs.

1.8 The NP includes the 41 planning policies. These policies are listed in Table 1 below alongside a description as to what each policy does.

Table 1: What each NP planning policy does		
Policy Name and Reference		What does this policy do?
Transport Policies		
1	TM1: Protection and Enhancement of Pedestrian, Cycle and Bridleway Networks	<p>Protects the integrity of the existing footpath, cycleway and bridleway network.</p> <p>Seeks improvements to the network and identifies seven locations where improvements would be specifically welcome. This includes a location TM1-1 Former Disused Railway Track. The policy recognises the sensitivity of this location in terms of biodiversity and clarifies any acceptability of proposals is subject to satisfying the requirements of Local Plan Strategy Policy SP14: Biodiversity.</p> <p>Seeks to contributions to new provision from development likely to increase pedestrian footfall and/or cycle horse rider usage within the network. Policy suggest ways in which developers can enhance the user experience.</p>
2	TM2: New Pedestrian and Cycle River/Railway Crossing	Resists proposals which would prevent the provision of new pedestrian and cycle crossings of the River Derwent and/or the York/Scarborough Railway at three specific locations.
3	TM3: New Vehicular River/Railway Crossing	Resists proposals which would prevent the provision of new road crossings of the River Derwent and/or the York/Scarborough Railway at two specific locations.
4	TM4: Highway Improvement Scheme	<p>Identifies five locations which present opportunities for highways improvements. Policy resists development which would prevent the improvements from coming forward.</p> <p>Requires developers to make provision of transport infrastructure necessitated through the development proposal.</p>
5	TM5: County Bridge Level Crossing	Supports development proposals which would deliver specific (a list of 5) highway management improvements at the County Bridge Level Crossing
6	TM6: Traffic Management Plans	Encourages developers of major development proposals a traffic management plan as part of Construction Management Plan
The River Corridor		
7	RC1: Malton and Norton River Corridor Development	<p>Identifies a list of recreational enhancement works which would be supported in the River Corridor. The list is:</p> <ul style="list-style-type: none"> - A new picnic area - Improved riverside seating - Fishing platforms/pegs - Boat moorings - Bandstand facilities to host performances and entertainment - Enhanced footpath, cycleway and bridleway provision - Café/refreshment facilities - Appropriate change of use or redevelopment of existing buildings within the corridor

Table 1: What each NP planning policy does		
Policy Name and Reference		What does this policy do?
		The policy highlights the environmental sensitivity of the River Corridor and specifies that the acceptability of any proposal is subject to satisfying requirements of Local Plan Strategy Policy SP14: Biodiversity.
8	RC2: Regeneration of Land North and South of County Bridge	Supports development-related regeneration on land to the north and south of County Bridge (site is identified on the Proposals Map). Policy does not designate it for development but provides five criteria should the site be accepted for development via the Local Plan (or otherwise e.g. via an outline planning application) and be compliant with Policy SP14 of the Local Plan Strategy Policy.
The Environment		
9	E1: Protection of Local Green Space	Identifies seven open spaces as Local Green Spaces (protects them as open spaces).
10	E2: Enhancement of Local Green Space	Supports, in principle, development which would result in 'appropriate enhancements' to the Local Green Spaces subject to compliance with other policies in the plan.
11	E3: Open space in new development	Encourages developers to provide equipped children's play space and public open space as part of new development
12	E4: Green Infrastructure	Specifies that development proposals should not harm the function of six different areas of green infrastructure: <ul style="list-style-type: none"> - The Derwent Corridor - The Howardian Hills - The Rye Corridor - The Mill Beck Corridor - The Driffild-Thirsk Disused Railway Line - Westfield Way, Priorpot Beck
13	E5: Gateways	Requires development at the settlement gateways to respect key views
14	E6: Development affecting the Malton AQMA	Requires proposals in or around the Malton AQMA to mitigate potential adverse impacts e.g. provision of electric charging infrastructure and provision of green infrastructure
Community Facilities		
15	CF1: Norton's Swimming Pool	Supports in principle the upgrading of Norton Swimming Pool
16	CF2: Malton Community Sports Centre	Supports in principle the development of the community sports centre to provide additional capacity or improved leisure facilities. Due to the location of the sports centre, the policy includes a caveat clarifying the acceptability of any such development is subject to satisfying the requirements of Local Plan Strategy Policy SP14 in respect of biodiversity sites statutorily protected by international legislation.
17	CF3: Medical Centre Development	Supports the development of a new doctor's surgery or medical centre within the built-up area of either Malton or Norton
Tourism and Culture		

Table 1: What each NP planning policy does		
Policy Name and Reference		What does this policy do?
18	TC1: New Museums and Visitor Facilities	Supports in principle new or extended facilities
19	TC2: Orchard Fields	Identifies Orchard Fields as an opportunity for development of visitor facilities. Specifies a requirement to consider known or potential archaeological remains. Requires the submission of a heritage statement alongside any proposal.
20	TC3: Hotel Development	Supports in principle a new hotel along the A64 close to Malton and Norton or within a central location to the two towns.
21	TC4: Wentworth Street	Encourages the development of a new hotel with public car park at a specific site along Wentworth Street.
The Horse Racing Industry		
22	HRI1: Protection of Horse Racing Stables	Safeguards existing horse racing stables. Allows for change of use/redevelopment in certain cases.
23	HRI2: Horse Racing Zones and Development	Resists development within a designated horse racing zone (also designated by the plan) which would adversely affect the horse racing zone (e.g in terms of safety of pedestrians, horses etc)
24	HR13: Improved Accessibility to the Horse Racing Industry	Specifies that development within the vicinity of the racing stables, gallops or horse walking routes, will be expected to contribute to (the network) where the development would affect this footpah, cycleway or bridleway network. Policy lists seven locations where improvements are sought.
25	HRI4: Horse Racing Museum	Supports in principle the development of a horse racing museum.
Heritage and Design		
26	HD1: Development and Design – Conservation Areas	Provides design principles for proposals coming forward in the three conservation areas (Malton Town Centre, Norton on Derwent and Malton Old Town).
27	HD2: Development and Design – Area Wide Principles	Provides area-wide principles to be complied with.
28	HD3: Shop Fronts	Provides principles for proposals affecting or creating shop fronts
29	HD4: Malton Town Centre Conservation Area – Enhancement	Identifies specific sites in the Malton Town Centre Conservation Area where enhancements are sought.
30	HD5: Public Realm Improvements within Malton Town Centre Conservation Areas	Supports, in principle, proposals which would lead to public realm improvements. Identifies two locations where public realm improvements are particularly welcomed.
31	HD6: Norton-on-Derwent Conservation Area Enhancement	Identifies specific sites in the Norton-on-Derwent Conservation Area where enhancements are sought.
32	HD7: Public Realm Improvements within the Norton-on-Derwent Conservation Area	Supports, in principle, proposals which would lead to public realm improvements. Identifies five locations where public realm improvements are particularly welcomed.

Table 1: What each NP planning policy does		
Policy Name and Reference		What does this policy do?
33	HD8: Malton Old Town Conservation Area – Enhancement	Identifies specific sites in the Malton Old Town Centre Conservation Area where enhancements are sought.
34	HD9: Public Realm Improvements within the Malton Old Town Conservation Area	Supports, in principle, proposals which would lead to public realm improvements.
35	HD10: Area-wide public realm Improvements	Supports, in principle, proposals which would lead to public realm improvements
36	HD11: Archaeology	Policy specifies required survey and evaluation procedures for proposals involving disturbance of existing ground levels
37	H1: Housing Mix	A housing mix policy
38	EM1: Encouragement of Local Employment Sectors	Supports in principle uses generating new employment.
Malton Specific Policies		
39	M1: Wentworth Street Car Park	Protects existing car parking provision at Wentworth Street car park.
40	M2: Malton Market Place	Protects existing car parking provision at Malton Market Place.
Norton Specific Policies		
41	N1: Land to the Rear of Commercial Street	Supports regeneration at land to the rear of Commercial Street (site is identified on the Proposals Map). Policy does not designate it for development but supports it in the event that it is accepted via the Local Plan or otherwise (e.g. via an outline planning application) and is compliant with Policy SP14 of the Local Plan Strategy Policy.

2 Legislative Background to SEA

- 2.1 The basis for Strategic Environmental Assessments legislation is European Directive 2001/42/EC which was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, often referred to as the “*SEA Regulations*”. Detailed guidance of these regulations can be found in the Government publication “A Practical Guide to the Strategic Environmental Assessment Directive” (ODPM 2005) available to view at <https://www.gov.uk/government/publications/strategic-environmental-assessment-directive-guidance>
- 2.2 The Government publication “A Practical Guide to the Strategic Environmental Assessment Directive” (ODPM 2005) includes a useful table (see Table 2 below) intended as a guide to the circumstances where the SEA directive applies to plans and programmes. This is reproduced below:
- 2.3 Some plans and programmes automatically require to be subject to a strategic environmental assessment. This includes Local Plans for instance. Other plans only require to be subject to strategic environmental assessment if they have been screened in following an assessment for likely significant environmental effects.
- 2.4 Tables 2 and 3 below help us to conclude that environmental assessment of the Malton and Norton Neighbourhood Plan is only required if it is screened in following an initial assessment of likely significant effects on the environment.

Table 2: Extract (Figure 2) from The Government publication “A Practical Guide to the Strategic Environmental Assessment Directive” (ODPM 2005)

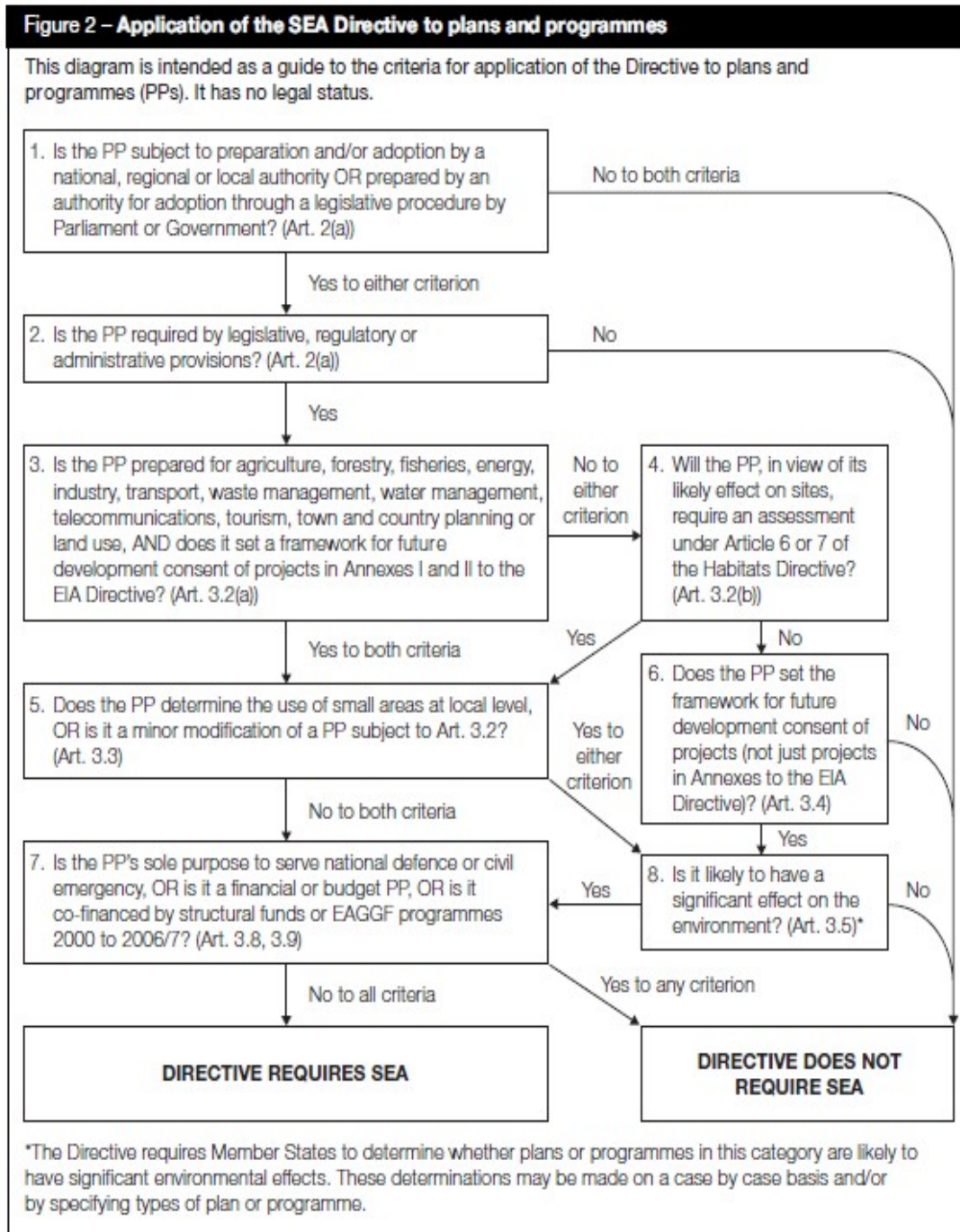


Table 3: how the SEA Directive applies to the Malton and Norton Neighbourhood Plan			
Stage	Response	Outcome	Comment
1. Is the NP subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Yes	Go to question 2	The preparation and adoption of the NP is allowed under The Town and Country Planning Act 1990 as amended by the Localism Act 2011. The NP is being prepared by Malton and Norton Town Councils (as the "relevant body") and will be "made" by Ryedale District Council as the local authority. The preparation of NPs is subject to the following regulations: The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (referendums) Regulations 2012
2. Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes	Go to question 3	Whilst the Neighbourhood Plan is not a requirement and is optional under the provisions of The Town and Country Planning Act 1990 as amended by the Localism Act 2011, it will, if "made", form part of the statutory Development Plan for the District.
	No	NO SEA required	
3. Is the NP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II (see Appendix 2) to the EIA Directive? (Art 3.2(a))	Yes to both	Go to question 5	The Neighbourhood Plan is prepared for town and country planning and land uses. Whilst the policies would be applicable, alongside the Local Plan, to any projects coming forward in Annexes I and II to the EIA Directive (see Appendix 2 for list) the intention of the NP is not to facilitate the delivery of such projects and the NP does not provide such a framework.
	No to either	Go to question 4	
4. Will the NP, in view of its likely	Yes	Go to	HRA screening confirms that

Table 3: how the SEA Directive applies to the Malton and Norton Neighbourhood Plan			
Stage	Response	Outcome	Comment
effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))		question 5	the NP will not require appropriate assessment.
	No	Go to question 6.	
5. Does the NP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Yes to either	Go to question 8	A Neighbourhood Plan covers a considerable area including the two towns of Malton and Norton.
	No to both	Go to question 7.	
6. Does the NP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Yes	Go to question 8	The Neighbourhood Plan is to be used for determining future planning applications.
	No	Does not require SEA	
7. Is the NP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	Yes to any criteria	Does not require SEA	Not applicable
	No to all criteria	Requires SEA	
8. Is it likely to have a significant effect on the environment? (Art 3.5)	Yes	Requires SEA	Likely significant effects are explored in more detail in section 3 of this report.
	No	Does not require SEA	

3 Screening the NP against the criteria for determining the likely significance of effects on the environment

3.1 When determining whether a Neighbourhood Plan (NP) has a likely significant effect on the environment, the SEA Regulations require that the criteria set out in Schedule 1 of the SEA Regulations be considered. These are the criteria “for determining the likely significance of effects on the environment”. These criteria are split into two categories:

- i) those relating to the characteristics of the plan and
- ii) those relating to the characteristics of the effects and area likely to be affected.

These are set out as follows:

Plan characteristics

- the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources
- the degree to which the plan or programme influences other plans and programmes including those in a hierarchy
- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development
- environmental problems relevant to the plan or programme
- the relevance of the plan or programme for the implementation of [European] Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).

Characteristics of the effects and the plan area

- the probability, duration, frequency and reversibility of the effects
- the cumulative nature of the effects
- the transboundary nature of the effects
- the risks to human health or the environment (for example, due to accidents)
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)
- the value and vulnerability of the area likely to be affected due to
 - special natural characteristics or cultural heritage
 - exceeded environmental quality standards or limit values
 - intensive land-use
- the effects on areas or landscapes which have a recognised national, community or international protection status

3.2 In order to identify any likely significant environmental effects, Table 4 below considers the characteristics of the Malton and Norton NP and Table 5 considers the characteristics of the effects and the plan area likely to be affected.

Table 4: Criteria for determining the likely significance of environmental effects – Plan Characteristics	
Plan Characteristics	Malton and Norton NP
<ul style="list-style-type: none"> the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources 	<p>The Malton and Norton NP will, once made, form part of the statutory development plan for the civil parishes of Malton and Norton. Malton and Norton are the principal towns in Ryedale District.</p> <p>The plan addresses local issues specific to Malton and Norton. In order to meet the basic conditions (which will be tested at an examination into the Neighbourhood Plan), the NP needs to be in broad conformity with the strategic policies in the adopted development plan prepared by Ryedale District Council. This currently comprises the</p> <ul style="list-style-type: none"> Ryedale Plan Local Plan Strategy adopted in September 2013 Ryedale Plan Local Sites Document adopted in June 2019 Helmsley Plan adopted in 2015 Saved policies in the Yorkshire and Humber Regional Spatial Strategy to 2026 The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013 <p>Of the above, only the Ryedale Plan Local Plan Strategy 2013 and the Ryedale Plan Local Sites document 2019 are applicable to the Malton and Norton NP area.</p> <p>The Ryedale Plan Local Sites Document allocates two sites in the plan area as follows:</p> <ul style="list-style-type: none"> Land to the east of Beverley Road (600 homes on a site of 24.29 hectares). This is in the south east of Norton on Derwent. Land at old Maltongate (60 homes on a 1.44 hectare site). This is in Malton. <p>The Ryedale Plan Local Sites Document has been subject to a strategic environmental assessment.</p> <p>The Ryedale Plan Local Plan Strategy 2013 intends that Malton and Norton play a more strategic role for the District and in terms of their relationship with York. The Plan seeks to rebalance the twin towns by placing a greater focus on locating new development at Malton and releasing greenfield sites around Malton. In addition the Plan identifies as an aspiration to bring forward a large brownfield site the 'Woolgrowers, Yorkshire Fertilisers site' (although this does not appear in the 2019 local sites plan). The Local Plan Strategy also refers to other brownfield sites within the Malton and Norton Rail/River corridor that are currently</p>

Table 4: Criteria for determining the likely significance of environmental effects – Plan Characteristics	
Plan Characteristics	Malton and Norton NP
	<p>underused or which are vacant or derelict. The plan states <i>“they detract from the appearance of the towns and their redevelopment would provide an excellent opportunity to reinforce the physical and visual links between Malton and Norton.”</i></p> <p>Policy SP1 – General Location of Development and Settlement Hierarchy includes a settlement hierarchy where Malton and Norton are the primary focus of the districts growth Sites are allocated via the later adopted document, the Ryedale Plan Local Sites Document.</p> <p>Following Policy SP1, the Plan includes a section called ‘Guiding Development at the Towns’. In this section This plan identifies as opportunities for growth. <i>“Redevelopment of underused Town Centre/ edge of centre sites and rail/river corridor sites subject to flood risk, providing the opportunity to repair and improve the built fabric of the towns including, the Woolgrowers Site, Railway Street/Norton Road areas”</i></p> <p>Table 1 in this report provides an overview of the scope of the Malton and Norton planning policies. The planning policies are focused on shaping the nature in which development comes forward. There are no policies which allocate specific sites for development. However, there are a number of policies which relate to specific sites:</p> <ul style="list-style-type: none"> • Policy TM1 seeks improvements in pedestrian, cycle and bridleway network including a site of the Disused Railway Line which runs through the River Derwent SSSI/SAC. Importantly this site is also identified on the adopted Local Plan Proposals Map and is linked to Local Plan Strategy Policy SP10 which supports <i>“The use of former railway lines and tracks for recreational purposes (including walking, cycling and horse riding) or for potential public transport use should the opportunity arise in the longer term. Development which may prejudice the ability for former railway lines/tracks to be used or reused for these purposes will not be supported”</i>. • Policies TM2 and TM3: supports the provision of new river crossings (by road, pedestrian, cycles and horseriders) and specifically resists proposals which would prejudice the delivery of such crossings.

Table 4: Criteria for determining the likely significance of environmental effects – Plan Characteristics	
Plan Characteristics	Malton and Norton NP
	<ul style="list-style-type: none"> • Policy RC1: Malton and Norton River Corridor supports specific recreational enhancement works within the river corridor. The policy is clear that the acceptability of any proposal must satisfy Local Plan requirements set out in Policy SP14: Biodiversity. • Policy RC2: Regeneration of Land North and South of County Bridge. Here development-related regeneration is supported. The land appears to be adjacent or overlap with the River Derwent SAC/SSS area. • Policy NC1: Land to the Rear of Commercial Street. This also identifies the site as a regeneration opportunity. This site is within built up environment south of the River Derwent SAC/SSSI. <p>Importantly, whilst all the above site-specific policies identify sites on maps where regeneration, enhancements and transport infrastructure would be supported, they are aspirational policies only. No work is demonstrated on the availability of land for development, the viability or deliverability of any development. The implementation of any development would be dependent on a number of other factors including the acceptability of the proposal in biodiversity terms when assessed against Policy SP14 of the Local Plan Strategy.</p> <p>Other site-specific policies include:</p> <ul style="list-style-type: none"> • Policy E1: Identifies eight open spaces and gives them Local Green Space designation • Policy E4: identifies specific sites suitable for green infrastructure enhancement works.
<ul style="list-style-type: none"> • the degree to which the plan or programme influences other plans and programmes including those in a hierarchy 	The Neighbourhood Plan will be the lowest tier in the plan hierarchy in Ryedale District
<ul style="list-style-type: none"> • the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable 	Before being made, the plan will be tested against basic conditions as part of an independent examination. This includes a requirement for the plan to contribute towards the achievement of sustainable development. In addition, the plan must not be in breach of

Table 4: Criteria for determining the likely significance of environmental effects – Plan Characteristics	
Plan Characteristics	Malton and Norton NP
development	EU obligations and otherwise be compatible with them. This includes legislation relating to strategic environmental assessment and the protection of European sites.
<ul style="list-style-type: none"> environmental problems relevant to the plan or programme 	<p>Chapter 2 of the NP highlights key issues being:</p> <ul style="list-style-type: none"> threat to heritage in the plan area arising from rapid growth, weak development planning and a lack of traffic management <p>Environmental issues or priorities in the plan area applicable to the plan are summarised below.</p> <p>Biodiversity:</p> <ul style="list-style-type: none"> The River Derwent Special Area of Conservation runs through the plan area; it runs along the boundary between the two civil parishes of Malton and Norton. See Figure 1 below. The River Derwent Special Site of Scientific Interest run through the plan area: it runs along the boundary between the two civil parishes of Malton and Norton. See Figure 2 below. The Howardian Hills Area of Outstanding Natural Beauty lies adjacent to the NP area, to the west in the neighbouring parish of Broughton. See Figure 3. <p>Population</p> <ul style="list-style-type: none"> No specific issues. Population in Norton on Derwent as at 2011 Census =7,387 (nomisweb.co.uk). Population in Malton as at 2011 Census = 4,888 (nomisweb.co.uk). <p>Human Health</p> <ul style="list-style-type: none"> No specific issues applicable to the plan <p>Fauna</p> <ul style="list-style-type: none"> No specific problems identified relevant to the plan. Following species present in both Malton and Norton on Derwent civil parishes as recorded at magic.gov.uk (28 July 2019): 1) Corn Bunting, Curlew and Lapwing (all priority species for CS Targeting and grassland assemblage farmland birds) 2) Grey Partridge, tree sparrow and yellow wagtail (grassland assemblage farmland birds)s Curley (priority species for CS Targeting and grassland assemblage farmland bird), Lapwing; Grassland

Table 4: Criteria for determining the likely significance of environmental effects – Plan Characteristics	
Plan Characteristics	Malton and Norton NP
	<p>Assemblage Farmland Birds. Bats: one recorded granted European species application in Malton</p> <p>Flora</p> <ul style="list-style-type: none"> No specific problems identified relevant to the plan. As recorded at www.magic.gov.uk (28 July 2019) the Civil parish of Malton includes coastal and floodplain grazing marsh along the River Rye on the northern boundary, an area of good quality semi improved grassland in the north east and small area of woodpasture and parkland. Civil parish of Norton on Derwent includes an area coastal and floodplain grazing marsh in the north east. Both civil parishes include an area of lowland Fen along the River Derwent SSSI covering a small area in both civil parishes just to the south of Sheepfoot Hill, areas of deciduous woodland, areas of broadleaved woodland and areas of young trees, small areas of traditional orchards. <p>Soil</p> <ul style="list-style-type: none"> No specific problems identified relevant to the plan. <p>Water</p> <ul style="list-style-type: none"> No specific problems identified relevant to the plan. <p>Air</p> <ul style="list-style-type: none"> There is the Malton Air Quality Management Area. This was established by Ryedale District Council in 2009 to reduce ambient levels of nitrogen dioxide in Malton. The area designated is the junction of Yorkersgate and Castlegate and extends approximately 400 metres along the roads in four directions from this junction. The community aspirations section of the plan includes aspirations to ban HGVs over 7.5 tones in the area on the level crossing, by pass signage to discourage driving through the two towns and provision of a shuttle bus network between the town centre and the Eden camp complex. Planning policy E6 in the draft NP look specifically at the managing the impact of proposals which may impact on this air quality management area. <p>Climatic factors</p>

Table 4: Criteria for determining the likely significance of environmental effects – Plan Characteristics	
Plan Characteristics	Malton and Norton NP
	<ul style="list-style-type: none"> The River Derwent corridor and surrounding land falls within fluvial flood zone 3. This applies to corridors of land running south from the River Derwent in the town of Norton (e.g. Mill Beck Corridor and Priorpot Beck). Flooding incidents have occurred in the two towns in the past. <p>Material Assets</p> <ul style="list-style-type: none"> No specific problems identified relevant to the plan <p>Cultural Heritage</p> <ul style="list-style-type: none"> The plan area includes many heritage assets which are recognised and protected in the plan. The plan area includes three conservation areas (Malton Town Centre, Norton-on-Derwent and Malton Old Town). Policy HD1 in the draft NP focuses on managing development in these conservation areas with an overall view to ensuring development that conserves or enhances the conservation areas. The community aspirations chapter includes an aspiration to introduce Article 4 Directions across the three conservation areas to remove some permitted development rights, aspirations to refurbish six listed K6 telephone kiosks, initiative improved street signage with a view to securing more sympathetic street signage, appropriate to the appearance of the conservation area, aspirations to review all 3 conservation area (the update of the appraisal of Malton town centre and the production of appraisals for Norton-on-Derwent and Malton Old Town conservation areas. As recognised in Chapter 4.7 of the NP, there are records of extensive archaeological remains from the pre-historic, Romano-British, Medieval and Post-Medieval periods. Planning policy HD11 in the NP seeks to ensure these remains are taken fully into account as development comes forward. <p>Landscape</p> <ul style="list-style-type: none"> An area adjacent to the plan area in the north west is the Howardian Hills Area of Outstanding Natural Beauty. This area does not abut the settlements in the towns and there are no proposals for development near to this area. The Ryedale Local Plan Sites Document adopted in June 2019 includes areas of Visually Important Undeveloped Areas in the plan area – see policy SD16. This applies to:

Table 4: Criteria for determining the likely significance of environmental effects – Plan Characteristics	
Plan Characteristics	Malton and Norton NP
	<ul style="list-style-type: none"> - Land at Folliott Ward Close, Middlecave Road, Malton - Land to the north of Peasey Hills, - Land between Welham Road and Langton Road, Norton - Land north of Westgate Lane, Old Malton <p>The effect of this is applying a designation that exists via the Local Plan Strategy in Policy SP16 (Design) of that document.</p> <ul style="list-style-type: none"> • Applicable designations in the Ryedale Local Plan 2002 also still exist: Area of High Landscape Value in the south of Norton on Derwent known as The Wolds Area of High Landscape Value • The NP does propose designation of seven Local Green Spaces. These includes areas that fall within Visually Important Undeveloped Areas: Lady Spring Wood and River Walk to Malton, North East of Castlegate, adjacent to the Old Lodge Hotel and Orchard Fields, East of Castlegate, north of Commercial Street, Norton, between railway line and River Derwent, Orchard Fields adjacent to Old Maltongate, the Old Lodge and Lady Spring Wood, Mill Beck Corridor adjacent to Lakeside and Welham Road housing, Orchard Fields/Old Malton Recreation Land,
<ul style="list-style-type: none"> • the relevance of the plan or programme for the implementation of [European] Community legislation on the environment (for example, plans and programmes linked to waste management or water protection). 	<ul style="list-style-type: none"> • The Neighbourhood Plan is not a requirement of the EU legislation or directly linked to it.

Table 5: Criteria for determining the likely significance of environmental effects: Characteristics of the effects and of the area likely to be affected	
Effects	
<ul style="list-style-type: none"> Summary of effects 	<p>A number of the draft planning policies are likely to have some minor positive effect on landscape and biodiversity. This includes:</p> <ul style="list-style-type: none"> Policy E1: Protection of Local Green Space which proposes Local Green Space designation to a range of open spaces, some of which are already identified through the Ryedale Local Plan as having landscape value. Policy E4: Green Infrastructure which specifies that development proposals should not harm six different areas including areas designated as important for landscape value and biodiversity value. 1) Derwent Corridor, 2)The Howardian Hills 3) The Rye Corridor 4) the Mill Beck Corridor 5) the Driffeld Thirsk Disused Railway Line 6) Westfield Way, Priorpot Beck The Heritage and Design Policies seeking to conserve and enhance heritage assets. <p>There are a number of other sites specific policies (see Table 1 and Table 3 above). Two of these have a need for particularly consideration in terms of possible adverse impact on the River Derwent SSSI and River Derwent SAC. These are NI: land to the rear of Commercial Street and RC2: Regeneration of Land North and South of County Bridge. They support regeneration at locations which are in or close to the River Derwent SAC/SSSI. Land to the rear of Commercial Street is within a built-up area south of the River Derwent SAC/SSSI and land identified as RC2 cross the River at a point outside the extent of the River Derwent SSSI but where the River Derwent SAC appears to pass through. The policies do not allocate the sites for development but support it in the event that any proposal is compatible with Policy SP14 of the Local Plan Strategy Policy. These policies are aspirational; no work has been undertaken on deliverability and viability of any scheme. The implementation of any proposal would be depending on a number of factors including the acceptability of any proposal when assessed against Policy SP14 of the Local Plan Strategy with regards to biodiversity.</p> <p>Policy SP14 of the Local Plan Strategy Policy does not specifically refer to cases where proposals may impact on a European site but reads:</p> <p><i>"In considering proposals for development – Proposals which would have an adverse effect on any site or species protected under international or national legislation will be considered in the context of the statutory protection which is afforded to them."</i> Supporting paragraph 7. 15 however assumes that existing legislation is in place to cover such scenarios: <i>"Stretches of the River Derwent are protected under</i></p>

Table 5: Criteria for determining the likely significance of environmental effects: Characteristics of the effects and of the area likely to be affected	
Effects	
	<p><i>international law as a Special Area of Conservation and 32 Sites of Special Scientific Interest have been designated as areas of national interest by virtue of their flora, fauna or geological importance”.</i></p> <p>A key question for the purpose of the SEA screening is whether or not the policy RC2: Regeneration of Land North and South of County Bridge would actually trigger an increased likelihood of development at this site and if so, would this then trigger likely significant effects. The effect of the policy wording is to support regeneration at this site and therefore could lead to consideration of this development opportunity, but the policy does not facilitate any development and flags up the need to consider biodiversity impacts of any scheme. Specifically, the policy is explicit in stating it does not itself establish <i>the principle of any such development</i>, implying such a principle must be established via other means such as through the Local Plan or consideration of any scheme against the Local Plan policies. On this basis, the policy can be considered as not triggering any additional development.</p> <p>The intent of the policy is further clarified in the supporting text which recognises the status of the River Derwent SAC and SSSI in a way which the policy text does not.</p> <p><i>“The river corridor provides opportunities for enhancements to improve the general setting of the two towns and their relationship. However, the river corridor is heavily constrained by its SAC designation and by flood risk. Any projects or development would need to take full account of the ecological value of the river corridor, as reflected in its SAC and SSSI status.”</i></p> <p><i>“The Neighbourhood Plan policy approach is also in tune with the Local Plan Strategy, which aspires to the redevelopment of underused river corridor sites subject to flood risk, as an opportunity to improve the built fabric of the towns. It also conforms with Policy SP14 (Biodiversity) in respect of seeking to conserve, restore and enhance biodiversity through any development affecting the river corridor, and doing so within the context of the statutory protection of the river and its European SAC (Special Area of Conservation) designation as set out in that policy. It similarly recognises the need for policies to work within the context of the flood risk management and air quality provisions set out in Policy SP17 (Managing Air Quality, Land and Water Resources).”</i></p>

Table 5: Criteria for determining the likely significance of environmental effects: Characteristics of the effects and of the area likely to be affected	
Effects	
	<p><i>"The scale of the enhancement works in mind are considered to be minor and so are felt unlikely to impact on the quality of the SAC/SSSI. It is however fully recognised that assessments need to be undertaken to evaluate the possible impacts for disturbance to protected habitats and species"</i></p> <p>The last of these paragraphs indicates that any enhancement works are intended to be minor. Whilst a shortcoming that the word 'minor' is not clarified in the policy text, this paragraph is important. The last paragraph also implies that any proposals would need to be assessed for its possible impact for disturbance to protected habitats and species (although for avoidance of doubt the sentence could improve in accuracy if it read "... that assessments, <i>at planning application stage</i>, need to be undertaken".</p> <p>Also of relevance is the assertion made in the supporting text that the aspirations set out in RC2 to attract riverside regeneration at a location sensitive in biodiversity terms is compatible with the adopted Local Plan Strategy <i>"The Neighbourhood Plan policy approach is also in tune with the Local Plan Strategy, which aspires to the redevelopment of underused river corridor sites subject to flood risk, as an opportunity to improve the built fabric of the towns."</i> It is true, the Local Plan Strategy does highlight in paragraph 3.16 the existence of Brownfield sites in the Malton and Norton Rail/River corridor that are currently underused or which are vacant or derelict. It asserts their redevelopment would provide for excellent opportunity to reinforce physical and visual links between Malton and Norton. However, the Local Plan Strategy and the Local Sites Plan do not allocate any such riverside sites for development.</p>
<ul style="list-style-type: none"> the probability, duration, frequency and reversibility of the effects 	Effects identified above are unlikely since the policies themselves do not delivery or trigger development. Were development to be triggered off the back of these policies, the effects would be managed since the intention of the policy (as described in the supporting text) clarifies that any development must be consistent with the River Derwent SAC and SSSI status.
<ul style="list-style-type: none"> the cumulative nature of the effects 	There are two policies which could (but unlikely) have an adverse impact on River Derwent SAC and SSSI.
<ul style="list-style-type: none"> the transboundary nature of the effects 	No international transboundary effects.
<ul style="list-style-type: none"> the risks to human health or the environment (for example, due to accidents) 	No identified risks to human health.

Table 5: Criteria for determining the likely significance of environmental effects: Characteristics of the effects and of the area likely to be affected	
Effects	
<ul style="list-style-type: none"> the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) 	Any effects would be small (since the policy states that any development must be compatible with Local Plan Strategy Policy SP14 and the intention of the policy states any development must be consistent with the River Derwent SAC and SSSI status. But, there is a small chance the River could be affected. Effects would be small, effects may however be distributed spatially due to the river network and habitat in the waterway.
<ul style="list-style-type: none"> the value and vulnerability of the area likely to be affected due to: <ul style="list-style-type: none"> special natural characteristics or cultural heritage; exceeded environmental quality standards or limit values; or intensive land use 	High biodiversity value attributed to River Derwent SAC and SSSI.
<ul style="list-style-type: none"> the effects on areas or landscapes which have a recognised national, community or international protection status 	No impacts on nationally recognised landscapes e.g. the Howardian Hills AONB

Figure 1: Extract from Magic Map showing the extent of the River Derwent SAC and its path through the plan area.

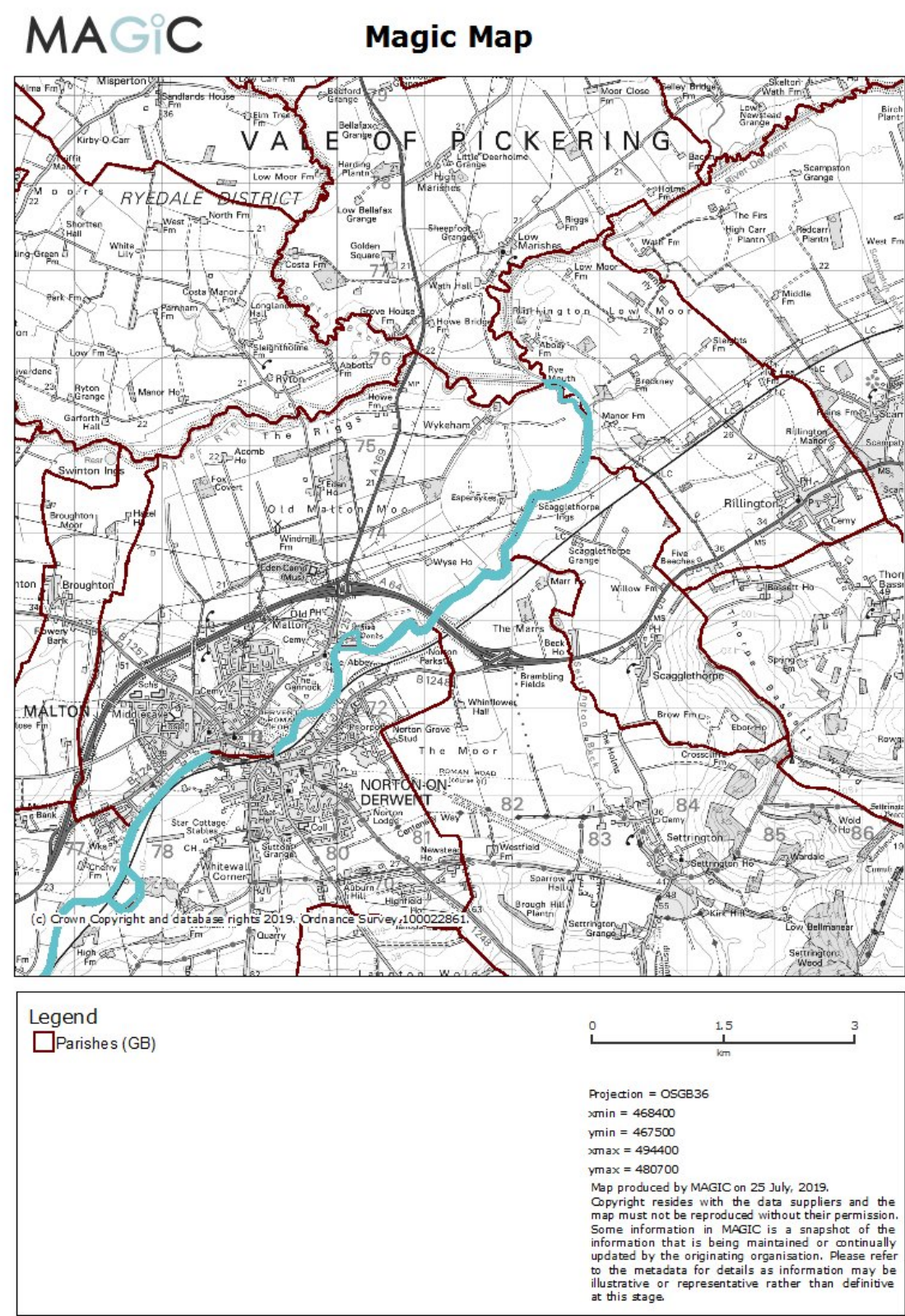


Figure 2: Extract from Magic Map showing the extent of the River Derwent SSSI and its path through the plan area.

MAGiC

Magic Map

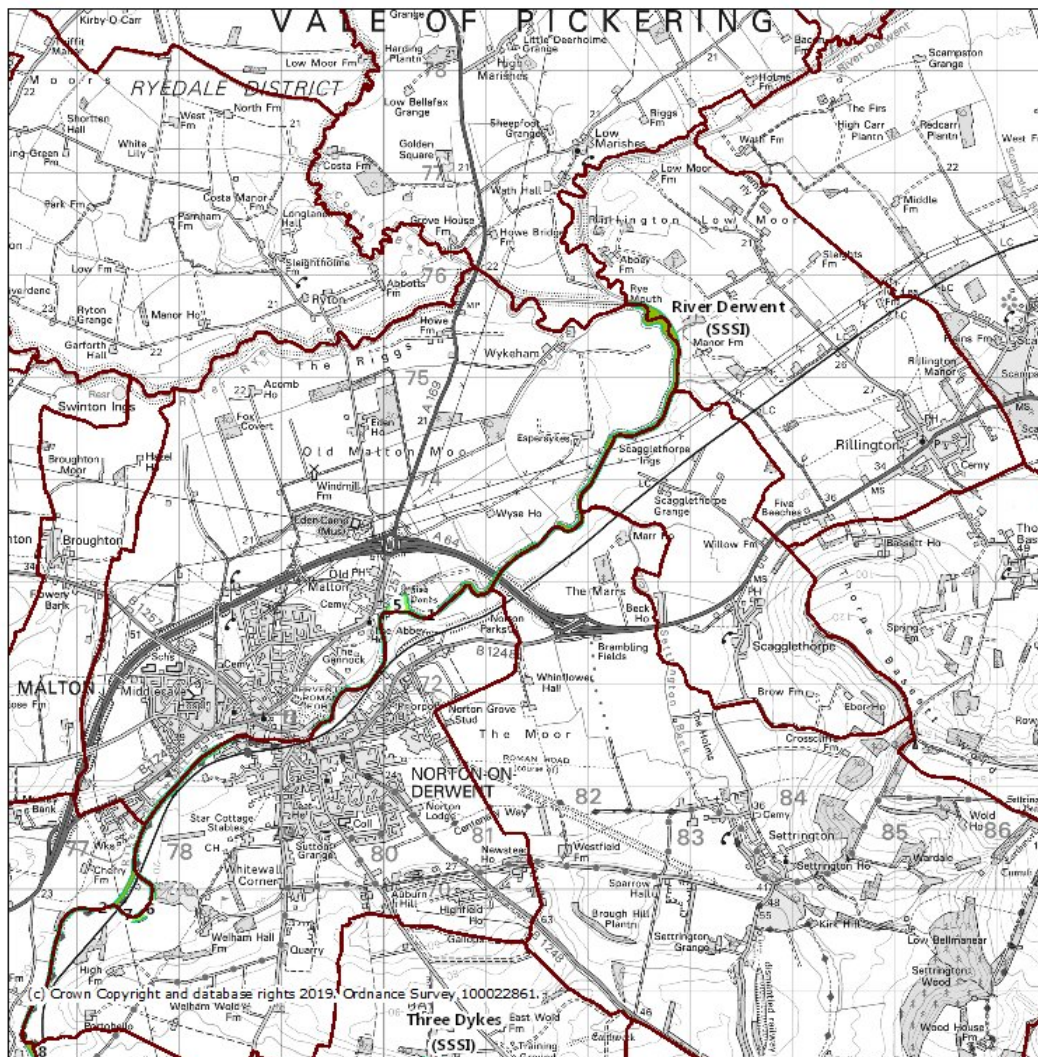
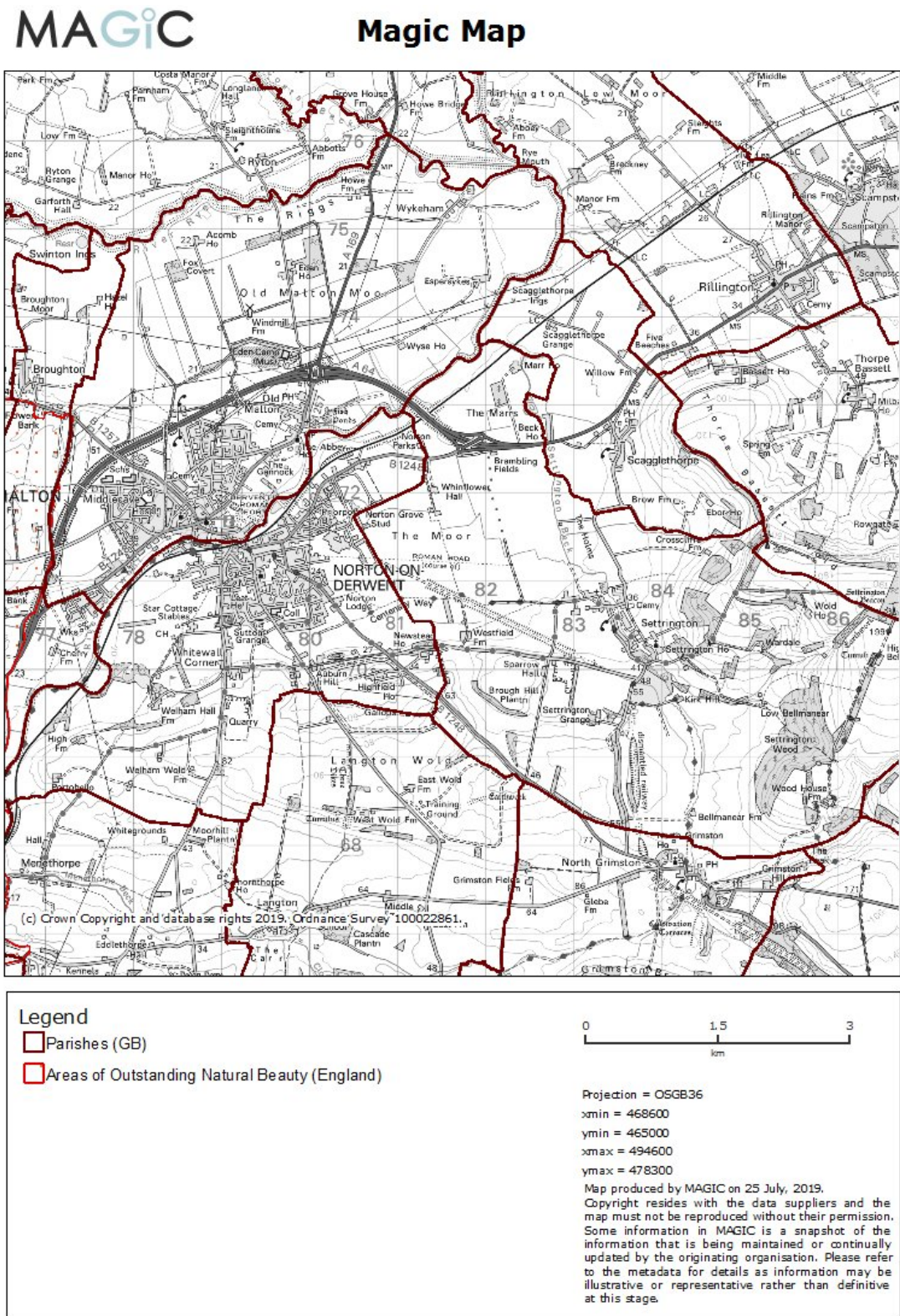


Figure 3: Extract from Magic Map showing the extent of the Howardian Hills Area of Outstanding Natural Beauty (to the west in neighbouring parish of Broughton (see red hatching)



4. SEA Screening Preliminary Conclusions

4.1 As a result of the assessment in Section 3, no likely significant environmental effects resulting from the Malton and Norton NP have been identified. The key reasons for this are:

- Whilst parts of the NP area are vulnerable in terms of biodiversity (River Derwent SAC and SSSI – see Figures 1 and 2), landscape (See Figure 3) and in relation to flood risk (see Environment Agency flood maps which show the River Derwent Corridor as falling within Flood Zone 3, the plan does not allocate sites for development.
- The policies are focused on shaping and influencing development when planning applications are brought forwards and from this point of view a range of minor positive effects could occur particularly in relation to the historic environment.
- There are a number of site-specific policies which highlight specific locations where certain types of investment would be supported. This includes sites which are in or close to areas which are sensitive in biodiversity or flood risk terms. However, in the main, the type of development being supported is minor public enhancement initiatives such as provision of picnic benches, boat moorings etc.
- There is one specific policy which deserves particular attention. This is Policy RC2: Regeneration of Land North and South of County bridge. Again, the policy does not allocate the site for development and neither does it accept or establish the principle of development. The policy is carefully worded to state *“in the event that the principle of development on this site is accepted via the Local Plan or otherwise, relative to the requirements of Local Plan Strategy Policy SP14”*, the policy sets out specific criteria which will be also be sought as part of a proposal (being found as acceptable through a mechanism other than through the Neighbourhood Plan). The policy is an aspirational one where the deliverability of the policy is dependent on a range of other factors not demonstrated (viability or deliverability or availability of land). Whilst not explicitly clear in the policy wording, the supporting text to the policy is clear in stating *“any projects or development would need to take full account of the ecological value of the river corridor, as reflected in its SAC and SSSI status. In addition, flood risk is a recognised issue, especially in light of forecasting models that are expected to inform future decisions concerning development opportunities.”*

4.2 This is a preliminary SEA screening conclusion, prior to consultation with the statutory consultees.

APPENDIX 4: SCREENING REPORT – NATURAL ENGLAND AND RYEDALE DC COMMENTS

----- Forwarded Message -----

Subject:RE: Malton and Norton Neighbourhood Plan SEA/SA and HRA

Date:Tue, 8 Oct 2019 16:15:10 +0000

From:Ash, Merlin <Merlin.Ash@naturalengland.org.uk>

To:Rachael Balmer <rachael.balmer@ryedale.gov.uk>

CC:Mike Dando <mike.dando2@btinternet.com>, r tierney <norton.tc@btconnect.com>

Dear Rachael,
Cc Mike Dando and Tim Hicks

Thank you very much for consulting Natural England on this please accept our sincere apologies for the delay in getting back to you. This was due to an administrative error on our behalf for which we apologise for and hope this has not caused any significant inconvenience. I am copying this to Tim Hicks Mike Dando on behalf of the Town Councils who have also sought Natural England's views on these assessments.

You raise some very good questions here regarding the evolving assessment process for Neighbourhood Plans to which we will endeavour to give our opinion.

Regarding question 1), while we share your concerns regarding potential impacts on the River Derwent SAC and SSSI, we broadly consider that the assessment undertaken is sufficient given the high level of the policy and lack of detail provided. It would be very difficult to provide much further assessment without going into speculation about where and how the projects listed might be delivered. It is more appropriate that these matters should be assessed at the project stage when there is sufficient information to undertake a more meaningful assessment. However, having said this, we consider that the very significant constraints posed by the River Derwent SAC/SSSI may affect the deliverability of the proposals set out in these policies. It might therefore be better policy making for the Town Councils to come forward with more concrete proposals at this stage which can be properly assessed.

2) Given the reliance on a caveat within the policies and higher level plan policy, we consider that the assessment should be an appropriate assessment concerning adverse effects on integrity rather than a screening assessment in the context of the 2018 People over Wind vs Coilte Teoranta judgement. However this does not necessarily alter the overall gist of the conclusions reached or require significant further assessment.

3) You are quite right to raise the issue of in-combination assessment here, particularly in the context of the recently adopted Local Plan Site Document. This will be a critical component of the project stage assessments or the assessment of a more detailed policy. We consider that it may also be an important factor in the question of whether the proposals are deliverable. However it is difficult to undertake a more detailed in-combination assessment at this stage.

Finally we would like to see more specific detail provided in these policies or the supporting text regarding the potential risks to the River Derwent SAC/SSSI including recreational disturbance, water quality, bank erosion and most importantly direct loss. The policy should be clear that proposals such as boat moorings and fishing platforms/pegs are extremely unlikely to be acceptable within the boundaries of the River Derwent SAC.

Notwithstanding these issues Natural England is otherwise satisfied with the Strategic Environmental Assessment and Habitats Regulations Assessment provided in support of the Pre-submission draft of the Neighbourhood Plan for Malton and Norton and has no other comments to make.

We hope that this advice is helpful. If you have any further questions regarding this please do not hesitate to contact me.

Yours sincerely

Merlin Ash
Lead Adviser
Yorkshire and Northern Lincolnshire Team
Natural England
Foss House, 1-2 Peasholme Green, York, YO1 7PX
Tel: 02080 266382

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These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

From: Rachael Balmer [<mailto:rachael.balmer@ryedale.gov.uk>]
Sent: 04 October 2019 12:49
To: Ash, Merlin <Merlin.Ash@naturalengland.org.uk>
Subject: Malton and Norton Neighbourhood Plan SEA/SA and HRA

Dear Merlin,

I am not sure if I have contacted the right person, so apologies if this is not a project you have been working on, and if you could let me know who best to liaise with I would be very grateful. We have been asked to formally make a view on the SEA/SA and HRA of the above neighbourhood plan. Based on our on-going engagement in the process we identified early on that the inclusion of policies (particularly RC1 and RC2) which increased activity in and around the River Derwent SAC would raise some adverse impacts in terms of disturbance and impacts on sediments, bank erosion etc. At the time this was somewhat dismissed by the Consultants, but they subsequently commissioned a HRA. The LPA consider that their HRA has inadequately undertaken the screening exercise in three key ways:

- 1) It assumes that as the policy does not allocate the land it does not constitute a policy direction- we disagree it very fact that it is included within the Plan means it is a policy, which positively promotes various uses on and next to the river bank;
- 2) In the screening it notes the likelihood of impacts, but applied imbedded mitigation of the Local Plan Strategy Policy SP14, to address any adverse impacts. Given the judgment in 2018, this approach is now flawed, and that mitigation cannot be identified at screening; and
- 3) It does not fully consider the in-combination effects with the increased housing as a result of the Local Plan Sites Document- whilst this sought to bring forward measures which offered an alternative to the riverbank for recreation- and means to protect water quality. The Malton and Norton Neighbourhood Plan is to all intents and purposes, increasing recreation and impacts on the river bank (such as with boat moorings etc.)

We are of the view that the HRA should have undertaken an appropriate assessment. LSE cannot be ruled out- indeed the report sets out what they could be, but then applies mitigation in the form of the existing Development Plan. Accordingly, we feel that this has also influenced the production of the Sustainability Appraisal and the Strategic Environmental Assessment (which can be undertaken together) which also should have been in a position to consider this.

Are Natural England in a position to provide a view on this matter?

Kind regards,

Rachael Balmer

Mrs. Rachael Balmer BSc (Hons) MTP MRTPI
Senior Planning Officer

New phone extension 43357

Please note I work remotely on Monday and Thursday

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APPENDIX 5: MALTON AND NORTON NEIGHBOURHOOD PLAN HRA JUNE 2020

Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan

June 2020

Fleming Ecology Limited

48 Larkspur Way, Wakefield, West Yorkshire WF2 0FD

Client Name: Malton and Norton Town Councils
Document Reference: MN NDP HRAv2.0
Issue date: April 2020

Issue	Date	Prepared, checked and approved by
First	April 2020	Bernie Fleming Director, Fleming Ecology
Second	June 2020 (minor revisions)	Bernie Fleming Director, Fleming Ecology

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SUMMARY

The Malton and Norton-upon-Derwent Town Councils are together preparing their Neighbourhood Development Plan for submission to the competent authority, Ryedale District Council. This Habitats Regulations Assessment (HRA) evaluates the Plan as required by the Conservation of Habitats and Species Regulations 2017 (the *Habitats Regulations*).

Its role is to test the impact of the proposed policies and allocations on the internationally important sites for biodiversity in and around the neighbourhood. Together, these Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar sites are known as European sites.

HRA asks very specific questions of a neighbourhood plan (and all local plans). Firstly, it “*screens*” the plan to identify which policies or allocations may have a *likely significant effect, alone or (if necessary) in combination* with other plans and projects, on the European sites. If likely significant effects can be ruled out, then the plan may be adopted but if they cannot, the plan must be subjected to the greater scrutiny of an ‘*appropriate assessment*’ to find out if it may result in *an adverse effect on the integrity* (AEOI) of the European sites. Again, if AEOI can be ruled out, the plan may be adopted. At this stage, but only if necessary, the plan should be amended to *mitigate* any problems, which typically means that some policies or allocations need to be modified or, more unusually, may have to be removed altogether. If mitigation is unable to rule out AEOI then derogations may be sought but only as a last resort and few local plans would be expected to pass these additional tests.

This document follows best practice, drawing heavily on guidance contained within the Habitats Regulations Assessment Handbook, and takes full account of current Government policy and law.

Forty-two policies were screened; the individual outcomes of the pre-screening of each policy and allocation can be found in Appendix C and are summarised in Table 8. Overall, this HRA found that likely significant effects could be ruled out for thirty-eight. However, likely significant effects could not be ruled out for four policies alone: RC1, RC2, CF1 and N1 because of a range of possible effects on the River Derwent SAC. However, there were no residual effects and no need for an in-combination assessment.

Consequently, an appropriate assessment was required.

This found that provided mitigation measures were adopted, including the removal of some types of proposed development, adverse effects on the integrity on the River Derwent SAC could be ruled out for Policies RC1, RC2 and N1. Adverse effects from Policy CF1 could be ruled out without the need for mitigation.

Although this HRA has been prepared to help Ryedale District Council discharge its duties under the Habitats Regulations, the Council remains the competent authority and must decide whether to adopt this report or otherwise.

1. INTRODUCTION

Background

- 1.1. The Malton and Norton-upon-Derwent Town Councils are together preparing their Neighbourhood Development Plan (*the Plan* or *NDP*). Alongside the adopted Ryedale Local Plan, this will help to deliver strategic vision and objectives across the neighbourhood until 2027. When adopted, the NDP will influence all future development within the towns' boundaries.
- 1.2. The Habitats Directive requires local (or 'competent') authorities to assess the impact of development plans on the Natura 2000 network of protected sites. The Directive is given domestic effect by the Habitats and Species Regulations, 2017¹ (the '*Habitats Regulations*'). In England, this requirement is implemented via a *Habitats Regulations Assessment (HRA)* which comprises a series of mandatory tests.
- 1.3. The production of this HRA draws heavily on guidance provided by the Habitats Regulations Assessment Handbook² (the *Handbook*) utilising charts, pro-forma, definitions and interpretation throughout. The Handbook draws on best practice and case law at home and across the EU to identify over 180 principles to inform the production of HRAs. Subscribers to the Handbook include Natural England, the Environment Agency and the Planning Inspectorate amongst others.
- 1.4. Defra guidance³ allows competent authorities to reduce the duplication of effort by drawing on earlier conclusions of other relevant plans where there has been no material change in circumstances. If there is any doubt, the allocation or policy is assessed normally. Consequently, this current HRA draws on the findings of previous documents where possible but evaluates the Plan in the context of contemporary evidence and best practice..

Habitats Regulations Assessment of Neighbourhood Plans, Natura 2000 and European sites

- 1.5. Natura 2000 is the cornerstone of European nature conservation policy; it is an EU-wide network of Special Protection Areas (SPA) classified under the 1979 Birds Directive and Special Areas of Conservation (SAC) designated under the 1992 Habitats Directive. Together, the network comprises over 27,000 sites⁴ and safeguards the most valuable and threatened habitats and species across Europe; it represents the largest, coordinated network of protected areas in the world.
- 1.6. In the UK, these sites are commonly referred to as 'European sites' which, according to Government policy⁵, also comprise 'Wetlands of International Importance', or Ramsar sites. Importantly, European sites also include the relevant 'proposed' or 'potential' sites which have not yet been formally designated. Each is 'classified' or 'designated' for a range of habitats and species which are referred to as 'qualifying features'.
- 1.7. Over 8.5% of the UK land area forms part of this network including, locally, sites such as the River Derwent, the Lower Derwent Valley and Strensall Common. Further afield, it also incorporates such well known sites as the Yorkshire Dales and the North York Moors.

¹ *Conservation of Habitats and Species Regulations 2017*
Tyldesley, D., and Chapman, C., (2013) *The Habitats Regulations Assessment Handbook*, November 2019 edition UK: DTA Publications Ltd

³ Habitats Directive – Guidance on competent authority coordination under the Habitats Regulations, Defra (July 2012).

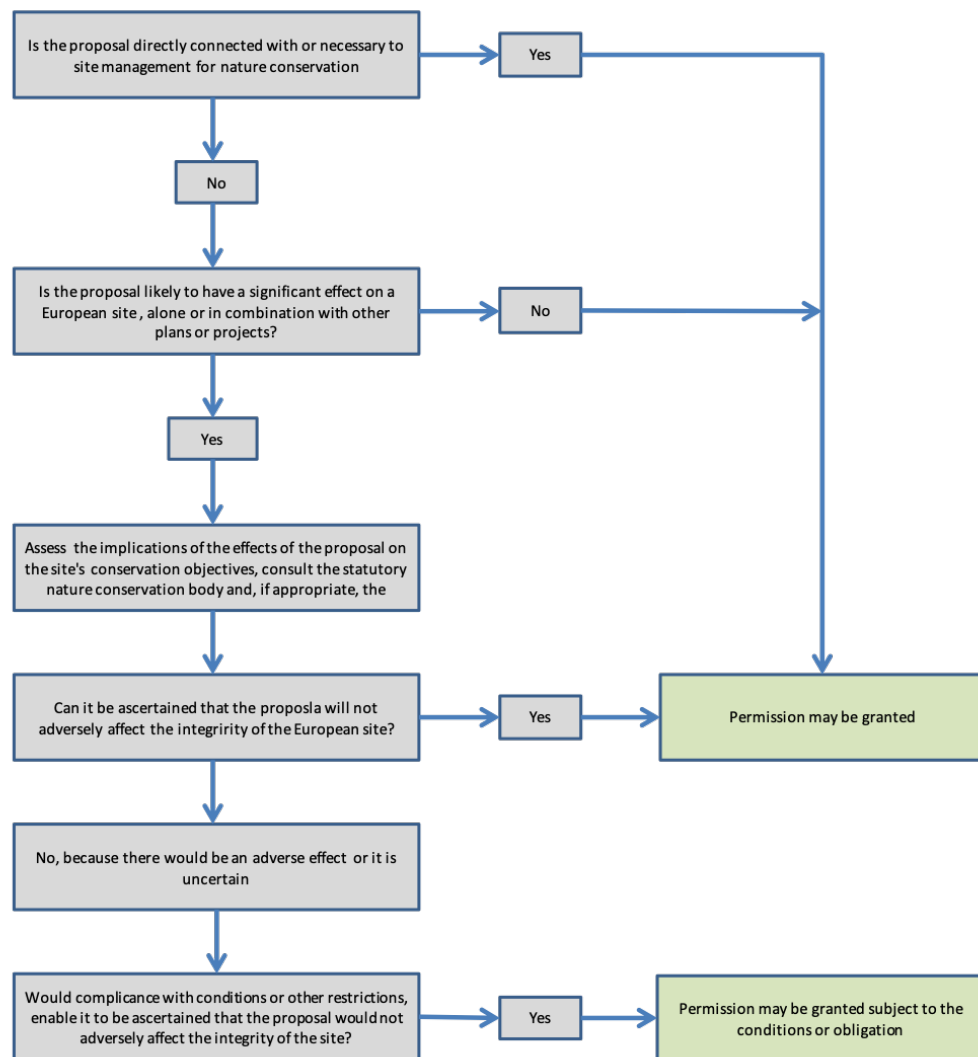
⁴ Natura 2000 Barometer
<https://view.officeapps.live.com/op/view.aspx?src=http://ec.europa.eu/environment/nature/natura2000/barometer/docs/Natura%202000%20barometer.xlsx> accessed 4 April 2020

⁵ ODPM Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (16 August 2005)

- 1.8. The Regulations employ a series of mandatory tests listed below and graphically represented in Fig 1⁶ which set out a four-stage process.

Stage	Test	Task
1	Screening	Determines if the Plan will lead to a <i>likely significant effect</i> on a European site alone or in combination with other plans or projects.
2	Appropriate assessment	If likely significant effects cannot be ruled out, a more thorough appropriate assessment (AA) must be carried out to assess whether it is possible to ascertain that the Plan will have 'no adverse effect on the integrity of the site' (AEIOI) or not.
3	Alternative solutions	If AEIOI cannot be ruled out, the HRA must explore if less damaging <i>alternative solutions</i> could deliver the overall objective of the Plan
4	Imperative Reasons of Overriding Public Interest (IROPI) and Compensation	If no alternative solutions exist, the Plan can only proceed if IROPI apply and compensatory measures must be delivered

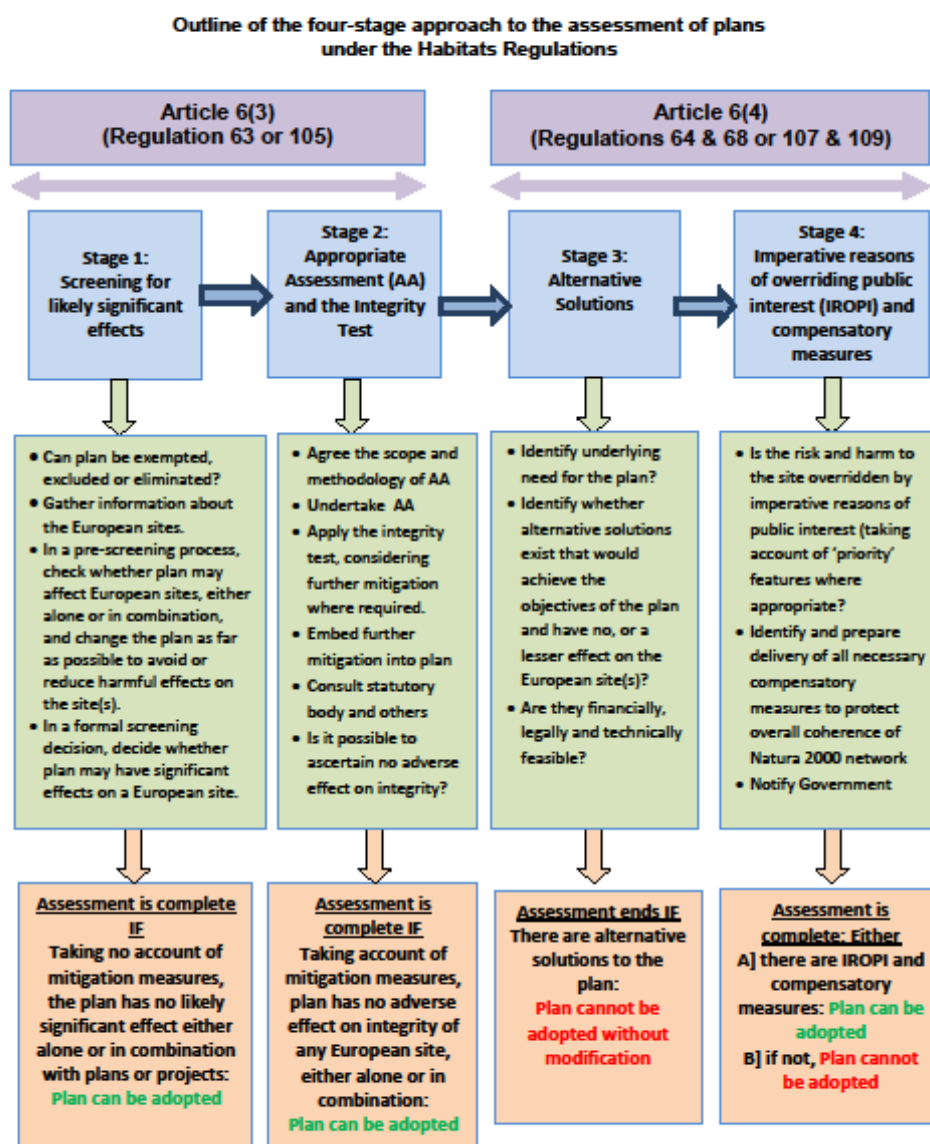
Figure 1: Consideration of development proposals affecting European sites



⁶ Ibid

- 1.9. In reality, experience gained from implementation of the process has encouraged the adoption of a 'pre-screening' process and the use of additional filters at the outset to explore if the plan even needs to be subject to HRA at all. This more pragmatic approach is laid out in Fig 2 where many of the component steps are given expression. It is the process described in Fig 2 that is followed in this HRA.
- 1.10. So, for example, the initial test adopted in this HRA (in Section 3) firstly explores if the plan can be excluded from the HRA simply because it is considered that it could not have any conceivable effect on a European site before exploring whether the plan is actually necessary for the management of a European site. Through the subsequent use of pro-forma and associated filters it refines the European sites at risk and the policies that may cause harm to arise.
- 1.11. If the plan cannot be ruled out at this stage, the competent authority (ie Ryedale District Council) must then move onto the formal screening process to identify whether the plan is '*... likely to have a significant effect on a European Site ... either alone or in combination with other plans or projects*'. The formal screening opinion is provided in Section 4. If significant effects are found to be absent or can be avoided, the plan may be adopted without further scrutiny. If not, an appropriate assessment is required.
- 1.12. Importantly, an in-combination assessment is only required where an impact is identified which would have an insignificant effect on its own ('a residual effect') but where likely significant effects arise cumulatively with other plans or projects. Together, these first few steps of Stage 1 (in Fig 2) are often referred to as 'Screening'.

Figure 2: The four stage assessment of plans under the Habitats Regulations⁷



Extract from *The Habitats Regulations Assessment Handbook*, www.dtapublications.co.uk
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⁷ The HRA of Neighbourhood Plans is required under Reg. 106. Although this figure does not refer to Reg. 106, the same process still applies.

Definitions, Evidence, Precautionary Principle and Case Law

- 1.13. The specific meaning of the key terms and tests in HRA is of considerable importance. Drawing on Section C.7 of the Handbook and other sources the following definitions, embedded in case law, apply to key words, phrases and stages throughout the HRA:

Stage One - Screening

- *Likely* in the context of 'a likely significant effect' means a 'a possible significant effect; one whose occurrence cannot be excluded on the basis of objective information';⁸; therefore, 'likely' can be interpreted as a risk and so differs from the normal English meaning of a probability.
 - *Significant*, in the same context, means 'any effect that would undermine the conservation objectives for a European site ...';⁹
 - *'Objective information'*, in this context, means clear verifiable fact rather than subjective opinion.
 - *There should be credible evidence to show that there is a real rather than a hypothetical risk¹⁰ of effects that could undermine the site's conservation objectives. Any serious possibility of a risk that the conservation objectives might be undermined should trigger an 'appropriate assessment'.*
- 1.14. In other words, this means the initial screening phase should not be exhaustive, a point candidly described by Advocate General Sharpston in paragraphs 49 and 50 of the Sweetman case¹¹ when describing the levels of scrutiny to be applied to each test as follows:

'The threshold at the first stage [the test for LSE] ... is thus a very low one. It operates merely as a trigger, in order to determine whether an appropriate assessment must be undertaken ... The threshold at (the second) [the appropriate assessment] stage is noticeably higher than that laid down at the first stage. That is because the question (to use more simple terminology) is not 'should we bother to check?' (the question at the first stage) but rather 'what will happen to the site if this plan or project goes ahead ...'.

- 1.15. This was amplified in the Bagmoor Wind case¹² as follows:

'If the absence of risk ... can only be demonstrated after a detailed investigation, or expert opinion, that is an indicator that a risk exists, and the authority must move from preliminary examination to appropriate assessment'.

- 1.16. In other words, if there is any serious possibility of a risk that the conservation objectives might be undermined this should trigger an appropriate assessment.'

Stage Two – Appropriate Assessment and the Integrity Test

- 1.17. Fundamentally, the HRA process employs the precautionary principle and Regulation 105 ensures that where a plan is 'likely to have a significant effect', it can only be adopted if the competent authority can ascertain (following an appropriate assessment) that it 'will not adversely affect the

⁸ European Court of Justice Case C – 127/02 *Waddenzee* 7 September 2004

⁹ Peter Charles Boggis and Easton Bavants Conservation v Natural England and Waveney District Council, High Court of Justice Court of Appeal case C1/2009/0041/QBACF Citation No [2009] EWCA Civ. 1061 20th October 2009

¹⁰ Peter Charles Boggis and Easton Bavants Conservation v Natural England and Waveney District Council, High Court of Justice Court of Appeal case C1/2009/0041/QBACF Citation No [2009] EWCA Civ. 1061 20th October 2009

¹¹ C-258/11 Sweetman reference for a preliminary ruling from the Supreme Court of Ireland. Opinion of the Advocate General 22 November 2012

¹² Bagmoor Wind Limited v The Scottish Ministers Court of Sessions [2012] CSIH 93

integrity of the European site'. In simpler terms, it is not for the competent authority to prove harm but for the plan proposer to demonstrate that adverse effects have been voided.

- 1.18. The *integrity* of a European site was described in para 20 of ODPM Circ. 06/2005 as:

the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified.

- 1.19. Elsewhere, the CJEU (Sweetman)¹³ defined integrity as:

'the lasting preservation of the constitutive characteristics of the site ... whose preservation was the objective justifying the designation of that site

- 1.20. Drawing on this, the European Commission¹⁴ defined it more recently as follows:

The integrity of the site involves its constitutive characteristics and ecological functions. The decision as to whether it is adversely affected should focus on and be limited to the habitats and species for which the site has been designated and the site's conservation objectives.

- 1.21. Whilst the Supreme Court (Champion)¹⁵ has found "appropriate" is not a technical term and indicates no more than that the assessment should be appropriate to the task in hand, it can be seen that when compared with the test at the screening stage for likely significant effect, the a '*appropriate assessment*' is more thorough.

Stages Three and Four – The Derogations

- 1.22. If an adverse effect on the integrity of the site can be avoided, the plan can be adopted (Fig 1). If not, derogations would have to be sought to allow the plan to continue; these are regarded as a last resort and considered only in exceptional circumstances. For these to be successful it has to be shown that there are no less damaging *alternative solutions*. If there are none, *imperative reasons of overriding public interest* must apply. If they do, compensatory measures must be delivered. These latter stages are not shown in Fig 1, but the entire process is summarised in Stages 2, 3 & 4 of Fig 2.

Overall approach

- 1.23. The HRA of development plans was first made a requirement in the UK following a ruling by the European Court of Justice in EC v UK¹⁶. However, the judgement¹⁷ recognised that any assessment had to reflect the actual stage in the strategic planning process and the level of evidence that might or might not be available. This was given expression in the UK High Court (Feeney¹⁸) which stated:

"Each ... assessment ... cannot do more than the level of detail of the strategy at that stage permits".

- 1.24. This is where a way has to be found that whilst mindful of the need for the precautionary principle to be applied, the HRA must strive to identify only those plausible effects and not the extremely unlikely.
- 1.25. Because this is a strategic plan, the '*objective information*'¹⁹ required by the HRA is typically only available at a strategic or high level, without the detail that might be expected at the planning application stage.

¹³ Sweetman EU:C:2013:220 para 39

¹⁴ "Managing Natura 2000 sites: The provisions of Article 6 of the Habitats Directive 92/43/EEC", European Union. 2019.

¹⁵ R (on the application of Champion) v. North Norfolk District Council [2015] UKSC 52.

¹⁶ Case C-6/04: Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland judgment of the Court 20 October 2005.

¹⁷ Opinion of advocate general Kokott, 9th June 2005, Case C-6/04. Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland

¹⁸ Sean Feeney v Oxford City Council and the Secretary of State CLG para 92 of the judgment dated 24 October 2011 Case No CO/3797/2011, Neutral Citation [2011] EWHC 2699 Admin

¹⁹ European Court of Justice Case C – 127/02 *Waddenzee* 7 September 2004

Mitigation and recent case law

- 1.26. In *People Over Wind*²⁰ in April 2018 the CJEU set out clear guidance as to the role of mitigation measures in an HRA. In taking a different approach from decisions in the UK courts, the CJEU held that measures embedded within a plan or project specifically to avoid or reduce the magnitude of likely significant effects should not be taken into account at the screening stage but reserved for the appropriate assessment.
- 1.27. This HRA therefore restricts consideration of mitigation measures to the appropriate assessment.
- 1.28. In *Grace & Sweetman*²¹ the ECJ considered the approach to mitigation at the appropriate assessment stage and held that it is only when it is sufficiently certain that a measure will make an effective contribution to avoiding harm, guaranteeing beyond all reasonable doubt that the project will not adversely affect the integrity of the area, that such a measure may be taken into consideration".
- 1.29. In the *Dutch nitrogen* case,²² the CJEU confirmed that an appropriate assessment is not to take into account the future benefits of mitigation measures if those benefits are uncertain, including where the procedures needed to accomplish them have not yet been carried out or because the level of scientific knowledge does not allow them to be identified or quantified with certainty. The same approach was applied to "autonomous" measures taken outside that plan.²³

Brexit

- 1.30. The requirement for the HRA derives from the EU Habitats Directive and, notwithstanding the UK's withdrawal from the EU, UK law and policy remains currently largely unchanged, the need for HRA remains and until the end of the implementation period on 31st December 2020 ("IP Completion Day") the Conservation of Habitats and Species Regulations 2017 remain in force without amendment²⁵, following which amendments made by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 will take effect.

Role of the competent authority

- 1.31. Lastly, although this HRA has been prepared to help Ryedale District Council discharge its duties under the Habitats Regulations, the Councils remain the competent authorities and they must decide whether to adopt this report or otherwise. Further, it should be noted that this HRA has been prepared for the purposes of preparing and examining the Neighbourhood Plan. Individual allocations will need to be reviewed when they become the subject of an individual planning application, to ensure that if further assessment under the Conservation of Habitats and Species Regulations 2017 is necessary²⁶, it is undertaken in accordance with the requirements of appropriate assessment.

²⁰ *People Over Wind and Sweetman v Coillte Teoranta* (C 323/17) [2018] PTSR 1668

²¹ *Grace & Sweetman v An Bord Pleanála* (C-164/17) [2019] PTSR 266 at paragraphs 51-53 and 57.

²² *Coöperatie Mobilisatie for the Environment and Vereniging Leefmilieu* (C 293/17, C 294/17) [2019] Env. L.R. 27 at paragraph 30

²³ See too the *Compton Parish Council* case, referred to above, at paragraph 207.

²⁵ See the EU (Withdrawal Agreement) Act 2020 Sch. 5(1) para. 1(1) and section 39(1). The amending regulations come into force at the end of the implementation period they generally seek to retain the requirements of the 2017 Regulations but with adjustments for the UK's exit from the EU, for example by amending references to the Natura 2000 network so that they are construed as references to the national site network: see regulation 4, which also confirms that the interpretation of these Regulations as they had effect, or any guidance as it applied, before exit day, shall continue to do so.

²⁶ See *Dutch Nitrogen*, above, at paragraphs 100-104 and 120.

2. THE NEED FOR ASSESSMENT AND IDENTIFYING EUROPEAN SITES AT RISK

Exclusion, Elimination and Exemption from the need for Assessment

- 2.1. As part of the pre-screening exercise, prior to the identification of vulnerable European sites, Stage 1 of Fig.2 (elaborated in F3.2 – F3.4 of the Handbook) encourages a brief review of the plan to explore if it can be:
- **Excluded** from the HRA because 'it is not a plan within the meaning and scope of the Habitats Directive', or
 - **Eliminated** from the HRA because it can easily be shown that although 'it is a plan ... it could not have any conceivable effect on any European site', or
 - **Exempted** from the HRA because it is '... directly connected with or necessary to the management of the ... European site' (ie the first formal stage of the HRA - Fig 1).
- 2.2. Taking these in turn, **it is clear the Neighbourhood Plan represents a plan within the meaning and scope of the Habitats Directive with the potential to harm European sites and so can neither be excluded nor eliminated from the HRA. Likewise, the purpose of the Plan is not the nature conservation management of any European sites and so it cannot be made exempt from further assessment.** Consequently, the next steps in Stage 1 of Fig 2 need to be pursued by identifying which European sites and which features may be vulnerable as follows.

European sites at risk

- 2.3. To encourage a consistent, reliable and repeatable process, the Handbook (Figure F4.4) identifies 16 generic criteria, listed in full in Appendix A (Columns 1 & 2), that when evaluated generate a preliminary and precautionary, 'long' list of European sites in Column 3 that could be affected by the Plan²⁷. However, when considered further, using readily available information and local knowledge (Column 4) the list of plausible threats can be refined, and the list of potentially affected sites reduced (Column 5). Albeit a coarse filter, this complies with the Boggis case by focusing scrutiny only on realistic and credible threats whilst avoiding the hypothetical or exceedingly unlikely.
- 2.4. If Column 5 remains empty of European sites, then no European sites will be at risk and no further scrutiny will be required. Note that sites identified against the first criterion (ie '1. All plans') should be ignored as this is simply a checklist of European sites within the NBP boundary.
- 2.5. The search was restricted to those European sites found within 20km of the Neighbourhood Plan boundary as this was considered to be the maximum extent that policies and allocations could seriously be considered to generate measurable effects. This focuses the attention of this HRA on the River Derwent, Lower Derwent Valley, Strensall Common, Ellers Wood and Sand Dale and the North York Moors. However, only the River Derwent is found within the Town Councils' boundaries.
- 2.6. It is important to note that although the outcomes of this site identification task will reflect the type and location of activities proposed within the plan and/or the ecological characteristics of the European sites, it does not represent the test for likely significant effect (which follows later).
- 2.7. The exercise identified that only three of the 16 criteria, 'aquatic features' (2), 'mobile species' (5a) and recreational pressure (6) represented a credible threat to European sites in the area. For reasons of brevity, only relevant extracts from Appendix A are presented in Table 1 below. None of the remaining 13 criteria were considered to represent a credible threat and are removed from any further scrutiny as are all other European sites.

²⁷ This table is taken from the Handbook albeit with changes to the number and titles of Columns appropriate to this HRA.

Table 1: Pre-screening outcomes - Potential mechanisms and the initial list of European sites that could be affected - extract from Appendix A

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
2. Plans that could affect aquatic features	(a) Sites upstream or downstream of the plan area in the case of river or estuary sites	Lower Derwent Valley SPA, SAC, Ramsar River Derwent SAC	<p>Effects considered are those associated with the physical presence of built development and the <i>localised</i> effects on surface/groundwater resources and quality, resulting from changes in run-off, sedimentation, erosion etc.</p> <p>Given that the Lower Derwent Valley lies around 20km as the crow flies from the plan area, localised effects on aquatic features can be confidently ruled out from any further consideration for this European site.</p> <p>However, given that the River Derwent flows through the Plan area, all features of the River Derwent SAC remain vulnerable to development proposed in the NDP even though the section within the town centres is not designated.</p> <p>Note that the <i>indirect</i> effects of changes to wastewater disposal are assessed separately under '7b'.</p>	River Derwent SAC
5. Plans that could affect mobile species	Sites whose qualifying features include mobile species which may be affected by the plan irrespective of the location of the plan's proposals or whether the species would be in or out of the site when they might be affected	Lower Derwent Valley SPA, SAC, Ramsar River Derwent SAC	<p>This considers direct impacts of plan proposals on mobile species. Given the distance between the plan area and the Lower Derwent Valley European site (LDV), other populations which range along the entire length of the river, can be considered to be distinct from those found within the Plan area. Consequently, harmful effects can be ruled out.</p> <p>Similarly, impacts on both the breeding and wintering bird populations which use 'functionally-linked land' outside the LDV are highly unlikely given the distances involved and so too can be ruled out.</p>	River Derwent SAC

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
6. Plans that could increase recreational pressure on European sites potentially vulnerable or sensitive to such pressure	(a) Such European sites in the plan area	River Derwent SAC (within the plan area)	<p>However, given the development proposed in close proximity to the River Derwent, impacts on the otter, bullhead and lamprey populations of the river cannot be ruled out.</p> <p>Therefore, these features of the River Derwent will be considered further.</p> <p>The Plan makes provision for unspecified development in a small number of locations in proximity to the River Derwent SAC. Although residential development is not specified, it is not ruled out either. If pursued, this could result in an increase in recreational pressure on the SAC and so this requires further consideration.</p> <p>The plan encourages the development of both horse racing and other tourist attractions but does not allocate land for either and at present these remain aspirations. Even if pursued, it is not anticipated that visitors to those destinations would increase pressure on the River Derwent to which there is only limited access through much of the plan area. Consequently, the impact of these proposals can be discounted.</p> <p>Modest proposals are encouraged on land adjacent to the river in the town centre albeit adjacent to a stretch that isn't designated. Despite this, the potential exists for an increase in recreational pressure from existing residents to harm the qualifying features.</p> <p>Therefore, possible impacts on the River Derwent require further consideration.</p> <p>Extract from <i>The Habitats Regulations Assessment Handbook</i>, www.dtapublications.co.uk © DTA Publications Limited (November) 2019 all rights reserved This work is registered with the UK Copyright Service</p>	River Derwent SAC

- 2.8. The outputs of the review carried out in Table 1 rule out the possibility of any credible effects from any aspect of the Plan on the Lower Derwent Valley or, indeed, any more distant European Strensall Common, Ellers Wood and Sand Dale and the North York Moors. These sites will therefore be ruled out of any further scrutiny in this HRA.
- 2.9. In addition, the exercise reduces the number of factors at play and begins to clarify the nature of potential impacts and the features most vulnerable. Importantly, it confirms that the focus of this HRA should be restricted entirely to the River Derwent SAC and the following issues as shown in Table 2:

Table 2: European sites at risk and list of potential threats

European sites	Potential threats
River Derwent SAC	(2a) Aquatic features
River Derwent SAC	(5) Mobile species
River Derwent SAC	(6a) Recreational pressure

- 2.10. The net result, and benefit to the HRA, is that the list of issues and sites potentially affected is reduced, making for a shorter and more focused HRA than would otherwise be the case.
- 2.11. However, as impacts on the River Derwent European site cannot be ruled out, further ecological information needs to be gathered to inform subsequent tests in the HRA. Drawing on the citation²⁸, conservation objectives²⁹, supplementary advice³⁰ and site improvement plan³¹, the characteristics of the River Derwent SAC are described in Table 3 and are accompanied by observations on their sensitivity to external factors – the latter informed by Table 1. Conservation objectives, qualifying features and threats and pressures extracted from the SIP are provided in full. The citation is provided in Appendix B.

²⁸ River Derwent SAC Citation. 14 June 2005

²⁹ Conservation Objectives for River Derwent SAC. 27 November 2018. (Version 3)

³⁰ Supplementary advice on conserving and restoring features. River Derwent SAC. 27 March 2017 (Version 2)

³¹ River Derwent SAC Site Improvement Plan. Natural England. V1.0. 8 October 2014.

Table 3: European site characteristics

Description (including summary of qualifying features)	Conservation objectives	Pressures and threats (P/T)
<p>River Derwent SAC</p> <p>The River Derwent represents one of the best examples in England of a lowland river stretching from Ryemouth in the north to its confluence with the Ouse in the south of the District – a small section lies within the Lower Derwent Valley National Nature Reserve. Not all of the river is designated though and a small stretch through Malton and Norton-upon-Derwent is excluded, reflecting its urbanised location here.</p> <p>It supports diverse communities of flora, notably floating vegetation dominated by water crowfoot, and fauna, comprising river lamprey, sea lamprey, bullhead and otter. The latter are mobile species with the potential/need to utilise extensive stretches of the river throughout the catchment beyond the boundaries of the SAC, and are critically dependent on the maintenance of a favourable hydrological (including physical and chemical) conditions throughout their range. They are therefore vulnerable to pollution events and the creation of physical or chemical barriers; for instance, lamprey migrate to the open sea via the Humber Estuary. In addition, otters also exploit riparian habitats for resting and breeding.</p> <p>The Derwent is meso/eutrophic and carries a high nutrient load providing a degree of resilience against air pollution, and whilst otter can be considered resilient, the floating vegetation communities and fish populations may be vulnerable. Overall though, the site can be considered relatively robust but vulnerable to changes in water quality (especially inputs of phosphate) from wastewater disposal, for instance.</p> <p>Restricted access to the river along much of its length reduces the impact of existing recreational pressure and the simple width of the channel effectively rules out harmful impacts on bullhead, both species of lamprey and the floating vegetation community. However, the otter population remains more vulnerable to disturbance.</p> <p>Natural England has assessed 99.2% of the River Derwent SSSI to be in 'favourable' or 'unfavourable recovering' condition; 0.8% is 'unfavourable no change' but the threat level is considered to be 'high' across a much wider area.</p>	<p>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:</p> <p>The extent and distribution of qualifying natural habitats and habitats of qualifying species;</p> <p>The structure and function (including typical species) of qualifying natural habitat;</p> <p>The structure and function of the habitats of qualifying species;</p> <p>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;</p> <p>The populations of qualifying species, and,</p> <p>The distribution of qualifying species within the site.</p> <p>Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:</p> <p><input type="checkbox"/> Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation. (Rivers with floating vegetation often dominated by water-crowfoot)</p> <p>Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:</p> <p><input type="checkbox"/> Bullhead <i>Cottus gobio</i></p> <p><input type="checkbox"/> River lamprey <i>Lampetra fluviatilis</i></p> <p><input type="checkbox"/> Otter <i>Lutra lutra</i></p> <p><input type="checkbox"/> Sea lamprey <i>Petromyzon marinus</i></p>	<ol style="list-style-type: none"> 1. Physical modification (P/T); 2. Water pollution (T); 3. Invasive species (T); 4. Change in land management (T); 5. Water abstraction (T).

2.12. The outputs of Table 1 allow this HRA to focus solely on a restricted number of possible impacts on just one European site: the River Derwent SAC. However, by drawing on the additional information provided in Table 3, the HRA is able to further refine the possible impacts to specific features, habitats and species. These, the key issues for the next, formal stage of this screening exercise are presented in Table 4.

Table 4: Refined list of European sites and features at risk

European site	Potential effects	Qualifying features at risk
River Derwent SAC	(2) Impacts on aquatic features	Otter, river and sea lamprey, and bullhead, and Floating vegetation dominated by water crowfoot
	(5) Impacts on mobile species	Otter, river and sea lamprey, and bullhead
	(6) Impacts from recreational pressure	Otter

3. SCREENING – PROCESS AND OUTCOMES

Methodology

- 3.1. Section 2 confirmed that the NDP could not be excluded, eliminated or exempted from the need for HRA and clarified which European sites and which features might be vulnerable. The next step is to explore if proposals in the Plan may represent a credible risk to the River Derwent by evaluating policies and allocations to identify if they should be:
- **Screened out from further scrutiny** (because the individual policies or allocations are considered not 'likely to have a significant effect on a European site, either alone or in combination with other plans and projects'), or
 - **Screened in for further scrutiny** (because the individual policies or allocations are considered 'likely to have a significant effect on a European site, either alone or in combination with other plans and projects').
- 3.2. To achieve this, all 42 policies within the Plan are scrutinised in terms of the key issues from Table 4 (based on an approach drawn from section 6.3 of the Handbook) and allocated to one (or more) broad, 'pre-screening categories' (summarised in Table 5 below).

Table 5: Pre-screening categories

Code	Category	Outcome
A	General statement of policy/general aspiration	Screened out
B	Policy listing general criteria for testing the acceptability/sustainability of the plan	Screened out
C	Proposal referred to but not proposed by the plan	Screened out
D	General plan-wide environmental protection/site safeguarding/threshold policies	Screened out
E	Policies or proposals which steer change in such a way as to protect European sites from adverse effects	Screened out
F	Policy that cannot lead to development or other change	Screened out
G	Policy or proposal that could not have any conceivable effect on a site	Screened out
H	Policy or proposal the (actual or theoretical) effects of which cannot undermine the conservation objectives (either alone or in-combination with other aspects of this or other plans or projects)	Screened out
I	Policy or proposal which may have a likely significant effect on a site alone	Screened in
J	Policy or proposal with an effect on a site but unlikely to be significant alone, so need to check for likely significant effects in-combination	Check
K	Policy or proposal unlikely to have a significant effect either alone or in-combination (screened out after the in-combination test)	Check
L	Policy or proposal which might be likely to have a significant effect in-combination (screened in after the in-combination test)	Check
M	Bespoke area, site or case-specific policies intended to avoid or reduce harmful effects on a European site. Excluded from formal screening but re-considered in appropriate assessment	Screened out

Extract from *The Habitats Regulations Assessment Handbook*, www.dtapublications.co.uk

- 3.3. This process provides a bespoke, precautionary and preliminary analysis for every policy in the Plan and identifies which proposals could pose a threat to the European site. This initial but lengthy exercise is provided in Appendix C. However, Appendix C goes further and identifies which proposals are associated with each threat as shown in Table 6.

Table 6: Features affected and relevant policies

Policy	Potential effect	Feature
RC1	Aquatic features	Otter, river and sea lamprey, and bullhead Floating vegetation dominated by water crowfoot
	Mobile species	Otter, river and sea lamprey, and bullhead
	Recreational pressure	Otter
RC2	Aquatic features	Otter, river and sea lamprey, and bullhead Floating vegetation dominated by water crowfoot
	Mobile species	Otter, river and sea lamprey, and bullhead
	Recreational pressure	Otter
CF1	Aquatic features	Otter, river and sea lamprey, and bullhead Floating vegetation dominated by water crowfoot
	Mobile species	Otter, river and sea lamprey, and bullhead
N1	Aquatic features	Otter, river and sea lamprey, and bullhead Floating vegetation dominated by water crowfoot
	Mobile species	Otter, river and sea lamprey, and bullhead
	Recreational pressure	Otter

- 3.4 The relevant proposals are subjected to formal screening below where each preliminary outcome is evaluated in terms of the conservation objectives of the European sites affected (Table 3) and their vulnerable features (Table 4). Here, the initial assessment will be either confirmed or amended by identifying which would result in a likely significant effect alone or in combination. The outcome of this exercise are summarised in Tables 7 and 8.
- 3.5 Where policies are ‘screened-’ or ‘ruled-out’, it is considered they pose no credible risk to the European site and so they can be removed from any further consideration in this HRA. If a credible risk remains, likely significant effects cannot be ruled out and an appropriate assessment of those policies will be required.
- 3.6. Importantly, this exercise complies with the People Over Wind decision and recent Ministry of Housing, Communities and Local Government HRA Planning Guidance (2019)³² by distinguishing between the *essential features and characteristics* of the Plan, and, in Category M, those *mitigation measures* specifically embedded within the Plan to reduce impacts on European sites and which would be subject to appropriate assessment.

Screening Exercise

- 3.7. Each potential effect is now described in turn and is followed by a screening opinion for each policy listed above. It should be remembered that case law demands that screening is not meant to represent a detailed impact assessment and should only identify if there is a *credible risk* that the

³² Ministry of Housing, Communities and Local Government HRA Planning Guidance
<https://www.gov.uk/guidance/appropriate-assessment> 22 July 2019 (accessed 14 August 2019)

conservation objectives may be undermined. In doing so, this should act as a *trigger* for more thorough scrutiny in an appropriate assessment.

Aquatic features

- 3.8. This potential effect is concerned with new built development and its localised effects on surface and sub-surface flows both in terms of water quality and water resources resulting from pollution events, and changes in run-off, sedimentation and erosion etc. A similar range of effects can also result from boat moorings (from fuel spillages, for example) and the creation of fishing pegs which can lead to erosion.
- 3.9. Table 4 shows that all the features of the River Derwent SAC, ie the otter, river and sea lamprey, and bullhead populations, and the floating vegetation community could be at risk.
- 3.10. The Council proposes development at four locations immediately adjacent or in close proximity to the River Derwent SAC (Policies RC1, RC2, CF1 and N1). All encourage at least some form of development and water pollution is identified as a threat in the River Derwent SIP (Table 3).

Mobile species

- 3.11. Mobile Species are defined here as those that utilise ('functionally-linked') land or water beyond the European site boundary for some part of their lifecycle be it seasonally, diurnally or even intermittently. Again, this is typically associated with new, built development but they can be vulnerable to a range of both localised and strategic effects away from protected areas. Therefore, in the case of lamprey, bullhead and otter, effects on water quality and resources will have to be considered both up and downstream, and, in terms of otter populations, attention will also have to be paid to land-take, construction or disturbance on potentially wide areas of land.
- 3.12. Table 4 shows that all the mobile species, otter, river and sea lamprey, and bullhead could be affected and potentially, Policies RC1, RC2, CF1 and N1 could be implicated. However, whilst water pollution is listed as a threat in the SIP for the River Derwent, 'disturbance' is not (Table 3).

Recreational pressure

- 3.13. The most popular destinations can draw in visitors in great numbers from considerable distances and lead to erosion and disturbance. Less popular sites, or those with fewer facilities, have a smaller catchment, fewer visitors and the issue is typically less problematic. Alternatively, sites managed specifically to encourage large numbers of visitors can tolerate these pressures without causing significant harm.
- 3.14. Excessive recreational pressure typically leads to the disturbance of qualifying species, and a reduction in habitat quality/extent from trampling or other related activities. It can be particularly problematic on land or water with open or unauthorised access where which can compromise site management.
- 3.15. Of course, each site is different and other key factors will include the fragility of the feature, size of the development, the accessibility of alternative destinations, the availability of footpaths, public transport and so on.
- 3.16. Table 4 shows that only the otter population could be affected and potentially by Policies RC1, RC2 and N1 though CF1 is ruled out. However, 'disturbance' is not identified as a threat in the River Derwent SIP (Table 3).

Screening opinions

- 3.17. Importantly, the stretch of the River Derwent in closest proximity to all four proposals is not designated as a SAC. However, in terms of this HRA this is considered an irrelevance as the river provides an unbroken hydraulic link with adjacent designated stretches of the river that are and so all elements of the river are assessed equally.
- 3.18. Furthermore, it can be seen that there is considerable overlap between the threats associated with aquatic features, mobile species and recreational pressure. Similarly, there is a high degree of commonality between the features affected. All bar Policy CF1 has the potential to affect all three potential threats. Consequently, rather than subjecting each policy to individual scrutiny against each threat, each will be subjected to formal screening against the entire complement of features of the River Derwent SAC; individual features are referred to as necessary. This will make for less repetition, a shorter screening exercise and greater clarity.
- 3.19. None of the policies provide any mitigation measures to safeguard the European site however, even if provided, none could be considered at this stage of the HRA in order to comply with the People Over Wind decision. Each policy is considered in turn below.

RC1 – Malton and Norton River Corridor Development

- 3.20. Although apparently modest in scope, the aspiration behind this policy is to provide low-key recreational activities on a 1.2km stretch of land immediately adjacent to both designated and non-designated stretches of the river.
- 3.21. There are two broad elements to this policy – the provision of open space allied with proposals for a picnic area, seating, mooring points and fishing pegs, and built development comprising the construction of a café, bandstand and the unspecified conversion of existing buildings.
- 3.22. Fundamentally though, the land is not allocated for this purpose in the Ryedale local plan.
- 3.23. As currently proposed, the uncertainty surrounding the scale of the proposals ensures there is a credible risk that the establishment of the recreational area could increase the number of visitors to the riverside from across both towns which could have the potential to disturb otters when commuting along the river corridor. Whilst daytime activities should not represent a threat, the proposed attractions include a bandstand which suggests that organised activities could extend into the evening when otters will be more active. The degree of lighting, noise and human presence could all be expected to increase.
- 3.24. Similarly, disturbance from an unspecified number of fishing pegs and moorings could also prompt disturbance throughout much of the day and night, and lead to erosion and pollution from fuel spillages, for instance.
- 3.25. In contrast, impacts on the floating vegetation community and the three fish species from recreational activities have, however, been ruled out given their physical separation and relative immunity from these riparian activities.
- 3.26. These potentially significant effects could be exacerbated if the unspecified redevelopment of existing buildings included residential development, further increasing the population in closest proximity to the river and of those most likely to make use of it; public open space, especially in the vicinity of the river, is a scarce resource in both towns. Commercial development is likely to be less of a threat.
- 3.27. Whilst it is not suggested that impacts from this policy will adversely affect the entire SAC, it is possible that changes could extend across localised but significant areas of the SAC. This would conflict with the conservation objective for the River Derwent to:

'maintain ... the extent and distribution ... the structure and function ... and the supporting processes ... of the qualifying natural habitats

- 3.28. Therefore, likely significant effects cannot be ruled out at this stage and an appropriate assessment is required.
- 3.29. It should be noted that concern regarding pollution events during construction relates to the possible (re)development of buildings within the site beyond the primary use as a recreational area. Should the former not be pursued, the majority of pollution related threats would be removed although would still apply, in a more modest scale, in terms of boat moorings and fishing pegs. However, at this stage, it is not possible to make this assumption.

Screening test – Policy RC1

There is a credible risk that recreational pressure and pollution/erosion etc from Policy RC1 could undermine the conservation objectives of the River Derwent SAC and that a likely significant effect cannot be ruled out (alone). Consequently, and an appropriate assessment is required. This policy is capable of resulting in a likely significant effect alone and, therefore, no residual effects are anticipated and there is no need for an in-combination assessment at this stage.

RC2 – Regeneration of Land North and South of County Bridge

- 3.30. This policy seeks to encourage the loosely defined, development-led regeneration of riverside land along both banks of the River Derwent although none lie directly adjacent to the SAC. As described on the proposals map, this also includes unspecified development on the bridge over the river although this is taken to comprise measures to improve the flow of people and traffic.
- 3.31. Fundamentally though, the land is not allocated for this purpose in the Ryedale local plan.
- 3.32. For reasons very similar, to Policy RC1 above, there is a credible risk that if the unspecified development including an expansion in dwellings, this could increase the number of visitors to the riverside given the proximity to it and the proposed expansion of recreational space in RC1. This could, in turn, increase the disturbance of otter populations.
- 3.33. Construction in such close proximity to the river raises additional issues. The river is a fragile habitat, vulnerable to pollution events in particular or any changes in the local surface or sub-surface hydrological regime. Such changes are often associated with construction, especially in close proximity to wetland or riverine sites.
- 3.34. Whilst it is not suggested that impacts from this policy will adversely affect the entire SAC, it is possible that changes could extend across localised but significant areas of the SAC. This would conflict with the conservation objective for the River Derwent to:
- 'maintain ... the extent and distribution ... the structure and function ... and the supporting processes ... of the qualifying natural habitats.'*
- 3.35. Therefore, likely significant effects cannot be ruled out at this stage and an appropriate assessment is required.

Screening test – Policy RC2

There is a credible risk that recreational pressure and pollution from construction from Policy RC2 could undermine the conservation objectives of the River Derwent SAC and that a likely significant effect cannot be ruled out (alone). Consequently, and an appropriate assessment is required. This policy is capable of resulting in a likely significant effect alone and, therefore, no residual effects are anticipated and there is no need for an in-combination assessment at this stage.

CF1 – Norton’s swimming pool

- 3.36. This policy seeks to encourage the expansion of the size of and facilities available at Norton swimming pool. Although located in relatively close proximity to the River Derwent SAC, it is considered almost inconceivable that expansion of one facility could result in any harmful effects on the SAC.
- 3.37. However, the remote possibility exists that construction work associated with the expansion of facilities could lead to localised pollution events which could potentially affect all features of the River Derwent.
- 3.38. Fundamentally though, the land is not allocated for this purpose in Ryedale local plan.
- 3.39. Whilst it is not suggested that impacts from this policy will adversely affect the entire SAC, it is possible that changes could extend across localised but significant areas of the SAC. This would conflict with the conservation objective for the River Derwent to:

‘maintain ... the extent and distribution ... the structure and function ... and the supporting processes ... of the qualifying natural habitats.’
- 3.40. Therefore, likely significant effects cannot be ruled out at this stage and an appropriate assessment is required.

Screening test – Policy CF1

There is a credible risk that pollution from construction from Policy CF1 could undermine the conservation objectives of the River Derwent SAC and that a likely significant effect cannot be ruled out (alone). Consequently, and an appropriate assessment is required. This policy is capable of resulting in a likely significant effect alone and, therefore, no residual effects are anticipated and there is no need for an in-combination assessment at this stage.

N1 – Land to the Rear of Commercial Street

- 3.41. This policy seeks to encourage the redevelopment of land to the rear of Commercial Street in Norton town centre. The establishment of a car park appears to be the main objective but further, unspecified development is not ruled out. Although located in close proximity to the undesignated stretch of the River Derwent, it is considered almost inconceivable that this could result in any harmful effects on the SAC.
- 3.42. Fundamentally though, the land is not allocated for this purpose in the Ryedale local plan.

- 3.43. Whilst it is not suggested that impacts from this policy will adversely affect the entire SAC, it is possible that changes could extend across localised but significant areas of the SAC. This would conflict with the conservation objective for the River Derwent to:

'maintain ... the extent and distribution ... the structure and function ... and the supporting processes ... of the qualifying natural habitats.'

- 3.44. Therefore, likely significant effects cannot be ruled out at this stage and an appropriate assessment is required.
- 3.45. It should be noted that concern regarding pollution events during construction relates to the possible development of the site (perhaps for residential development) beyond the suggested use as a car park. Should the former not be pursued, all potential threats related to pollution would be removed. However, at this stage, it is not possible to make this assumption.

Screening test – Policy N1

There is a credible risk that recreational pressure and pollution from construction from Policy N1 could undermine the conservation objectives of the River Derwent SAC and that a likely significant effect cannot be ruled out (alone). Consequently, and an appropriate assessment is required. This policy is capable of resulting in a likely significant effect alone and, therefore, no residual effects are anticipated and there is no need for an in-combination assessment at this stage.

Summary of the Screening Exercise and Next Steps

- 3.46. The outcomes of this stage of the formal screening assessment are brought together in Table 7 which lists those sites and issues where it has been found that the conservation objectives may be undermined and where likely significant effects cannot be ruled out. Table 8 lists all the policies in the Plan and summarises the outcome of both the preliminary screening assessment and how it has been modified by the screening exercise above.

Table 7: Summary of the Screening exercise by policy and feature

European site	Issue	Policies	Feature affected	Conservation objectives*	Undermined?	Residual effects?	In-combination effect?	Outcome
River Derwent SAC	Aquatic features Mobile species Recreational pressure	RC1, RC2, CF2, N1	Floating vegetation communities Otter, river and sea lamprey, and bullhead	Extent and distribution of qualifying habitats and those of qualifying species	Yes	None	None	
				Structure and function (including typical species) of qualifying habitats	Yes	None	None	Likely significant effects cannot be ruled out (alone)
				Structure and function of habitats of qualifying species	Yes	None	None	Appropriate assessment required
				Supporting processes on which qualifying natural habitats and the habitats of qualifying species rely	Yes	None	None	No residual effects No in-combination assessment required
				Populations of qualifying species	Yes	None	None	
				Distribution of qualifying species	Yes	None	None	

3.47. Table 8 summarises the outcome of the pre-screening and formal screening exercises and highlights changes of opinion accordingly. In this case, the screening exercise confirmed the outcome of the pre-screening exercise and there are, therefore, no changes.

Table 8: Summary of the Screening exercise by category

Screening outcome	Pre-screening	Post-Screening
A General statement of policy Screened out	Vision EM1	Vision EM1
B General criteria for testing acceptability of proposals Screened out	HD1, HD2, HD3, HD4, HD5, HD6, HD7, HD8, HD9, HD10, HD11 H1	HD1, HD2, HD3, HD4, HD5, HD6, HD7, HD8, HD9, HD10, HD11 H1
C Proposal referred to but not proposed by the Plan Screened out	None	None
D Environmental protection policy Screened out	E1, E2, E3, E4	E1, E2, E3, E4
E Policies or proposals which steer change in such a way as to protect European sites Screened out	None	None
F Policy that cannot lead to development or other change Screened out	None	None
G No conceivable effect on a European site Screened out	TM1, TM2, T3, TM4, TM5, TM6 E5, E6 CF2 TC2, TC4 HR I1, HR I2, HRI3 M1, M2	TM1, TM2, T3, TM4, TM5, TM6 E5, E6 CF2 TC2, TC4 HR I1, HR I2, HRI3 M1, M2
H Policy or proposal with unspecified location which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects	CF3 TC1, TC3 HRI4 M1, M2	CF3 TC1, TC3 HRI4 M1, M2
I Likely significant effect alone cannot be ruled out Screened in	RC1, RC2, CF1, N1	RC1, RC2, CF1, N1

Screening outcome	Pre-screening	Post-Screening
J Likely significant effect in combination cannot be ruled out Screened in	None	None
K Policy or proposal with no likely significant effect alone but which lead to in combination effects	None	None
L Policy or proposal considered to have in combination effects	None	None
M Bespoke area, site or case specific policies or proposals intended to avoid or reduce harmful effects on a European site	None	None

Screening conclusion

- 3.48. This exercise found that all 38 of the 42 policies could be screened out of the need for further assessment in this HRA. In other words, it found that the majority would not lead to any likely significant effects on any European sites either within or beyond the Town Councils' boundary. There would be no residual effects and, therefore, no need for an in-combination assessment or, indeed, an appropriate assessment.
- 3.49. Some of these policies were screened against category H and include those which lack spatial specificity and, by way of precaution, rely on the specific protection for European sites afforded through strategic policy SP14 of the Ryedale Local Plan to ensure that any effects which might undermine the conservation objectives (should development be pursued in a sensitive location) will be avoided. This does not conflict with the People Over Wind decision.
- 3.50. However, the screening exercise found it was not possible to screen out likely significant effects alone for Policies RC1, RC2, CF1 and N1 for a range of possible but credible impacts regarding effect on aquatic features and mobile species from construction and other activities, and the effect of recreational pressure affecting the River Derwent.
- 3.51. Consequently, an appropriate assessment is required to explore whether these policies will have an adverse effect on the integrity of the European site. Policies can normally only be adopted if it is certain, beyond reasonable scientific doubt, that adverse effects can be ruled out. Drawing on the recent People Over Wind ruling, this will explore if embedded or additional mitigation measures can avoid a negative outcome. This is presented in Section 4 below.

4. APPROPRIATE ASSESSMENT

Purpose and Approach

- 4.1. The precautionary principle demands that where a plan is likely to have a significant effect, it can only be adopted if the competent authority can ascertain (following an appropriate assessment) that it *will not adversely affect the integrity of the European site*. This is the role of the appropriate assessment and represents the fundamental test of an HRA; competent authorities should not normally consent or adopt proposals unless they are certain that adverse effects can be ruled out.
- 4.2. Where it is not certain that an adverse effect can be avoided, and in line with the People Over Wind ruling, the appropriate assessment also considers whether any incorporated mitigation measures are sufficient to remove all reasonable scientific doubt about the risk of such an effect. Further explanation of the process is provided in Section 1.
- 4.3. Mitigation performs a different role to compensation; the former comprises measures intended to avoid, cancel or reduce adverse effects on European sites whereas the latter can only be considered under the derogations – where an adverse effect cannot be avoided. Importantly, Principle C5.5 of the Handbook advises that any mitigation measures considered *should be effective, reliable, timely, guaranteed to be delivered and as long terms as they need to be to achieve their objectives*. Any doubt as to any of these criteria would introduce unhelpful uncertainty into the decision-making process.
- 4.4. The Handbook highlights the meaning of integrity in contemporary planning policy and guidance as defined by the CJEU (Sweetman) and European Commission as *the lasting preservation of the constitutive characteristics of the site* before adding that for a plan-making body to conclude the absence of an adverse effect **it should be convinced that no reasonable scientific doubt remains** as expressed in the Waddenzee ruling:

That is the case where no reasonable scientific doubt remains as to the absence of such effects (Para 59) and where doubt remains as to the absence of adverse effects ... the competent authority will have to refuse authorisation (Para 57).
- 4.5. This should be read in the context of case law that shows this need not be absolute (the Cairngorms case), that reliance on *probabilities and estimates* is sometimes required (Waddenzee, para 97) but, fundamentally it remains thus **“where doubt remains as to the absence of adverse effects ... the competent authority will have to refuse authorisation”** (Waddenzee, Para 57).
- 4.6. In addressing the burden of proof, the Handbook (F.10.1) states:

Because the integrity test incorporates the application of the precautionary principle as a matter of law, and because plan assessments are, by their nature, less precise than project assessments, it is important for the assessment process to eliminate the prospect of adverse effects on site integrity in so far as that is possible at the level of specificity inherent in the nature and purpose of the particular plan.
- 4.7. Bearing this in mind, each policy is taken in turn (or in groups where the issues are similar) and each issue dealt with accordingly (or again in groups if more convenient). The effectiveness of any mitigation embedded in the policies is considered. If an adverse effect on the integrity of the site cannot be removed even when site-specific mitigation measures are considered, the appropriate assessment will consider if other restrictions are available that could secure a positive outcome; this could include the removal of an entire policy, or part of one, if other effective mitigation is not available.

- 4.8. Each concludes with a bespoke statement that represents the integrity test on that site. These individual outcomes are summarised in Table 9. The appropriate assessment concludes with a final statement that confirms the outcome of the HRA. Because of the similarity of the issues at stake, there is some unavoidable repetition.
- 4.9. In accordance with the *Waddenzee* decision, it should be noted that the appropriate assessment also explores if residual effects (as described in Section 1) remain. In this case, this refers to effects that would not result in an adverse effect on the integrity of the site alone but when considered with other residual effects identified elsewhere in the appropriate assessment could combine to harm the integrity of the site. If any arise, this could prompt the need for an in-combination assessment.

Policy RC1

- 4.10. Although apparently modest in scope, this policy seeks to provide low-key recreational activities on a 1.2km stretch of land immediately adjacent to both designated and non-designated stretches of the river; the scale is described as *minor* in the supporting text.
- 4.11. There are two broad elements to this policy – the provision of open space allied with proposals for a picnic area, seating, mooring points and fishing pegs, and built development comprising the construction of a café, bandstand and the unspecified conversion of existing buildings.
- 4.12. The simple provision of open space alone cannot be expected to result in an adverse effect on the integrity of the site. Indeed, it is almost inconceivable that a green open space adjacent to the river will pose a major threat to the achievement of the conservation objectives of the SAC. Furthermore, the features are relatively resilient with only otter potentially vulnerable to disturbance and this, only at dawn, dusk and during the night; the floating vegetation, and all three fish species can be considered immune to disturbance from recreational pressure.
- 4.13. Low key recreational opportunities supported by picnic areas and seating can be considered to be in keeping with the ecological interest of the SAC. This statement is made in full knowledge that open space in both towns is restricted and could prove popular with existing residents. An increase in the local population could change this opinion but this is addressed elsewhere against other policies where relevant.
- 4.14. Otters are resilient. Though their nocturnal habits and their selection of resting places and holts are typically sited far distant from human disturbance, there are frequent examples of their use of busy stretches of water in towns in close proximity to large human populations when foraging or commuting within or between territories (which can be extensive). Too much emphasis can be placed on species' ability to habituate to new pressures but in the case of otters, it can be valid. Evidence of this is that otters already make frequent use of this stretch of river even though it is exposed to the typical disturbance associated within any busy town with road bridges, railway lines, industry and people all in close proximity.
- 4.15. That said, the proposal for a bandstand does suggest that organised activities could take place in the evenings and the associated people, lights and noise could hinder the behaviour of otters. Given their large territories there is the real, if remote possibility that large-scale organised activities at night could disrupt this behaviour and an adverse effect on the integrity of the site may arise.
- 4.16. Given that no mitigation proposals have been made, **the only means of ensuring that this component of RC1 does not have the potential to cause an adverse effect on the integrity of the SAC is to amend the policy to ensure that time limits are imposed on organised events so that they do not extend beyond dusk.** This measure can be considered to be reliable,

effective in the short and long-terms and can be guaranteed through a suitable licensing system. There would be no residual effects and no need for an in-combination assessment.

- 4.17. Similar concerns apply to the proposals to introduce an unspecified number of fishing pegs and boat moorings. Given that the stretch of land identified by RC1 extends to 1.2km, part of which encompasses land within the SAC, the potential for numerous examples of both cannot be ruled out. Together, they introduce the potential for pollution, from fuel spills and litter, and disturbance of otters at all times of the day and night. Furthermore, fishing pegs can promote erosion of riverbanks depending on the number, design and method of construction. This could lead to impacts on all qualifying features. Whilst a modest number of pegs or moorings may be accommodated without adverse effects resulting, an upper limit isn't specified in the policy.
- 4.18. Given that no further details have been provided or mitigation proposals been made, **the only means of ensuring that these components of RC1 do not have the potential to cause an adverse effect on the integrity of the SAC is to amend the policy to ensure that the provision of both mooring points and fishing pegs are removed.** This measure can be considered to be reliable, effective in the short and long-terms and can be guaranteed. There would be no residual effects and no need for an in-combination assessment.
- 4.19. The policy also makes reference to the change of use of existing buildings. Given its location in the floodplain, any proposals are expected to be modest and comply with the context of the low-key approach to recreation on this site. No new construction appears to be promoted and no change on policy wording is required.
- 4.20. Should proposals come forward for all these activities, despite the adoption of this policy change, they would have to show that any threats to all the qualifying features from pollution, erosion, disturbance etc could be accommodated. Appropriate licences and consents may also have to be secured from the Environment Agency and/or other bodies as necessary.

Integrity test for Policies RC1

Providing the policy is modified as suggested, the Council will be able to ascertain that Policy RC1 will have no adverse effect on the integrity of the River Derwent SAC. There would be no, no residual effects, and no need for an in-combination assessment.

Policy RC2

- 4.21. This policy seeks to encourage the loosely defined, development-led regeneration of riverside land along both banks of the River Derwent although none lie directly adjacent to the SAC.
- 4.22. As with Policy RC1 above, and N1 below, if subsequent development included an expansion in the number of dwellings, this could increase the size of the local population and number of visitors to the riverside given its proximity (especially if the proposed expansion of recreational space in RC1 is implemented). This could, in turn, increase the disturbance of otter populations (other features are considered resilient to recreational pressure).
- 4.23. Whilst daytime activities should not represent a threat, the degree of lighting, noise and human presence at night could all be expected to increase when otters, for instance, are most active. Conversely, commercial development is likely to be less of a threat as any workforce would typically have less time to visit the SAC and occasional trips would most likely be during the day.
- 4.24. Ryedale District Council's Local Plan has already allocated housing across the district but has not allocated the land in question for residential use. To avoid an adverse effect on the integrity of the

River Derwent from the anticipated increase in population, it has devised a series of open spaces to provide alternative destinations for recreational activities. Because RC2 has not been allocated for housing, the mitigating effects of these open spaces cannot be employed to justify housing here. Given its proximity to the European site and the lack of open space associated with this site to provide alternative recreational opportunities, there is reasonable doubt that adverse effects on the integrity of the River Derwent could be ruled out.

- 4.25. As there are no other mitigation options available, **the only means of ensuring RC2 does not have the potential to cause an adverse effect on the integrity of the SAC is to amend the policy to ensure that residential development is excluded from future uses of this land.** This measure can be considered to be reliable, effective in the short and long-terms and can be guaranteed. There would be no residual effects and no need for an in-combination assessment.
- 4.26. Should residential proposals come forward despite the adoption of this policy change, it would have to show that any increase in recreational pressure could be accommodated and the measures to ensure this would have to be compatible with the increase in population anticipated.
- 4.27. Construction of any kind in such close proximity to the river raises additional issues. The SAC is a fragile habitat, vulnerable to pollution events in particular or any changes in the local surface or sub-surface hydrological regime. It is anticipated that construction of the proposed development here, would be prolonged, extending over several months or even years and could comprise substantial earthworks, the installation of drains and the storage of fuel and other potential contaminants, all with the potential to adversely affect the local hydrological regime and water quality.
- 4.28. However, this can be managed by the adoption of tried and tested construction techniques including oil and sediment traps amongst many others to effectively reduce the risk. In addition the existing drainage infrastructure can also be expected to accommodate threats posed when in use. Together, these bring confidence that the threat could be removed from all types of built development.
- 4.29. As these measures would be required by law and best practice to afford wide-ranging environmental safeguards and would not be required specifically for the SAC, they can be considered to be reliable, effective in the short and long-terms and their implementation guaranteed.
- 4.30. Given that this could be considered to represent mitigation, this would be compliant with the People Over Wind judgement. Given that it would be required by other means, there is no need for these measures to be specified in the policy wording, however.
- 4.31. Therefore, **it can be ascertained that adverse effects on the integrity of the River Derwent from the construction of non-residential development associated with Policy RC2 can be avoided.** There is no need for mitigation, no residual effects and no need for an in-combination assessment.
- 4.32. Should residential proposals come forward despite the adoption of this policy change, they would not only have to satisfy flood risk criteria (as the area sits within the flood plain) but would also have to show that any increase in recreational pressure could be accommodated and the measures to ensure this would have to be compatible with the increase in population anticipated.

Integrity test for Policies RC1

Providing the policy is modified to remove the possibility of residential development as suggested, the Council will be able to ascertain that Policy RC2 will have no adverse

effect on the integrity of the River Derwent SAC. There would be no, no residual effects, and no need for an in-combination assessment.

Policy CF1

- 4.33. This policy seeks to encourage the expansion of the size of and facilities available at Norton swimming pool. However, despite being located in relatively close proximity to the (undesignated stretch of the) River Derwent, it is considered almost inconceivable that the relatively modest scale of development could result in any adverse effects on the SAC.
- 4.34. This is because the limited range of activities required to construct the facility would be unlikely to present a threat of any magnitude to groundwater resources and any fuel spills can be confidently expected to be accommodated by the existing drainage infrastructure. Furthermore, it is separated from the river by the railway line making any incidents even less likely to arise in the river as it will not only provide a physical barrier, but will bring with it its own drainage infrastructure.
- 4.35. Confidence in this outcome can be drawn from the need for any development of this scale to be accompanied by comprehensive construction techniques to effectively rule out any threat from pollution etc. As these measures would be required by law and best practice to afford wide-ranging environmental safeguards and would not be required specifically for the SAC, they can be considered to be reliable, effective and their implementation guaranteed.
- 4.36. Given that this could be considered to represent mitigation, this would be compliant with the People Over Wind judgement. Given that it would be required by other means, there is no need for these measures to be specified in the policy wording, however.
- 4.37. Therefore, it can be ascertained that adverse effects on the integrity of the River Derwent from Policy CF1 can be avoided. There is no need for mitigation, no residual effects and no need for an in-combination assessment.

Integrity test for Policies CF1

The Council will be able to ascertain that Policy CF2 will have no adverse effect on the integrity of the River Derwent SAC. There would be no need for mitigation, no residual effects, and no need for an in-combination assessment.

Policy N1

- 4.38. This policy seeks to encourage the redevelopment of land to the rear of Commercial Street in Norton town centre. The establishment of a car park appears to be the main objective but further, unspecified development is not ruled out.
- 4.39. Providing development is limited to construction and use of a car park, it is almost inconceivable that adverse effects on the integrity of the River Derwent could arise. This is because the limited range of activities required to construct the facility would be unlikely to present a threat of any magnitude to groundwater resources and any fuel spills can be confidently expected to be accommodated by the existing drainage infrastructure. Furthermore, it is separated from the river by the railway line making any incidents even less likely to arise in the river.
- 4.40. Confidence in this outcome can be drawn from the need for any development of this scale to be accompanied by comprehensive construction techniques to effectively rule out any threat from pollution etc. As these measures would be required by law and best practice to afford wide-ranging

environmental safeguards and would not be required specifically for the SAC, they can be considered to be reliable, effective in the short and long-terms and their implementation guaranteed.

- 4.41. Given that this could be considered to represent mitigation, this would be compliant with the People Over Wind judgement. Given that it would be required by other means, there is no need for these measures to be specified in the policy wording, however.
- 4.42. For the avoidance of doubt, it is not considered that the provision of a car park in this location would increase recreational pressure on the SAC because although in close proximity as the crow flies, access to the riverbank is restricted by the presence of the railway line and would necessitate a long walk to gain access via other means.
- 4.43. **Overall, therefore, in terms of the provision of a new car park, it can be ascertained that adverse effects on the integrity of the River Derwent from Policy N1 can be avoided. There is no need for mitigation, no residual effects and no need for an in-combination assessment**
- 4.44. In contrast, the policy as currently worded does not rule out other development of an unspecified nature. Whilst this could take a variety of forms, which could be considered along the same lines as the car park above, proposals for housing (depending on its form and density) could increase significantly the local population and lead to greater pressure on the SAC, especially if Policy CR1 is implemented.
- 4.45. Ryedale District Council's Local Plan has already allocated housing across the district but has not allocated the land in question for residential use. To avoid an adverse effect on the integrity of the River Derwent from the anticipated increase in population, it has devised a series of open spaces to provide alternative destinations for recreational activities. Because N1 has not been allocated for housing, the mitigating effects of these open spaces cannot be employed to justify housing here. Given its proximity to the European site and the lack of open space associated with this site to provide alternative recreational opportunities, there is reasonable doubt that adverse effects on the integrity of the River Derwent could be ruled out.
- 4.46. As there are no other mitigation options available, **the only means of ensuring N1 does not have the potential to cause an adverse effect on the integrity of the SAC is to amend the policy to ensure that residential development is excluded from future uses of this land.** This measure can be considered to be reliable, effective in the short and long-terms and can be guaranteed. There would be no residual effects and no need for an in-combination assessment.
- 4.47. Should residential proposals come forward despite the adoption of this policy change, it would have to show that any increase in recreational pressure could be accommodated and the measures to ensure this would have to be compatible with the increase in population anticipated.

Integrity test for Policies N1

Providing the policy is modified as suggested, the Council will be able to ascertain that Policy N1 will have no adverse effect on the integrity of the River Derwent SAC. There would be no, no residual effects, and no need for an in-combination assessment.

Conclusion of the appropriate assessment

- 4.48. The appropriate assessment found that provided mitigation measures were adopted, including the removal of some types of proposed development and restrictions on others, adverse effects on the

integrity on the River Derwent SAC could be ruled out for Policies RC1, RC2 and N1. Adverse effects from Policy CF1 could be ruled out without the need for mitigation.

- 4.49. Certain proposals have been recommended for exclusion. This is partly because of the limited detail presented in the policies. In these cases, reasonable worst-case scenarios were adopted, and it is possible that some of the restrictions recommended above could be removed if the policies were refined. If the NDP is not modified, this does not necessarily preclude speculative or windfall development in the future, but tests have been alluded to that any proposals would have to satisfy. Whilst only indicative, these do not necessarily represent an exhaustive list but could include Ryedale's local plan and the consenting regimes of the Environment Agency and Natural England amongst others.

5. FORMAL INTEGRITY TEST

- 5.1. This HRA 'subjected the Malton and Norton-upon-Derwent Town Councils' Neighbourhood Development Plan to an appropriate assessment according to the statutory procedures laid out in the Habitats Regulations 2017 as amended, and the methodology laid out in the Habitats Regulations Assessment Handbook. It ascertained that:
- 5.2. **Policy RC1:** Initially, **adverse effects on the integrity of the River Derwent SAC could not be ruled out.** However, **when mitigation in the form of changes to policy wording was considered, adverse effects on the integrity of the European site could be avoided beyond reasonable doubt.** There would be no residual effects and, therefore, no need for an in-combination assessment.
- 5.3. **Policy RC2:** Initially, **adverse effects on the integrity of the River Derwent SAC could not be ruled out.** However, **when mitigation in the form of changes to policy wording was considered, adverse effects on the integrity of the European site could be avoided beyond reasonable doubt.** There would be no residual effects and, therefore, no need for an in-combination assessment.
- 5.4. **Policy CF1:** **Adverse effects on the integrity of the River Derwent SAC could be ruled out beyond reasonable doubt without the need for mitigation.** There would be no residual effects and, therefore, no need for an in-combination assessment.
- 5.5. **Policy N1:** Initially, **adverse effects on the integrity of the River Derwent SAC could not be ruled out.** However, **when mitigation in the form of changes to policy wording was considered, adverse effects on the integrity of the European site could be avoided beyond reasonable doubt.** There would be no residual effects and, therefore, no need for an in-combination assessment.
- 5.6. Adverse effects were ruled out alone for all policies. There were no residual effects and, therefore, no need for an in-combination assessment. Providing the modifications are adopted, there is no need for any further scrutiny of the Plan under the Habitats Regulations.
- 5.7. The decision to adopt this HRA or otherwise now lies with the competent authority, Ryedale District Council.

Bernard Fleming CEcol MCIEEM

Director, Fleming Ecology Ltd

June 2020

APPENDICES

A. Identification of European sites at risk

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
1. All plans (terrestrial, coastal and marine)	Sites within the geographic area covered by or intended to be relevant to the plan	River Derwent SAC	This 'test' simply identifies all the European sites in the Councils' administrative area. All sites present will be included.	River Derwent SAC
2. Plans that could affect aquatic features	(a) Sites upstream or downstream of the plan area in the case of river or estuary sites	Lower Derwent Valley SPA, SAC, Ramsar River Derwent SAC	Effects considered are those associated with the physical presence of built development and the <i>localised</i> effects on surface/groundwater resources and quality, resulting from changes in run-off, sedimentation, erosion etc. Given that the Lower Derwent Valley lies around 20km as the crow flies from the plan area, localised effects on aquatic features can be confidently ruled out from any further consideration for this European site. However, all features of the River Derwent SAC remain vulnerable to development in the Plan. Note that the <i>indirect</i> effects of changes to wastewater disposal are assessed separately under '7b'.	River Derwent SAC
	(b) Open water, peatland, fen, marsh and other wetland sites with relevant hydrological links to land within the plan area, irrespective of distance from the plan area	Ellers Wood and Sand Dale SAC Lower Derwent Valley SPA, SAC, Ramsar North York Moors SPA, SAC Strensall Common SAC	Effects considered are those associated with the physical presence of built development and the <i>localised</i> effects on surface/groundwater resources and quality, resulting from changes in run-off, sedimentation, erosion etc. Given the distances, involved, all the listed sites lie over 15km from the plan area, localised effects on wetland features from the type of development proposed can be confidently ruled out from any further consideration.	None

			Note that the <i>indirect</i> effects of changes to wastewater disposal are assessed separately under '7b'.	
3. Plans that could affect the marine environment	Sites that could be affected by changes in water quality, currents or flows; or effects on the inter-tidal or sub-tidal areas or the seabed, or marine species	None	No European sites with marine features are considered vulnerable to development proposed within the plan	None
4. Plans that could affect the coast	Sites in the same coastal 'cell', or part of the same coastal ecosystem, or where there are interrelationships with or between different physical coastal processes	None	No European sites with coastal features are considered vulnerable to development proposed within the plan	None
5. Plans that could affect mobile species	Sites whose qualifying features include mobile species which may be affected by the plan irrespective of the location of the plan's proposals or whether the species would be in or out of the site when they might be affected	Lower Derwent Valley SPA, SAC, Ramsar River Derwent SAC	<p>This considers direct impacts of plan proposals on mobile species.</p> <p>Given the distance between the plan area and the Lower Derwent Valley European site, otter populations which range along the entire length of the river, can be considered to be distinct from those found within the plan area. Consequently, harmful effects can be ruled out.</p> <p>Similarly, impacts on both the breeding and wintering bird populations which use 'functionally-linked land' outside the designated site are highly unlikely given the distances involved and so too can be ruled out.</p> <p>However, given the development proposals in close proximity to the River Derwent SAC, impacts on the otter, bullhead and lamprey populations of the river cannot be ruled out.</p> <p>Therefore, these features of the River Derwent will be considered further.</p>	River Derwent SAC
6. Plans that could increase recreational pressure on European sites potentially vulnerable or	(a) Such European sites in the plan area	River Derwent SAC (within the plan area)	The Plan makes provision for unspecified development in a small number of locations in proximity to the River Derwent SAC. Although residential development is not specified, it is not ruled out either. If pursued, this could result in an increase in recreational pressure on the SAC and so this requires further consideration.	River Derwent SAC

sensitive to such pressure			<p>The plan encourages the development of both horse racing and other tourist attractions but does not allocate land for either and at present these remain aspirations. Even if pursued, it is not anticipated that visitors to those destinations would increase pressure on the River Derwent to which there is only limited access through much of the plan area. Consequently, the impact of these proposals can be discounted.</p> <p>Modest proposals are encouraged on land adjacent to the river in the town centre albeit adjacent to a stretch that isn't designated. Despite this, the potential exists for an increase in recreational pressure from existing residents to harm the qualifying features.</p> <p>Therefore, the River Derwent will be considered further.</p>	
	(b) Such European sites within an agreed zone of influence or other reasonable and evidence-based travel distance of the plan area boundaries that may be affected by local recreational or other visitor pressure from within the plan area	River Derwent SAC (upstream and downstream but beyond the plan area)	<p>Given that proposals for recreational facilities (see above) are rather modest, any impacts are likely to be very localised restricting impacts to those stretches of the River Derwent within the plan area. Therefore, impacts on all other, more distant sites can be ruled out.</p> <p>Therefore, only the River Derwent within the plan area will be considered further.</p>	None
	(c) Such European sites within an agreed zone of influence or other evidence-based longer travel distance of the plan area, which are major (regional or national) visitor attractions such as European sites which are National Nature Reserves where public visiting is promoted, sites in National Parks, coastal sites and sites in other major tourist or visitor destinations	Peak District SPA, SAC Flamborough Head SPA North York Moors SPA, SAC Yorkshire Dales SPA and SAC	<p>The popular tourist destinations sites of the Peak District, Flamborough Head, North York Moors and Yorkshire Dales are considered too distant to be affected by any credible threats from the type of development proposed and are removed from any further consideration in this HRA.</p>	None
7. Plans that would increase the amount of development	(a) Sites in the plan area or beyond that are used for, or could be affected by, water abstraction irrespective of distance from the plan area	Ellers Wood and Sand Dale SAC Lower Derwent Valley SPA, SAC, Ramsar	<p>The plan does not promote intensive development and so the need for additional water abstraction does not arise.</p> <p>Furthermore, the HRA of Yorkshire Water's Water Resources Management Plan found that there were unlikely to be any significant effects on European</p>	None

		North York Moors SPA, SAC River Derwent SAC Strensall Common SAC	sites from anticipated development in the region anyway, either alone or in combination with other plans or projects ³³ . Therefore, all potentially affected sites can therefore be ruled out from further scrutiny.	
	(b) Sites used for, or could be affected by, discharge of effluent from wastewater treatment works or other waste management streams serving the plan area, irrespective of distance from the plan area	Lower Derwent Valley SAC, Ramsar River Derwent SAC	The plan does not promote intensive development and so the need for additional effluent discharge does not arise. Therefore, all potentially affected sites can be ruled out from further scrutiny.	None
	(c) Sites that could be affected by the provision of new or extended transport or other infrastructure	River Derwent SAC	Although the plan seeks to safeguard land to allow for future transport infrastructure, no actual projects are proposed	None
	(d) Sites that could be affected by increased deposition of air pollutants arising from the proposals, including emissions from significant increases in traffic	Lower Derwent Valley SPA, SAC, Ramsar River Derwent SAC Strensall Common SAC	The plan does not contain proposals that will meaningfully increase road traffic within the plan area or beyond. Therefore, all potentially affected sites can be ruled out from further scrutiny.	None
8 Plans for linear developments or infrastructure	Sites within a specified distance from the centre line of the proposed route (or alternative routes), the distance may be varied for differing types of site / qualifying features and in the absence of established good practice standards, distance(s) to be agreed by the statutory nature conservation body	River Derwent SAC	No such infrastructure proposed	None
9. Plans that introduce new activities or new uses into the marine, coastal or terrestrial environment	Sites considered to have qualifying features potentially vulnerable or sensitive to the effects of the new activities proposed by the plan	River Derwent SAC	No such activities proposed	None

³³ Water Resource Management Plan 2014 Strategic Environmental Assessment Post Adoption Statement Cascade/Yorkshire Water

10. Plans that could change the nature, area, extent, intensity, density, timing or scale of existing activities or uses	Sites considered to have qualifying features potentially vulnerable or sensitive to the effects of the changes to existing activities proposed by the plan	River Derwent SAC	No such activities proposed	None
11. Plans that could change the quantity, quality, timing, treatment or mitigation of emissions or discharges to air, water or soil	Sites considered to have qualifying features potentially vulnerable or sensitive to the changes in emissions or discharges that could arise as a result of the plan	River Derwent SAC	No such activities proposed	None
12. Plans that could change the quantity, volume, timing, rate, or other characteristics of biological resources harvested, extracted or consumed	Sites whose qualifying features include the biological resources which the plan may affect, or whose qualifying features depend on the biological resources which the plan may affect, for example as prey species or supporting habitat or which may be disturbed by the harvesting, extraction or consumption	River Derwent SAC	No such activities proposed	None
13. Plans that could change the quantity, volume, timing, rate, or other characteristics of physical resources extracted or consumed	Sites whose qualifying features rely on the non-biological resources which the plan may affect, for example, as habitat or a physical environment on which habitat may develop or which may be disturbed by the extraction or consumption	River Derwent SAC	No such activities proposed	None

14. Plans which could introduce or increase, or alter the timing, nature or location of disturbance to species	Sites whose qualifying features are considered to be potentially sensitive to disturbance, for example as a result of noise, activity or movement, or the presence of disturbing features that could be brought about by the plan	Lower Derwent Valley SPA, SAC, Ramsar River Derwent SAC	For the purposes of this HRA, it is considered that the effects of this category will be captured effectively via the application of criteria 5 (mobile species) and/or 6 (recreation). Therefore, this criterion is screened out to avoid duplication and will be removed from further consideration in this HRA.	None
15. Plans which could introduce or increase or change the timing, nature or location of light or noise pollution	Sites whose qualifying features are considered to be potentially sensitive to the effects of changes in light or noise that could be brought about by the plan	River Derwent SAC	For the purposes of this HRA, it is considered that the effects of this category will be captured effectively via the application of criteria 5 (mobile species) and/or 6 (recreation). Therefore, this criterion is screened out to avoid duplication and will be removed from further consideration in this HRA.	None
16. Plans which could introduce or increase a potential cause of mortality of species	Sites whose qualifying features are considered to be potentially sensitive to the source of new or increased mortality that could be brought about by the plan	River Derwent SAC	No such activities proposed	None
<p>Extract from <i>The Habitats Regulations Assessment Handbook</i>, www.dtapublications.co.uk © DTA Publications Limited (November) 2018 all rights reserved This work is registered with the UK Copyright Service</p>				

B. River Derwent Citation and Qualifying Features

River Derwent SAC	
SAC	EC Directive 92/43 on the Conservation of Natural Habitats and of Wild Fauna and Flora
Citation	Citation for Special Area of Conservation (SAC)
including	Name: River Derwent
qualifying	Unitary Authority/County: East Riding of Yorkshire, North Yorkshire, York
features	SAC status: Designated on 1 April 2005
	Grid reference: SE704474
	SAC EU code: UK0030253
	Area (ha): 411.23
	Component SSSI: River Derwent SSSI
	Site description:
	<p>The Yorkshire Derwent is considered to represent one of the best British examples of the classic river profile. This lowland section, stretching from Ryemouth to the confluence with the Ouse, supports diverse communities of aquatic flora and fauna. Fed from an extensive upland catchment, the lowland course of the Derwent has been considerably diverted and extended as a result of glacial action in the Vale of Pickering.</p> <p>The river supports an aquatic flora uncommon in Northern Britain. Several species, including river water-dropwort <i>Oenanthe fluviatilis</i>, flowering rush <i>Butomus umbellatus</i>, shining pondweed <i>Potamogeton lucens</i>, arrowhead <i>Sagittaria sagittifolia</i>, opposite-leaved pondweed <i>Groenlandia densa</i> and narrow-leaved water-parsnip <i>Berula erecta</i> are more typically found in lowland rivers in southern England.</p> <p>The Derwent is noted for the diversity of its fish communities, which include river <i>Lampetra fluviatilis</i> and sea lampreys <i>Petromyzon marinus</i> populations that spawn in the lower reaches, as well as bullhead <i>Cottus gobio</i>. The diverse habitats also support otters <i>Lutra lutra</i>.</p> <p>Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 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>Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Bullhead <i>Cottus gobio</i> <input type="checkbox"/> River lamprey <i>Lampetra fluviatilis</i> <input type="checkbox"/> Otter <i>Lutra lutra</i> <input type="checkbox"/> Sea lamprey <i>Petromyzon marinus</i>

C. Record of preliminary screening of proposed policies

Policy	Rationale	Screening outcome
Vision	This policy represents a vision or aspirations for the Neighbourhood and provides a series of broad objectives. It does not directly lead to development and cannot have any effect on a on a European site.	A – Screened out
TM1: Protection and Enhancement of Pedestrian, Cycle and Bridleway Networks	This policy seeks to safeguard the existing pedestrian, cycle and bridleway networks before identifying criteria to evaluate possible future development proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	G – Screened out
TM2: New Pedestrian and Cycle River/Railway Crossing	This policy seeks to safeguard land from development that would prevent the possible, future construction of a new pedestrian and cycle crossing of the River Derwent (though outside the SAC) and adjacent railway line. It does not directly lead to development (ie construction of the bridge) and therefore cannot have any effect on a on a European site.	G – Screened out
TM3: New Vehicular River/Railway Crossing	This policy seeks to safeguard land from development that would prevent the possible, future construction of a new vehicular crossing of the River Derwent (though outside the SAC) and adjacent railway line. It does not directly lead to development (ie construction of the bridge) and therefore cannot have any effect on a on a European site.	G – Screened out
TM4: Highway Improvement Schemes	This policy seeks to safeguard land from development that would prevent the possible, future implementation of a number of highway improvements across a range of locations within and around both towns that range from relatively modest changes to junctions to the construction of a new by-pass. It does not directly lead to development (ie construction of the individual projects) and therefore cannot have any effect on a on a European site.	G – Screened out
TM5: County Bridge Level Crossing	This policy seeks to encourage the introduction of several highway management improvements such as traffic lights and pedestrian crossings around the County Bridge Level Crossing. It does not directly lead to development (ie construction of the individual projects) and therefore cannot have any effect on a on a European site.	G – Screened out
TM6: Traffic Management Plans	This policy seeks to encourage the development of Traffic Management Plans for new development. It does not directly lead to development and therefore cannot have any effect on a on a European site.	G – Screened out
RC1: Malton and Norton River Corridor Development	<p>This policy seeks to encourage the development of new open space and so increase recreational use of a 1.2km stretch of both banks of land adjacent to the River Derwent; it occupies land adjacent to both designated and non-designated stretches of the river which provides a direct hydraulic link to the entire European site.</p> <p>Although relatively modest in scope the land is not allocated for this purpose in the Ryedale local plan and the desired effect is to increase recreational activities on land adjacent to the river and includes the unspecified change of use of</p>	I – Screened in

Policy	Rationale	Screening outcome
	<p>existing buildings. New moorings and fishing pegs are also suggested.</p> <p>Consequently, harmful effects from construction and recreational pressure on the aquatic and mobile features of the SAC cannot be ruled out and so this policy is carried forward for formal screening.</p>	
RC2: Regeneration of Land North and South of County Bridge	<p>This policy seeks to encourage the loosely defined, development-led regeneration of riverside land either side of the River Derwent in the town centre including County Bridge. Although this lies adjacent to (and across) the undesignated stretch of the river, it remains intimately linked with the rest of the European site both up and downstream; there is no corresponding allocation in the Ryedale Local Plan.</p> <p>Given the lack of detail associated with this policy, harmful effects from construction and, potentially, recreational pressure on the aquatic and mobile features of the SAC cannot be ruled out and so this policy is carried forward for formal screening.</p>	I – screened in
E1: Protection of Local Green Space	This policy seeks to protect existing open space of recreational and/or environmental importance. It provides environmental benefits and cannot result in harmful effects on any European site.	D - Screened out
E2: Enhancement of Local Green Space	This policy seeks to encourage the management of existing open space of recreational and/or environmental importance. It provides environmental benefits and cannot result in harmful effects on any European site.	D - Screened out
E3: Open Space in New Development	This policy seeks to encourage the establishment of new open space of recreational and/or environmental importance within new development. It provides environmental benefits and cannot result in harmful effects on any European site.	D - Screened out
E4: Green Infrastructure	This policy seeks to protect the existing network of Green Infrastructure. The policy will provide environmental benefits and cannot result in harmful effects on any European site.	D – Screened out
E5: Gateways	This policy seeks to protect views of the built and semi-natural heritage. It does not directly lead to development (ie construction of the individual projects) and therefore cannot have any effect on a on a European site.	G – Screened out
E6: Development Affecting the Malton AQMA	This policy seeks to mitigate the impact of new development on the air quality of the town centres. It does not directly lead to development (ie construction of the individual projects) and therefore cannot have any effect on a on a European site.	G – Screened out
CF1: Norton's Swimming Pool	<p>This policy seeks to expand the facilities at Norton swimming pool which lies in relatively close proximity to the River Derwent SAC.</p> <p>Consequently, harmful effects from construction on the aquatic and mobile features of the SAC cannot be ruled out and so this policy is carried forward for formal screening. Effects from recreational pressure can be ruled out.</p>	I – Screened in
CF2: Malton Community Sports Centre	This policy seeks to expand the facilities at Malton Community Sports Centre. As it is located over 1km from the River Derwent SAC, it is considered almost inconceivable	G – Screened out

Policy	Rationale	Screening outcome
	that this could result in any harmful effects on this or any other European site.	
CF3: Medical Centre Development	<p>This policy seeks to promote the construction of a new medical centre at an unspecified location within the two towns and it is conceivable that harmful activities could arise if built in close proximity to the River Derwent SAC without the necessary safeguards.</p> <p>However, there can be confidence that Policy SP14 of the Ryedale Local Plan will apply and that the conservation objectives of the European site will not be undermined, and harmful effects avoided especially when the modest scale of the proposal is also taken into account.</p>	H – screened out
TC1: New Museums and Visitor Facilities	<p>This policy seeks to promote the development of new museum and tourism facilities at unspecified locations within the two towns and it is conceivable that harmful activities could arise if built in close proximity to the River Derwent SAC without the necessary safeguards.</p> <p>However, there can be confidence that Policy SP14 of the Ryedale Local Plan will apply and that the conservation objectives of the European site will not be undermined, and harmful effects avoided especially when the modest scale of the proposals is also taken into account.</p>	H – Screened out
TC2: Orchard Fields	<p>This policy seeks to encourage the sympathetic development of visitor facilities on this greenfield site and ancient monument in relatively close proximity to the River Derwent.</p> <p>Given the nature and anticipated scale of the proposed development and that it is separated from the river by industrial development, it is considered almost inconceivable that this could result in any harmful effects on this or any other Europeans site.</p>	G - Screened out
TC3: Hotel Development	<p>This policy seeks to promote the construction of a new hotel of an unknown scale at an unspecified location within or close to the two towns and it is conceivable that harmful activities could arise if built in close proximity to the River Derwent SAC without the necessary safeguards.</p> <p>However, there can be confidence that Policy SP14 of the Ryedale Local Plan will apply and ensure that the conservation objectives of the European site will not be undermined, and harmful effects avoided.</p>	H – Screened out
TC4: Wentworth Street	<p>This policy allocates land for the development of a new hotel. Although not allocated in the Ryedale Local Plan as it is located several hundred metres from the River Derwent SAC, it is considered almost inconceivable that this could result in any harmful effects on this or any other European site.</p>	G – Screened out
HRI1: Protection of Horse Racing Stables	<p>This policy seeks to safeguard the functioning or similar equine use of existing horse stables and identifies criteria to be applied should different proposals arise and threaten their continued use. It does not directly lead to development and therefore can have no effect on any European site.</p>	G – Screened out
HRI2: Horse Racing Zones and Development	<p>This policy seeks to safeguard the functioning of existing horse stables and identifies criteria to be applied should other proposals threaten their continued use. It does not directly lead to development and therefore cannot have any effect on a on a European site.</p>	G – Screened out

Policy	Rationale	Screening outcome
HRI3: Improved Accessibility to the Horse Racing Industry	This policy seeks to safeguard the functioning of existing horse stables and identifies criteria to be applied should other proposals threaten their continued use. It does not directly lead to development and therefore can have no effect on any European site.	G – Screened out
HRI4: Horse Racing Museum	This policy seeks to promote the construction of a new horse racing museum of an unknown scale at an unspecified location within or close to the two towns and it is conceivable that harmful activities could arise if built in close proximity to the River Derwent SAC without the necessary safeguards. However, there can be confidence that Policy SP14 of the Ryedale Local Plan will apply and ensure that the conservation objectives of the European site will not be undermined, and harmful effects avoided.	H – Screened out
HD1: Development and Design – Conservation Areas	This policy seeks to promote high quality design for new or infill building within existing conservation areas by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD2: Development and Design – Area-wide Principles	This policy seeks to promote high quality design for new building across the neighbourhood plan area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD3: Shop Fronts	This policy seeks to influence the design of shopfronts across the neighbourhood plan area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD4: Malton Town Centre Conservation Area – Enhancement	This policy seeks to encourage the high-quality design of new development at specific and non-specific locations in both towns by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD5: Public Realm Improvements within Malton Town Centre Conservation Area	This policy seeks to encourage improvements to the public realm within the Malton Town Centre conservation area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD6: Norton-on-Derwent Conservation Area – Enhancement	This policy seeks to encourage the enhancement of the Norton conservation area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD7: Public Realm Improvements within Norton-on-Derwent Conservation Area	This policy seeks to encourage improvements to the public realm within the conservation area of Norton by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD8: Malton Old Town Conservation	This policy seeks to encourage the enhancement of the Malton Old Town conservation area by identifying criteria to	B – Screened out

Policy	Rationale	Screening outcome
Area – Enhancement	evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	
HD9: Public Realm Improvements within Malton Old Town Conservation Area	This policy seeks to encourage improvements to the public realm within the Malton Old Town conservation area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD10: Area-wide Public Realm Improvements	This policy seeks to encourage improvements to the public realm across the Neighbourhood Plan area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD11: Archaeology	This policy seeks to influence development that affects archaeological features by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effects on a European site.	B – Screened out
H1: Housing Mix	This policy seeks to influence the housing mix of future residential development. It does lead directly to development and so cannot have any effects on a European site.	B – Screened out
EM1: Encouragement of Local Employment Sectors	This policy represents a vision or aspirations for the Neighbourhood by providing a single, broad objective. It does not directly lead to development and cannot have any effect on a on a European site.	A – Screened out
M1: Wentworth Street Car Park	<p>This policy seeks to safeguard Wentworth Street car park from development. It does not directly lead to development and therefore cannot have any effect on a on a European site.</p> <p>However, this policy also seeks to encourage the possible construction of a new car park of an unknown scale at an unspecified location and it is conceivable that harmful activities could arise if built in close proximity to the River Derwent SAC without the necessary safeguards.</p> <p>However, there can be confidence that Policy SP14 of the Ryedale Local Plan will apply and ensure that the conservation objectives of the European site will not be undermined, and harmful effects avoided</p>	G & H – Screened out
M2: Malton Market Place	<p>This policy seeks to safeguard car parking facilities in Malton Market Place from development. It does not directly lead to development and therefore cannot have any effect on a on a European site.</p> <p>However, this policy also seeks to encourage the possible construction of a new car park of an unknown scale at an unspecified location and it is conceivable that harmful activities could arise if built in close proximity to the River Derwent SAC without the necessary safeguards.</p> <p>However, there can be confidence that Policy SP14 of the Ryedale Local Plan will apply and ensure that the conservation objectives of the European site will not be undermined, and harmful effects avoided</p>	G & H – Screened out
N1: Land to the Rear of	This policy seeks to encourage the redevelopment of land to the rear of Commercial Street in Norton town centre. The establishment of a car park appears to be the main objective	I – Screened in

Policy	Rationale	Screening outcome
Commercial Street	<p>but further, unspecified development is not ruled out and the land is not allocated for this purpose in the Ryedale local plan.</p> <p>Given the lack of detail associated with this policy, harmful effects from construction and, potentially, recreational pressure on the aquatic and mobile features of the SAC cannot be ruled out and so this policy is carried forward for formal screening.</p>	

APPENDIX 6: PRE-SUBMISSION HRA – NATURAL ENGLAND COMMENTS

Date: 09 September 2020
Our ref: 325640



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BY EMAIL ONLY

Dear Mrs Balmer

Planning consultation: Malton and Norton Neighbourhood Plan Habitats Regulations Assessment

Thank you for your consultation on the above which was received by Natural England on 19 August 2020

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Overall Natural England agrees with the conclusions of the Malton and Norton Neighbourhood Plan Habitats Regulations Assessment. However notes the concerns raised in your email dated 19th August regarding the bandstand and Natural England recommends that this issue is looked into in more detail on how to control activities after dusk to protect the most sensitive time for Otters. We agree that further exploration is needed in relation to the ability to impose conditions on the timing of use/non-use of the bandstand, and whether this is feasible or references to the bandstand are removed.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Kate Wheeler on 07769918711. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Kate Wheeler
Yorkshire and Northern Lincolnshire Area

APPENDIX 7: 2021 PRE-SUBMISSION REGULATION 14 VERSION SEA ENVIRONMENTAL REPORT

Malton and Norton on Derwent Neighbourhood Plan

Pre-submission (Regulation 14) version

Strategic Environmental Assessment - Environmental Report

February 2021

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Appendices 1a, 1b, 1c and 1d: Assessment of alternative NP policies against SEA objectives

Appendix 2: SEA scoping response from Natural England

Appendix 3: SEA scoping response from Historic England

Appendix 4: SEA scoping response from the Environment Agency

Appendices 5a, 5b, 5c and 5d: Assessment of Reg 14 NP policies against SEA objectives.

References and information sources used in this document:

Policy Documents:

- Ryedale Plan Local Plan Strategy adopted in September 2013
- Ryedale Plan Local Sites Document adopted in June 2019
- Sustainability Appraisals/Strategic Environmental Assessments applicable to the statutory development plan for Ryedale district.
- The HRA of the draft Malton and Norton NP (dated June 2020)
- Draft Malton and Norton Neighbourhood Plan (dated July 2019)
- Malton and Norton Neighbourhood Plan May 2020 SEA Screening Report
- Malton and Norton Neighbourhood Plan July 2020 SEA Scoping Report

Evidence:

- 2019 Air Quality Annual Status Report (ASR) In fulfilment of Part IV of the Environment Act 1995 Local Air Quality Management June 2019, Ryedale District Council
- Ryedale District Council Infrastructure Delivery Plan 2012
- Ryedale District Council Infrastructure Delivery Plan 2018 update
- Ryedale District Council PPG17 Open Spaces Study
- North Yorkshire County Council Definitive Map of public rights of way. Accessed online at <https://www.northyorks.gov.uk/definitive-map-public-rights-way>
- National Heritage List. Accessed online in September 2020 and October 2020 at <https://historicengland.org.uk/listing/the-list>
- Northeast Yorkshire Strategic Flood Risk Assessment 2006. Accessed online in September and October 2020 at <https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html>
- Northeast Yorkshire Strategic Flood Risk Assessment Update 2010. Accessed online in September and October at <https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html>
 - including Drawing Number 10.2 (PPS25 Flood Plain Delineation in Malton and Norton). Available as a separate document at <https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html>

A non-technical summary

Introduction

This document is the environmental report for the draft Malton and Norton on Derwent Neighbourhood Plan (NP). It has been prepared in accordance with Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 (referred to from this point onwards as the SEA Regulations).

The report explains all the steps that have taken place to date for the strategic environmental assessment (SEA) of the draft Malton and Norton on Derwent NP.

What is Strategic Environmental Assessment?

Strategic environmental assessment is a tool used at the plan-making stage to assess the likely effects of the plan on the environment when judged against a baseline. The baseline is the situation without the plan being in place. As part of the assessment, it is also necessary to assess the plan against reasonable alternatives to the plan being proposed (for example the same plan with different policies in it).

What is the Malton and Norton on Derwent Neighbourhood Plan

The Malton and Norton on Derwent NP is a land use document that has been prepared jointly by the two Town Councils of Malton and Norton on Derwent to cover the designated plan area. This is shown in Figure 1. Once made, the NP will sit alongside the Ryedale Local Plan and provide the basis for the determination of planning applications for land that falls in the area shown in Figure 1.

What has happened so far?

The SEA work has so far comprised four stages:

- a) a screening stage (an initial assessment to see if the Neighbourhood Plan (NP) is likely to trigger significant environmental effects)
- b) a scoping stage (a mid-way assessment that explains what will be looked at and what information will be used to undertake a full environmental assessment of the draft NP). The Environment Agency, Natural England and Historic England were consulted at this stage as a way of checking that an appropriate approach is being proposed
- c) an assessment undertaken in October 2020 of the likely significant effects on the environment of the emerging Malton and Norton on Derwent NP (this was reported in the Interim SEA Environmental Report)
- d) following revisions to the neighbourhood plan in light of SEA and HRA findings and the preparation of the Regulation 14 version of the Malton and Norton on Derwent NP, a revised assessment of the likely significant effects on the environment of planning policies.

How has the SEA influenced the NP to date?

The SEA screening stage resulted in a need to undertake a detailed environmental appraisal of the NP. The reason for this was due to a separate assessment called the Habitats Regulations Assessment that had been undertaken on the NP as well. This is known as the HRA assessment. The HRA Assessment concluded that adverse impacts on the River Derwent could not be ruled out.

At the SEA Scoping stage, a report was prepared and sent to the Environment Agency, Natural England and Historic England. This report concluded that the SEA of the NP should only focus on four policies in the NP. These were:

- RC1: Malton and Norton River Corridor Development
- RC2: Regeneration of Land North and South of County Bridge
- CF1: Norton's Swimming Pool, and
- N1: Land to the Rear of Commercial Street.

These three environmental bodies responded to the consultation. Their responses are included in this report as Appendices 2, 3 and 4. They all agreed with the proposed approach to be taken in this assessment.

A detailed assessment of the four NP policies was undertaken in October 2020 against agreed sustainability criteria. This is detailed in Appendix 1 to this report. The scoring system used is as set out below.

Scoring system used to assess the NP policies

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither and positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.
U -	Uncertain impact but possibly negative impact.	Uncertain, but the policy may hinder achievement of the objective
U +	Uncertain impact but possibly positive impact	Uncertain, but the policy may be positively consistent with meeting the objective

An overview of the completed assessment at the interim stage is provided in Chapter 6. This assessment resulted in the identification of possible and reasonable alternatives to policy wording. This is indicated in the table provided in Chapter 6 through the use of the abbreviation **ALT** in the last four columns.

The findings of the interim assessment is reported in the document *Malton and Norton on Derwent Neighbourhood Plan Strategic Environmental Assessment - Interim Environmental Report to inform the Regulation 14 Draft Plan* (referred to from this point as the SEA Interim Environmental Report). The findings were used by the NP group to inform revisions to the regulation 14 version of the NP.

What are the key findings of the SEA work undertaken for the Regulation 14 version of the NP?

An overview of the completed assessment is provided in the table below:

What can be seen from the overview is that overall, the impacts are, neutral or positive. There is one uncertain significant positive effect identified for Policy RC1 against SEA objective 3. This is due

to the potential significant improvements the policy could facilitate in terms of public realm improvements along the River Derwent. But, as with a high number of registered impacts, this impact is uncertain. This is because all four policies being assessed are aspirational in nature where they are encouraging specific land uses. They are not site allocations as such. Deliverability or viability has not been tested and there is no evidence of any discussions having taken place with land promoters, owners or other stakeholders in terms of the implementation of schemes. The development being encouraged will not come forward without other drivers outside the NP process.

There are a few occasions where potential negative impacts have been identified. These are noted through the symbol - .

The SEA assessment undertaken of the Regulation 14 NP compared to the interim assessment differ in that the previous potential significant negative impacts registered against biodiversity impacts (SEA 9) flooding objectives (SEA 12) have now been removed. This is because of amendments to the policy wording in light of the recommendations set out in the SEA Interim Environmental Report.

An overview of the assessment of the four Regulation 14 policies against the SEA objectives

Proposed SEA objective	Appraisal prompts	RC1	RC2	CF1	N1
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	1. Does the policy result in the loss of a community facility or poorer access to a community facility?	=	=	+	=
	2. Does the policy result in improved access to a community facility	U +	U +	U+	U +
SEA 2: To provide the opportunity for all people to meet their housing needs.	1. Does the policy deliver homes which will address an identified local need such as affordable homes?	0	0	0	0
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?	0	U+	=	=
	2. Would the policy involve new public realm or enhancements to the public realm?	U++	U+	=	=
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	=	=	=	=

Proposed SEA objective	Appraisal prompts	RC1	RC2	CF1	N1
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	U +	U+	U+	U+
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	1. Will the policy protect or enhance the viability and vitality of the town centres? 2. Will the policy protect or enhance open areas outside the town centre?	U+ 0	U+ 0	U+ 0	U+ 0
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors	1. Does the policy protect, employment opportunities in plan area? 2. Does the policy encourage or deliver more employment opportunities in accessible locations?	= U +	= U+	= U+	= U+
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	0	U+	U+	U+
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	=	=	=	=
	2. Does the policy protect or enhance protected flora and fauna?	U -	U-	U- U+	U-
	3. Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	=	=	U +	=
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	=	0	U + U -	U + U -
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	1. Would this policy encourage people to walk and cycle rather than travel by car? 2. Would this policy lead to highway impacts that would require highway mitigation measures?	U + = U+	= U- AND U+ 0	= = 0	U- = =

Proposed SEA objective	Appraisal prompts	RC1	RC2	CF1	N1
	3. Will the policy protect or enhance access to public rights of way?		=		
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone? 2. Does the policy lead to increases in flood risk to people and property in the plan area?	= =	= =	0 0	= =
SEA 13: To conserve and where appropriate enhance the historical significance ¹ of the and cultural environment.	Does the policy conserve or enhance designated heritage asset? Does the policy conserve or enhance non-designated heritage assets?	= =	U + U	= 0	= 0
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	0	0	0	0
SEA 15: To make the most efficient use of land	Does the policy focus development towards previously developed land. Does the policy focus on maximising efficient uses of land?	0	+	+	+
SEA 16: To maintain a high quality environment in terms of air quality	Does the policy have an adverse impact on the Malton Air Quality Management area?	=	U+ U -	U-	U -

What will happen next?

The SEA work is used by the Malton and Norton on Derwent NP group to inform the planning policies in the NP.

The SEA report will also be published for consultation alongside the NP at regulation 14 stage. This means that where the SEA report identifies any negative environmental effects, these are clear to all

¹ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

stakeholders. It also provides consultees with an opportunity to comment on the content of the SEA assessment itself.

Following the Regulation 14 consultation, the NP group will consider all consultation responses and consider whether there is a need to revise the NP in light of the consultation response before they submit the NP to the local authority so that it can proceed to publication stage and examination stage. At the submission stage, the NP will need to be accompanied by the SEA report. Depending on the extent of the changes to the submission NP, the SEA report will be updated accordingly.

This report has been prepared by Modicum Planning Ltd on the behalf of Malton and Norton Town Councils.

Figure 1: The Malton and Norton on Derwent Neighbourhood Plan area



1. Introduction to the Malton and Norton on Derwent NP.

- 1.1 Work on the Neighbourhood Plan (NP) initially began in 2011. The plan area was however designated relatively recently on 19 February 2019. The plan boundary is shown in Figure 1.
- 1.2 The NP covers the year up to 2027.
- 1.3 The NP is made up of the following chapters:
 - Chapter 1: Introduction

- Chapter 2: Malton and Norton Yesterday and Today, describes the two towns and key issues
- Chapter 3: Vision and Objectives for the area up to year 2027.
- Chapter 4: 41 Planning Policies divided into eleven key themes
- Chapter 5: Community actions. Non planning policies accompanying the plan policies and proposals
- Chapter 6: Monitoring chapter

1.4 The Vision underpinning the plan is as follows:

Malton and Norton boast a rich heritage and culture, from their historical origins and archaeological and architectural legacy to their surviving traditional horse racing and food-based industries. These are the bedrocks on which our future vision for the towns are based.

As such, by the end of the plan period in 2027, our three conservation areas will be better understood, their assets better protected as a result, and their appearance and character enhanced by new development and other improvements in keeping with their key elements and features. This enlightened approach to development and design will also be reflected in the wider Neighbourhood Area.

The local food and horse-racing industries which are so much a part of the towns and their hinterland will be confirmed in their status and have developed further within a climate of promotion and encouragement.

The tourism which is vital to our towns will have continued to grow powered by the twin engines of heritage and culture.

The River Derwent, separating the two towns and running through the heart of the area is the other jewel in our crown but also the potential thorn in our sides! It is rich ecologically, and acknowledged as such by a European wildlife designation, while providing an important leisure resource for all. Conversely, it carries an ever present flood risk, acts as a barrier to movement between the towns and through the very thing that makes it so special (its wildlife) poses challenges to more productive and positive use. The town councils' vision is of a Derwent that floods less (or not at all), remains ecologically rich but which yields up its potential for sympathetic riverside enhancements and the positive use of under-utilised riverside land. The hope too is that new river crossings will have been created, allowing for much improved road, cycling and pedestrian links between Malton and Norton and, through them and other highway improvements, the alleviation of traffic congestion and air pollution in our town centres.

At root, we want the people in our towns to be able to freely enjoy an abundance of simple pleasures in a well-supported and fully serviced community. We aspire to culturally rich and vibrant leisure opportunities, including improvement of existing services and the development of new facilities and wellness activities.

We look forward to enjoying two towns which have enjoyed appropriate housing and employment growth and opportunity, within the context of an even higher quality environment, consistent with their status as Ryedale's principal towns.

1.5 Underpinning this vision, the plan defines the following eleven objectives:

- To protect and improve the local environment and particularly the ecological quality of the river corridor.

- To cut congestion and improve air quality.
- To improve connectivity between Malton and Norton.
- To improve access to the river for the community.
- To build upon local distinctiveness in order to enhance the visual quality and appearance of the towns.
- To protect heritage assets.
- To encourage regeneration and redevelopment of vacant plots.
- To capitalise on the history and culture of Malton and Norton to develop the tourism industry.
- To build upon the economic strengths of the towns and address deficiencies in the economy.
- To protect and improve community services and facilities.
- To encourage housing provision that meets local needs.

- 1.6 The NP includes 41 planning policies. These policies are listed in Table 1 below alongside a description as to what each policy does.

Table 1: What each NP planning policy does

Policy Name and Reference		What does this policy do?
Transport Policies		
1	TM1: Protection and Enhancement of Pedestrian, Cycle and Bridleway Networks	<p>Protects the existing footpath, cycleway and bridleway network and sets out ways in which applicable development can contribute to the network.</p> <p>Seeks improvements to the network and identifies seven locations where improvements would be specifically welcome. The policy clarifies any acceptability of proposals is subject to there being no adverse effects on the integrity of the River Derwent SAC.</p> <p>Seeks to contributions to new provision from development likely to increase pedestrian footfall and/or cycle horse rider usage within the network. Policy suggest ways in which developers can enhance the user experience.</p>
2	TM2: New Pedestrian and Cycle River/Railway Crossing	Resists proposals which would prevent the provision of new pedestrian and cycle crossings of the River Derwent and/or the York/Scarborough Railway at three specific locations.
3	TM3: New Vehicular River/Railway Crossing	Resists proposals which would prevent the provision of new road crossings of the River Derwent and/or the York/Scarborough Railway at two specific locations.
4	TM4: Highway Improvement Scheme	<p>Identifies five locations which present opportunities for highways improvements. Policy resists development which would prevent the improvements from coming forward.</p> <p>Requires developers to make provision of transport infrastructure necessitated through the development proposal.</p>
5	TM5: County Bridge Level Crossing	Supports development proposals which would deliver specific (a list of 5) highway management improvements at the County Bridge Level Crossing
6	TM6: Traffic Management Plans	Encourages developers of major development proposals to provide a traffic management plan as part of Construction Management Plan
The River Corridor		
7	RC1: Malton and Norton River Corridor Development	<p>Identifies a list of recreational enhancement works which would be supported in the River Corridor. The list is:</p> <ul style="list-style-type: none"> - A new picnic area - Improved riverside seating - Enhanced footpath, cycleway and bridleway provision - Café/refreshment facilities <p>The policy highlights the environmental sensitivity of the River Corridor and specifies that the acceptability of any proposal is subject to there being no adverse affects on the integrity of the River Derwent SAC.</p>

8	RC2: Regeneration of Land North and South of County Bridge	Supports development-related regeneration on land to the north and south of County Bridge (site is identified on the Proposals Map). Policy does not designate it for development but provides seven criteria should the site be accepted for development via the Local Plan (or otherwise e.g. via an outline planning application) and subject to any adverse affects on the integrity of the River Derwent SAC being ruled out.
The Environment		
9	E1: Protection of Local Green Space	Identifies eight open spaces as Local Green Spaces (protects them as open spaces).
10	E2: Enhancement of Local Green Space	Supports, in principle, development which would result in 'appropriate enhancements' to the Local Green Spaces subject to compliance with other policies in the plan.
11	E3: Open space in new development	This policy applies to proposals which involve provision of new open space as part of new development. The policy encourages development that creatively addresses the provision of equipped children's play areas and public open space.
12	E4: Green Infrastructure	Specifies that development proposals should not harm the function of existing green infrastructure network comprising six different areas: <ul style="list-style-type: none"> - The Derwent Corridor - The Howardian Hills - The Rye Corridor - The Mill Beck Corridor - The Drifffield-Thirsk Disused Railway Line - Westfield Way, Priorpot Beck
13	E5: Gateways	Requires development at the settlement gateways to respect key views
14	E6: Development affecting the Malton AQMA	Requires proposals in or around the Malton AQMA to mitigate potential adverse impacts e.g. provision of electric charging infrastructure and provision of green infrastructure
Community Facilities		
15	CF1: Norton's Swimming Pool	Supports in principle the upgrading of Norton Swimming Pool Due to the location of the swimming pool, the policy includes a caveat clarifying the acceptability of any such development is subject to the proposal not adversely affecting the integrity of the River Derwent SAC.
16	CF2: Malton Community Sports Centre	Supports in principle the development of the community sports centre to provide additional capacity or improved leisure facilities.
17	CF3: Medical Centre Development	Supports the development of a new doctor's surgery or medical centre within the built-up are of either Malton or Norton
Tourism and Culture		
18	TC1: New Museums and Visitor Facilities	Supports in principle new or extended facilities
19	TC2: Orchard Fields	Identifies Orchard Fields as an opportunity for development of visitor facilities. Specifies a requirement to consider known or potential archaeological remains. Requires the submission of a heritage statement alongside any proposal.
20	TC3: Hotel Development	Supports in principle a new hotel along the A64 close to Malton and Norton or within a central location to the two towns.

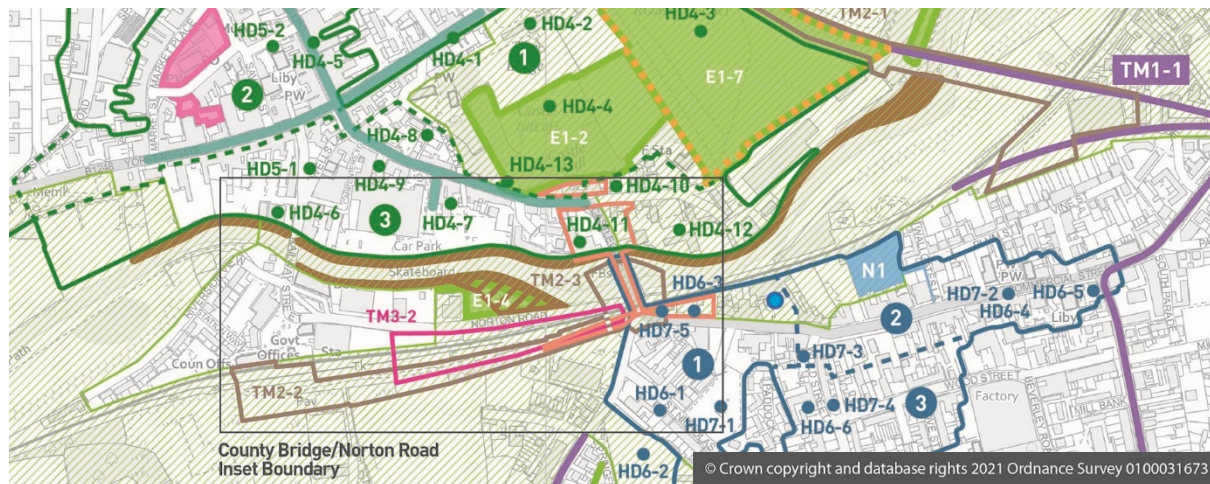
21	TC4: Wentworth Street	Encourages the development of a new hotel with public car park at a specific site along Wentworth Street.
The Horse Racing Industry		
22	HRI1: Protection of Horse Racing Stables	Safeguards existing horse racing stables. Allows for change of use/redevelopment in certain cases.
23	HRI2: Horse Racing Zones and Development	Resists development within a designated horse racing zone (also designated by the plan) which would adversely affect the horse racing zone (e.g in terms of safety of pedestrians, horses etc)
24	HR13: Improved Accessibility to the Horse Racing Industry	Specifies that development within the vicinity of the racing stables, gallops or horse walking routes, will be expected to contribute to (the network) where the development would affect this footpah, cycleway or bridleway network. Policy lists seven locations where improvements are sought.
25	HRI4: Horse Racing Museum	Supports in principle the development of a horse racing museum.
Heritage and Design		
26	HD1: Development and Design – Conservation Areas	Provides design principles for proposals coming forward in the three conservation areas (Malton Town Centre, Norton on Derwent and Malton Old Town).
27	HD2: Development and Design – Area Wide Principles	Provides area-wide principles to be complied with.
28	HD3: Shop Fronts	Provides principles for proposals affecting or creating shop fronts
29	HD4: Malton Town Centre Conservation Area – Enhancement	Identifies specific sites in the Malton Town Centre Conservation Area where enhancements are sought.
30	HD5: Public Realm Improvements within Malton Town Centre Conservation Areas	Supports, in principle, proposals which would lead to public realm improvements. Identifies two locations where public realm improvements are particularly welcomed.
31	HD6: Norton-on-Derwent Conservation Area Enhancement	Identifies specific sites in the Norton-on-Derwent Conservation Area where enhancements are sought.
32	HD7: Public Realm Improvements within the Norton-on-Derwent Conservation Area	Supports, in principle, proposals which would lead to public realm improvements. Identifies five locations where public realm improvements are particularly welcomed.
33	HD8: Malton Old Town Conservation Area – Enhancement	Identifies specific sites in the Malton Old Town Centre Conservation Area where enhancements are sought.
34	HD9: Public Realm Improvements within the Malton Old Town Conservation Area	Supports, in principle, proposals which would lead to public realm improvements.
35	HD10: Area-wide public realm Improvements	Supports, in principle, proposals which would lead to public realm improvements
Archaeology		
36	HD11: Archaeology	Policy specifies required survey and evaluation procedures for proposals involving disturbance of existing ground levels

Housing		
37	H1: Housing Mix	A housing mix policy
Employment		
38	EM1: Encouragement of Local Employment Sectors	Supports in principle uses generating new employment.
Malton Specific Policies		
39	M1: Wentworth Street Car Park	Protects existing car parking provision at Wentworth Street car park.
40	M2: Malton Market Place	Protects existing car parking provision at Malton Market Place.
Norton Specific Policies		
41	N1: Land to the Rear of Commercial Street	Supports regeneration at land to the rear of Commercial Street (site is identified on the Proposals Map) subject to a proposal having no adverse affects on the integrity of the River Derwent SAC.

2 The Scope of this SEA

- 2.1 An SEA Scoping report was prepared in July 2020. During August and the first half of September 2020, the environmental bodies (Environment Agency, Natural England and Historic England) were consulted on this scoping report. Natural England and Historic England responded stating they agreed with the proposed approach to be taken in this SEA albeit Historic England requested that the SEA objective regarding the conservation and enhancement of heritage assets be amended so that it referred to the significance of the heritage assets. The Environment Agency responded by repeating their earlier response that they didn't think the draft NP triggered the need for an SEA. The responses received from the environmental bodies are appended to this report in Appendix 2, 3 and 4.
- 2.2 The SEA Scoping report proposed that this SEA should be restricted to just four policies in the NP. These are:
- RC1: Malton and Norton River Corridor Development
 - RC2: Regeneration of Land North and South of County Bridge
 - CF1 Norton's Swimming Pool, and
 - N1: Land to the Rear of Commercial Street.
- 2.3 These are all place specific policies. They all relate to land areas in the central part of the settlement along the river corridor. The extent of the policies can be seen from the extract below (Figure 2.1) taken from the Proposals Map in the regulation 14 version of the NP.

Figure 2.1: An extract from the Neighbourhood Plan Proposals Map showing the extents of the site specific policies RC1, RC2, CF1 and N1



Selected items from the Map Key:

THE RIVER CORRIDOR

- Malton & Norton River Corridor (ref POLICY RC1)
- Land North and South of County Bridge Regeneration (ref POLICY RC2)

COMMUNITY FACILITIES

- Norton Swimming Pool (ref POLICY CF1)
- Malton Community Sports Centre (ref POLICY CF2)

- 2.4 The four policies were subject to an interim SEA assessment in October 2020. This resulted in the production of the SEA Interim Environmental Report the NP group could consider before finalising the Regulation 14 NP. At the same time, the NP had been subject to HRA assessment. The wording of the four policies has changed since July 2020 to take into account the findings of both the SEA and HRA. The Regulation 14 versions of the policies are provided below.

Policy RC1 – Malton & Norton River Corridor Development (Reg 14 version)

The following types of development proposals within the Malton and Norton River Corridor, as identified on the Neighbourhood Plan Proposals Map, will be supported:-

-Recreational enhancement works to include:-

- *A new picnic area*
- *Improved riverside seating*

-Enhanced footpath, cycleway and bridleway provision along the river frontage

-Café/refreshment facilities

The acceptability of any such development is subject to there being no adverse effects on the integrity of the River Derwent Special Area of Conservation.

Development is also subject to:

- The satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency;
- The conservation or enhancement of the significance of heritage assets within the defined river corridor, including their settings, as applicable;
- The maintenance or enhancement of existing landscape quality within the defined river corridor.

Policy RC2: Regeneration of Land North and South of County Bridge (Reg 14 version)

Development-related regeneration on land to the North and South of County Bridge, as shown on the Neighbourhood Plan Proposals Map, will be supported.

In the event that the principle of any such development on this site is accepted via the Local Plan or otherwise, and subject to any adverse effects on the integrity of the River Derwent Special Area of Conservation being ruled out, development of this site will be supported, subject to:

- No residential or other vulnerable use (in terms of flood risk) coming forward on this land and subject to development meeting the sequential test and where applicable the exceptions test in line with national policy;
- The preservation and/or enhancement of the character and appearance of the Malton Town Centre and Norton-on- Derwent Conservation Areas within which the site is located;
- The conservation or enhancement of the significance of heritage assets, including their setting, as applicable;
- The maximisation of opportunities to improve pedestrian, cycle and motorised vehicular access across the River Derwent and the York-Scarborough Railway Line;
- The incorporation of low emission measures to ensure that the overall impact on AQMA air quality is mitigated;
- The retention/replacement of Yorkshire Water's site access;
- The retention/replacement of the on-site public conveniences.

CF1: Norton's Swimming Pool (Reg 14 version)

Development of Norton Swimming Pool to provide additional capacity or improved leisure facilities for the benefit of the community, including its upgrading, extension or replacement, will be supported.

Consideration should be given to the need for any additional off-road car parking provision to serve any enhanced facility.

The acceptability of any such development is subject to there being no adverse effects on the integrity of the River Derwent Special Area of Conservation.

N1: Land to the Rear of Commercial Street (Reg 14 version)

Regeneration of land to the rear of Commercial Street, as identified on the Neighbourhood Plan Proposals Map, including the development of a public car park, with associated service access to the rear of commercial properties in Commercial Street, will be supported.

Residential development or other vulnerable uses will not be supported in this location.

The acceptability of any development supported by this policy is subject to there being no adverse effects on the integrity of the River Derwent Special area of Conservation.

Environmental topics covered in this SEA

- 2.5 The SEA Regulations requires the environmental report to provide information on the relevant aspects of the current state of the environment. Because this SEA is focused on assessing the impact of four place specific policies, this section of the report focuses on the environmental baseline applicable to the central part of the NP area and on those topics as agreed at the scoping stage of this SEA.
- 2.6 The following topics are therefore covered in current environmental baseline which is described in detail in Chapter 3.
- Exploring places specific characteristics affected by policies RC1, RC2, CF2 and N1
 - Biodiversity, Fauna and Flora – in the central part of the plan area along the River Corridor see Figure 2.1
 - Population
 - Health
 - Air Quality
 - Climatic Factors and
 - Cultural Heritage

Assessing Alternatives

- 2.7 The SEA Regulations require that as part of the assessment an outline of the reasons for selecting the alternatives (e.g. the policies in the agreed Neighbourhood Plan compared to other policies) are provided. In the SEA scoping report, it was proposed that in understanding available alternative approaches or policies to the NP group, consideration should not be given to an alternative NP vision or an alternative set of NP objectives as provided in the draft NP. The reason for this is that there is a high degree of compatibility between the NP vision, the NP objectives and the Local Plan Strategy 2013 objectives. One of the basic conditions which applies to Neighbourhood Plans at its examination stage is that the NP is in broad conformity with the strategic policies of the Local Plan. It therefore would fall outside the scope of this SEA to consider an alternative NP vision or alternative NP objectives to those proposed in the draft NP.
- 2.8 The SEA scoping report therefore reasoned that the reasonable alternatives to the proposed approach in the NP that should be included in the SEA assessment are quite limited in scope and will be focused on looking at alternative ways of realising the NP vision and objectives to the approach taken in the four policies RC1: Malton and Norton River Corridor Development, RC2: Regeneration of Land North and South of County Bridge, CF1 Norton's Swimming Pool and N1: Land to rear of Commercial Street. Alternatives could include:
- removal of some or all of these policies given that it is these policies that have triggered potential impacts on the European sites as part of the initial HRA screening (and it was this, in turn, that triggered a need for an SEA);
 - looking at alternative policy wording and alternative wording in the supporting text; and
 - incorporating the changes proposed by the HRA appropriate assessment

- 2.9 Alternative policy wording including the incorporation of changes identified through the interim SEA assessment and the HRA assessment to date has been considered as part of this SEA. The adoption of the policy wording provided in the Regulation 14 NP has resulted in the removal of all potentially (albeit uncertain) significant negative effects.
- 2.10 The removal of the policies RC1, RC2, CF1 and N1 has not been considered as being necessary and has therefore not been the subject of detailed assessment in this SEA. It is however logical to conclude that the removal of the policies would result in removal of both the positive and negative effects set out in appendices 5a, 5b, 5c and 5d (see the non-technical summary for an overview of the effects) as well as the one uncertain but potentially significant effect with respect to public realm improvements in the NP area.

3 The Environmental Baseline.

Place specific characteristics applicable to Policies RC1, RC2, CF1 and N1.

RC1: Malton and Norton River Corridor Development

3.1 The policy relates to the area annotated as RC1 in Figure 2.1 above. Policy RC1 stretches along a section of the River Derwent in the central part of the two settlements of Malton and Norton on Derwent as follows:

- the north and south banks of the River Derwent to the west of County Bridge and
- on the northern bank only to the east of County Bridge.

3.2 The River Derwent Special Area of Conservation (SAC) runs along the entirety of the river corridor in the NP area with a small interruption (where there is no SAC designation) in this central part of the River Corridor. Most of Policy RC1 is not also designated as SAC (see Figure 3.4). However, the SAC designation starts at both the east and west end of Policy RC1.

RC1 river corridor to the west of County Bridge:

- 3.3 Currently the southern side of the proposed RC1 designation on the western side of County Bridge is designated as public open space by Policy SP11 in the Local Plan. The northern side of the proposed RC1 designation (on the west side of County Bridge) falls in the southern boundary of the Malton Conservation Area.
- 3.4 There is currently a public footpath 25.70/4/1 which runs along the southern bank of the River Derwent up to the County Bridge – see Figure 3.3
- 3.5 Current land uses along the proposed corridor of Policy RC1 on the southern side of the river include (working from the western extent), public open space (including a playground and public footpath 25.70/4/1) and vegetation along the river corridor. Abutting the extent of RC1 and working from the west are a residential property, the bridge at Railway Street, a series of industrial buildings/business units including the bus depot, a picnic area, and road infrastructure (Norton Road) leading up to the County Bridge at Castlegate.
- 3.6 Current land uses along the proposed corridor of Policy RC1 on the northern side of the river is limited vegetation alongside the river corridor only. Abutting the RC1 corridor is (working from the western extent) car parking serving large retail units including Morrisons supermarket and then residential properties. There is a public right of way (footpath number 25.60/44/1) that leads from Castlegate through the middle of the Morrisons car park to the River Derwent.

RC1 river corridor to the east of County Bridge

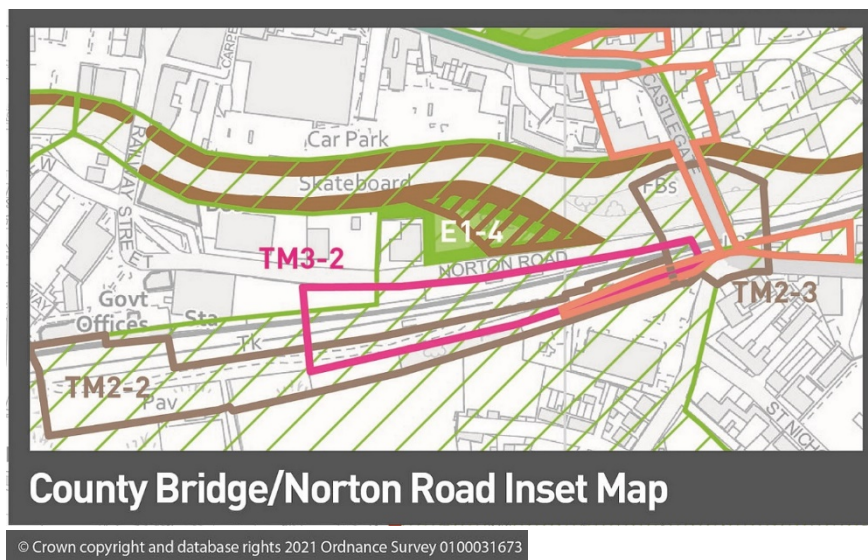
- 3.7 The RC1 designation on the eastern side of County Bridge overlaps partly with the extent of a much larger area designated in the Local Plan as a Visually Important Undeveloped Area (under Policy SP16).
- 3.8 There is no public footpath on the eastern side of County Bridge.

- 3.9 Current land uses along the proposed corridor of Policy RC1 on the northern side of the river again is limited to vegetation alongside the river corridor. Abutting the extent of RC1 and working from the west from Castlegate, there are a series of industrial units followed by undeveloped greenfield land including Willow Woods.

Policy RC2: Regeneration of land north and south of County Bridge:

- 3.10 To assist with understanding this policy, Figure 3.1 below provides a close up view of its extent. This is an extract from the Proposals Map to the Regulation 14 NP. The extent of RC2 is the peach coloured line crossing the County Bridge, together with a long area of land to the south alongside the railway line and a larger area to the north including buildings along Castlegate. The designation falls within the Malton Town Centre conservation area on the northern side of the river and in the Norton on Derwent conservation area on the southern side of the river.

Figure 3.1: Extract taken from Reg 14 Neighbourhood Plan Proposals Map showing the extent of Policy RC1 and RC2



Selected items from Map Key:

THE RIVER CORRIDOR

- Malton & Norton River Corridor (ref POLICY RC1)
- Land North and South of County Bridge Regeneration (ref POLICY RC2)

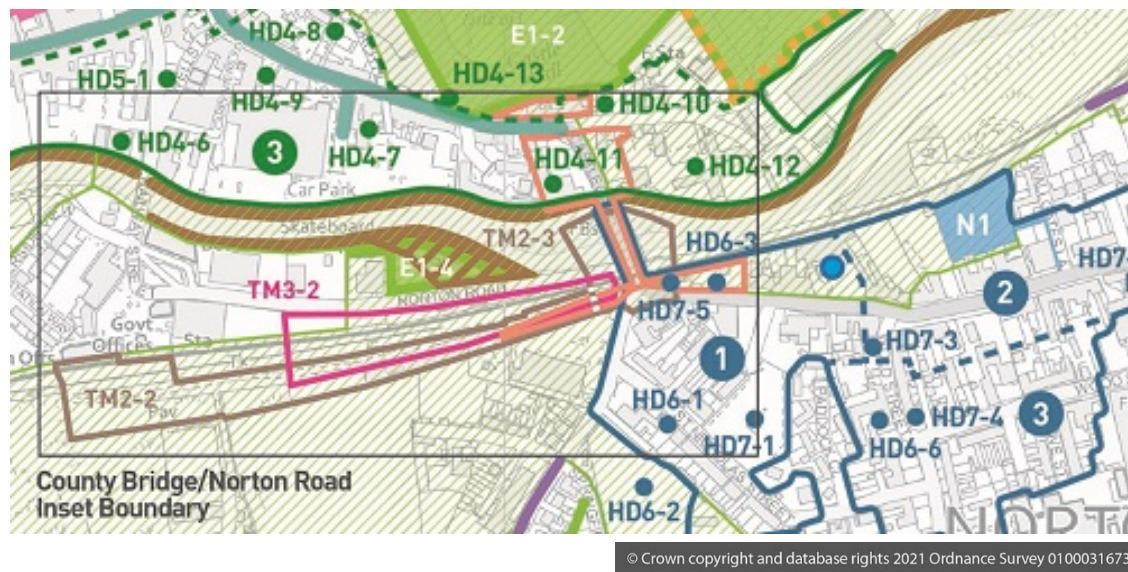
Policy CF1: Norton Swimming Pool:

- 3.11 CF1 relates to the current site of Derwent Swimming Pool. This is where the blue dot is in the Figure 3.2 Derwent Swimming Pool is located on the southern side of the river on Church Street. The wording of the policy is in italics above.

Policy N1: Land to the Rear of Commercial Street:

- 3.12 Site specific policy N1 is also located south of the river and further east from the swimming pool. It is shown below in Figure 3.2.

Figure 3.2: NP proposals map showing the extent of N1 and CF1. Extract taken from Reg 14



Selected items from Map Key:

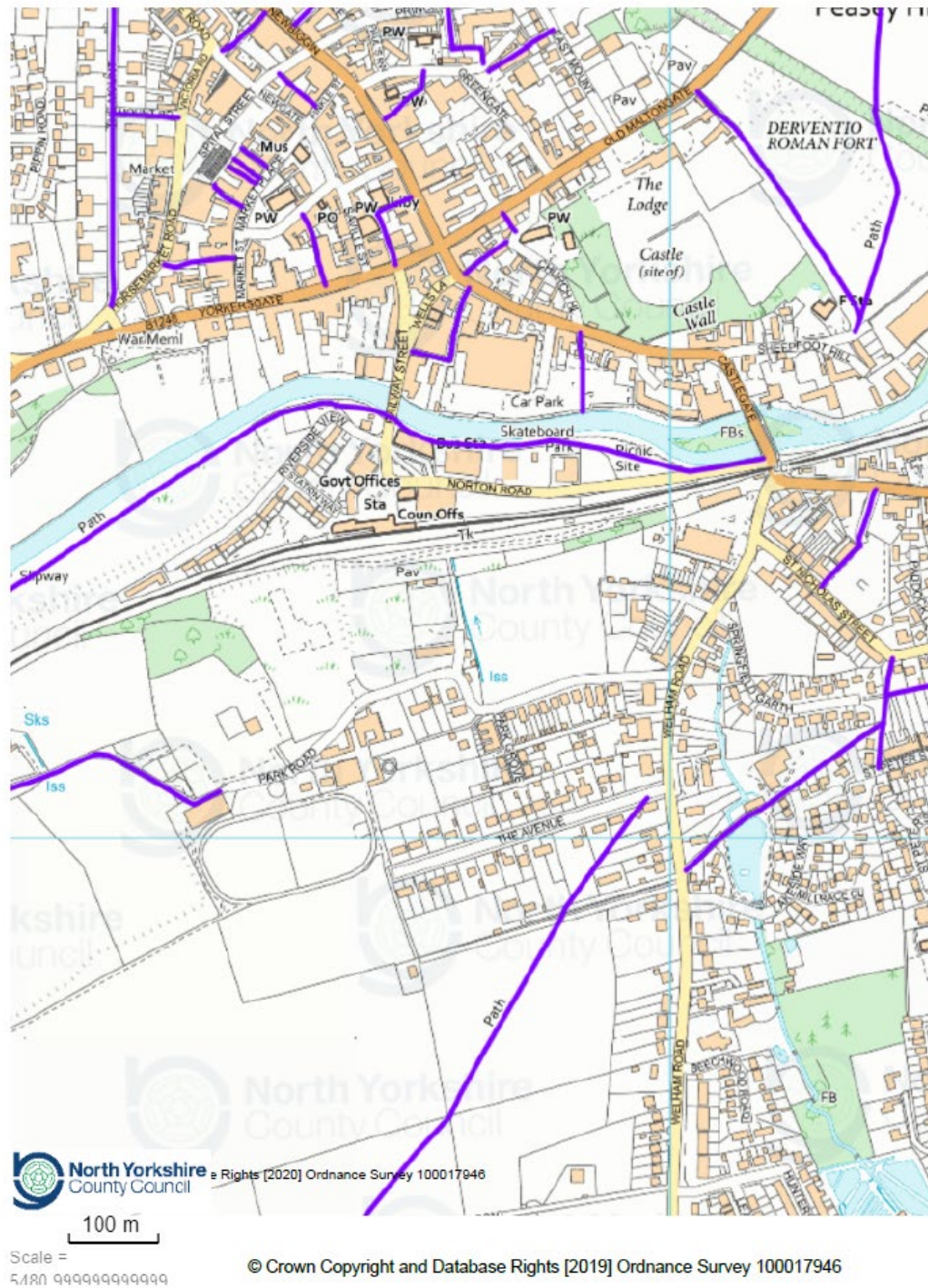
COMMUNITY FACILITIES

- Norton Swimming Pool (ref POLICY CF1)
- Malton Community Sports Centre (ref POLICY CF2)

Figure 3.3: Public Rights of way in Malton and Norton town centre/river corridor area. Screen shot taken September 2020 from interactive public rights of way map available at <https://www.northyorks.gov.uk/definitive-map-public-rights-way>

1-October-2020

Public Rights of Way in Malton and Norton close to River Derwent



Biodiversity, Fauna and Flora

- 3.13 There are three very important current environmental designations in the plan area. These are:
1. The River Derwent Special Area of Conservation runs through the plan area; it runs along the boundary between the two civil parishes of Malton and Norton. See Figure 3.4 below.
 2. The River Derwent Special Site of Scientific Interest run through the plan area: it runs along the boundary between the two civil parishes of Malton and Norton. See Figure 3.5 below.
 3. The Howardian Hills Area of Outstanding Natural Beauty lies adjacent to the NP area, to the west in the neighbouring parish of Broughton.

The River Derwent Special Area of Conservation (SAC)

- 3.14 A SAC is an area identified by the UK government as being of European level importance for the protection of specific species (220 habitats and approximately 1000 species listed in the European Union Habitats Directive (92/43/EEC). They are therefore protected and the UK government is responsible for ensuring appropriate conservation measures are in place. The River Derwent SAC has been identified because:

- It provides the following important habitat – Water courses of plain to montaine levels with the *Ranuncilion fluitantis* and *Callitricho-Batyrachion* vegetation (Rivers with floating vegetation often dominated by water-crowfoot)
- It hosts the following protected species in Annex II of the European Directive (92/43/EEC)? Bulhead Bullhead *Cottus gobio*, River lamprey *Lampetra fluviatilis*, Otter *Lutra lutra* and Sea lamprey *Petromyzon marinus*

The River Derwent Special Site of Scientific Interest (SSSI)

- 3.15 A SSSI is a national designation given to sites by Natural England deemed to have special conservation value. There is a citation published by Natural England which explains the reasons why the River Derwent is so valued. The citation is available to access directly at <https://designatedsites.naturalengland.org.uk/> The citation give the following description for the River Derwent SSSI.

The Yorkshire Derwent is considered to represent one of the best British examples of the classic river profile. This lowland section, stretching from Ryemouth to the confluence with the Ouse, supports diverse communities of aquatic flora and fauna, many elements of which are nationally significant.

Fed from an extensive upland catchment, the lowland course of the Derwent has been considerably diverted and extended as a result of glacial action in the Vale of Pickering.

*In contrast to the upland reaches this section of the river is rich in nutrients and relatively unpolluted and supports an aquatic flora uncommon in Northern Britain. Several species, including river water-dropwort *Oenanthe fluviatilis*, flowering rush *Butomus umbellatus*, shining pondweed *Potamogeton lucens*, arrowhead *Sagittaria sagittifolia*, opposite-leaved pondweed *Groenlandia densa* and narrow-leaved water-parsnip *Berula erecta* are typically found in lowland rivers in southern England, and several occur here near their north-eastern limit in Britain. The presence of the unbranched bur-reed *Sparganium emersum* and yellow water-lily *Nuphar lutea* add to the floral interest.*

*The exceptionally rich assemblage of invertebrates reflects their affinities with the communities of the southern slow-flowing rivers. Species of particular interest include the mayflies *Baetis**

buceratus, Heptagenia fusogrisea and Brachycerus harisella, and a stonefly Taeniopteryx nebulosa. Eleven species of dragonfly have been recorded including the banded agrion Agrion splendens at its most north-easterly site in the country.

The river is also noted for its diversity of fish species, which include or have included the bleak, ruffe and burbot. The presence of these European species reflect the Derwent's geographical position at the end of the Ice Age when migration of fish from the Rhine and other European rivers was possible across the North Sea which, at that time, was a fresh-water lake.

The riverine habitat also supports an excellent breeding bird community including common sandpiper, dipper, kingfisher, and yellow and grey wagtails. During the winter the Lower Derwent is vital in maintaining the internationally important population of Bewick's swans association with the adjacent Derwent Ings. The Derwent is also one of the few rivers in lowland Britain which still supports a breeding population of otters.

- 3.16 The condition of SSSIs are assessed by Natural England. There are six reportable condition categories: favourable; unfavourable recovering; unfavourable no change; unfavourable declining; part destroyed and destroyed. The current status (as at September 2020) of the River Derwent SSSI as a whole is 94% unfavourable recovering, 5.6% favourable and 1% unfavourable no change. Unfavourable recovering means that the extent of the SSSI is not yet fully conserved but all the management mechanisms are in place for this to take place. So long as the recover work is sustained the site will be expected to reach a favourable condition.
- 3.17 Without the Malton and Norton on Derwent NP coming forward the River Derwent SSSI can be considered to be in a good position to reach a good conservation status.

The Howardian Hills Area of Outstanding Natural Beauty

- 3.18 It is not considered necessary to examine the condition of the Howardian Hills AONB as part of the environmental baseline for this SEA because the policies in the plan which are triggering the need for an SEA area will have no impact on this area of the plan area.

Figure 3.4: Extract from Magic Map showing the extent of the River Derwent SAC and its path through the plan area.

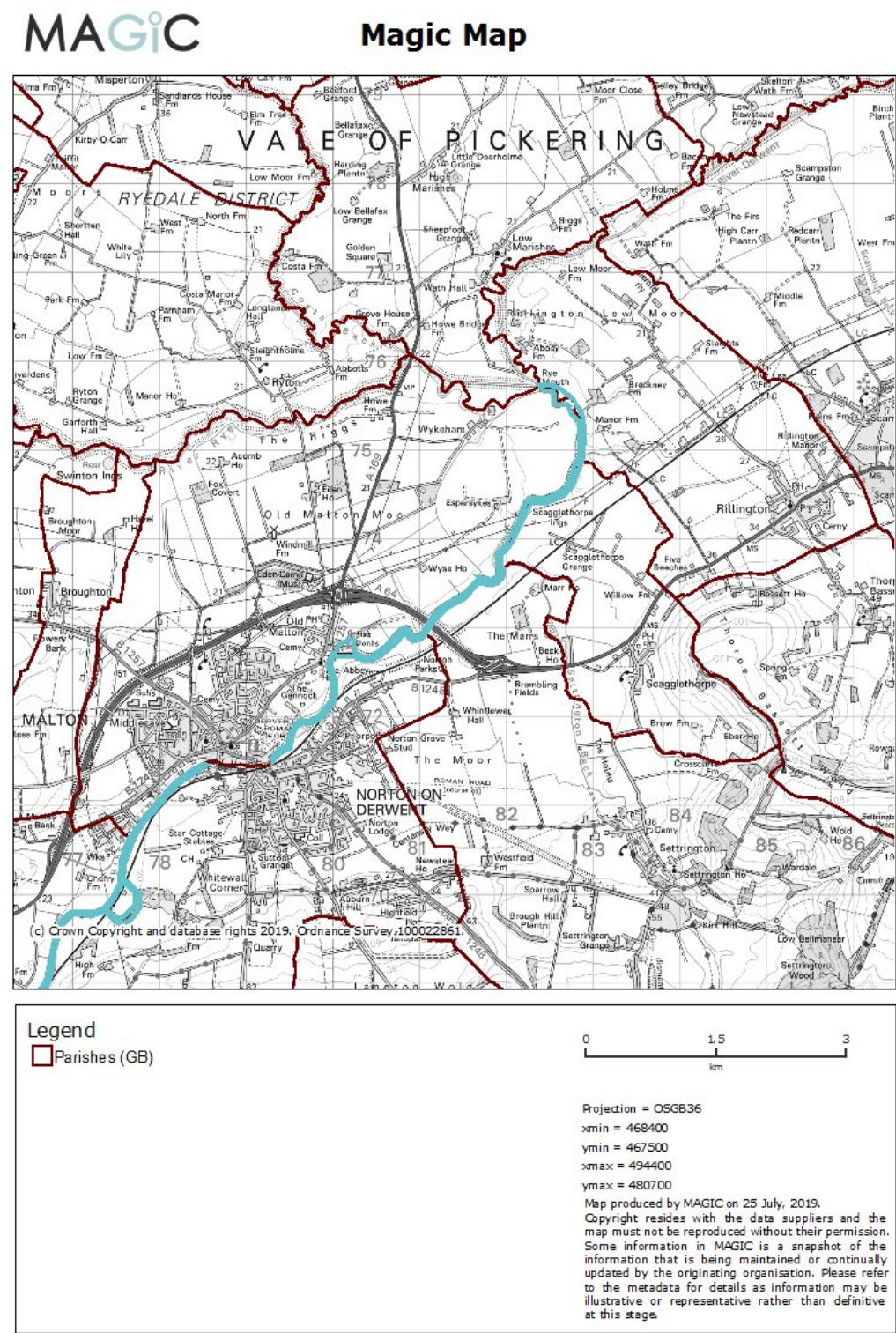
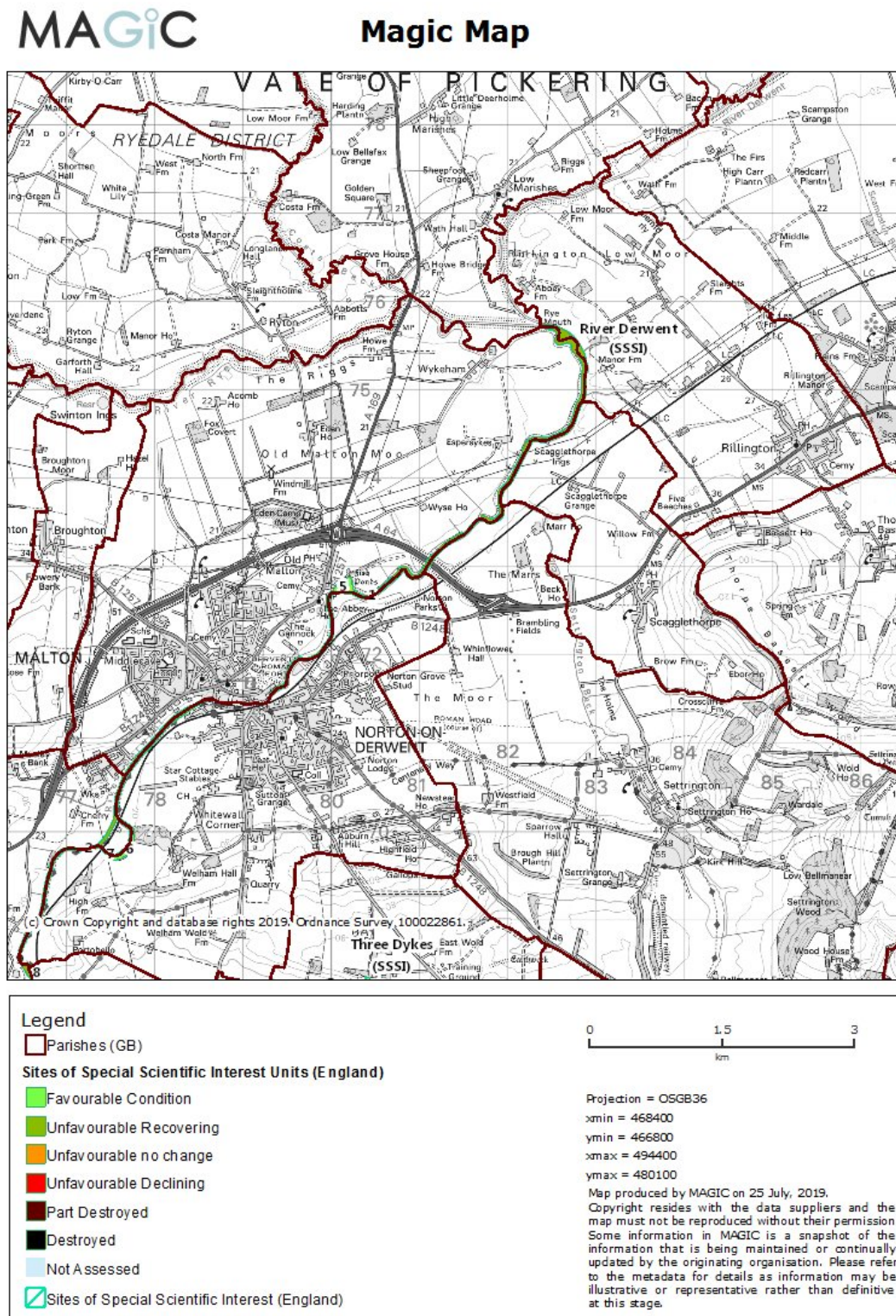


Figure 3.5: Extract from Magic Map showing the extent of the River Derwent SSSI and its path through the plan area.



Other Fauna:

- 3.19 The plan area is known to be host to the following species at magic.gov.uk (28 July 2019):
- 1) Corn Bunting, Curlew and Lapwing (all priority species for CS Targeting and grassland

assemblage farmland birds) 2) Grey Partridge, tree sparrow and yellow wagtail (grassland assemblage farmland birds) and 3) Bats (one recorded granted European species application in Malton).

- 3.20 Other Flora: recorded at www.magic.gov.uk (28 July 2019), the Civil parish of Malton includes coastal and floodplain grazing marsh along the River Rye on the northern boundary, an area of good quality semi improved grassland in the north east and small area of wood pasture and parkland. The Civil parish of Norton on Derwent includes an area of coastal and floodplain in the north east. Both civil parishes include an area of lowland Fen along the River Derwent SSSI covering a small area in both civil parishes just to the south of Sheepfoot Hill, areas of deciduous woodland, areas of broadleaved woodland and areas of young trees. There are also small areas of traditional orchards.

Key issue to look out for in this SEA

- **How will the proposed NP policies impact the River Derwent SAC and River Derwent SSSI?**

Population

- 3.21 According to the Census 2011, the population in Norton on Derwent is 7,387 (nomisweb.co.uk) and the population in Malton is 4,888 (nomisweb.co.uk).
- 3.22 The SEA/SA report for the Ryedale Local Sites document published in October 2017 notes the following concerns which are applicable to the population.
- Ability of social and physical infrastructure to cope with additional development due to timing, in particular transport and schools.
 - Traffic congestion through the towns.

Human Health

- 3.23 As part of the Census undertaken in 2011, residents in Malton and Norton parishes were asked to assess whether their health was very good, good, fair, bad or very bad. The outcome of this self-assessment was:

Malton (of 4,888 residents in the parish)

- 41% were in very good health
- 37.1% in good health
- 16.1% in fair health
- 4.6% in bad health and
- 1.2 % in very bad health.

Norton (of 7,387 residents in the parish)

- 46.4% were in very good health
- 35.5% were in good health
- 13.2% were in fair health

- 3.6% were in bad health
- 1.4% were in very bad health

3.24 People were also asked if they had a long-term health problem or disability that limits a person's day-to-day activities, and has lasted, or is expected to last, at least 12 months. This includes problems that are related to old age. The outcome of this question was that:

Malton

- 80% of residents were not limited in their day to day activities
- 11.3% had their day to day activities limited a little
- 9% limited a lot.

Norton

- 83.1% of residents were not limited in their day to day activities
- 8.8% had their day to day activities limited a little
- 8.1% limited a lot

3.25 Also recorded in the Census 2011 is the number of households that included one person in the household with a long-term health problem or disability.

- In Malton, 27.8 % households in Malton Parish included one person in the household with a long term health problem or disability.
- In Norton on Derwent, 25.1% of households included one person with a long term problem or disability

Access to Open Space

3.26 The Open Spaces, Sport and Recreation Study completed in 2007 for Ryedale District Council is the latest information available on open space provision across the district. This study identified the following deficiencies in the Malton and Norton area:

- In terms of parks and market town amenity space, the Malton and Norton area was found to have good provision at 1.20 hectares per 1,000 population (better than the district average of 0.91 hectares per 1,000 population).
- In terms of access to natural and semi-natural open space, the Malton and Norton area is served by a 83.6 hectare site at Hildenlay Wood. However, despite this provision, 28% felt there to be insufficient natural and semi natural open space.
- There is current deficient provision for children and young people in the Malton and Norton area. The Malton and Norton area has both the smallest number of facilities and the lowest level of provision per 1,000 population when compared with other areas in the district. At the time of the study, there were just 0.42 facilities per 1,000 population where as the average provision in the district is 0.79 per 1,000 population and the recommended standard of provision stated in the report is 0.85 facilities per 1,000 population. It is unclear whether since 2007 there has been any new provision (refer below to 2018 Infrastructure Delivery Update).

3.27 The 2018 Infrastructure Delivery Update published by Ryedale reports continued quantitative and qualitative deficiencies in some open space typologies with no improvements having been delivered.

Key issue to look out for in this SEA

- **How will the proposed NP policies impact on open space provision serving Malton and Norton?**

Air quality

- 3.28 An Air Quality Management Area was declared by Ryedale District Council in 2009 to reduce ambient levels of nitrogen dioxide in Malton. The area designated is the junction of Yorkersgate and Castlegate and extends approximately 400 metres along the roads in four directions from this junction. The aim is to reduce annual mean concentrations, so they do not exceed 40 µg/m³.
- 3.29 The poor air quality is traffic related. The Malton Air Quality Management Plan included a commitment to upgrade the junction on the A64 Malton by-pass (referred to as the Brambling Fields
- 3.30 Interchange Junction improvements) to allow traffic to avoid driving through the Malton Air Quality Management Area. The junction was delivered in September 2014. Air quality in the area has since been measured and are reported on annually by Ryedale District Council. The most recent report the 2019 Air Quality Annual Status Report (ASR) was made available in 2019 on the Council's website. This reports the following:
- Concentrations of NO₂ at all monitoring sites within the AQMA have shown a general downward trend since 2012/13
 - The health-based annual mean NO₂ objective of 40µg/m³ was not exceeded at any monitoring location in 2018 (including all monitoring locations with the current AQMA).
 - The highest annual mean concentration of NO₂ monitored within the Malton AQMA during 2018 was 33µg/m³ at sites 2 (Wheelgate) and 9 (Yorkersgate). The highest annual mean concentration of NO₂ monitored outside the Malton AQMA Ryedale District Council LAQM Annual Status Report 2019 iii was 24µg/m³ at site 15 (Sherburn), well below the health based objective of 40µg/m³.
 - The number of exceedances of the annual mean NO₂ objective in the AQMA has gradually fallen between 2012 and 2018 (7 exceedances in 2012, 3 in 2013, 2 in 2014, 1 in 2015 and no exceedances in 2016, 2017 or 2018).
- 3.31 It also reports that whilst there have been no exceedances of the annual mean NO₂ objective within the Malton AQMA in the proceeding 3 years, it is anticipated there will be increases in queuing related congestion at the level crossing in line with doubling of rail services in 2019. However, to date, this doubling in rail services has not taken place and the rail services have been impacted in 2020 by the Covid-19 pandemic. Ryedale District Council will continue to keep the AQMA under review until it can be demonstrated that compliant concentrations are stable over a sustained period. Should pollution levels remain well below health-based objectives post doubling of rail services later in 2019, parts of the AQMA will be considered for revocation.
- 3.32 The 2019 ASR reports that the completion of the Brambling Fields Interchange Junction has contributed significantly to the reduction in emission rates. The Air Quality Action Plan however includes a range of further measures. This includes:

- River Derwent in Malton
- Mill Beck and Norton Mill Beck Screen
- Priorpot Beck at Norton Priorpot Beck

- 3.35 Where an area falls within flood zone 3, this means that each year there is a risk of the area flooding at greater than 3.3%. Where an area falls within flood zone 2, this means that each year there is a risk of the area flooding at between 1% and 3.3%. Flooding incidents have occurred in the two towns in the past.
- 3.36 The Northeast Yorkshire Strategic Flood Risk Assessment (2006) provides more detail on the areas of flood risk. This SFRA was updated in 2012. Drawing number 10.2 to this SFRA (listed as PPS25 Malton and Norton flood plain delineation zone on the Ryedale website (accessed September 2020 <https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html>) shows the delineation of flood risk in the centre of Malton and Norton.

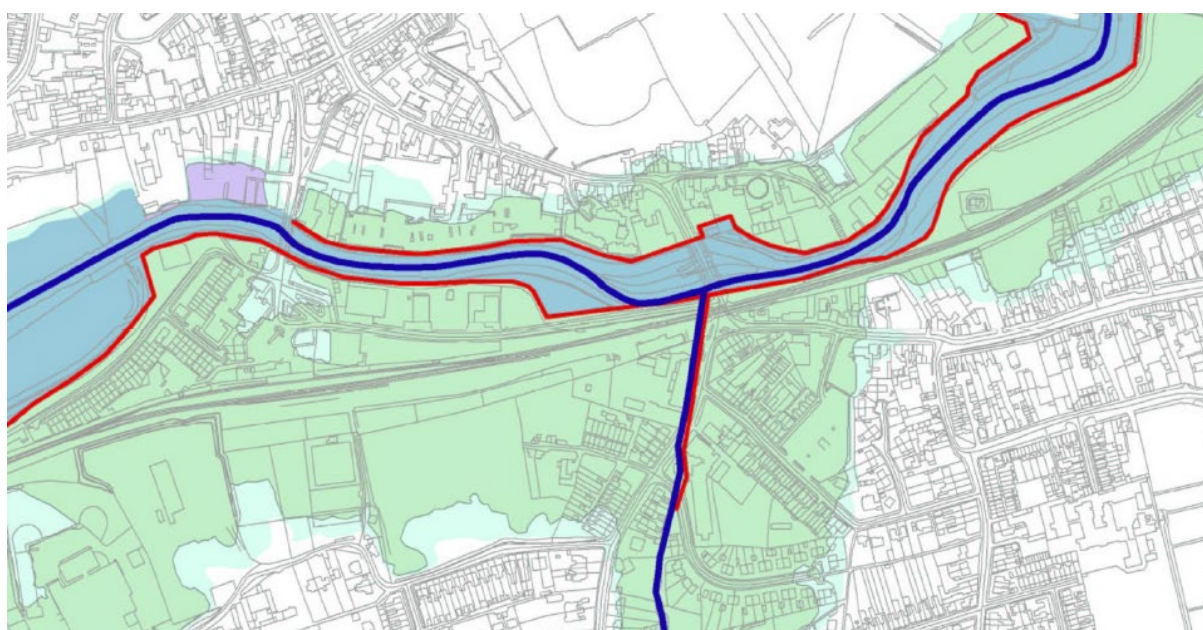


Figure 3.7 Extract focusing on central Malton and Norton from the Northeast Yorkshire Strategic Flood Risk Assessment (SFRA) update 2010

- 3.37 The figure above is an extract taken from drawing number 10.2 to the SFRA. The light blue area (following the river corridor) shows the area which falls within fluvial flood zone 3b and the area surrounding this (in light green) is in flood zone 3a.

Policies RC1, RC2, CF2 and N1 and flood risk

- 3.38 The entirety of the extent of RC1 appear to lie in the functional flood plain. This is denoted as zone 3b in Drawing 10.2 in the 2010 update to the Northeast Yorkshire Strategic Flood Risk Assessment (listed as PPS25 Malton and Norton flood plain delineation zone on the Ryedale website (accessed September 2020 <https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html>) The area borders flood zone 3aiii where 3aiii denotes *areas at high risk of flooding which*

are currently defended to the appropriate minimum standard for existing development as defined by Defra (annual probability of 2% for fluvial flooding and 1 % for flooding from the sea) but are not defended to the appropriate minimum standard for new development as defined by PPS25 (annual probability of 1% for fluvial flooding and 0.5% for flooding from the sea).

- 3.39 Site specific designation RC2 (land to the north and south of County Bridge) lies in flood zone 3a_{ii} and flood zone 3a_{iii}.
- 3.40 Norton Swimming Pool which is the subject of Policy CF1 is one of few river corridor sites which does not lie in a flood zone.
- 3.41 Site specific designation N1 (Land to the rear of Commercial Street) lies in flood zone 3a_{ii}.

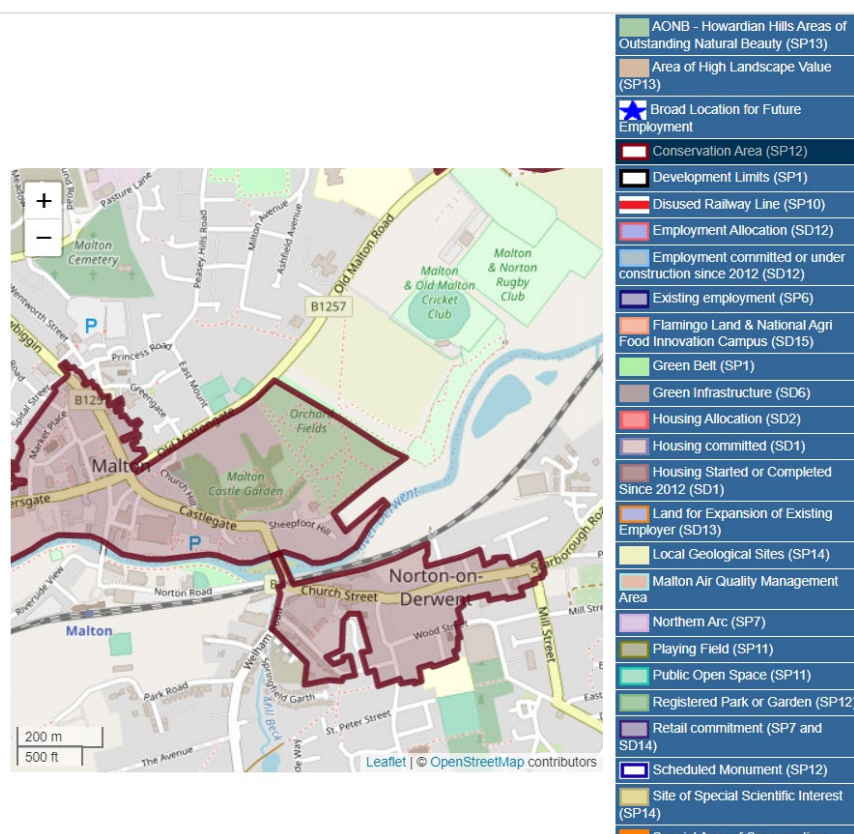
Key issue to look out for in this SEA

- **How will the proposed NP policies impact on current fluvial flood risk in the plan area?**

Cultural Heritage

3.42 The plan area is very rich in built-heritage assets. The plan area includes three conservation areas (Malton Town Centre, Norton-on-Derwent and Malton Old Town). The screen shot below shows the extent of the Malton Town Centre Conservation Area and the Norton-on-Derwent conservation area in the area close to the policies that are the focus of this SEA.

Figure 3.8 Malton and Norton Conservation Areas - Screenshot taken from the Ryedale Interactive Local Plans Map at www.ryedale.gov.uk Sept 2020



Heritage assets in central plan area close to RC1, RC2, CF1 and N1.

- 3.43 This SEA focuses on the central area of Malton and Norton where the site specific designations relating to policies RC1: Malton and Norton River Corridor Development, RC2: Regeneration of Land North and South of County Bridge, CF1 Norton's Swimming Pool, and N1: Land to the Rear of Commercial Street are located.
- 3.44 In this central area, there is a concentration of heritage assets, with the vast majority located on the northern side of the river. The two scheduled monuments and statutorily listed buildings along Yorkersgate, Malton Bridge, Castlegate, Sheepfoot Hill, Well's Lane, Yorkersgate, Owston's Wharf, and Railway Street are listed below.

Scheduled monuments:

- Site of Malton Castle – see Figure 3.9

- Roman Fort – see Figure 3.10

Grade II*

- Forecourt walls, piers, gates and railings to the front of York House (Yorkersgate)
- York House (Yorkersgate)
- Talbot Hotel (Yorkersgate)
- Retaining wall and steps for the main terrace to the west of Talbot Hotel (Yorkersgate)
- Garden walls and gateways to west of Talbot Hotel (Yorkersgate)
- Pedimented archway and wall on north side of Yorkersgate

Grade II listed buildings and structures:

- Malton Bridge

Castlegate (southern)

- 82 and 82A Castlegate
- 76 Castlegate
- 78 Castlegate
- 72 Castlegate
- 68 and 70 Castlegate
- 18 and 20 Castlegate
- 14 and 16 Castlegate
- 10 and 12 Castlegate
- 94 – 96 Castle Gate
- 88 Castle Gate

Castlegate (northern)

- Maltings at Joshua Tetley and Sons Ltd.
- 1, 3 and 5 Castlegate
- 15 and 17 Castlegate
- 19 and 21 Castlegate
- 25 and 27 Castlegate
- Castledykes
- 37 Castlegate
- 45 Castlegate
- 47 Castlegate
- 51 and 52 Castlegate

Sheepfoot Hill

- Sheepfoot Hill Number 104 and attached outbuildings to West
- King's Mill

Wells Lane

- 4 Wells Lane
- 6 Wells Lane
- St Marys Community Centre
- Baptist Church
- Hall
- R Yates and Sons

Yorkersgate (south)

- The New Globe Public House
- 5 and 5a Yorkersgate
- 7 and 7a Yorkersgate
- 9 Yorkersgate

- 11 Yorkersgate
- 13 Yorkersgate
- 15, 17 and 17s Yorkersgate
- The George Public House
- 25 Yorkersgate
- National Westminster Bank
- 29 to 30 Yorkersgate
- Garden steps linking the upper and middle terrace to the rear (south) of York House
- Terrace wall, with garden steps and grotto, between the middle and lower terraces to the rear of York House
- Eastern Garden Wall to York House
- 43 Yorkersgate
- Garden wall extending southwards from the south east corner of the Talbot Hotel
- Garden wall extending south of the Talbot Hotel on the line of Malton's medieval town wall

Yorkersgate (north)

- 46, 48 and 50 Yorkersgate
- 40 and 42 Yorkersgate
- 38 Yorkersgate
- Assembly Rooms, the Milton Rooms
- 34 Yorkersgate
- 32 Yorkersgate
- Number 30 and Railings attached to front steps
- The Gate Public House
- 2 and 4 Yorkersgate

Owston's Wharf

- Warehouse approximately 80 metres south of number 37 on Owston's Wharf

Railway Street

- Brandsby Agricultural Traders' Association
- K6 Telephone Kiosk
- Railway Bridge
- Malton Station

3.45 Further east, on the southern side of the River Derwent and close to the site-specific designations N1 (Land to the rear of Commercial Street) and CF2 (Norton Swimming Pool), there are a further two listed buildings.

Grade II listed

- 3 Scarborough Road
- 49 Commercial Street

There are several more heritage assets south of the river in the civil parish of Norton but they are not listed here as they are not considered to be close (and therefore potentially impacted by) to those NP policies that fall within the scope of this SEA (RC1, RC2, CF2 and N1). As far as this SEA is concerned they are therefore considered to be of limited relevance.

3.46 In addition to the built heritage assets there is also records of extensive archaeological remains from the pre-historic, Romano-British, Medieval and Post-Medieval periods. These can be seen in Appendix 3 to the Neighbourhood Plan.

Figure 3.9 Site of Malton Castle Extract taken from interactive mapping at www.historicengland.org.uk

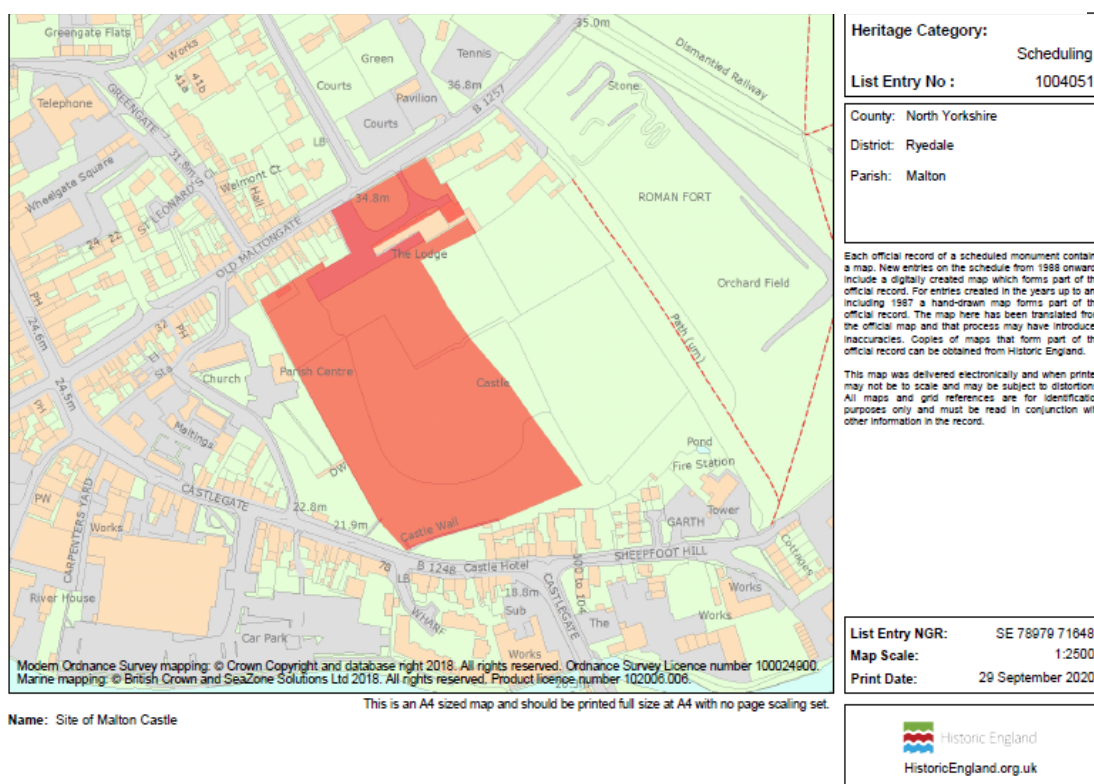


Figure 3.10 Roman Fort - Extract taken from interactive mapping at www.historicengland.org.uk

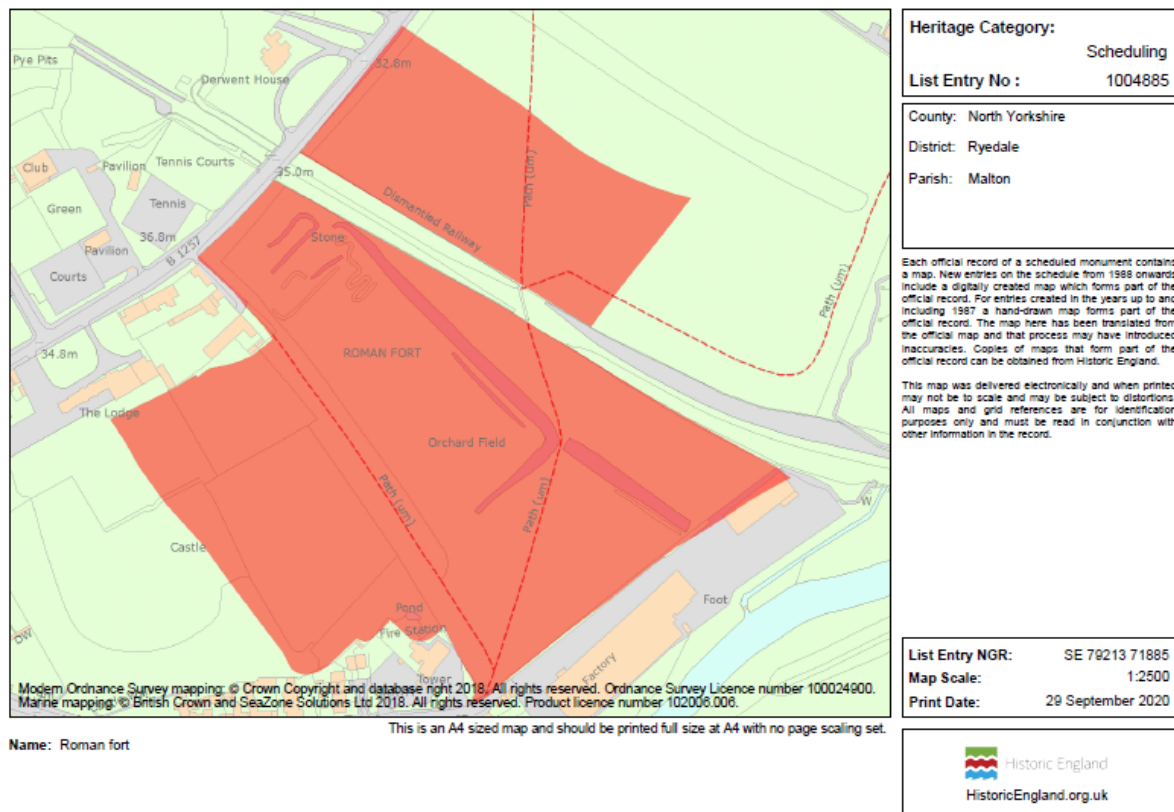
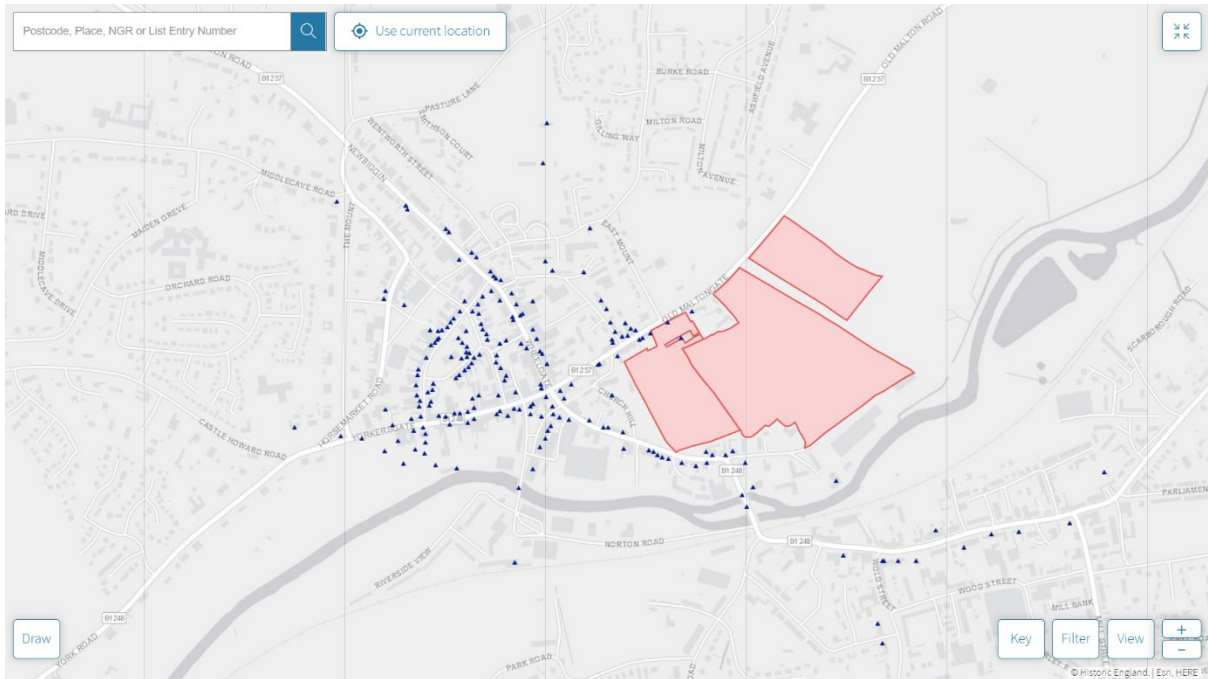


Figure 3.11 Print screen taken on September 2020 from online heritage asset database at <https://historicengland.org.uk/>



Key issue to look out for in this SEA

- **How will the proposed NP policies impact on cultural heritage in the plan area?**

Landscape

- 3.47 An area adjacent to the plan area in the north west is the Howardian Hills Area of Outstanding Natural Beauty. This area does not abut the settlements in the towns and there are no proposals for development near to this area.
- 3.48 The Ryedale Local Plan Sites Document adopted in June 2019 includes areas of Visually Important Undeveloped Areas in the plan area – see policy SD16. This applies to:
- Land at Folliott Ward Close, Middlecave Road, Malton
 - Land to the north of Peasey Hills,
 - Land between Welham Road and Langton Road, Norton
 - Land north of Westgate Lane, Old Malton
- 3.49 The Local Plan Strategy (adopted 2013) had already designated further Visually Important Undeveloped Area in the plan area. This applies to:
- Land in Norton on Derwent following the River Derwent corridor and up to the settlement boundary of Norton on Derwent (exact extent shown on the Malton and Norton Policies Map).
 - A stretch of Land in Norton on Derwent and Malton all on open land, again following the River Derwent corridor and surrounding open space up to the settlement boundary
- 3.50 The effect of this is applying a designation that exists via the Local Plan Strategy in Policy SP16 (Design) of that document.
- 3.51 These designations are shown in the map extract below. This designation is applicable to the SEA particularly in relationship to the two designated areas along the River Derwent.

Figure 3.12 - Sites designated in the Local Plan as Visually Important Undeveloped Areas in Malton and Norton NP area. Screenshot taken from www.ryedale.gov.uk and the interactive policy map provided by Open Street Map

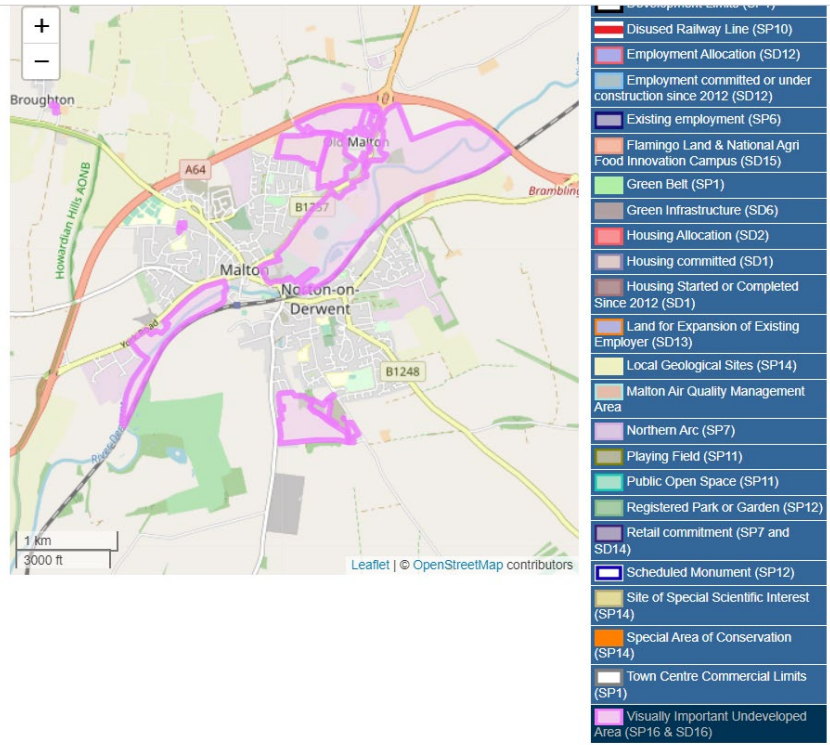
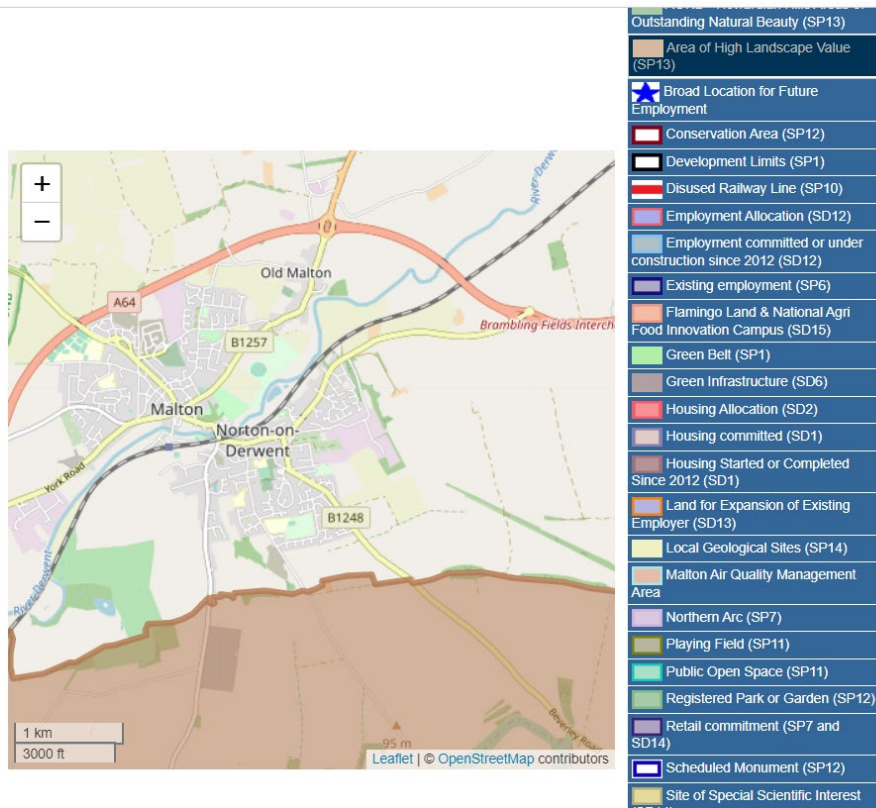


Figure 3.13 – Part of Wolds Area of High Landscape Value. Screenshot taken from www.ryedale.gov.uk and the interactive map provided by Open Street Map



- 3.52 Applicable designations in the Ryedale Local Plan 2002 also still exist: Area of High Landscape Value in the south of Norton on Derwent known as The Wolds Area of High Landscape Value. Part of this extent is shown in Figure 3.11 above. The policies in the NP subject to the scope of this SEA will have no impact on this area due to the location of the Wolds Area of High Landscape Value. So this is given no further consideration in this SEA.

Key issue to look out for in this SEA

- **How will the proposed NP policies impact on landscape character and quality?**

4. Wider context to the SEA of the Malton and Norton NP.

4.1 There are several documents which provide important context to the SEA of the NP. These are:

- Ryedale Plan Local Plan Strategy adopted in September 2013
- Ryedale Plan Local Sites Document adopted in June 2019
- Sustainability Appraisals/Strategic Environmental Assessments applicable to the statutory development plan for Ryedale district.
- The HRA of the draft Malton and Norton NP.

4.2 The Ryedale Plan Local Plan Strategy 2013 sets out a long-term vision, objectives and strategy to guide development over a 15-year period. The document outlines:

- expected levels of development that will take place in the District up to 2027;
- specific types of new development required to meet Ryedale's needs;
- sorts of changes that will happen in different locations;
- types of projects and investment needed to successfully deliver the strategy and support growth and local communities; and
- provides a framework to assist in the determination of planning applications.

4.3 The Ryedale Plan Local Plan Strategy 2013 has the following objectives:

Objective 1: Plan for growth in Ryedale which is compatible with the principles of sustainable development which address local sustainability issues and which specifically helps to support a more balanced population structure in the longer term.

Objective 2: Enhance the role of the Market Towns as accessible, attractive and vibrant service centres, offering a range of homes, jobs, shops, entertainment, leisure and recreational facilities within a high quality public realm. Emphasise the role and regeneration of Malton and Norton as the District's Principal Town.

Objective 3: Focus development at those settlements where it will enhance accessibility to local services, shops and jobs and which provide sustainable access to major service centres outside of the District by promoting the use of public transport, walking and cycling, while reducing the need to travel by private car.

Objective 4: Protect and, where appropriate, enhance the distinctive character of the District's settlements, landscapes and biodiversity, safeguarding those elements of the historic and natural environment that are recognised as being of local, national or international importance.

Objective 5: Deliver new development alongside the provision of the necessary community, transport and utilities infrastructure and initiatives. Make best use of existing infrastructure and make best use of development to secure investment in improved and new infrastructure. Maximise opportunities to secure Green Infrastructure links between the towns, villages and the open countryside.

Objective 6: Support the delivery of new homes and to substantially increase the delivery of affordable housing; encouraging an appropriate mix and type of housing that will meet local

housing needs and requirements of all in the community, including those of Ryedale's elderly population.

Objective 7: Protect and enhance the provision of community facilities, recognising the particular importance they play in supporting the District's rural and village communities.

Objective 8: Support new and existing businesses with the provision of a range of employment sites and premises, including higher quality purpose built sites, principally at the Market Towns.

Objective 9: Diversify the District's economy and enhance skills by building links with the York economy and science and knowledge sectors: supporting Ryedale's precision/advanced engineering cluster and using the District's strong rural identity and its historic, cultural and landscape assets as economic drivers.

Objective 10: Support the land-based economy through sustainable land management; promoting sustainable rural enterprises and activity that helps to retain traditional land uses such as food production and horse racing, which help to retain land management and traditional building techniques and skills; supporting and facilitating the provision of local weekday and farmer's markets and the retention of a livestock market in the District.

Objective 11: Improve the quality of the environment and environmental systems and require that new development has as low an impact on the environment as possible.

Objective 12: Respond to climate change by reducing green house gas emissions and helping Ryedale to adapt to the impacts of climate change through flood risk minimisation and enhancing Green Infrastructure opportunities.

- 4.4 The Ryedale Plan Local Plan Strategy 2013 intends that Malton and Norton play a more strategic role for the district and in terms of their relationship with York. The plan seeks to rebalance the twin towns by placing a greater focus on locating new development at Malton and releasing greenfield sites around Malton. In addition, the plan identifies as an aspiration to bring forward a large brownfield site the 'Woolgrowers, Yorkshire Fertilisers site' (although this does not appear in the 2019 local sites plan). The Local Plan Strategy also refers to other brownfield sites within the Malton and Norton Rail/River corridor that are currently underused or which are vacant or derelict. The plan states *"they detract from the appearance of the towns and their redevelopment would provide an excellent opportunity to reinforce the physical and visual links between Malton and Norton."*
- 4.5 Policy SP1 'General Location of Development and Settlement Hierarchy' provides a settlement hierarchy where Malton and Norton are the primary focus of the district's growth. Sites are allocated via the later adopted document, the Ryedale Plan Local Sites Document.
- 4.6 Following Policy SP1, the Plan includes a section called 'Guiding Development at the Towns'. In this section, the plan identifies as opportunities for growth. *"Redevelopment of underused Town Centre/ edge of centre sites and rail/river corridor sites subject to flood risk, providing the opportunity to repair and improve the built fabric of the towns including, the Woolgrowers Site, Railway Street/Norton Road areas"*
- 4.7 The Ryedale Plan Local Plan Strategy 2013 refers to the River Derwent SAC in paragraphs 2.21 where it states *"The River Derwent is an internationally important site for wildlife conservation"*

and is designated as a Special Area of Conservation under European legislation primarily for the presence of the River Lamprey. There are also other important species with Otters, Bull Lamprey and a flat fish called a Bullhead.” It is also referred to in paragraph 7.15 where it states “Stretches of the River Derwent are protected under international law as a Special Area of Conservation and 32 Sites of Special Scientific Interest have been designated as areas of national interest by virtue of their flora, fauna or geological importance.”

- 4.8 This latter paragraph is included in the supporting text to Local Plan Policy SP14 ‘Biodiversity’ which states:

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

- 4.9 Policy SP15 ‘Green Infrastructure Networks’ also refers to the River Derwent. This policy states that, the quality and integrity of the River Derwent, among a number of other important sites, will be protected and enhanced.
- 4.10 The Ryedale Plan Local Plan Strategy 2013 has been subject to a strategic environmental assessment. The work is reported in a document published in May 2012 *The Ryedale Plan Local Plan Strategy Sustainability Report* which is no longer available to view on the district council’s website. This document identifies, as a key environmental constraint and issue affecting the district, that ‘pollution remains a risk to the River Derwent SAC with part of the river being defined at being risk of diffuse agricultural pollution.’

Ryedale Plan Local Sites Document

- 4.11 The Ryedale Plan Local Sites Document was adopted in June 2019 and allocates two sites in the plan area as follows:
- Land to the east of Beverley Road (600 homes on a site of 24.29 hectares). This is in the south east of Norton on Derwent.
 - Land at old Maltongate (60 homes on a 1.44 hectare site). This is in Malton.
- 4.12 The Ryedale Plan Local Sites Document has been subject to a sustainability appraisal (SA) and strategic environmental assessment (SEA). The SA/SEA document is available to view on the Ryedale District Council website.

HRA of the draft Malton and Norton NP.

- 4.13 A HRA screening assessment was undertaken on the draft NP in August 2019. Natural England and Ryedale District Council were engaged in this process and a key output of this was a decision that four policies in the draft NP triggered the need for an appropriate assessment under the HRA legislation. These policies were:
- RC1: Malton and Norton River Corridor Development
 - RC2: Regeneration of Land North and South of County Bridge
 - CF1: Norton’s Swimming Pool
 - N1: Land to the Rear of Commercial Street

- 4.14 The HRA screening assessment process concluded that likely significant effects could not be ruled out for four policies alone: RC1, RC2, CF1 and N1 because of a range of possible effects on the River Derwent SAC.
- 4.15 The HRA appropriate assessment was subsequently undertaken in May 2020. This found that provided mitigation measures were adopted, including the removal of some types of proposed development, adverse effects on the integrity on the River Derwent SAC could be ruled out for Policies RC1, RC2 and N1. Adverse effects from Policy CF1 could be ruled out without the need for mitigation.

Sources of evidence used in the strategic environmental assessment

- 4.16 In addition to the HRA for the Neighbourhood Plan and the Local Plan documents, several other reference documents have been used and referred to in this strategic environmental assessment. These are:
- 2019 Air Quality Annual Status Report (ASR) In fulfilment of Part IV of the Environment Act 1995 Local Air Quality Management June 2019, Ryedale District Council
 - Ryedale District Council Infrastructure Delivery Plan 2012
 - Ryedale District Council Infrastructure Delivery Plan 2018 update
 - Ryedale District Council PPG17 Open Spaces Study
 - North Yorkshire County Council Definitive Map of public rights of way. Accessed online at <https://www.northyorks.gov.uk/definitive-map-public-rights-way>
 - National Heritage List. Accessed online in September 2020 and October 2020 at <https://historicengland.org.uk/listing/the-list>
 - Northeast Yorkshire Strategic Flood Risk Assessment 2006. Accessed online in September and October 2020 at <https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html>
 - Northeast Yorkshire Strategic Flood Risk Assessment Update 2010. Accessed online in September and October at <https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html>
 - including Drawing Number 10.2 (PPS25 Flood Plain Delineation in Malton and Norton). Available as a separate document at <https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html>

5. Likely Significant effects on the environment

- 5.1 The applicable Regulation 14 NP policies have been assessed using an SEA framework that was drafted and consulted on at the scoping stage of this SEA. (See Malton and Norton on Derwent Neighbourhood Plan Strategic Environmental Assessment Scoping report – 27 July 2020).
- 5.2 The SEA framework includes a set of SEA objectives, indicators and proposed tools for measuring impacts.

Table 5.1 Malton and Norton NP SEA objectives

SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.
SEA 2: To provide the opportunity for all people to meet their housing needs.
None proposed
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton
SEA 4: To reduce crime and the fear of crime in Malton and Norton
None proposed.
SEA 5: to maintain and enhance employment opportunities in the NP area.
SEA 6: To maintain and enhance the vitality of the countryside and town centres.
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors
SEA 8: To diversify the local economy
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI
SEA 10: To maintain and enhance the quality and character of the landscape
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere
SEA 13: To conserve and where appropriate enhance the significance ² of the historical and cultural environment.
None proposed
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton
SEA 15: To make the most efficient use of land
SEA 16: To maintain a high quality environment in terms of air quality

- 5.3 At the SEA scoping stage it was proposed to use the same scoring system which Ryedale District Council have used in the SA and SEA of their Local Sites Plan. This is shown below:

Table 5.2: Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither and positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective

² Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

Symbol	Score	Definition
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.

- 5.4 As the assessment progressed, two more categories were added in order to reflect more accurately the nature of the plan and the fact that the impacts of the policies being assessed were very much uncertain due to their aspirational nature.

Symbol	Score	Definition
U -	Uncertain and negative impact	Uncertain, but the policy may hinder achievement of the objective
U +	Uncertain impact but possibly positive impact.	Uncertain, but the policy may be positively consistent with meeting the objective

- 5.5 Consistent with Schedule 2 to the SEA Regulations, any effects have been considered in terms of short, medium and long term effects, permanent and temporary effects, positive and negative effects, and secondary, cumulative and synergistic effects.

- 5.6 Table 5.3 below provides further detail on the prompts used to assess the four NP policies.

Table 5.3: Proposed prompts to help assess the NP policies against the SEA objectives.

Proposed SEA objective	Appraisal prompts
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	Does the policy result in the loss of a community facility or poorer access to a community facility? Does the policy result in improved access to community facility
SEA 2: To provide the opportunity for all people to meet their housing needs.	Does the policy deliver homes which will address and identified local need such as affordable homes?
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton? Would the policy involve new public realm or enhancements to the public realm?
SEA 4: To reduce crime and the fear of crime in Malton and Norton	Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.
SEA 5: to maintain and enhance employment opportunities in the NP area.	Will this policy deliver or help to deliver improved employment opportunities?
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	Will the policy protect or enhance the viability and vitality of the town centres? Will the policy protect or enhance open areas outside the town centre?

Proposed SEA objective	Appraisal prompts
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors	Does the policy protect, employment opportunities in plan area? Does the policy encourage or deliver more employment opportunities in accessible locations?
SEA 8: To diversify the local economy	Does the policy assist in diversifying the local economy in Malton and Norton?
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	Does the policy protect or enhance the River Derwent SAC and SSSI? Does the policy protect or enhance protected flora and fauna? Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?
SEA 10: To maintain and enhance the quality and character of the landscape	What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	Would this policy encourage people to walk and cycle rather than travel by car? Would this policy lead to highway impacts that would require highway mitigation measures? Will the policy protect or enhance access to public rights of way?
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone? Does the policy lead to increases in flood risk to people and property in the plan area?
SEA 13: To conserve and where appropriate enhance the historical and cultural environment.	Does the policy conserve or enhance the significance of the designated heritage asset? Does the policy conserve or enhance the significance of the non-designated heritage assets?
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?
SEA 15: To make the most efficient use of land	Does the policy focus development towards previously developed land. Does the policy focus on maximising efficient uses of land?
SEA 16: To maintain a high quality environment in terms of air quality	Does the policy have an adverse impact on the Malton Air Quality Management area?

- 5.7 Appendices 5a, 5b, 5c and 5d to this report provides the detailed individual assessments of each of the four NP policies against the SEA framework. The table provided in the non-technical summary (see page 5) provides an overview of the assessment of the four policies against the SEA objectives.
- 5.8 What can be seen from the overview is that overall, the impacts are, neutral or positive. There is one uncertain significant positive effect identified for Policy RC1 against SEA objective 3. This is due to the potential significant improvements the policy could facilitate in terms of public realm improvements along the River Derwent. But, as with a high number of registered impacts, this impact is uncertain. This is because all four policies being assessed are aspirational in nature where they are encouraging specific land uses. They are not site allocations as such. Deliverability or viability has not been tested and there is no evidence of any discussions having taken place with land promoters, owners or other stakeholders in terms of the implementation of schemes. The development being encouraged will not come forward without other drivers outside the NP process.
- 5.9 There are a few occasions where potential negative impacts have been identified. These are noted through the symbol - .

6. Identification of Alternatives

- 6.1 Schedule 1 to the SEA Regulations requires the SEA to include an outline for selecting the draft NP policies instead of other reasonable alternatives. Before this can be done, it is important to provide an outline of the options available to the draft Neighbourhood Plan policies. At the scoping stage of the SEA, it was proposed that the SEA should **not** include an alternative NP vision or an alternative set of NP objectives. This is because, as seen in Table 6.1 in the SEA scoping report, there is a high degree of compatibility between the NP objectives and the Local Plan Strategy 2013 objectives. Instead, the SEA should explore alternative ways of realising the NP vision and objectives to the approach taken in the four policies RC1: Malton and Norton River Corridor Development, RC2: Regeneration of Land North and South of County Bridge, CF1 Norton's Swimming Pool and N1: Land to rear of Commercial Street.
- 6.2 Prior to the regulation 14 version of the neighbourhood plan being available, there was a previous version of the neighbourhood plan drafted. This is referred to as the 2020 pre-Reg 14 version. This earlier version was subject to both an SEA assessment and an initial HRA assessment.
- 6.3 The previous versions of the four policies RC1, RC2, CF1 and N1 are as follows:

Policy RC1 – River & Norton River Corridor Development (pre Reg 14 (2020) version)

The following types of development proposals within the Malton and Norton River Corridor, as identified on the Neighbourhood Plan Proposals Map, will be supported:-

- *Recreational enhancement works to include:-*
- *A new picnic area*
- *Improved riverside seating*
- *Fishing platforms/pegs*
- *Boat moorings*
- *A bandstand/facilities to host performances and entertainment*
- *Enhanced footpath, cycleway and bridleway provision along the river frontage*
- *Café/refreshment facilities*
- *The appropriate change of use or redevelopment of existing buildings within the corridor.*

The acceptability of any such development is subject to satisfying the requirements of Local Plan Strategy Policy SP14 in respect of biodiversity sites statutorily protected by international legislation.

Development is also subject to the satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency

Policy RC2: Regeneration of Land North and South of County Bridge (pre Reg 14 (2020) version)

Development-related regeneration on land to the North and South of County Bridge, as shown on the Neighbourhood Plan Proposals Map, will be supported.

In the event that the principle of any such development on this site is accepted via the Local Plan or otherwise, relative to the requirements of Local Plan Strategy Policy SP14 (in respect of biodiversity sites

statutorily protected by international legislation), development of this site should have regard to the following:-

- *The satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency;*
- *Preservation and/or enhancement of the character and appearance of the Malton Town Centre and Norton-on-Derwent Conservation Areas within which the site is located;*
- *The maximisation of opportunities to improve pedestrian, cycle and motorised vehicular access across the River Derwent and the York-Scarborough Railway Line;*
- *The incorporation of low emission measures to ensure that the overall impact on AQMA air quality is mitigated;*
- *The retention/replacement of Yorkshire Water's site access;*
- *The retention/replacement of the on-site public conveniences.*

CF1: Norton's Swimming Pool (pre Reg 14 (2020) version)

Development of Norton Swimming Pool to provide additional capacity or improved leisure facilities for the benefit of the community, including its upgrading, extension or replacement, will in principle be supported.

Consideration should be given to the need for any additional off-road car parking provision to serve any enhanced facility.

N1: Land to the Rear of Commercial Street (pre Reg 14 (2020) version)

Regeneration of land to the rear of Commercial Street, as identified on the Neighbourhood Plan Proposals Map, including the development of a public car park, with associated service access to the rear of commercial properties in Commercial Street, will be supported.

The acceptability of any such regeneration development is subject to satisfying the requirements of Local Plan Strategy Policy SP14 in respect of biodiversity sites statutorily protected under international legislation

- 6.3 The interim SEA assessment of the 2020 pre-Reg 14 version of the plan is available to view in the SEA Interim Environmental Report (October 2020). Appendices 1a, 1b, 1c and 1d to this report sets out the individual assessments of each of the four policies (as provided at the earlier stage). The policies that were assessed were those versions made available prior to the HRA work. That assessment resulted in the identification of further reasonable alternatives in terms of policy wording. As follows:

Policy RC1:

- Removing the last bullet point in the first paragraph which allows for "appropriate change of use or redevelopment of existing buildings within the corridor". The SEA notes that the extent of RC1 only includes the functional floodplain and any development in this zone would present a significant risk. There is therefore a potential significant negative impact. However, the SEA has also found that there are no existing buildings within this extent. Therefore, in practice, this element of RC1 could not trigger development in the functional flood plain. Nonetheless, the SEA concludes any potential negative impact could be moved were this sentence to be removed altogether. As it

stands the policy creates ambiguity and confusion with regards to allowing development come forward in the functional flood plain.

- Including a paragraph to require any development to conserve or enhance the setting of heritage assets. The SEA finds that the River Derwent corridor is located very close to a large concentration of statutorily listed buildings. Some stretches of the corridor are likely to fall within the setting of some of these heritage assets. A reasonable alternative therefore is to include a criteria such as *"All proposals coming forward in the defined river corridor will be required to conserve or enhance the significance of heritage assets, including their setting, as applicable"*.
- The assessment also finds that the land covered by RC1 is very close to areas of high landscape value as defined as Visually Important Undeveloped Areas in the Ryedale Local Plan. The SEA identifies as a reasonable alternative to include wording in the policy to ensure all development coming forward in the defined river corridor be required to maintain or enhance existing landscape quality. Example wording would be: *All proposals coming forward in the defined river corridor will be required to maintain or enhance the existing landscape quality"*.
- Amend the wording of Policy RC1 so that it directly states what is required in terms of ensuring no development proposal under the NP will have any adverse effects on the integrity of the River Derwent SAC. The current wording requires proposals to be in line with Local Plan Strategy Policy SP14 but this policy is in turn quite generic (as it applies to a wider range of scenarios) and states *"Proposals which would have an adverse effect on any site or species protected under international or national legislation will be considered in the context of the statutory protection which is afforded to them"*. The SEA considers the NP policy should be clearer and more specific in terms of what is required. Example amendment could be as follows:

The acceptability of any such development is subject to there being no adverse effects on the integrity of the River Derwent Special Area of Conservation, satisfying the requirements of Local Plan Strategy Policy SP14 in respect of biodiversity sites statutorily protected by international legislation.

Policy RC2

- The policy could be strengthened to include reference to the need to conserve or enhance the significance of all built heritage assets and their setting
- As with RC1, the application of Local Plan Policy SP14 would presumably rule out a proposal coming forward under NP Policy RC2 which would impact adversely on the habitats and species in the River Derwent SAC. There is however scope for the current and emerging policy context (provided by NP policy RC2 and Local Plan Policy SP14) to be more explicit about this.

In the event that the principle of any such development on this site is accepted via the Local Plan or otherwise, ~~relative to the requirements of Local Plan Strategy Policy SP14 (in respect of biodiversity sites statutorily protected by international legislation)~~ and subject to any adverse effects on the integrity of the River Derwent SAC being ruled out, development of this site will be supported subject to: should have regard to the following:-

- In light of flood risk on this site, exclude the possibility of residential or other vulnerable uses coming forward on this site and require for all development that sequential and exceptions test to be met. This alternative would result in the removal of a significant adverse impact. The supporting text should be amended to clarify requirements. A suggested amendment to the policy wording is provided below:

~~-The satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency; no residential or other vulnerable uses (in terms of flood risk) coming forward on this land and subject to development meeting the sequential test and where applicable the exceptions test in line with national policy.~~

Policy N1

- To reflect the vulnerability of this site to flooding, make clear in the policy wording that residential uses are not supported in this location

6.4 The changes proposed by the HRA appropriate assessment undertaken of the 2020 pre Reg 14 version of the plan are as follows:

Policy RC1:

- amend the policy to ensure that time limits are imposed on organised events so that they do not extend beyond dusk
- amend the policy to ensure that the provision of both mooring points and fishing pegs are removed.

Policy RC2:

- to amend the policy to ensure that residential development is excluded from future uses of this land.

6.5 The alternatives to the policies set out in the Reg 14 version of the plan are:

- Not to incorporate the changes proposed by the HRA appropriate assessment; and
- Not to include the recommended changes that have resulted from the 2020 SEA assessment work.

6.6 Appendices 1a, 1b, 1c and 1d set out the results of the NP policies were they not to include the recommended changes that resulted from the 2020 SEA assessment work and were they not to incorporate the changes proposed by the HRA appropriate assessment work (see Paragraph 6.4 and 6.5 above).

6.8 The table below provides an overview of these results:

Table 6.1: An overview of the assessment of the four policies (2020 pre Reg 14 version) against the SEA objectives

Proposed SEA objective	Appraisal prompts	RC1	RC2	CF1	N1
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	1. Does the policy result in the loss of a community facility or poorer access to a community facility? 2. Does the policy result in improved access to community facility	= U +	= U +	= U+	= U +
SEA 2: To provide the opportunity for all people to meet their housing needs.	1. Does the policy deliver homes which will address an identified local need such as affordable homes?	0	0	0	0
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton? 2. Would the policy involve new public realm or enhancements to the public realm?	0 U+	U+ U+	= =	= =
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	=	=	=	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	U +	U+	U+	U+
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	1. Will the policy protect or enhance the viability and vitality of the town centres? 2. Will the policy protect or enhance open areas outside the town centre?	U+ 0	U+ 0	U+ 0	U+ 0
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors	1. Does the policy protect, employment opportunities in plan area? 2. Does the policy encourage or deliver more employment opportunities in accessible locations?	= U +	= U+	= U+	= U+
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local	0	U+	=	U+

Proposed SEA objective	Appraisal prompts	RC1	RC2	CF1	N1
	economy in Malton and Norton?				
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	U – ALT	U- ALT	=	=
	1. Does the policy protect or enhance protected flora and fauna?	U -	U-	U- U+	U-
	1. Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	=	=	U	=
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	U – ALT	0	U	U
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	1. Would this policy encourage people to walk and cycle rather than travel by car? 2. Would this policy lead to highway impacts that would require highway mitigation measures? 3. Will the policy protect or enhance access to public rights of way?	U + = U+	= U- U+	= = 0	U- = =
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone? 2. Does the policy lead to increases in flood risk to people and property in the plan area?	U – ALT =	U - - ALT U - -	0 0	U - - ALT U--
SEA 13: To conserve and where appropriate enhance the significance of the historical and cultural environment.	Does the policy conserve or enhance the significance of the designated heritage asset? Does the policy conserve or enhance the significance of	U – ALT	U + ALT	+ 0	= 0

Proposed SEA objective	Appraisal prompts	RC1	RC2	CF1	N1
	the non-designated heritage assets?				
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	0	0	0	0
SEA 15: To make the most efficient use of land	Does the policy focus development towards previously developed land. Does the policy focus on maximising efficient uses of land?	0	+	+	+
SEA 16: To maintain a high quality environment in terms of air quality	Does the policy have an adverse impact on the Malton Air Quality Management area?	=	U+ U -	U+	U -

- 6.7 The assessment of these alternatives found both potential positive and negative impacts. Overall, the impacts were all uncertain. This is because all four policies being assessed were aspirational in nature where they were encouraging specific land uses. They were not site allocations as such. Deliverability or viability had not been tested and there is no evidence of any discussions having taken place with land promoters, owners or other stakeholders in terms of the implementation of schemes. The development being encouraged would not come forward without other drivers outside the NP process. From this perspective, the assessment of the previous version of the policies was similar to the assessment of the Reg 14 version of the policies.
- 6.8 Nonetheless, there were a few occasions where possible significant negative impacts had been identified. These are noted in appendices 1a, 1b, 1c and 1d through the symbols - - . There was an uncertain significant impact registered with Policies RC2 and N1 in relation to flood risk. This is because both site-specific policies involve land in high flood risk areas and they do not adequately rule out vulnerable uses in these sites. It is clear this is not the intention of the policies and in both circumstances, alternative wording in the policies were proposed (since accepted) which would remove the potential significant negative impact.
- 6.9 There were further occasions where other (not significant) potential negative impacts had been identified. These are noted through the symbol - . In some instances, the SEA had proposed alternatives to help remove these impacts. These are indicated in the table above through the use of the abbreviation **ALT** in the last four columns.
- 6.10 In October 2020, the NP group were advised to use the findings of the SEA Interim Environmental report, to inform the changes to be made to the draft NP prior to it being finalised and published for Regulation 14 Pre-submission consultation.

7. Conclusions

- 7.1 Chapter 5 in this report highlights both potential positive and negative impacts from the environmental assessment of the draft planning policies in the Neighbourhood Plan. There is one uncertain significant positive effect identified for Policy RC1 against SEA objective 3. This is due to the potentially significant improvements the policy could facilitate in terms of public realm improvements along the River Derwent. But, as with a high number of registered impacts, this impact is uncertain. This is because all four policies being assessed are aspirational in nature where they are encouraging specific land uses. They are not site allocations as such. Deliverability or viability has not been tested and there is no evidence of any discussions having taken place with land promoters, owners or other stakeholders in terms of the implementation of schemes. The development being encouraged will not come forward without other drivers outside the NP process.
- 7.2 Alternative policy wording has been assessed as part of the SEA work. The interim SEA work assessed an earlier version of draft policies (the version that was subject to SEA and HRA screening). This resulted in a set of recommendations changes to the policy wording in order to improve the environmental performance of the drafted policies. The Reg 14 NP policies have performed better against the SEA than the previous version.
- 7.3 To be compliant with the SEA legislation, the NP group will need to make available for public consultation this updated environmental report (i.e. alongside the Regulation 14 Pre-submission Neighbourhood Plan).

APPENDIX 8: PRE- SUBMISSION REGULATION 14 VERSION S.E.A. ENVIRONMENTAL REPORT

Malton and Norton on Derwent Neighbourhood Plan **Pre-submission (Regulation 14) version** **Strategic Environmental Assessment**

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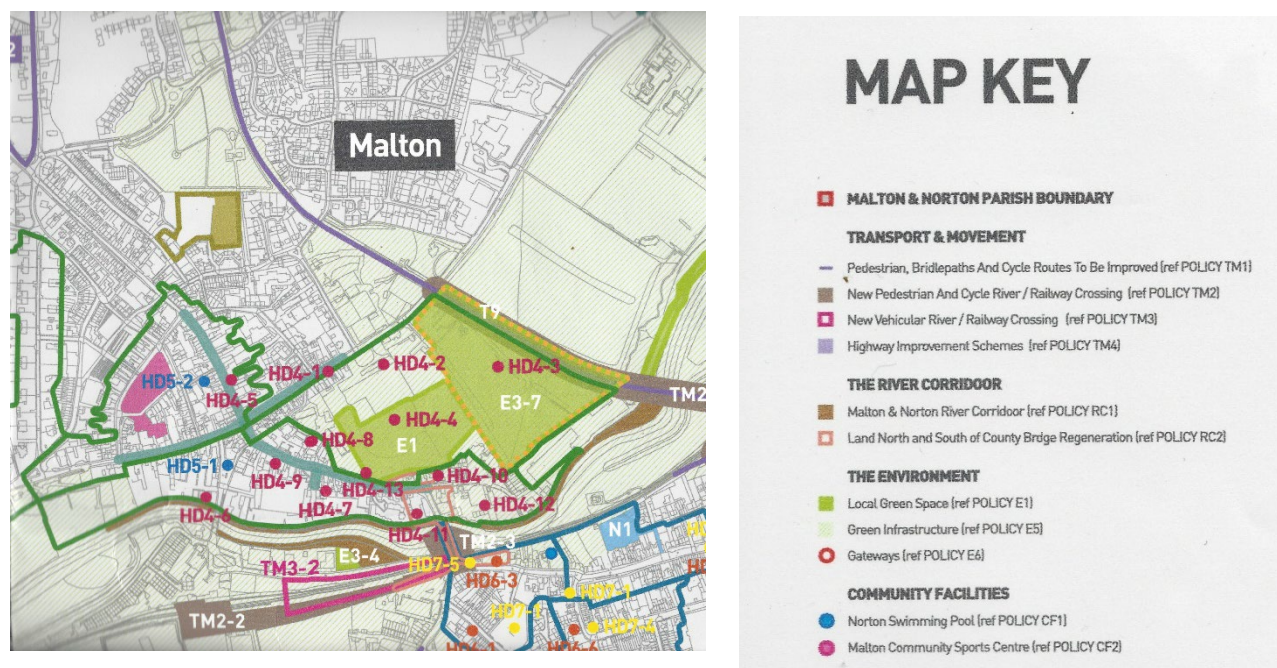
RC1: Malton and Norton River Corridor Development

The following types of development proposals within the Malton and Norton River Corridor, as identified on the Neighbourhood Plan Proposals Map, will be supported:-

- Recreational enhancement works to include:-
 - A new picnic area
 - Improved riverside seating
 - Fishing platforms/pegs
 - Boat moorings
 - A bandstand/facilities to host performances and entertainment
- Enhanced footpath, cycleway and bridleway provision along the river frontage
- Café/refreshment facilities
- The appropriate change of use or redevelopment of existing buildings within the corridor.

The acceptability of any such development is subject to satisfying the requirements of Local Plan Strategy Policy SP14 in respect of biodiversity sites statutorily protected by international legislation.

Development is also subject to the satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency



Map 1 – Extract from emerging proposals map and key

Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither a positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	<p>1. Does the policy result in the loss of a community facility or poorer access to a community facility?</p> <p>2. Does the policy result in improved access to community facility</p>	<p>1. No.</p> <p>2. This is an aspirational policy stating that development proposals (which would also need to meet the requirements set out other planning policies set out in the NP and Local Plan) which deliver one of a number of recreational enhancement works would be supported. These recreational enhancement works are all types of community facilities and therefore this registers a positive impact. The delivery of such impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward. The impact is therefore uncertain.</p> <p>The policy also supports proposals delivering enhanced footpath/cycleway and bridleway provision, café/refreshment facilities. These are all types of community facilities so a further positive impact is registered. The delivery of such impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward. The impact is therefore uncertain.</p>	<p>=</p> <p>U +</p> <p>U +</p>
SEA 2: To provide the opportunity for all people to meet their housing needs.	1. Does the policy deliver homes which will address an identified local need such as affordable homes?	1. There is no link registered between this draft NP policy and this SEA objective	0
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	<p>1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?</p> <p>2. Would the policy involve new public</p>	<p>1. No</p> <p>2. There is a possible significant positive impact. Recreational enhancements and enhancements to the public footpath, cycleway and bridleway are all considered to be enhancements to public realm provision. If proposals come forward as a result of this policy there is a possible significant positive impact. The delivery of such impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward. The impact is therefore uncertain.</p>	<p>0</p> <p>U+</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	realm or enhancements to the public realm?		
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	1. Policy RC1 supports proposals which will deliver recreational enhancements along the River Corridor. This would have the potential to address any current issues there may be regarding crime or unsociable behaviour along the River Corridor. However, there is no evidence to indicate there are any existing issues.	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	<p>1. There are a number of different retail and business uses along the River Derwent corridor. These are described in the environmental baseline to the SEA report. However, the extent of the RC1 does not include these and the retail and business uses lie outside of the designation (see Map 1 above). The policy supports 'appropriate' changes of uses along the corridor as identified on the map. However, the only structures identified along the extent of RC1 is the County Bridge itself. No loss of employment uses is therefore likely as a result of this policy.</p> <p>The policy supports public realm enhancements taking place along the river corridor. This could make the area more attractive to business occupiers. There is therefore a potential positive impact registered. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p>	U +
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	1. Will the policy protect or enhance the viability and vitality of the town centres?	1. By encouraging development that would deliver public realm improvements in this town centre location, the policy registers a positive impact. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is also uncertain.	U+

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	2. Will the policy protect or enhance open areas outside the town centre?	2. The policy seeks to enhance a corridor along the River Derwent, parts of which are in open land although this is in a location in the town centre not outside. No direct link.	0
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors	1. Does the policy protect, employment opportunities in plan area? 2. Does the policy encourage or deliver more employment opportunities in accessible locations?	1. The policy does not protect employment opportunities. The policy supports 'appropriate' changes of uses along the extent of RC1. However, the proposals map shown above indicates that the extent of RC1 does not include any existing uses for this to apply to. 2. The policy supports public realm enhancements taking place along the river corridor. This could make the area more attractive to business occupiers. There is therefore a potential indirect positive impact registered. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain	= U +
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	1. There is no perceivable link between this objective and Policy RC1	0
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	1. The policy designation RC1 overlaps in some locations with the extent of the River Derwent SAC and the River Derwent SSSI. However, as these protected areas (SAC and SSSI) apply to a flowing river the entirety of the RC1 designation is directly relevant to the SAC and SSSI. The policy is an aspirational policy that seeks recreational enhancements along the River Corridor. There is a potential negative impact from riverside recreational activities on to sensitive environmental receptors along the river. The River Derwent SAC has been designated European status due to the habitat:	U –

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<ul style="list-style-type: none"> Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation. (Rivers with floating vegetation often dominated by water-crowfoot) <p>And due to the species:</p> <ul style="list-style-type: none"> Bullhead <i>Cottus gobio</i> River lamprey <i>Lampetra fluviatilis</i> Otter <i>Lutra lutra</i> Sea lamprey <i>Petromyzon marinus</i> <p>The HRA appropriate screening assessment¹ undertaken on the NP states concluded that <i>There is a credible risk that recreational pressure and pollution/erosion etc from Policy RC1 could undermine the conservation objectives of the River Derwent SAC and that a likely significant effect cannot be ruled out (alone). Consequently, an appropriate assessment is required.</i></p> <p>The concern identified in the HRA screening recreational pressure impacts on the otter population and the pollution/erosion issue related to the possible construction activity (supported in the wording on Policy RC1) would have on water quality.</p> <p>At the more detailed assessment stage (the appropriate assessment) the HRA assessment² concluded that increased recreational activity along the river corridor would not impact the otter population if it were restricted to the daytime drawing on the observation that <i>"otters already make frequent use of this stretch of river even though it is exposed to the typical disturbance associated within any busy town with road bridges, railway lines, industry and people all in close proximity"</i>.</p> <p>The HRA then states that the proposals for a bandstand <i>"does suggest that organised activities could take place in the evenings and the associated people, lights and noise could hinder the behaviour of otters. Given their large territories there is the real, if remote</i></p>	

¹ See screening section of the Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan, June 2020, Fleming Ecology Limited.

² See HRA assessment in the Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan, June 2020, Fleming Ecology Limited

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p><i>possibility that large-scale organised activities at night could disrupt this behaviour and an adverse effect on the integrity of the site may arise."</i></p> <p>The HRA appropriate assessment also concludes that the inclusion in Policy RC1 of supporting fishing pegs and boat moorings along the River Corridor also has a potential adverse impact on the otter population and identifies potential for fuel spills, pollution and litter. The appropriate assessment concludes that the only way to rule this potential impact out is to amend the policy to remove reference to fishing pegs and boat moorings.</p> <p>The appropriate assessment also considers in more detail the implications of the part of Policy RC1 that allows for <i>The appropriate change of use or redevelopment of existing buildings within the corridor</i>. The assessment however concludes that impacts can be ruled out since, existing flood risk levels in this area implies any acceptable change of use or redevelopment would be very low key. This SEA actually finds that there are no existing uses within the exact extent of RC1 (as shown on the proposals map) that a change of use application could apply to. So for different reasons the SEA finds no impact here.</p> <p>There is a potential link between Policy RC1 and an impact on the otter population. However, any impact would depend on the exact recreational activity and the time of day that this takes place.</p> <p>In recognition of the ecology status of the River Derwent, Policy RC1 includes the following requirement: <i>The acceptability of any such development is subject to satisfying the requirements of Local Plan Strategy Policy SP14 in respect of biodiversity sites statutorily protected by international legislation.</i></p> <p>Local Plan Strategy Policy SP14 doesn't specify how proposals which could harm a SAC would be considered. It does however include the following generic statement: <i>In considering proposals for development – Proposals which would have an adverse effect on</i></p>	

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p><i>any site or species protected under international or national legislation will be considered in the context of the statutory protection which is afforded to them.</i></p> <p>The application of Local Plan Policy SP14 would presumably rule out a proposal coming forward under NP Policy RC1 which would impact adversely on the habitats and species in the River Derwent SAC. There is however scope for the current and emerging policy context (provided by NP policy RC1 and Local Plan Policy SP14) to be more explicit about this.</p> <p>To conclude, Policy RC1 therefore registers a negative impact with respect to impact on the SAC because of the potential disturbance to the otter population caused by increased recreational activity along the river corridor during the evening. This impact is however uncertain. This is because Policy RC1 is not itself delivering or allocating the development. Instead it is an aspirational policy that would facilitate such a proposal were it to come forward.</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows:</p> <ul style="list-style-type: none"> a) Policy wording in line with HRA recommendations b) Amending policy so it directly requires any proposal to maintain integrity of the River Derwent SAC (rather than indirectly via reference to the 2013 Local Plan policy which is worded generically to apply district wide and cover a range of circumstances). 	
	1. Does the policy protect or enhance protected flora and fauna?	1. As discussed above there is a potential but uncertain negative impact between Policy RC1 that would support proposals that deliver recreational activities along the River Derwent corridor and the flora and fauna along the River Derwent Corridor.	U -
	1. Does the policy provide opportunities for provision of green	1. Policy RC1 covers a corridor of land on either side of the River Derwent that combines current public rights of way, an open space and vegetated river corridor not accessible to the public. Alongside this extent on either side of the river, there are various land uses including business use and rear retail parking. On the northern part of the River there is a	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	infrastructure including linking in with existing green infrastructure?	<p>public right of way from Castlegate through the middle of the Morrisons' car park to the River Derwent. Depending on proposals which come forward, this policy could potentially open up opportunities for increased access to green infrastructure corridors but there is no positive impact detected from the current policy wording in terms of improving green infrastructure itself.</p> <p>Policy RC1 allows for appropriate changes of use or redevelopment of existing uses along the corridor. Under this assessment however, there are no current uses found in the extent of RC1 what change of use could be applied to. There is therefore no link detected. Were this policy to apply neighbouring land (the retail, business uses) there could however be some positive links.</p>	
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	<p>1. Either side of the proposed designation of the NP Policy RC1 are two large areas of land designated in the Ryedale Local Plan as Visually Important Undeveloped Areas. These are shown on the Local Plan Proposals Map.</p> <p>Paragraph 6.1 of the Ryedale Local Sites Plan states that <i>"In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make a significant contribution to the setting of a Town and the role of the setting in influencing and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements."</i></p> <p>The extent of the land covered by RC1 which is currently undeveloped is not open for additional development under the wording of Policy RC1 other than for very minor development (e.g. picnic areas, a café) that would allow for enhanced recreational enhancements. Potential negative impacts could be avoided altogether were the policy to require any such development to maintain or enhance existing landscape quality.</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows:</p> <p>a) Potential negative impacts could be avoided altogether were the policy to require any such development to maintain or enhance existing landscape quality.</p>	U –

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	<p>1. Would this policy encourage people to walk and cycle rather than travel by car?</p> <p>2. Would this policy lead to highway impacts that would require highway mitigation measures?</p> <p>3. Will the policy protect or enhance access to public rights of way?</p>	<p>1. If this policy succeeds to facilitate improved accessible open space provision there is potential for this policy to result in fewer journeys to areas of open space by car. Likewise, if successful this policy will result in enhancing provision of an existing public right of way.</p> <p>This impact is however uncertain given the fact this policy is aspirational and does not include specific proposals for development.</p> <p>2. No highway impacts identified.</p> <p>3. There is a direct link between this policy and public rights of way since the policy wording itself seeks enhanced footpath, cycleway and bridleway provision along the river frontage. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p>	<p>U +</p> <p>=</p> <p>U+</p>
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	<p>1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone?</p> <p>2. Does the policy lead to increases in flood risk to people</p>	<p>1. The Northeast Yorkshire Strategic Flood Risk Assessment (SFRA) was last updated in 2010. Drawing number 10.2 to this SFRA (listed as PPS25 Malton and Norton flood plain delineation zone on the Ryedale website (accessed September 2020 https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html) shows the delineation of flood risk in the centre of Malton and Norton. It shows that the proposed extent of NP policy RC1 is largely in flood zone 3b. This is the functional floodplain. The area borders flood zone 3aiii where 3aiii denotes <i>areas at high risk of flooding which are currently defended to the appropriate minimum standard for existing development as defined by Defra (annual probability of 2% for fluvial flooding and 1 % for flooding from the sea) but are not defended to the appropriate minimum standard for new development as defined by PPS25 (annual probability of 1% for fluvial flooding and 0.5% for flooding from the sea).</i></p>	U –

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	and property in the plan area?	<p>Policy RC1 allows for <i>"The appropriate change of use or redevelopment of existing buildings within the corridor."</i></p> <p>The final paragraph of the policy requires that: <i>Development is also subject to the satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency</i></p> <p>The zones (e.g. 3a and 3b) in the SFRA provide the basis for the application of the sequential test in line with PPG25. The SFRA states that the only development that would be appropriate in zone 3b would be:</p> <ul style="list-style-type: none"> • Water compatible development provided that an appropriate FRA has been submitted • Essential infrastructure development types so long as it can be demonstrated that the proposal meets the requirements of the exception test. <p>The flood risk therefore directly restricts what development could come forward within the extent of NP policy RC1. For example, no residential development could come forward. Nonetheless, as currently worded Policy RC1 could potentially lead to development in Flood Zone 3b.</p> <p>2. Given the type of development envisaged in this policy, it is unlikely this policy would lead to increases in flood risk to people and property. There is therefore a neutral impact registered against this second question. However, it is noted that ambiguity is created with the last bullet point in the first paragraph as it could be interpreted as allowing residential uses. It also creates confusion since there are no buildings located within the extent of RC1.</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows:</p> <p>a) Remove the last bullet point in the first paragraph</p>	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 13: To conserve and where appropriate enhance the significance ³ of the historical and cultural environment.	<p>Does the policy conserve or enhance the significance of the designated heritage asset?</p> <p>Does the policy conserve or enhance the significance of the non-designated heritage assets?</p>	<p>There are many heritage assets close to the extent of the River Derwent corridor. The closest one is the County Bridge itself which is statutorily listed as a Grade II structure.</p> <p>It is possible that Policy extent RC1 could lie within the setting of some of these important heritage assets.</p> <p>Policy RC1 supports development along the river corridor where this would deliver recreational enhancements. National planning policy (provided through NPPF and PPS25, together with the last paragraph which confirms <i>Development is also subject to the satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency</i>, would in practice limit what development could come forward due to the existing site lying in flood zone 3b (see the 2012 Northeast Yorkshire SFRA). Any development coming forward under Policy RC1 is therefore likely to small in scale. Nonetheless, it is noted the policy does not refer to need for development to conserve and enhance the setting of existing heritage assets.</p> <p>A negative impact is therefore recorded. The impact is uncertain since the policy is an aspirational and is not linked with any specific scheme in the development pipeline.</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows:</p> <p>a) Including a paragraph to require any development to conserve or enhance the setting of heritage assets. The SEA finds that the River Derwent corridor is located very close to a large concentration of statutorily listed buildings. Some stretches of the corridor are likely to be fall within the setting of some of these heritage assets.</p>	U –

³ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

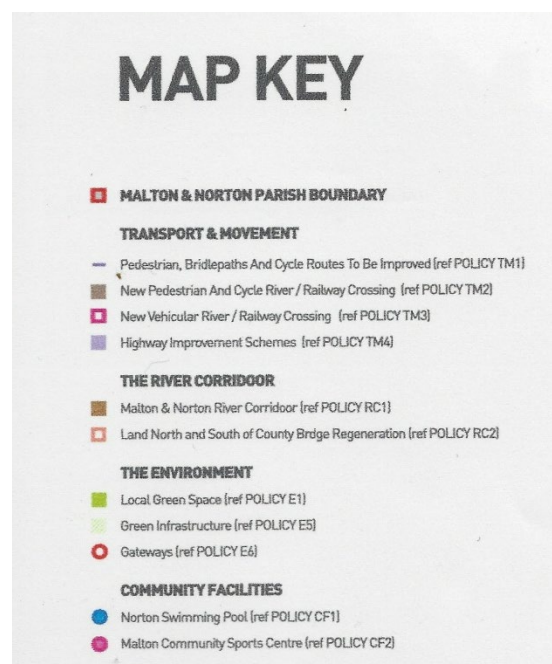
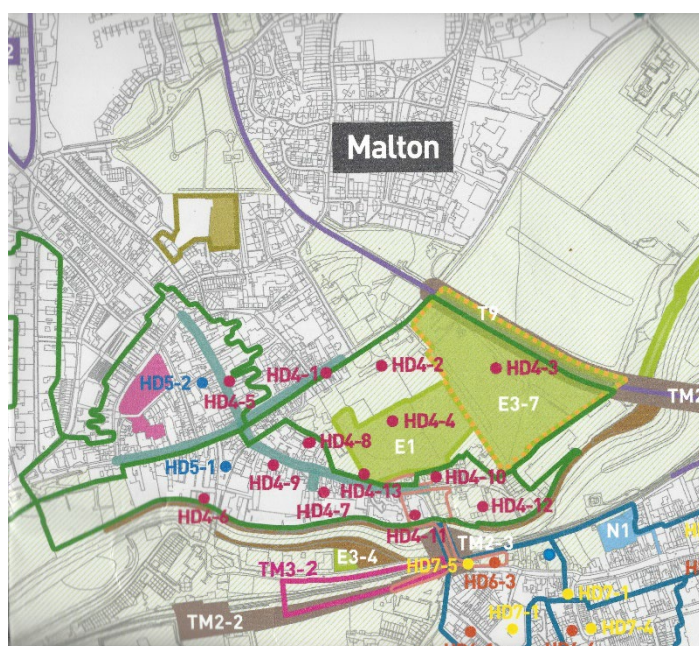
Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	There is no relationship between this policy and this SEA objective. The policy neither encourages or discourages the use of renewable resources and the development of renewable energy sources.	0
SEA 15: To make the most efficient use of land	Does the policy focus development towards previously developed land. Does the policy focus on maximising efficient uses of land?	The extent of RC1, whilst located adjacent to previously developed land, appears to be limited to the vegetated river corridor only. There is no relationship between this policy and this SEA objective.	0
SEA 16: To maintain a high quality environment in terms of air quality	Does the policy have an adverse impact on the Malton Air Quality Management area?	This policy is an aspirational one which would support proposals which would lead to river corridor recreational enhancements. If this policy leads to the desired development coming forward, access and public use of the river corridor would be increased. This could have the effect of increasing opportunities for pedestrians and cyclists to travel through the plan area whilst avoiding the Malton Air Quality Management Area NO2 where emissions are concentrated. There could in the long run therefore be a positive impact here in terms of providing access to cleaner air. However the link is tenuous and uncertain. A neutral impact is therefore recorded against this objective.	=

RC2: Regeneration of Land North and South of County Bridge

Development-related regeneration on land to the North and South of County Bridge, as shown on the Neighbourhood Plan Proposals Map, will be supported.

In the event that the principle of any such development on this site is accepted via the Local Plan or otherwise, relative to the requirements of Local Plan Strategy Policy SP14 (in respect of biodiversity sites statutorily protected by international legislation), development of this site should have regard to the following:-

- The satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency;
- Preservation and/or enhancement of the character and appearance of the Malton Town Centre and Norton-on- Derwent Conservation Areas within which the site is located;
- The maximisation of opportunities to improve pedestrian, cycle and motorised vehicular access across the River Derwent and the York-Scarborough Railway Line;
- The incorporation of low emission measures to ensure that the overall impact on AQMA air quality is mitigated;
- The retention/replacement of Yorkshire Water's site access;
- The retention/replacement of the on-site public conveniences.



Map 1 – Extract from emerging proposals map and key

Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither and positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	<p>1. Does the policy result in the loss of a community facility or poorer access to a community facility?</p> <p>2. Does the policy result in improved access to community facility</p>	<p>1. No.</p> <p>2. This policy is an aspirational policy stating that development proposals (which would also need to meet the requirements set out other planning policies set out in the NP and Local Plan) which deliver development-related regeneration on the land which includes the County Bridge, land to the north and land to the south will be supported. The policy includes specific criteria which are applicable to community facilities. This is the requirement to retain or replace on-site public convenience and a requirement to maximise opportunities to improve pedestrian, cycle and motorised access the River Derwent and the York Scarborough Railway Line. These are all types of community facilities, so a positive impact is registered. The delivery of such impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward. The impact is therefore uncertain.</p>	<p>=</p> <p>U +</p>
SEA 2: To provide the opportunity for all people to meet their housing needs.	<p>1. Does the policy deliver homes which will address an identified local need such as affordable homes?</p>	<p>1. There is no link registered between this draft NP policy and this SEA objective</p>	<p>0</p>
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	<p>1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?</p> <p>2. Would the policy involve new public</p>	<p>1. Policy RC2 covers land in both the Norton on Derwent conservation area and land in the Malton Town Centre conservation area. There are also numerous built heritage assets and archaeological remains in this area. An overview of the built heritage assets in this part of the town is shown in the environmental baseline in the SEA report and the archaeological remains are shown in Appendix 3 to the draft NP. The richness in heritage assets in this location is considered to be a key contributor to social character and distinctiveness. Policy RC2 includes a requirement to preserve or enhance the character and appearance of the Malton Town Centre conservation area and the Norton on Derwent conservation area. The Local Plan (SP12) and the NPPF would require impact of development on heritage assets to be fully considered at planning application stage. However, the policy does not refer to built-heritage assets. The policy could be strengthened in this respect.</p>	<p>U+</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	realm or enhancements to the public realm?	<p>The supporting text to Policy RC2 refers to underused river corridor sites. Whilst the built up area around the County Bridge has heritage value there may be scope for sense of place to be strengthened were development to take place which resulted in both conservation/enhancement of a heritage asset and which resulted in better use of the sites in this location.</p> <p>Whilst the SEA concludes the policy could be strengthened to include reference to the need to conserve or enhance all built heritage assets and their setting, the SEA registers a potential positive impact. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p> <p>2. The policy could also potentially lead to a better public realm if it resulted in increased occupation of currently underutilised sites. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows:</p> <p>a) the policy could be strengthened to include reference to the need to conserve or enhance all built heritage assets and their setting</p>	U+
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	1. The intention driving Policy RC2 is understood to be a drive to encourage use of currently underused river corridor sites. This would have the potential to address any current issues there may be regarding crime or unsociable behaviour associated with unoccupied building. However, there is no evidence to indicate there are any existing issues.	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	1. The policy identifies a central location in the NP area as a regeneration opportunity. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation) Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain	U +
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	1. Will the policy protect or enhance the viability and vitality of the town centres? 2. Will the policy protect or enhance open areas outside the town centre?	1. By encouraging development that would deliver regeneration benefits in a town centre location. Yes. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain 2. No direct link.	U+ 0
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors	1. Does the policy protect, employment opportunities in plan area? 2. Does the policy encourage or deliver more employment opportunities in accessible locations?	1. The policy does not protect employment opportunities. 2. The policy identifies a central location in the NP area as a regeneration opportunity. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation). Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	= U +
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy	1. The policy identifies a central location in the NP area as a regeneration opportunity. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation). This facilities opportunities for diversifying	U+

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	in Malton and Norton?	the local economy. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	<p>1. The policy designation RC2 overlaps in some locations with the extent of the River Derwent SAC and the River Derwent SSSI. However, as these protected areas (SAC and SSSI) apply to a flowing river the entirety of the RC2 designation is directly relevant to the SAC and SSSI.</p> <p>The policy is an aspirational policy that seeks the regeneration of the land north and south of the County Bridge. There is a potential negative impact from riverside construction activities on to sensitive environmental receptors along the river. The River Derwent SAC has been designated European status due to the habitat:</p> <ul style="list-style-type: none"> • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation. (Rivers with floating vegetation often dominated by water-crowfoot) <p>And due to the species:</p> <ul style="list-style-type: none"> • Bullhead <i>Cottus gobio</i> • River lamprey <i>Lampetra fluviatilis</i> • Otter <i>Lutra lutra</i> • Sea lamprey <i>Petromyzon marinus</i> <p>The HRA appropriate screening assessment⁴ undertaken on the NP also identified a concern relating to possible residential development that could come forward under Policy RC2 and that the provision of additional housing without adequate provision of open space opportunities would increase recreational pressure on the River Derwent SAC and SSSI.</p> <p>At the more detailed assessment stage (the appropriate assessment) the HRA assessment⁵ concluded that the only way to avoid increased recreational pressure on the River Derwent SAC and SSSI from Policy RC2 would be for the policy to be amended so as to rule out</p>	U –

⁴ See screening section of the Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan, June 2020, Fleming Ecology Limited.

⁵ See HRA assessment in the Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan, June 2020, Fleming Ecology Limited

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>residential uses. With respect to pollution and disturbance from construction activity the HRA ruled any adverse impacts out on the basis that safeguards to protect the SAC and SSSI during construction would be required by law.</p> <p>In recognition of the ecology status of the River Derwent, Policy RC2 includes the requirement that any proposal is accepted via the Local Plan or otherwise, relative to the requirements of Local Plan Strategy Policy SP14 (in respect of biodiversity sites statutorily protected by international legislation). This goes some way to ensure protection of the SAC. However, Local Plan Strategy Policy SP14 doesn't specify how proposals which could harm a SAC would be considered. Instead it has the following generic statement: <i>In considering proposals for development – Proposals which would have an adverse effect on any site or species protected under international or national legislation will be considered in the context of the statutory protection which is afforded to them.</i></p> <p>The application of Local Plan Policy SP14 would presumably rule out a proposal coming forward under NP Policy RC2 which would impact adversely on the habitats and species in the River Derwent SAC. There is however scope for the current and emerging policy context (provided by NP policy RC2 and Local Plan Policy SP14) to be more explicit about this.</p> <p>To conclude, Policy RC2 therefore registers a negative impact with respect to potential for increased recreational pressure on the SAC. This impact is however uncertain. This is because Policy RC2 is not itself delivering or allocating the development. Instead it is an aspirational policy that would facilitate such a proposal were it to come forward.</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows:</p> <p>a) The application of Local Plan Policy SP14 would presumably rule out a proposal coming forward under NP Policy RC2 which would impact adversely on the habitats and species in the River Derwent SAC. There is however scope for the current and emerging policy context (provided by NP policy RC2 and Local Plan Policy SP14) to be more explicit about this.</p>	

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	2. Does the policy protect or enhance protected flora and fauna?	2. As discussed above there is a potential but uncertain negative impact between Policy RC2 that would support proposals that deliver recreational activities along the River Derwent corridor and the flora and fauna along the River Derwent Corridor.	U -
	3.Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	No.	=
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	<p>1. There are two large areas of land designated in the Ryedale Local Plan as Visually Important Undeveloped Areas. These are shown on the Local Plan Proposals Map. Paragraph 6.1 of the Ryedale Local Sites Plan states that <i>"In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make a significant contribution to the setting of a Town and the role of the setting in influencing and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements."</i></p> <p>Policy designation RC2 is some distance away from the VIUAs. Also, the land covered by this policy is already built up and given any proposals would need to conserve or enhance the conservation areas, there is no identified impact on the VIUAs from this policy.</p>	0
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	<p>1. Would this policy encourage people to walk and cycle rather than travel by car?</p> <p>2. Would this policy lead to highway</p>	<p>1. Regeneration at this location could lead to a more attractive and vibrant town centre. This, itself may lead to increased footfall and cycle trips. However this link is indirect and too uncertain for any impact to be registered.</p> <p>2. The third criteria in this policy is for <i>The maximisation of opportunities to improve pedestrian, cycle and motorised vehicular access across the River Derwent and the York-Scarborough Railway Line.</i></p>	<p>=</p> <p>U – U +</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	<p>impacts that would require highway mitigation measures?</p> <p>3. Will the policy protect or enhance access to public rights of way?</p>	<p>Proposals envisaged under this policy could lead to disruption to the highways during the construction phase but the policy could lead to long term improvements overall. The policy therefore registers uncertain positive impact and an uncertain negative impact.</p> <p>3. There is currently a public right of way on the southern side of the River Derwent from This public right of way runs from the west until the County Bridge where it stops. Policy RC2 does not mention protection of the public right of way but equally there is no indication that the policy would lead to the loss of the public right of way. Regeneration of the southern side could allow for enhancement or even extension of this public right of way. But as this is not mentioned, there is a neutral impact registered here.</p>	
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	<p>1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone?</p> <p>2. Does the policy lead to increases in flood risk to people and property in the plan area?</p>	<p>1. The Northeast Yorkshire Strategic Flood Risk Assessment (SFRA) was last updated in 2010. Drawing number 10.2 to this SFRA (listed as PPS25 Malton and Norton flood plain delineation zone on the Ryedale website (accessed September 2020 https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html) shows the delineation of flood risk in the centre of Malton and Norton.</p> <p>Land shown in the Proposals Map as land to the south of County Bridge lies in flood zone 3aiii and 3aii. PPS25 Flood Zone 3a is defined as those areas with a high probability of flooding of greater than 1% for fluvial flooding or 0.5% for tidal flooding and which are not Functional Floodplain. The SFRA has developed sub zones for 3a as follows. 3aiii denotes the area is <i>applicable for those developed areas at high risk of flooding which are currently defended to the appropriate minimum standard for existing development as defined by Defra (annual probability of 2% for fluvial flooding and 1 % for flooding from the sea) but are not defended to the appropriate minimum standard for new development as defined by PPS25 (annual probability of 1% for fluvial flooding and 0.5% for flooding from the sea)</i>. 3aii denotes the area is <i>Applicable for those developed areas at high risk of flooding which are currently defended to the appropriate minimum standard as defined by PPS25 (annual probability of 1% for fluvial flooding and 0.5% for flooding from the sea)</i>.</p> <p>The zones (e.g. 3aiii and 3aii) in the SFRA provide the basis for the application of the sequential test in line with PPG25. PPS25 states that Zone 3a(ii) is appropriate for</p>	U --

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<ul style="list-style-type: none"> • 'Water Compatible' and • 'Less Vulnerable' development types (see Table 7.1). • 'More Vulnerable' and 'Essential Infrastructure' development types are only considered appropriate if the requirements of the Exception Test are passed • 'Highly Vulnerable' development types are not appropriate within this Zone <p>The SFRA states for Zone 3a(III) that <i>Rapid inundation of an area following the breach or overtopping of a flood defence has the potential to lead to structural damage, injury and/or death</i>. The SFRA states this zone should be treated as if it were a developed site at high risk of flooding without an appropriate standard of flood defence and states also that a sequential approach to the allocation of sites within areas behind flood defences should also be followed, with preference being given to those sites where the lowest consequences of flood defence failure are anticipated.</p> <p>The level of flood risk within the extent of Policy RC2 would therefore restrict (if NPPF policy and guidance in the SFRA were being followed) what land uses could come forward and in all cases the sequential test and exceptions test would need to be met.</p> <p>Policy RC2 currently requires of any scheme: <i>The satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency</i>. As currently worded however the policy does not exclude the possibility of residential and other vulnerable uses from coming forward under this policy. Neither does it explicitly state requirements for the exceptions test to be met. A significant negative impact is therefore registered. This impact is however uncertain. This is because Policy RC2 is not itself delivering or allocating the development. Instead it is an aspirational policy that would facilitate such a proposal were it to come forward</p> <p>2. If residential development or vulnerable uses came forward as a result of this policy then it would lead to increases in flood risk to people and property in the plan area. A significant negative impact is therefore registered. This impact is however uncertain. This is because</p>	

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>Policy RC2 is not itself delivering or allocating the development. Instead it is an aspirational policy that would facilitate such a proposal were it to come forward</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows</p> <p>a) Exclude the possibility of residential or other vulnerable uses coming forward on this site</p> <p>b) Require sequential and exceptions test to be met</p>	U --
SEA 13: To conserve and where appropriate enhance the significance ⁶ of the historical and cultural environment.	<p>1. Does the policy conserve or enhance the significance of the designated heritage asset?</p> <p>2. Does the policy conserve or enhance the significance of the non-designated heritage assets?</p>	<p>1. Policy RC2 covers land which falls in both the Norton on Derwent conservation area and in the Malton Town Centre conservation area. There are also numerous built heritage assets and archaeological remains in this area. The County Bridge itself is a grade II listed building.</p> <p>An overview of the built heritage assets in this part of the town is shown in the environmental baseline in the SEA report and the archaeological remains are shown in Appendix 3 to the draft NP. Policy RC2 includes a requirement to preserve or enhance the character and appearance of the Malton Town Centre conservation area and the Norton on Derwent conservation area. The Local Plan (SP12) and the NPPF would require impact of development on heritage assets to be fully considered at planning application stage. However, the NP policy does not refer to built heritage assets. Given the number of statutorily listed buildings in this area, the policy could be strengthened in this respect.</p> <p>The supporting text to Policy RC2 refers to underused river corridor sites. Whilst the built up area around the County Bridge has heritage value there may be scope for sense of place to be strengthened were development to take place which resulted in both conservation/enhancement of a heritage asset/s and which resulted in better use of the sites in this location.</p>	U +

⁶ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

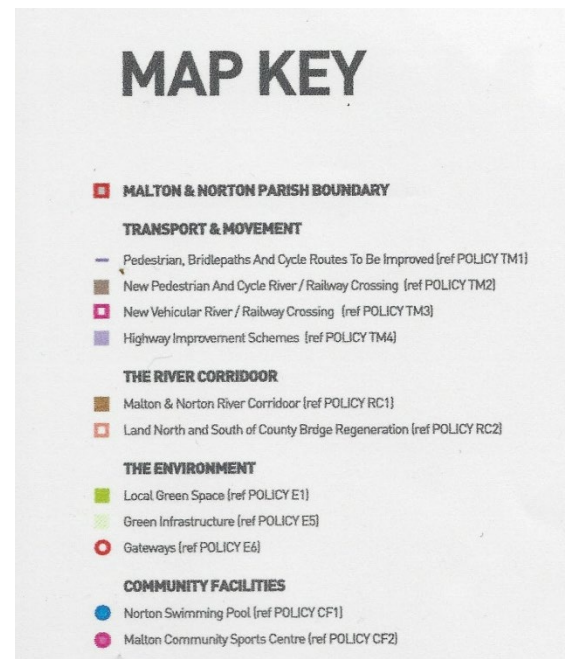
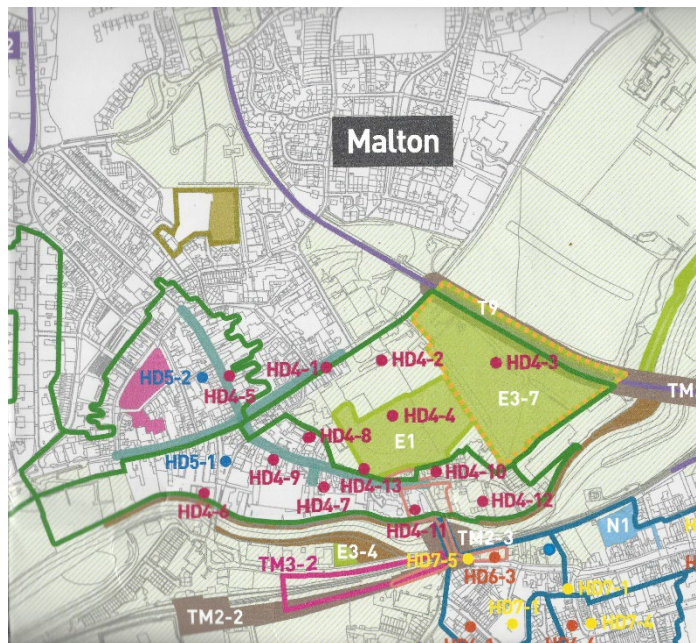
Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>Whilst the SEA concludes the policy could be strengthened to include reference to the need to conserve or enhance all built heritage assets and their setting, the SEA registers a potential positive impact. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p> <p>2. There are no known non-designated heritage assets in this area.</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows</p> <p>a) the SEA concludes the policy could be strengthened to include reference to the need to conserve or enhance all built heritage assets and their setting,</p>	
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	There is no relationship between this policy and this SEA objective. The policy neither encourages or discourages the use of renewable resources and the development of renewable energy sources.	0
SEA 15: To make the most efficient use of land	<p>1. Does the policy focus development towards previously developed land.</p> <p>Does the policy focus on maximising efficient uses of land?</p>	1. The extent of RC2 is all previously developed land. One of the aspirations in the plan is to facilitate the redevelopment of underused river corridor sites subject (subject to flood risk). The plan considers this an opportunity to improve the built fabric of the towns. A positive impact is registered here as it directs development to previously developed land.	+
SEA 16: To maintain a high quality	Does the policy have an adverse impact on the	This policy identifies a regeneration opportunity on land north and south of County Bridge. The third criteria in this policy is for <i>The maximisation of opportunities to improve pedestrian, cycle and motorised vehicular access across the River Derwent and the York-Scarborough Railway Line.</i>	U + U-

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
environment in terms of air quality	Malton Air Quality Management area?	Proposals envisaged under this policy could lead to disruption to the highways during the construction phase but the policy could lead to long term improvements overall. Since the emissions in the Malton Air Quality Management Area (which is close to the land at RC2) are traffic related, this policy registers uncertain positive impact and an uncertain negative impact.	

CF1: Norton's Swimming Pool

Development of Norton Swimming Pool to provide additional capacity or improved leisure facilities for the benefit of the community, including its upgrading, extension or replacement, will in principle be supported.

Consideration should be given to the need for any additional off-road car parking provision to serve any enhanced facility.



Map 1 – Extract from emerging proposals map and key

Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither and positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	<p>1. Does the policy result in the loss of a community facility or poorer access to a community facility?</p> <p>2. Does the policy result in improved access to community facility</p>	<p>1. No.</p> <p>2. This policy is an aspirational policy stating that development proposals (which would also need to meet the requirements set out other planning policies set out in the NP and Local Plan) which would provide additional capacity or improved leisure facilities including upgrading, extension or replacement would in principle be support.</p> <p>Ryedale District Council's 2012 Infrastructure Study⁷ reported a quantitative requirement for a swimming pool at Malton and also highlighted that the Derwent Swimming Pool is nearing the end of its operational life and replacement/refurbishment will be required. The emerging NP asserts that both Norton's swimming pool and Malton's Community Sports Centre require extensions and improvements. Policy CF1 is a response to this. A positive impact is registered. The impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward.</p>	<p>=</p> <p>U +</p>
SEA 2: To provide the opportunity for all people to meet their housing needs.	1. Does the policy deliver homes which will address an identified local need such as affordable homes?	1. There is no link registered between this draft NP policy and this SEA objective	0
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?	<p>1. Policy CF2 applies to the existing site of the Derwent Swimming Pool which is in the Norton on Derwent Conservation Area and located on Church Street close to where it changes to Commercial Street. The building is single storey and is set back from the road. The site incorporates a green area of amenity land with mature trees fronting onto Church Street.</p> <p>Whilst the current site does contribute to social character, there is no reason why a replacement facility or refurbishment would not do the same. There is a therefore a neutral impact registered here.</p>	<p>=</p> <p>=</p>

⁷ Infrastructure Delivery Plan, January 2012, Ryedale District Council

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	2. Would the policy involve new public realm or enhancements to the public realm?	2. It is possible any development taking place here could create or enhance public realm but there is nothing in the policy referring to this. A neutral impact is registered here.	
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	1. There is nothing to indicate in this policy alone that development would incorporate the principles of Secure by Design. A neutral impact is therefore registered. This is not to assert that the Local Plan and Neighbourhood Plan as a whole would not do this.	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	1. The policy supports in principle the provision of expanded community facilities. It is expected this would also deliver new employment opportunities. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain	U +
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	1. Will the policy protect or enhance the viability and vitality of the town centres? 2. Will the policy protect or enhance open areas outside the town centre?	1. By encouraging development that would deliver enhanced community facilities in a town centre location. Yes. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain 2. No direct link.	U+ 0

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors	1. Does the policy protect, employment opportunities in plan area? 2. Does the policy encourage or deliver more employment opportunities in accessible locations?	1. The policy does not protect employment opportunities. 2. The policy identifies a central location in the NP area as an opportunity for enhanced community facilities. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation). Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	= U +
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	1. The policy identifies a central location in the NP area as an opportunity for enhanced community facilities. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation). This facilities opportunities for diversifying the local economy. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	U+
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	1. The site of Derwent Swimming Pool is located south of the River Derwent SAC and SSSI and the railway line separates the building from the river. There is no access from the swimming pool to the river. This would indicate there is little relationship between Policy CF2 and the ecological sensitivity of the River Derwent SAC and SSSI. The HRA screening ⁸ however concludes: <i>There is a credible risk that pollution from construction from Policy CF1 could undermine the conservation objectives of the River Derwent SAC and that a likely significant effect cannot be ruled out (alone). Consequently, and an appropriate assessment is required.</i>	=

⁸ See screening section of Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>At the more detailed assessment stage (the appropriate assessment) the HRA assessment⁹ concluded that any adverse effects can be avoided altogether taking into account the following:</p> <ul style="list-style-type: none"> the limited range of activities required to construct the facility would be unlikely to present a threat of any magnitude to groundwater resources and any fuel spills can be confidently expected to be accommodated by existing drainage infrastructure it is separated from the river by the railway line making any incidents even less likely to arise in the river as it will not only provide a physical barrier, but will bring with it its own drainage infrastructure. any development of this scale will be required (through other legislation) to be accompanied by comprehensive construction techniques to effectively rule out any threat from pollution etc. As these measures would be required by law and best practice to afford wide-ranging environmental safeguards and would not be required specifically for the SAC, they can be considered to be reliable, effective and their implementation guaranteed <p>A neutral impact is therefore recorded here.</p>	
	2. Does the policy protect or enhance protected flora and fauna?	<p>2. There are existing mature trees on the site. Assuming existing national, Local Plan and emerging NP relating to biodiversity impacts and development are applied, potential impacts during construction and on completion of any potential development would be appropriately managed. Indeed there is potential positive impacts in the long run if development is required to achieve a net gain in biodiversity.</p> <p>Both an uncertain positive impact is registered to reflect the operation stage and an uncertain negative impact to reflect potential impact on the existing trees. The impacts are uncertain since the policy is an aspirational one and is dependent on a development scheme coming forward. There is no indication in the NP that such a scheme is in the pipeline.</p>	U – U +
	3.Does the policy provide	The site has a green corridor along the railway line and green infrastructure in front. There is potential for green infrastructure to be improved, for example through the provision of	U

⁹ See HRA assessment in the Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan, June 2020, Fleming Ecology Limited

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	opportunities for provision of green infrastructure including linking in with existing green infrastructure?	green roofs or an enhanced open space. However, delivery information is not sufficiently advanced for any conclusions to be drawn on this. An uncertain impact is registered.	
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	<p>1. The site is located on the opposite side of the River Derwent to a large area designated in the Ryedale Local Plan as Visually Important Undeveloped Area.</p> <p>Paragraph 6.1 of the Ryedale Local Sites Plan states that <i>"In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make a significant contribution to the setting of a Town and the role of the setting in influencing and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements."</i></p> <p>There is potential for a new scheme on this site to have either a negative or positive impact on the VIUA. However, delivery information is not sufficiently advanced for any conclusions to be drawn on this. An uncertain impact is registered</p>	U
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	<p>1. Would this policy encourage people to walk and cycle rather than travel by car?</p> <p>2. Would this policy lead to highway impacts that would require highway mitigation measures?</p> <p>3. Will the policy protect or enhance</p>	<p>1. The policy presents and aspiration for expanded community facilities in this accessible town centre location. Any scheme, if implemented, will help to encourage people to walk and cycle to the leisure facility. It is noted the policy also includes a proviso that consideration should be given to the need for additional off-street car parking to serve an expanded facility.</p> <p>A neutral impact is registered to reflect the potential mixed impacts in this regard.</p> <p>2. It is not known what the highway impacts of any scheme would be. The policy lacks sufficient detail for any conclusion to be drawn on this. No such impacts are therefore registered.</p> <p>3. There are not public rights of way in this location.</p>	<p>=</p> <p>=</p> <p>0</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	access to public rights of way?		
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	<p>1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone?</p> <p>2. Does the policy lead to increases in flood risk to people and property in the plan area?</p>	<p>1. The Northeast Yorkshire Strategic Flood Risk Assessment (SFRA) was last updated in 2010. Drawing number 10.2 to this SFRA (listed as PPS25 Malton and Norton flood plain delineation zone on the Ryedale website (accessed September 2020 https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html) shows the delineation of flood risk in the centre of Malton and Norton.</p> <p>According to this map, the site of the swimming pool is in one of the few river corridor sties that is not in the flood zone.</p> <p>2. No.</p>	<p>0</p> <p>0</p>
SEA 13: To conserve and where appropriate enhance the significance ¹⁰ of the historical and cultural environment.	<p>1. Does the policy conserve or enhance the significance of the designated heritage asset?</p> <p>2. Does the policy conserve or enhance the significance non-</p>	<p>1. Policy CF2 applies to the existing site of the Derwent Swimming Pool which is in the Norton on Derwent Conservation Area and located on Church Street close to where it changes to Commercial Street. The conservation area itself is a heritage asset. There are no other heritage assets in this location. The building is single storey and is set back from the road. There is no reason why a replacement facility or refurbishment would not conserve or enhance the conservation area, given other planning policies that would apply. There is a therefore a neutral impact registered here.</p> <p>2. There are no known non-designated heritage assets in this area.</p>	<p>=</p> <p>0</p>

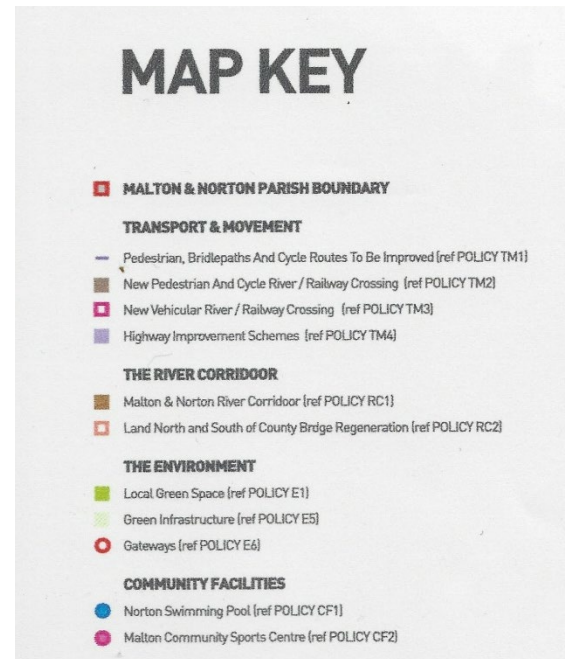
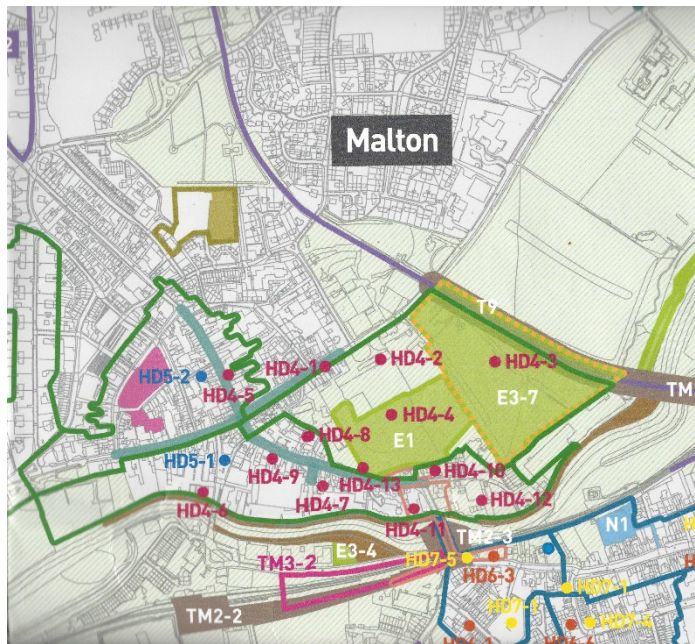
¹⁰ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	designated heritage assets?		
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	There is no relationship between this policy and this SEA objective. The policy neither encourages or discourages the use of renewable resources and the development of renewable energy sources.	0
SEA 15: To make the most efficient use of land	1. Does the policy focus development towards previously developed land. Does the policy focus on maximising efficient uses of land?	1. The extent of CF1 is all previously developed land. A positive impact is registered here as it directs development to previously developed land.	+
SEA 16: To maintain a high quality environment in terms of air quality	1. Does the policy have an adverse impact on the Malton Air Quality Management area?	1. The Malton Air Quality Management area is located on the northern side of the River Derwent. Increased community facilities at this town centre location could result in increased traffic movements to the town. This could in turn impact negatively on the air quality management area. The impact however is uncertain given the policy is aspirational and depending on a scheme to come forward.	U-

N1: Land to the Rear of Commercial Street

Regeneration of land to the rear of Commercial Street, as identified on the Neighbourhood Plan Proposals Map, including the development of a public car park, with associated service access to the rear of commercial properties in Commercial Street, will be supported.

The acceptability of any such regeneration development is subject to satisfying the requirements of Local Plan Strategy Policy SP14 in respect of biodiversity sites statutorily protected under international legislation.



Map 1 – Extract from emerging proposals map and key

Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither and positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	<p>1. Does the policy result in the loss of a community facility or poorer access to a community facility?</p> <p>2. Does the policy result in improved access to community facility</p>	<p>1. No.</p> <p>2. This policy highlights the site shown as N1 on the NP proposals map as an opportunity for regeneration including the development of a public car park. The NP identifies shortage of car parking spaces as presenting an issue for people visiting the town centre. On the basis that improved car parking provision will increase access to shops and services including community facilities (e.g. the swimming pool), a positive impact is registered. The impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward.</p>	<p>=</p> <p>U +</p>
SEA 2: To provide the opportunity for all people to meet their housing needs.	<p>1. Does the policy deliver homes which will address an identified local need such as affordable homes?</p>	<p>1. There is no link registered between this draft NP policy and this SEA objective</p>	<p>0</p>
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	<p>1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?</p> <p>2. Would the policy involve new public realm or enhancements to the public realm?</p>	<p>1. No.</p> <p>.</p> <p>2. It is possible any development taking place here could create or enhance public realm but there is nothing in the policy referring to this. A neutral impact is registered here.</p>	<p>=</p> <p>=</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	1. There is nothing to indicate in this policy alone that development would incorporate the principles of Secure by Design. A neutral impact is therefore registered. This is not to assert that the Local Plan and Neighbourhood Plan as a whole would not do this.	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	1. The policy identifies this site as suitable for regeneration which could include new commercial uses which could help to deliver improved employment opportunities. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	U+
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	1. Will the policy protect or enhance the viability and vitality of the town centres? 2. Will the policy protect or enhance open areas outside the town centre?	1. By encouraging development that would deliver enhanced access to shops, services and community facilities in a town centre location. Yes. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain 2. No direct link.	U+ 0
SEA 7: To retain and enhance the factors which are conducive to wealth creation,	1. Does the policy protect, employment opportunities in plan area?	1. The policy does not protect employment opportunities. 2. The policy identifies this site as suitable for regeneration which could include new commercial uses which could help to deliver improved employment opportunities in this	= U +

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
including personal creativity and attractiveness to investors	2. Does the policy encourage or deliver more employment opportunities in accessible locations?	town centre location. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	1. The policy identifies a central location in the NP area as an opportunity for regeneration. This, if implemented, would deliver employment opportunities in the short and medium term (construction) and the long term (occupation). This facilities opportunities for diversifying the local economy. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	U+
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	<p>1. The land identified as NI is located south of the River Derwent SAC and SSSI and the railway line separates the building from the river. There is no access from this site to the river. This would indicate there is little relationship between Policy N1 and the ecological sensitivity of the River Derwent SAC and SSSI.</p> <p>The HRA screening¹¹ however concludes: <i>There is a credible risk that pollution from construction from Policy CF1 could undermine the conservation objectives of the River Derwent SAC and that a likely significant effect cannot be ruled out (alone). Consequently, and an appropriate assessment is required.</i></p> <p>At the more detailed assessment stage (the appropriate assessment) the HRA assessment¹² found that <i>"Providing development is limited to construction and use of a car park, it is almost inconceivable that adverse effects on the integrity of the River Derwent could arise. This is because the limited range of activities required to construct the facility would be</i></p>	=

¹¹ See screening section of Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan

¹² See HRA assessment in the Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan, June 2020, Fleming Ecology Limited

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p><i>unlikely to present a threat of any magnitude to groundwater resources and any fuel spills can be confidently expected to be accommodated by the existing drainage infrastructure. Furthermore, it is separated from the river by the railway line making any incidents even less likely to arise in the river."</i></p> <p>The HRA however could not rule out adverse effects if residential development were to come forward at this location as a result of this policy. This is on the basis that residential development would result in increased recreational activity near to a sensitive ecological site.</p> <p>The policy wording of N1 does not currently rule out residential development. However, it is clear in the supporting text to the policy that residential development in this location is not the intention on the basis that the flood risk zone would make residential development inappropriate. The supporting text states:</p> <p><i>"The land is within an area of flood risk which limits any development potential, certain types of development, such as residential, being considered inappropriate due to their particular vulnerability to flooding. The town councils would, nonetheless, like to see the land put to better use. The land is considered to be situated in a convenient location to the shops along Commercial Street which are currently served by a restricted number of on-street car parking spaces. The land therefore provides an opportunity for additional parking spaces to support the existing shops, both in terms of parking and servicing/deliveries. Other regeneration uses may also be appropriate."</i></p> <p>The SEA does not register negative impacts against this SEA criteria. This is on the basis that it is clear that the policy is not intended to allow residential uses in this site. It is however agreed the policy wording could be made clear with regards to this.</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows:</p> <ul style="list-style-type: none"> - To reflect the vulnerability of this site to flooding, make clear in the policy wording that residential uses are not supported in this location 	

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	2. Does the policy protect or enhance protected flora and fauna?	2. There is existing vegetation and mature trees on the site. Assuming existing national, Local Plan and emerging NP relating to biodiversity impacts and development are applied, potential impacts during construction and on completion of any potential development would be appropriately managed. Due to largely undeveloped and vegetated nature of the current site an uncertain negative impact is registered. The impacts are uncertain since the policy is an aspirational one and is dependent on a development scheme coming forward. There is no indication in the NP that such a scheme is in the pipeline.	U –
	3.Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	The site is largely undeveloped and vegetated. It already links with the green corridor along the railway line. It is difficult to see how development could provide increased opportunities. There is therefore a neutral impact registered.	=
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	<p>1. The site is located on the opposite side of the River Derwent to a large area designated in the Ryedale Local Plan as Visually Important Undeveloped Area.</p> <p>Paragraph 6.1 of the Ryedale Local Sites Plan states that <i>“In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make a significant contribution to the setting of a Town and the role of the setting in influencing and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements.”</i></p> <p>There is potential for a new scheme on this site to have either a negative or positive impact on the VIUA. However, delivery information is not sufficiently advanced for any conclusions to be drawn on this. An uncertain impact is registered</p>	U
SEA 11: Reduce long distance commuting and congestion by	1. Would this policy encourage people to walk and cycle	1. The policy presents an aspiration for regeneration including a town centre car parking facility in this accessible town centre location. Alone, the policy potentially would discourage walking and cycling to the town centre.	U-

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
reducing the need to travel.	<p>rather than travel by car?</p> <p>2. Would this policy lead to highway impacts that would require highway mitigation measures?</p> <p>3. Will the policy protect or enhance access to public rights of way?</p>	<p>A negative impact is registered to reflect the potential mixed impacts in this regard. The impacts are uncertain since the policy is an aspirational one and is dependent on a development scheme coming forward. There is no indication in the NP that such a scheme is in the pipeline</p> <p>2. It is not known what the highway impacts of any scheme would be. The policy lacks sufficient detail for any conclusion to be drawn on this. There is however existing access to this site from the highway. A neutral impact is registered.</p> <p>3. There are no public rights of way in this location.</p>	=
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	<p>1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone?</p> <p>2. Does the policy lead to increases in flood risk to people and property in the plan area?</p>	<p>1. The Northeast Yorkshire Strategic Flood Risk Assessment (SFRA) was last updated in 2010. Drawing number 10.2 to this SFRA (listed as PPS25 Malton and Norton flood plain delineation zone on the Ryedale website (accessed September 2020 https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html) shows the delineation of flood risk in the centre of Malton and Norton.</p> <p>According to this map, the site is partly located in Flood Zone 3a(ii) 3a(ii). PPS25 Flood Zone 3a is defined as those areas with a high probability of flooding of greater than 1% for fluvial flooding or 0.5% for tidal flooding and which are not Functional Floodplain. The SFRA has developed sub zones for 3a as follows. 3a(ii) denotes the area <i>is Applicable for those developed areas at high risk of flooding which are currently defended to the appropriate minimum standard as defined by PPS25 (annual probability of 1% for fluvial flooding and 0.5% for flooding from the sea).</i></p> <p>The zones (e.g. 3a(iii) and 3a(ii)) in the SFRA provide the basis for the application of the sequential test in line with PPG25. PPS25 states that Zone 3a(ii) is appropriate for</p> <ul style="list-style-type: none"> • 'Water Compatible' and • 'Less Vulnerable' development types (see Table 7.1). 	U --

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<ul style="list-style-type: none"> • 'More Vulnerable' and 'Essential Infrastructure' development types are only considered appropriate if the requirements of the Exception Test are passed • 'Highly Vulnerable' development types are not appropriate within this Zone <p>As currently worded however the policy does not exclude the possibility of residential and other vulnerable uses from coming forward under this policy. Neither does it explicitly state requirements in relation to new development and flood risk management. A significant negative impact is therefore registered. This impact is however uncertain. This is because Policy N1 is not itself delivering or allocating the development. Instead it is an aspirational policy that would facilitate such a proposal were it to come forward</p> <p>2. If residential development or vulnerable uses came forward as a result of this policy then it would lead to increases in flood risk to people and property in the plan area. A significant negative impact is therefore registered. This impact is however uncertain. This is because Policy N1 is not itself delivering or allocating the development. Instead it is an aspirational policy that would facilitate such a proposal were it to come forward</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows:</p> <ul style="list-style-type: none"> - To reflect the vulnerability of this site to flooding, make clear in the policy wording that residential uses are not supported in this location 	
SEA 13: To conserve and where appropriate enhance the significance ¹³ of the historical and	1. Does the policy conserve or enhance the significance of the designated heritage asset?	1. The site covered by Policy N1 lies in the Norton on Derwent conservation area. However there are no statutorily listed buildings in this area. The conservation area itself is a heritage asset. The current site includes vegetated open land and an area of hardcore. There is no reason why a regeneration scheme envisaged under this policy would not conserve or enhance the conservation area, given other planning policies that would apply. There is a therefore a neutral impact registered here	=

¹³ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
cultural environment.	2. Does the policy conserve or enhance the significance of the non-designated heritage assets?	2. There are no known non-designated heritage assets in this area.	0
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	There is no relationship between this policy and this SEA objective. The policy neither encourages or discourages the use of renewable resources and the development of renewable energy sources.	0
SEA 15: To make the most efficient use of land	1. Does the policy focus development towards previously developed land. Does the policy focus on maximising efficient uses of land?	1. N1 is partly previously developed land. A positive impact is registered here as it directs development to previously developed land.	+
SEA 16: To maintain a high quality environment in terms of air quality	1. Does the policy have an adverse impact on the Malton Air Quality Management area?	1. The Malton Air Quality Management area is located on the northern side of the River Derwent. Increased car parking or commercial uses at this town centre location could result in increased traffic movements to the town. This could in turn impact negatively on the air quality management area. The impact however is uncertain given the policy is aspirational and depending on a scheme to come forward.	U-

Appendix 2: SEA scoping response from Natural England.

Date: 11 September 2020
Our ref: 323624



Tim Hicks
Deputy Town Clerk to Malton and Norton Town Councils
Norton On Derwent Town Council
The Old Courthouse
84b Commercial Street
Norton
YO17 9ES

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
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CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Mr Hicks

Planning consultation: SEA of the Malton and Norton Neighbourhood Plan: Scoping consultation

Thank you for your consultation on the above which was received by Natural England on 28 July 2020

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Provided the SEA covers all environmental effects identified in the HRA then Natural England does not wish to make any further comments over and above our advice on the HRA of the Neighbourhood Plan. We are responding separately the HRA consultation that has been sent to Natural England.

In answer to the specific questions posed please see below:

Q1: Do you agree with the proposed scope of the SEA in particular that the SEA of the NP will be limited to assessing the impact of Policies RC1, RC2, CF2 and N1? See section 7 and section 8 of this report for a detailed explanation of this. Yes.

Q2: Do you agree with the proposed SEA objectives (Table 10.1) which will be used in assessing the environmental effects of the NP? See Table 10.3 of this report. Yes.

Q3: Do you agree with the proposed approach to assessing alternatives (see section 8 of this report) to the draft Policies RC1, RC2, CF2 and NI where this approach will focus on looking at alternative ways of realising the NP vision and objectives to the approach taken in the four policies and where these alternatives could include: Yes.

- Removal of these policies;
- Looking at alternative policy wording and alternative wording in the supporting text
- Incorporating the changes proposed by the HRA appropriate assessment

Q4: Do you consider anything to be missing from the environmental baseline and environmental issues? See section 9 of this report. No.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Kate Wheeler on 07769918711. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Kate Wheeler
Yorkshire and Northern Lincolnshire Area

Appendix 3: SEA scoping response from Historic England



Historic England

YORKSHIRE

Mr. Tim Hicks,
Deputy Town Clerk,
Malton and Norton On Derwent Town Councils,
The Old Courthouse,
84b Commercial Street,
Norton,
YO17 9ES

Our ref: PL00708702
Your ref:

Telephone 01904 601 879
Mobile 0755 719 0988

24 August 2020

Dear Mr. Hicks,

Malton and Norton Neighbourhood Plan

Strategic Environmental Assessment Scoping Report Consultation Response

Thank you for consulting Historic England on the Strategic Environmental Assessment Scoping Report for the Malton and Norton Neighbourhood Plan.

The Malton and Norton Neighbourhood Plan Area contains a large number of designated and undesignated heritage assets, although our assessment of the draft Neighbourhood Plan concluded that there would be no adverse environmental effect upon them, arising from the making of the Neighbourhood Plan (letter of 30 September 2019).

Your e-mail invited us to respond to the four specific questions set out in Paragraph 1.3 of the report, which we do so below, on the understanding that our responses are confined to the impact of the Neighbourhood Plan on Malton and Norton's cultural heritage.

Consultation Questions & Responses

Q1: Do you agree with the proposed scope of the SEA in particular that the SEA of the NP will be limited to assessing the impact of Policies RC1, RC2, CF2 and N1?

We agree with the proposed scope of the SEA should be limited to assessing the impact of Policies RC1, RC2, CF2 and N1

Q2: Do you agree with the proposed SEA objectives (Table 10.1) which will be used in assessing the environmental effects of the NP?

We agree with the proposed SEA Objectives as set out in Table 10.1 of the Scoping report. However we would advise that the text SEA Objective 13 should be re-worded in Table 10.1 & 10.3 as follows:

“To conserve and where appropriate enhance the significance of the historical and cultural environment.”*

Additionally, the Appraisal Prompts text in relation to SEA 13 require re-wording as follows:

“Does the policy conserve or enhance the significance of designated heritage asset?”*

“Does the policy conserve or enhance the significance of non-designated heritage assets?”*

**Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.” (National Planning Policy Framework Glossary)*

Q3: Do you agree with the proposed approach to assessing alternatives to the draft Policies RC1, RC2, CF2 and NI where this approach will focus on looking at alternative ways of realising the NP vision and objectives to the approach taken in the four policies and where these alternatives could include:

- Removal of these policies;
- Looking at alternative policy wording and alternative wording in the supporting text
- Incorporating the changes proposed by the HRA appropriate assessment

We agree with the proposed approach to assessing alternatives to the draft Policies RC1, RC2, CF2 and NI.

Q4: Do you consider anything to be missing from the environmental baseline and environmental issues?

We do not consider that any other matters need to be added the environmental baseline and environmental issues.

We trust the above advice is clear, and look forward to receiving the consultations on the Submission draft of the Malton Neighbourhood Plan, in due course.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Craig Broadwith', is written over a faint, repeating watermark of the word 'electronic'.

Craig Broadwith

Historic Places Adviser

E-mail: Craig.Broadwith@HistoricEngland.org.uk

Appendix 4: SEA scoping response from the Environment Agency

Malton and Norton on Derwent Neighbourhood Plan

Strategic Environmental Assessment Environmental Report

October 2020 – Appendix 4 Scoping report responses

Responses from the Environment Agency:

Received from the Environment Agency, 28 September 2020 by email.

Thank you for consulting the Environment Agency regarding the above mentioned proposed draft plan. We have reviewed the information submitted and we wish to make the following comments

Strategic Environmental Assessment

We note that the Council has a responsibility to advise the Parish Council if there is a need for formal Strategic Environmental Assessment of the draft Neighbourhood Plan. You are seeking our views in order to inform the Council's decision on this matter.

We have considered the draft plan and its policies against those environmental characteristics of the area that fall within our remit and area of interest.

Having considered the nature of the policies in the Plan, we consider that it is **unlikely that significant negative** impacts on environmental characteristics that fall within our remit and interest will result through the implementation of the plan.

Kind Regards

RC1: Malton and Norton River Corridor Development

The following types of development proposals within the Malton and Norton River Corridor, as identified on the Neighbourhood Plan Proposals Map, will be supported:-

-Recreational enhancement works to include:-

- A new picnic area
- Improved riverside seating

-Enhanced footpath, cycleway and bridleway provision along the river frontage

-Café/refreshment facilities

The acceptability of any such development is subject to there being no adverse effects on the integrity of the River Derwent Special Area of Conservation.

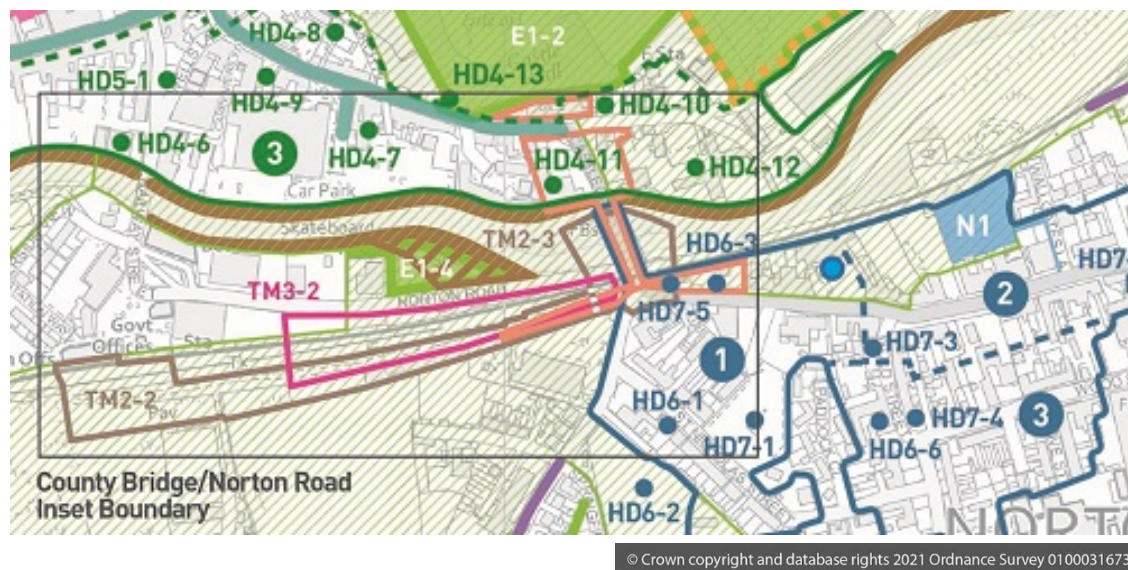
Development is also subject to:

-The satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency;

-The conservation or enhancement of the significance of heritage assets within the defined river corridor, including their settings, as applicable;

-The maintenance or enhancement of existing landscape quality within the defined river corridor

Extract from NP Proposals Map showign the extent of RC1, RC2, CF1 and N1



COMMUNITY FACILITIES

- Norton Swimming Pool [ref POLICY CF1]
- Malton Community Sports Centre [ref POLICY CF2]

THE RIVER CORRIDOR

- Malton & Norton River Corridor [ref POLICY RC1]
- Land North and South of County Bridge Regeneration [ref POLICY RC2]

Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither and positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.
U -	Uncertain and negative impact	Uncertain, but the policy may hinder achievement of the objective
U +	Uncertain impact but possibly positive impact.	Uncertain, but the policy may be positively consistent with meeting the objective

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	<p>1. Does the policy result in the loss of a community facility or poorer access to a community facility?</p> <p>2. Does the policy result in improved access to community facility</p>	<p>1. No.</p> <p>2. This is an aspirational policy stating that development proposals (which would also need to meet the requirements set out other planning policies set out in the NP and Local Plan) which deliver one of a number of recreational enhancement works would be supported. These recreational enhancement works are all types of community facilities and therefore this registers a positive impact. The delivery of such impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward. The impact is therefore uncertain.</p> <p>The policy also supports proposals delivering enhanced footpath/cycleway and bridleway provision, café/refreshment facilities. These are all types of community facilities so a further positive impact is registered. The delivery of such impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward. The impact is therefore uncertain.</p>	<p>=</p> <p>U +</p>
SEA 2: To provide the opportunity for all people to meet their housing needs.	1. Does the policy deliver homes which will address an identified local need such as affordable homes?	1. There is no link registered between this draft NP policy and this SEA objective	0
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	<p>1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?</p> <p>2. Would the policy involve new public realm or enhancements to the public realm?</p>	<p>1. No</p> <p>2. There is a possible significant positive impact. Recreational enhancements and enhancements to the public footpath, cycleway and bridleway are all considered to be enhancements to public realm provision. If proposals come forward as a result of this policy there is a possible significant positive impact. The delivery of such impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward. The impact is therefore uncertain.</p>	<p>0</p> <p>U++</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	1. Policy RC1 supports proposals which will deliver recreational enhancements along the River Corridor. This would have the potential to address any current issues there may be regarding crime or unsociable behaviour along the River Corridor. However, there is no evidence to indicate there are any existing issues.	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	<p>1. There are a number of different retail and business uses along the River Derwent corridor. These are described in the environmental baseline to the SEA report. However, the extent of the RC1 does not include these and the retail and business uses lie outside of the designation (see Map above). No loss of employment uses is therefore likely as a result of this policy.</p> <p>The policy supports public realm enhancements taking place along the river corridor. This could make the area more attractive to business occupiers. There is therefore a potential positive impact registered. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p>	U +
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	<p>1. Will the policy protect or enhance the viability and vitality of the town centres?</p> <p>2. Will the policy protect or enhance open areas outside the town centre?</p>	<p>1. By encouraging development that would deliver public realm improvements in this town centre location, the policy registers a positive impact. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is also uncertain.</p> <p>2. The policy seeks to enhance a corridor along the River Derwent, parts of which are in open land although this is in a location in the town centre not outside. No direct link.</p>	<p>U+</p> <p>0</p>
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal	<p>1. Does the policy protect, employment opportunities in plan area?</p> <p>2. Does the policy encourage or deliver more employment</p>	1. The policy does not protect employment opportunities. However, the proposals map shown above indicates that the extent of RC1 does not include any existing uses for this to apply to.	<p>=</p> <p>U +</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
creativity and attractiveness to investors	opportunities in accessible locations?	2. The policy supports public realm enhancements taking place along the river corridor. This could make the area more attractive to business occupiers. There is therefore a potential indirect positive impact registered. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain	
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	1. There is no perceivable link between this objective and Policy RC1	0
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	<p>1. The policy designation RC1 overlaps in some locations with the extent of the River Derwent SAC and the River Derwent SSSI. However, as these protected areas (SAC and SSSI) apply to a flowing river the entirety of the RC1 designation is directly relevant to the SAC and SSSI.</p> <p>The policy is an aspirational policy that seeks recreational enhancements along the River Corridor. There is a potential negative impact from riverside recreational activities on to sensitive environmental receptors along the river. The River Derwent SAC has been designated European status due to the habitat:</p> <ul style="list-style-type: none"> • Water courses of plain to montane levels with the Ranunculus fluitantis and Callitriche-Batrachion vegetation. (Rivers with floating vegetation often dominated by water-crowfoot) <p>And due to the species:</p> <ul style="list-style-type: none"> • Bullhead Cottus gobio • River lamprey Lampetra fluviatilis • Otter Lutra lutra • Sea lamprey Petromyzon marinus <p>The HRA appropriate screening assessment¹⁴ undertaken on the 2020 version of the NP (pre Reg 14 version) states concluded that <i>There is a</i></p>	=

¹⁴ See screening section of the Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan, June 2020, Fleming Ecology Limited.

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p><i>credible risk that recreational pressure and pollution/erosion etc from Policy RC1 could undermine the conservation objectives of the River Derwent SAC and that a likely significant effect cannot be ruled out (alone). Consequently, an appropriate assessment is required.</i></p> <p>Following this, the 2020 version was subject to an appropriate assessment. This resulted in a number of amendments including the removal of the elements in the policy (e.g support for a bandstand and fishing pegs) that had the potential to affect the integrity of the SAC.</p> <p>With respect to the potential impact between the policy proposals in RC1 and the characteristics of the River Derwent SAC, it is the otter population where there is a potential link and this is associated with potential recreational activity along the river corridor arising as a result of the policy. It is noted however that the types of recreational uses supported by the policy (recreational enhancement works, enhancements to the public right of way and café/refreshment facilities) are in themselves relatively self contained in impact and not likely to cause disturbance (above and beyond the activity currently taking place along this stretch of land) to the otter population in the river corridor. It is recognised that any impact would depend on the exact recreational activity and the time of day that this takes place.</p> <p>In recognition of the ecology status of the River Derwent, Policy RC1 includes the following requirement to ensure that where any implications do exist they would be ruled out at the planning application stage. <i>The acceptability of any such development is subject to there being no adverse effects on the integrity of the River Derwent Special Area of Conservation.</i></p> <p>To conclude, Policy RC1 therefore registers a neutral impact with respect to impact on the SAC because of the policy wording that has been included.</p>	

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	2. Does the policy protect or enhance protected flora and fauna?	As discussed above adverse impacts on the integrity of the River Derwent SAC has been ruled out. However, there is nonetheless a sensitive site and there is a potential but uncertain negative impact between Policy RC2 that would support proposals that deliver recreational activities which may impact the flora and fauna along the River Derwent Corridor.	U -
	3. Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	1. Policy RC1 covers a corridor of land on either side of the River Derwent that combines current public rights of way, an open space and vegetated river corridor not accessible to the public. Alongside this extent on either side of the river, there are various land uses including business use and rear retail parking. On the northern part of the River there is a public right of way from Castlegate through the middle of the Morrisons' car park to the River Derwent. Depending on proposals which come forward, this policy could potentially open up opportunities for increased access to green infrastructure corridors but there is no positive impact detected from the current policy wording in terms of improving green infrastructure itself.	=
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	<p>1. Either side of the proposed designation of the NP Policy RC1 are two large areas of land designated in the Ryedale Local Plan as Visually Important Undeveloped Areas. These are shown on the Local Plan Proposals Map. Paragraph 6.1 of the Ryedale Local Sites Plan states that <i>"In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make a significant contribution to the setting of a Town and the role of the setting in influencing and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements."</i></p> <p>The extent of the land covered by RC1 which is currently undeveloped is not open for additional development under the wording of Policy RC1 other than for very minor development (e.g. picnic areas, a café) that would allow for enhanced recreational enhancements. Potential negative impacts are avoided due to the inclusion of policy wording which requires development to maintain or enhance existing landscape quality.</p>	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	<p>1. Would this policy encourage people to walk and cycle rather than travel by car?</p> <p>2. Would this policy lead to highway impacts that would require highway mitigation measures?</p> <p>3. Will the policy protect or enhance access to public rights of way?</p>	<p>1. If this policy succeeds to facilitate improved accessible open space provision there is potential for this policy to result in fewer journeys to areas of open space by car. Likewise, if successful this policy will result in enhancing provision of an existing public right of way.</p> <p>This impact is however uncertain given the fact this policy is aspirational and does not include specific proposals for development.</p> <p>2. No highway impacts identified.</p> <p>3. There is a direct link between this policy and public rights of way since the policy wording itself seeks enhanced footpath, cycleway and bridleway provision along the river frontage. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p>	<p>U +</p> <p>=</p> <p>U+</p>
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	<p>1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone?</p> <p>2. Does the policy lead to increases in flood risk to people and property in the plan area?</p>	<p>1. The Northeast Yorkshire Strategic Flood Risk Assessment (SFRA) was last updated in 2010. Drawing number 10.2 to this SFRA (listed as PPS25 Malton and Norton flood plain delineation zone on the Ryedale website (accessed September 2020 https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html) shows the delineation of flood risk in the centre of Malton and Norton. It shows that the proposed extent of NP policy RC1 is largely in flood zone 3b. This is the functional floodplain. The area borders flood zone 3aiii where 3aiii denotes <i>areas at high risk of flooding which are currently defended to the appropriate minimum standard for existing development as defined by Defra (annual probability of 2% for fluvial flooding and 1 % for flooding from the sea) but are not defended to the appropriate minimum standard for new development as defined by PPS25 (annual probability of 1% for fluvial flooding and 0.5% for flooding from the sea).</i></p>	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>The final paragraph of the policy requires that: <i>Development is also subject to the satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency</i></p> <p>The zones (e.g. 3a and 3b) in the SFRA provide the basis for the application of the sequential test in line with PPG25. The SFRA states that the only development that would be appropriate in zone 3b would be:</p> <ul style="list-style-type: none"> • Water compatible development provided that an appropriate FRA has been submitted • Essential infrastructure development types so long as it can be demonstrated that the proposal meets the requirements of the exception test. <p>The flood risk therefore directly restricts what development could come forward within the extent of NP policy RC1. For example, no residential development could come forward.</p> <p>2. Given the type of development envisaged in this policy, it is unlikely this policy would lead to increases in flood risk to people and property. There is therefore a neutral impact registered against this second question.</p>	=
SEA 13: To conserve and where appropriate enhance the significance ¹⁵ of the historical and cultural environment.	<p>Does the policy conserve or enhance the significance of the designated heritage asset?</p> <p>Does the policy conserve or enhance the significance of</p>	<p>There are many heritage assets close to the extent of the River Derwent corridor. The closest one is the County Bridge itself which is statutorily listed as a Grade II structure.</p> <p>It is possible that Policy extent RC1 could lie within the setting of some of these important heritage assets.</p>	=

¹⁵ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	the non-designated heritage assets?	<p>Policy RC1 supports development along the river corridor where this would deliver recreational enhancements. National planning policy (provided through NPPF and PPS25, together with the last paragraph which confirms <i>Development is also subject to the satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency</i>, would in practice limit what development could come forward due to the existing site lying in flood zone 3b (see the 2012 Northeast Yorkshire SFRA). Any development coming forward under Policy RC1 is therefore likely to small in scale.</p> <p>It is also noted the policy refers to the need for development to conserve and enhance the setting of existing heritage assets.</p> <p>A neutral impact is therefore registered.</p>	
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	There is no relationship between this policy and this SEA objective. The policy neither encourages or discourages the use of renewable resources and the development of renewable energy sources.	0
SEA 15: To make the most efficient use of land	<p>Does the policy focus development towards previously developed land.</p> <p>Does the policy focus on maximising efficient uses of land?</p>	The extent of RC1, whilst located adjacent to previously developed land, appears to be limited to the vegetated river corridor only. There is no relationship between this policy and this SEA objective.	0
SEA 16: To maintain a high quality environment in terms of air quality	Does the policy have an adverse impact on the Malton Air Quality Management area?	This policy is an aspirational one which would support proposals which would lead to river corridor recreational enhancements. If this policy leads to the desired development coming forward, access and public use of the river corridor would be increased. This could have the effect of increasing opportunities for pedestrians and cyclists to travel through the plan area	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>whilst avoiding the Malton Air Quality Management Area NO2 where emissions are concentrated. There could in the long run therefore be a positive impact here in terms of providing access to cleaner air. However the link is tenuous and uncertain.</p> <p>A neutral impact is therefore recorded against this objective.</p>	

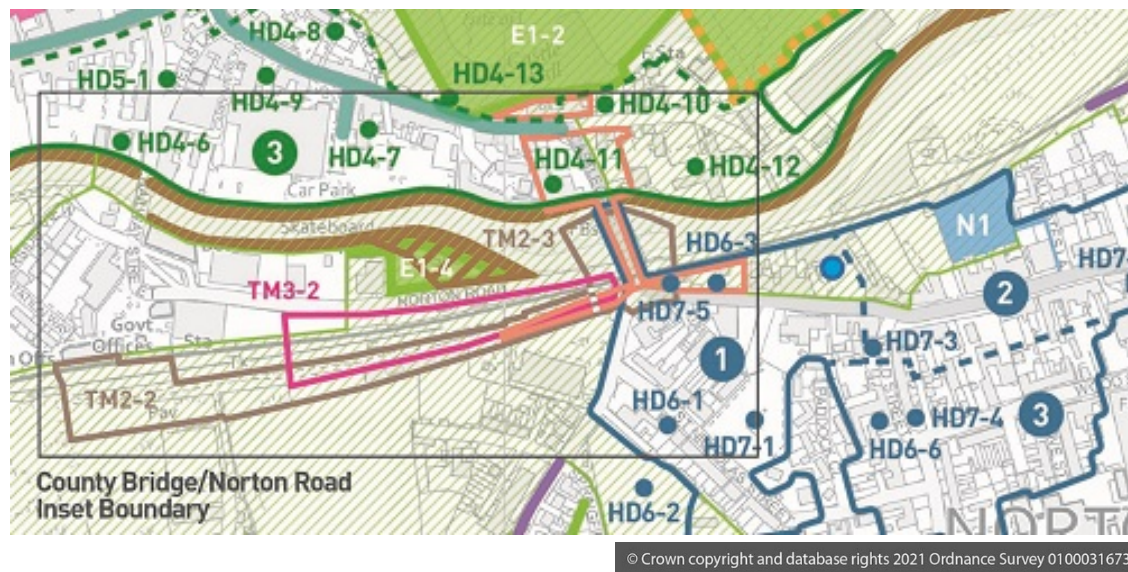
RC2: Regeneration of Land North and South of County Bridge

Development-related regeneration on land to the North and South of County Bridge, as shown on the Neighbourhood Plan Proposals Map, will be supported.

In the event that the principle of any such development on this site is accepted via the Local Plan or otherwise, and subject to any adverse effects on the integrity of the River Derwent Special Area of Conservation being ruled out, development of this site will be supported, subject to:

- No residential or other vulnerable use (in terms of flood risk) coming forward on this land and subject to development meeting the sequential test and where applicable the exceptions test in line with national policy;
- The preservation and/or enhancement of the character and appearance of the Malton Town Centre and Norton-on- Derwent Conservation Areas within which the site is located;
- The conservation or enhancement of the significance of heritage assets, including their setting, as applicable;
- The maximisation of opportunities to improve pedestrian, cycle and motorised vehicular access across the River Derwent and the York-Scarborough Railway Line;
- The incorporation of low emission measures to ensure that the overall impact on AQMA air quality is mitigated;
- The retention/replacement of Yorkshire Water's site access;
- The retention/replacement of the on-site public conveniences.

Extract from NP Proposals Map showign the extent of RC1, RC2, CF1 and N1



COMMUNITY FACILITIES

- Norton Swimming Pool (ref POLICY CF1)
- Malton Community Sports Centre (ref POLICY CF2)

THE RIVER CORRIDOR

- Malton & Norton River Corridor (ref POLICY RC1)
- Land North and South of County Bridge Regeneration (ref POLICY RC2)

Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither and positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.
U -	Uncertain and negative impact	Uncertain, but the policy may hinder achievement of the objective
U +	Uncertain impact but possibly positive impact.	Uncertain, but the policy may be positively consistent with meeting the objective

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	<p>1. Does the policy result in the loss of a community facility or poorer access to a community facility?</p> <p>2. Does the policy result in improved access to community facility</p>	<p>1. No.</p> <p>2. This policy is an aspirational policy stating that development proposals (which would also need to meet the requirements set out other planning policies set out in the NP and Local Plan) which deliver development-related regeneration on the land which includes the County Bridge, land to the north and land to the south will be supported. The policy includes specific criteria which are applicable to community facilities. This is the requirement to retain or replace on-site public convenience and a requirement to maximise opportunities to improve pedestrian, cycle and motorised access the River Derwent and the York Scarborough Railway Line. These are all types of community facilities, so a positive impact is registered. The delivery of such impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward. The impact is therefore uncertain.</p>	<p>=</p> <p>U +</p>
SEA 2: To provide the opportunity for all people to meet their housing needs.	<p>1. Does the policy deliver homes which will address an identified local need such as affordable homes?</p>	<p>1. There is no link registered between this draft NP policy and this SEA objective</p>	<p>0</p>
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	<p>1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?</p> <p>2. Would the policy involve new public</p>	<p>1. Policy RC2 covers land in both the Norton on Derwent conservation area and land in the Malton Town Centre conservation area. There are also numerous built heritage assets and archaeological remains in this area. An overview of the built heritage assets in this part of the town is shown in the environmental baseline in the SEA report and the archaeological remains are shown in Appendix 3 to the draft NP. The richness in heritage assets in this location is considered to be a key contributor to social character and distinctiveness. Policy RC2 includes a requirement to preserve or enhance the character and appearance of the Malton Town Centre conservation area and the Norton on Derwent conservation area. The policy also includes a requirement to conserve or enhance the significance of heritage assets including their setting.</p>	<p>U+</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	realm or enhancements to the public realm?	<p>2. The supporting text to Policy RC2 refers to underused river corridor sites. Whilst the built up area around the County Bridge has heritage value there may be scope for sense of place to be strengthened were development to take place which resulted in both conservation/enhancement of a heritage asset and which resulted in better use of the sites in this location.</p> <p>The SEA registers a potential positive impact. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p> <p>The policy could also potentially lead to a better public realm if it resulted in increased occupation of currently underutilised sites. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p>	U+
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	1. The intention driving Policy RC2 is understood to be a drive to encourage use of currently underused river corridor sites. This would have the potential to address any current issues there may be regarding crime or unsociable behaviour associated with unoccupied building. However, there is no evidence to indicate there are any existing issues.	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	<p>1. The policy identifies a central location in the NP area as a regeneration opportunity. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation)</p> <p>Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p>	U +

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	<p>1. Will the policy protect or enhance the viability and vitality of the town centres?</p> <p>2. Will the policy protect or enhance open areas outside the town centre?</p>	<p>1. By encouraging development that would deliver regeneration benefits in a town centre location. Yes. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain</p> <p>2. No direct link.</p>	<p>U+</p> <p>0</p>
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors	<p>1. Does the policy protect, employment opportunities in plan area?</p> <p>2. Does the policy encourage or deliver more employment opportunities in accessible locations?</p>	<p>1. The policy does not protect employment opportunities.</p> <p>2. The policy identifies a central location in the NP area as a regeneration opportunity. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation). Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain</p>	<p>=</p> <p>U +</p>
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	1. The policy identifies a central location in the NP area as a regeneration opportunity. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation). This facilities opportunities for diversifying the local economy. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	U+
SEA 9: To protect and enhance biodiversity in the	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	1. The policy designation RC2 overlaps in some locations with the extent of the River Derwent SAC and the River Derwent SSSI. However, as these protected areas (SAC and SSSI) apply to a flowing river the entirety of the RC2 designation is directly relevant to the SAC and SSSI.	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
River Derwent SAC and SSSI		<p>The policy is an aspirational policy that seeks the regeneration of the land north and south of the County Bridge. There is a potential negative impact from riverside construction activities on to sensitive environmental receptors along the river. The River Derwent SAC has been designated European status due to the habitat:</p> <ul style="list-style-type: none"> • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation. (Rivers with floating vegetation often dominated by water-crowfoot) <p>And due to the species:</p> <ul style="list-style-type: none"> • Bullhead <i>Cottus gobio</i> • River lamprey <i>Lampetra fluviatilis</i> • Otter <i>Lutra lutra</i> • Sea lamprey <i>Petromyzon marinus</i> <p>The HRA appropriate screening assessment¹⁶ undertaken on the NP also identified a concern relating to possible residential development that could come forward under Policy RC2 and that the provision of additional housing without adequate provision of open space opportunities would increase recreational pressure on the River Derwent SAC and SSSI.</p> <p>At the more detailed assessment stage (the appropriate assessment) the HRA assessment¹⁷ concluded that the only way to avoid increased recreational pressure on the River Derwent SAC and SSSI from Policy RC2 would be for the policy to be amended so as to rule out residential uses. With respect to pollution and disturbance from construction activity the HRA ruled any adverse impacts out on the basis that safeguards to protect the SAC and SSSI during construction would be required by law.</p>	

¹⁶ See screening section of the Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan, June 2020, Fleming Ecology Limited.

¹⁷ See HRA assessment in the Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan, June 2020, Fleming Ecology Limited

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>The wording of Policy RC2 rules out residential development. This removes a risk of recreational pressure on the River Derwent SAC and SSSI arising from additional residential development in this area.</p> <p>In recognition of the ecology status of the River Derwent, Policy RC2 includes the requirement that any proposal is accepted via the Local Plan or otherwise, and subject to proposals not adversely affecting the integrity of the River Derwent SAC. This will ensure protection of the SAC.</p> <p>To conclude, whilst this is a sensitive location in which development may be supported, the policy wording ensures that residential uses are ruled out and that no proposal could come forward that would adversely affect the integrity of the River Derwent SAC. There is therefore a neutral impact registered.</p>	
	2. Does the policy protect or enhance protected flora and fauna?	2. As discussed above adverse impacts on the integrity of the River Derwent SAC has been ruled out. However, there is nonetheless a sensitive site and there is a potential but uncertain negative impact between Policy RC2 that would support proposals that deliver recreational activities which may impact the flora and fauna along the River Derwent Corridor.	U -
	3.Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	No.	=
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important	1. There are two large areas of land designated in the Ryedale Local Plan as Visually Important Undeveloped Areas. These are shown on the Local Plan Proposals Map. Paragraph 6.1 of the Ryedale Local Sites Plan states that <i>"In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make a significant contribution to the setting of a Town and the role of the setting in influencing</i>	0

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	Undeveloped Areas in the plan area?	<i>and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements."</i> Policy designation RC2 is some distance away from the VIUAs. Also, the land covered by this policy is already built up and given any proposals would need to conserve or enhance the conservation areas, there is no identified impact on the VIUAs from this policy.	
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	<p>1. Would this policy encourage people to walk and cycle rather than travel by car?</p> <p>2. Would this policy lead to highway impacts that would require highway mitigation measures?</p> <p>3. Will the policy protect or enhance access to public rights of way?</p>	<p>1. Regeneration at this location could lead to a more attractive and vibrant town centre. This, itself may lead to increased footfall and cycle trips. However this link is indirect and too uncertain for any impact to be registered.</p> <p>2. The third criteria in this policy is for <i>The maximisation of opportunities to improve pedestrian, cycle and motorised vehicular access across the River Derwent and the York-Scarborough Railway Line.</i> Proposals envisaged under this policy could lead to disruption to the highways during the construction phase but the policy could lead to long term improvements overall. The policy therefore registers uncertain positive impact and an uncertain negative impact.</p> <p>3. There is currently a public right of way on the southern side of the River Derwent from This public right of way runs from the west until the County Bridge where it stops. Policy RC2 does not mention protection of the public right of way but equally there is no indication that the policy would lead to the loss of the public right of way. Regeneration of the southern side could allow for enhancement or even extension of this public right of way. But as this is not mentioned, there is a neutral impact registered here.</p>	<p>=</p> <p>U –</p> <p>U +</p> <p>=</p>
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will	<p>1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone?</p>	<p>1. The Northeast Yorkshire Strategic Flood Risk Assessment (SFRA) was last updated in 2010. Drawing number 10.2 to this SFRA (listed as PPS25 Malton and Norton flood plain delineation zone on the Ryedale website (accessed September 2020 https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html) shows the delineation of flood risk in the centre of Malton and Norton.</p> <p>Land shown in the Proposals Map as land to the south of County Bridge lies in flood zone 3aiii and 3aii. PPS25 Flood Zone 3a is defined as those areas with a high probability of flooding of greater than 1% for fluvial flooding or 0.5% for tidal flooding and which are not</p>	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
increase the risk of flooding elsewhere	2. Does the policy lead to increases in flood risk to people and property in the plan area?	<p>Functional Floodplain. The SFRA has developed sub zones for 3a as follows. 3aiii denotes the area is <i>applicable for those developed areas at high risk of flooding which are currently defended to the appropriate minimum standard for existing development as defined by Defra (annual probability of 2% for fluvial flooding and 1 % for flooding from the sea) but are not defended to the appropriate minimum standard for new development as defined by PPS25 (annual probability of 1% for fluvial flooding and 0.5% for flooding from the sea).</i> 3aii denotes the area is <i>Applicable for those developed areas at high risk of flooding which are currently defended to the appropriate minimum standard as defined by PPS25 (annual probability of 1% for fluvial flooding and 0.5% for flooding from the sea).</i></p> <p>The zones (e.g. 3aiii and 3aii) in the SFRA provide the basis for the application of the sequential test in line with PPG25. PPS25 states that Zone 3a(ii) is appropriate for</p> <ul style="list-style-type: none"> • 'Water Compatible' and • 'Less Vulnerable' development types (see Table 7.1). • 'More Vulnerable' and 'Essential Infrastructure' development types are only considered appropriate if the requirements of the Exception Test are passed • 'Highly Vulnerable' development types are not appropriate within this Zone <p>The SFRA states for Zone 3a(III) that <i>Rapid inundation of an area following the breach or overtopping of a flood defence has the potential to lead to structural damage, injury and/or death.</i> The SFRA states this zone should be treated as if it were a developed site at high risk of flooding without an appropriate standard of flood defence and states also that a sequential approach to the allocation of sites within areas behind flood defences should also be followed, with preference being given to those sites where the lowest consequences of flood defence failure are anticipated.</p> <p>The level of flood risk within the extent of Policy RC2 would therefore restrict (if NPPF policy and guidance in the SFRA were being followed) what land uses could come forward and in all cases the sequential test and exceptions test would need to be met.</p> <p>Policy RC2 currently includes the following requirement of any scheme: <i>subject to:</i></p>	

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p><i>-No residential or other vulnerable use (in terms of flood risk) coming forward on this land and subject to development meeting the sequential test and where applicable the exceptions test in line with national policy.</i> The policy excludes the possibility of residential and other vulnerable uses from coming forward under this policy. The policy also ensures that of any other development the sequential and exceptions test are met. A neutral impact is therefore registered.</p> <p>2. The policy wording included here will ensure that development will not result in increase in flood risk to people or property.</p>	=
SEA 13: To conserve and where appropriate enhance the significance ¹⁸ of the historical and cultural environment.	<p>1. Does the policy conserve or enhance the significance of the designated heritage asset?</p> <p>2. Does the policy conserve or enhance the significance of the non-designated heritage assets?</p>	<p>1. Policy RC2 covers land which falls in both the Norton on Derwent conservation area and in the Malton Town Centre conservation area. There are also numerous built heritage assets and archaeological remains in this area. The County Bridge itself is a grade II listed building.</p> <p>An overview of the built heritage assets in this part of the town is shown in the environmental baseline in the SEA report and the archaeological remains are shown in Appendix 3 to the draft NP. Policy RC2 includes a requirement to preserve or enhance the character and appearance of the Malton Town Centre conservation area and the Norton on Derwent conservation area. The Local Plan (SP12) and the NPPF would require impact of development on heritage assets to be fully considered at planning application stage. The NP policy also requires the conservation or enhancement of the significance of all heritage assets. This is important given the number of statutorily listed buildings in this area, the policy could be strengthened in this respect.</p> <p>The supporting text to Policy RC2 refers to underused river corridor sites. Whilst the built up area around the County Bridge has heritage value there may be scope for sense of place to be strengthened were development to take place which resulted in both conservation/enhancement of a heritage asset/s and which resulted in better use of the sites in this location.</p>	U +

¹⁸ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>The SEA registers a potential positive impact. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p> <p>2. There are no known non-designated heritage assets in this area.</p>	U
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	There is no relationship between this policy and this SEA objective. The policy neither encourages or discourages the use of renewable resources and the development of renewable energy sources.	0
SEA 15: To make the most efficient use of land	<p>1. Does the policy focus development towards previously developed land.</p> <p>Does the policy focus on maximising efficient uses of land?</p>	1. The extent of RC2 is all previously developed land. One of the aspirations in the plan is to facilitate the redevelopment of underused river corridor sites subject (subject to flood risk). The plan considers this an opportunity to improve the built fabric of the towns. A positive impact is registered here as it directs development to previously developed land.	+
SEA 16: To maintain a high quality environment in terms of air quality	Does the policy have an adverse impact on the Malton Air Quality Management area?	<p>This policy identifies a regeneration opportunity on land north and south of County Bridge. The third criteria in this policy is for <i>The maximisation of opportunities to improve pedestrian, cycle and motorised vehicular access across the River Derwent and the York-Scarborough Railway Line.</i></p> <p>Proposals envisaged under this policy could lead to disruption to the highways during the construction phase but the policy could lead to long term improvements overall. Since the emissions in the Malton Air Quality Management Area (which is close to the land at RC2) are traffic related, this policy registers uncertain positive impact and an uncertain negative impact.</p>	U + U-

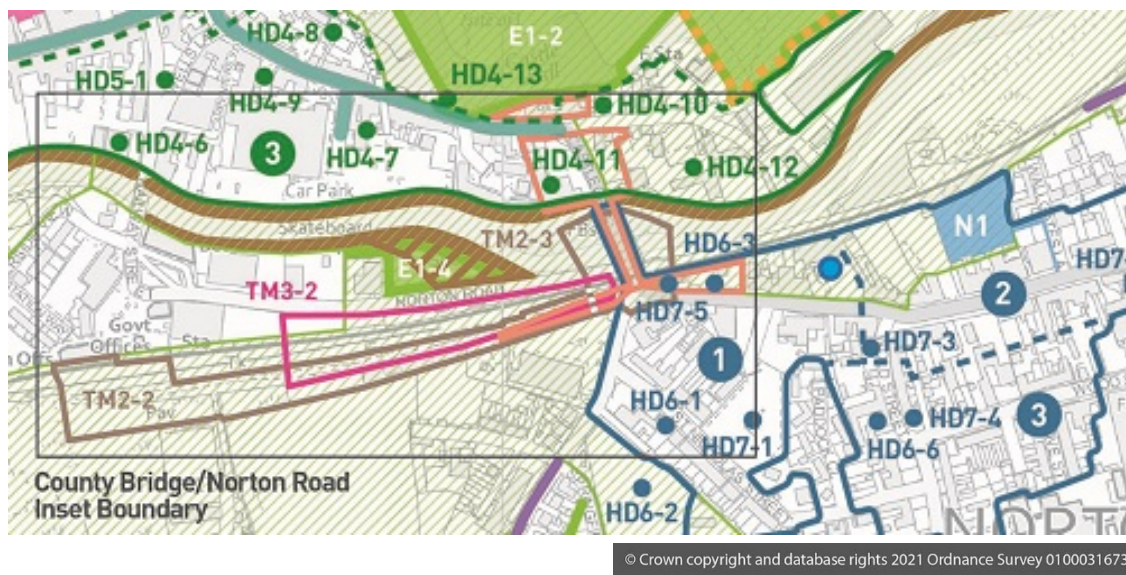
CF1: Norton's Swimming Pool

Development of Norton Swimming Pool to provide additional capacity or improved leisure facilities for the benefit of the community, including its upgrading, extension or replacement, will be supported.

Consideration should be given to the need for any additional off-road car parking provision to serve any enhanced facility.

The acceptability of any such development is subject to there being no adverse effects on the integrity of the River Derwent Special Area of Conservation.

Extract from NP Proposals Map showign the extent of RC1, RC2, CF1 and N1



COMMUNITY FACILITIES

- Norton Swimming Pool [ref POLICY CF1]
- Malton Community Sports Centre [ref POLICY CF2]

THE RIVER CORRIDOR

- Malton & Norton River Corridor [ref POLICY RC1]
- Land North and South of County Bridge Regeneration [ref POLICY RC2]

Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither and positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.
U -	Uncertain and negative impact	Uncertain, but the policy may hinder achievement of the objective
U +	Uncertain impact but possibly positive impact.	Uncertain, but the policy may be positively consistent with meeting the objective

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	<p>1. Does the policy result in the loss of a community facility or poorer access to a community facility?</p> <p>2. Does the policy result in improved access to community facility</p>	<p>1. No.</p> <p>2. This policy is an aspirational policy stating that development proposals (which would also need to meet the requirements set out other planning policies set out in the NP and Local Plan) which would provide additional capacity or improved leisure facilities including upgrading, extension or replacement would in principle be support.</p> <p>Ryedale District Council's 2012 Infrastructure Study¹⁹ reported a quantitative requirement for a swimming pool at Malton and also highlighted that the Derwent Swimming Pool is nearing the end of its operational life and replacement/refurbishment will be required. The emerging NP asserts that both Norton's swimming pool and Malton's Community Sports Centre require extensions and improvements. Policy CF1 is a response to this. A positive impact is registered. The impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward.</p>	<p>+</p> <p>U +</p>
SEA 2: To provide the opportunity for all people to meet their housing needs.	1. Does the policy deliver homes which will address an identified local need such as affordable homes?	1. There is no link registered between this draft NP policy and this SEA objective	0
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?	<p>1. Policy CF2 applies to the existing site of the Derwent Swimming Pool which is in the Norton on Derwent Conservation Area and located on Church Street close to where it changes to Commercial Street. The building is single storey and is set back from the road. The site incorporates a green area of amenity land with mature trees fronting onto Church Street.</p> <p>Whilst the current site does contribute to social character, there is no reason why a replacement facility or refurbishment would not do the same. There is a therefore a neutral impact registered here.</p>	<p>=</p> <p>=</p>

¹⁹ Infrastructure Delivery Plan, January 2012, Ryedale District Council

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	2. Would the policy involve new public realm or enhancements to the public realm?	2. It is possible any development taking place here could create or enhance public realm but there is nothing in the policy referring to this. A neutral impact is registered here.	
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	1. There is nothing to indicate in this policy alone that development would incorporate the principles of Secure by Design. A neutral impact is therefore registered. This is not to assert that the Local Plan and Neighbourhood Plan as a whole would not do this.	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	1. The policy supports in principle the provision of expanded community facilities. It is expected this would also deliver new employment opportunities. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain	U +
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	1. Will the policy protect or enhance the viability and vitality of the town centres? 2. Will the policy protect or enhance open areas outside the town centre?	1. By encouraging development that would deliver enhanced community facilities in a town centre location. Yes. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain 2. No direct link.	U+ 0

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors	1. Does the policy protect, employment opportunities in plan area? 2. Does the policy encourage or deliver more employment opportunities in accessible locations?	1. The policy does not protect employment opportunities. 2. The policy identifies a central location in the NP area as an opportunity for enhanced community facilities. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation). Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	= U +
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	1. The policy identifies a central location in the NP area as an opportunity for enhanced community facilities. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation). This facilities opportunities for diversifying the local economy. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	U+
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	1. The site of Derwent Swimming Pool is located south of the River Derwent SAC and SSSI and the railway line separates the building from the river. There is no access from the swimming pool to the river. This would indicate there is little relationship between Policy CF2 and the ecological sensitivity of the River Derwent SAC and SSSI. The HRA screening ²⁰ however concludes: <i>There is a credible risk that pollution from construction from Policy CF1 could undermine the conservation objectives of the River Derwent SAC and that a likely significant effect cannot be ruled out (alone). Consequently, and an appropriate assessment is required.</i>	=

²⁰ See screening section of Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>At the more detailed assessment stage (the appropriate assessment) the HRA assessment²¹ concluded that any adverse effects can be avoided altogether taking into account the following:</p> <ul style="list-style-type: none"> the limited range of activities required to construct the facility would be unlikely to present a threat of any magnitude to groundwater resources and any fuel spills can be confidently expected to be accommodated by existing drainage infrastructure it is separated from the river by the railway line making any incidents even less likely to arise in the river as it will not only provide a physical barrier, but will bring with it its own drainage infrastructure. any development of this scale will be required (through other legislation) to be accompanied by comprehensive construction techniques to effectively rule out any threat from pollution etc. As these measures would be required by law and best practice to afford wide-ranging environmental safeguards and would not be required specifically for the SAC, they can be considered to be reliable, effective and their implementation guaranteed <p>Furthermore, the policy includes the wording <i>The acceptability of any such development is subject to there being no adverse effects on the integrity of the River Derwent Special Area of Conservation</i>. A neutral impact is therefore recorded here.</p>	
	2. Does the policy protect or enhance protected flora and fauna?	<p>2. There are existing mature trees on the site. Assuming existing national, Local Plan and emerging NP relating to biodiversity impacts and development are applied, potential impacts during construction and on completion of any potential development would be appropriately managed. Indeed there is potential positive impacts in the long run if development is required to achieve a net gain in biodiversity.</p> <p>Both an uncertain positive impact is registered to reflect the operation stage and an uncertain negative impact to reflect potential impact on the existing trees. The impacts are uncertain since the policy is an aspirational one and is dependent on a development scheme coming forward. There is no indication in the NP that such a scheme is in the pipeline.</p>	U – U +

²¹ See HRA assessment in the Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan, June 2020, Fleming Ecology Limited

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	3.Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	The site has a green corridor along the railway line and green infrastructure in front. There is potential for green infrastructure to be improved, for example through the provision of green roofs or an enhanced open space. However, delivery information is not sufficiently advanced for any conclusions to be drawn on this. An uncertain impact is registered.	U +
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	<p>1. The site is located on the opposite side of the River Derwent to a large area designated in the Ryedale Local Plan as Visually Important Undeveloped Area.</p> <p>Paragraph 6.1 of the Ryedale Local Sites Plan states that <i>"In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make a significant contribution to the setting of a Town and the role of the setting in influencing and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements."</i></p> <p>There is potential for a new scheme on this site to have either a negative or positive impact on the VIUA. However, delivery information is not sufficiently advanced for any conclusions to be drawn on this. An uncertain impact is registered</p>	U – U +
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	<p>1. Would this policy encourage people to walk and cycle rather than travel by car?</p> <p>2. Would this policy lead to highway impacts that would require highway mitigation measures?</p>	<p>1. The policy presents an aspiration for expanded community facilities in this accessible town centre location. Any scheme, if implemented, will help to encourage people to walk and cycle to the leisure facility. It is noted the policy also includes a proviso that consideration should be given to the need for additional off-street car parking to serve an expanded facility.</p> <p>A neutral impact is registered to reflect the potential mixed impacts in this regard.</p> <p>2. It is not known what the highway impacts of any scheme would be. The policy lacks sufficient detail for any conclusion to be drawn on this. No such impacts are therefore registered.</p> <p>3. There are not public rights of way in this location.</p>	= = 0

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	3. Will the policy protect or enhance access to public rights of way?		
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	<p>1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone?</p> <p>2. Does the policy lead to increases in flood risk to people and property in the plan area?</p>	<p>1. The Northeast Yorkshire Strategic Flood Risk Assessment (SFRA) was last updated in 2010. Drawing number 10.2 to this SFRA (listed as PPS25 Malton and Norton flood plain delineation zone on the Ryedale website (accessed September 2020 https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html) shows the delineation of flood risk in the centre of Malton and Norton.</p> <p>According to this map, the site of the swimming pool is in one of the few river corridor sties that is not in the flood zone.</p> <p>2. No.</p>	<p>0</p> <p>0</p>
SEA 13: To conserve and where appropriate enhance the significance ²² of the historical and cultural environment.	<p>1. Does the policy conserve or enhance the significance of the designated heritage asset?</p> <p>2. Does the policy conserve or</p>	<p>1. Policy CF2 applies to the existing site of the Derwent Swimming Pool which is in the Norton on Derwent Conservation Area and located on Church Street close to where it changes to Commercial Street. The conservation area itself is a heritage asset. There are no other heritage assets in this location. The building is single storey and is set back from the road. There is no reason why a replacement facility or refurbishment would not conserve or enhance the conservation area, given other planning policies that would apply. There is a therefore a neutral impact registered here.</p> <p>2. There are no known non-designated heritage assets in this area.</p>	<p>=</p> <p>0</p>

²² Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	enhance the significance non-designated heritage assets?		
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	There is no relationship between this policy and this SEA objective. The policy neither encourages or discourages the use of renewable resources and the development of renewable energy sources.	0
SEA 15: To make the most efficient use of land	1. Does the policy focus development towards previously developed land. Does the policy focus on maximising efficient uses of land?	1. The extent of CF1 is all previously developed land. A positive impact is registered here as it directs development to previously developed land.	+
SEA 16: To maintain a high quality environment in terms of air quality	1. Does the policy have an adverse impact on the Malton Air Quality Management area?	1. The Malton Air Quality Management area is located on the northern side of the River Derwent. Increased community facilities at this town centre location could result in increased traffic movements to the town. This could in turn impact negatively on the air quality management area. The impact however is uncertain given the policy is aspirational and depending on a scheme to come forward.	U-

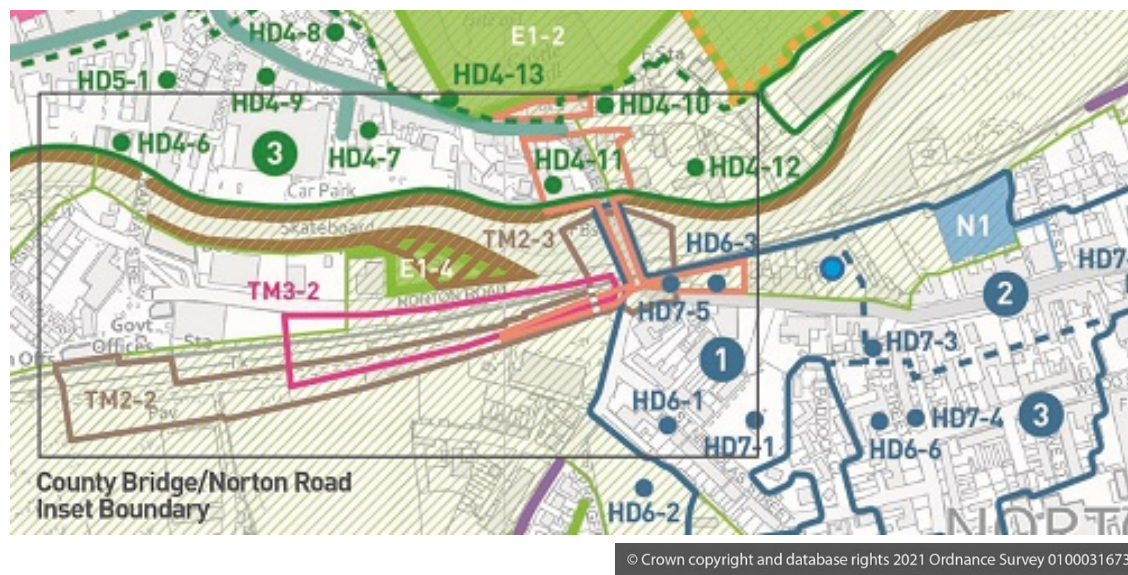
N1: Land to the Rear of Commercial Street

Regeneration of land to the rear of Commercial Street, as identified on the Neighbourhood Plan Proposals Map, including the development of a public car park, with associated service access to the rear of commercial properties in Commercial Street, will be supported.

Residential development or other vulnerable uses will not be supported in this location.

The acceptability of any development supported by this policy is subject to there being no adverse effects on the integrity of the River Derwent Special area of Conservation.

Extract from NP Proposals Map showign the extent of RC1, RC2, CF1 and N1



COMMUNITY FACILITIES

- Norton Swimming Pool (ref POLICY CF1)
- Malton Community Sports Centre (ref POLICY CF2)

THE RIVER CORRIDOR

- Malton & Norton River Corridor (ref POLICY RC1)
- Land North and South of County Bridge Regeneration (ref POLICY RC2)

Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither and positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.
U -	Uncertain and negative impact	Uncertain, but the policy may hinder achievement of the objective
U +	Uncertain impact but possibly positive impact.	Uncertain, but the policy may be positively consistent with meeting the objective

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	<p>1. Does the policy result in the loss of a community facility or poorer access to a community facility?</p> <p>2. Does the policy result in improved access to community facility</p>	<p>1. No.</p> <p>2. This policy highlights the site shown as N1 on the NP proposals map as an opportunity for regeneration including the development of a public car park. The NP identifies shortage of car parking spaces as presenting an issue for people visiting the town centre. On the basis that improved car parking provision will increase access to shops and services including community facilities (e.g. the swimming pool), a positive impact is registered. The impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward.</p>	<p>=</p> <p>U +</p>
SEA 2: To provide the opportunity for all people to meet their housing needs.	<p>1. Does the policy deliver homes which will address an identified local need such as affordable homes?</p>	<p>1. There is no link registered between this draft NP policy and this SEA objective</p>	<p>0</p>
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	<p>1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?</p> <p>2. Would the policy involve new public realm or enhancements to the public realm?</p>	<p>1. No.</p> <p>2. It is possible any development taking place here could create or enhance public realm but there is nothing in the policy referring to this. A neutral impact is registered here.</p>	<p>=</p> <p>=</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	1. There is nothing to indicate in this policy alone that development would incorporate the principles of Secure by Design. A neutral impact is therefore registered. This is not to assert that the Local Plan and Neighbourhood Plan as a whole would not do this.	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	1. The policy identifies this site as suitable for regeneration which could include new commercial uses which could help to deliver improved employment opportunities. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain.	U+
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	1. Will the policy protect or enhance the viability and vitality of the town centres? 2. Will the policy protect or enhance open areas outside the town centre?	1. By encouraging development that would deliver enhanced access to shops, services and community facilities in a town centre location. Yes. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain 2. No direct link.	U+ 0
SEA 7: To retain and enhance the factors which are conducive to wealth creation,	1. Does the policy protect, employment opportunities in plan area?	1. The policy does not protect employment opportunities. 2. The policy identifies this site as suitable for regeneration which could include new commercial uses which could help to deliver improved employment opportunities in this	= U +

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
including personal creativity and attractiveness to investors	2. Does the policy encourage or deliver more employment opportunities in accessible locations?	town centre location. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	1. The policy identifies a central location in the NP area as an opportunity for regeneration. This, if implemented, would deliver employment opportunities in the short and medium term (construction) and the long term (occupation). This facilities opportunities for diversifying the local economy. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	U+
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	<p>1. The land identified as NI is located south of the River Derwent SAC and SSSI and the railway line separates the building from the river. There is no access from this site to the river. This would indicate there is little relationship between Policy N1 and the ecological sensitivity of the River Derwent SAC and SSSI.</p> <p>The HRA screening²³ however concludes: <i>There is a credible risk that pollution from construction from Policy CF1 could undermine the conservation objectives of the River Derwent SAC and that a likely significant effect cannot be ruled out (alone). Consequently, and an appropriate assessment is required.</i></p> <p>At the more detailed assessment stage (the appropriate assessment) the HRA assessment²⁴ found that <i>"Providing development is limited to construction and use of a car park, it is almost inconceivable that adverse effects on the integrity of the River Derwent could arise. This is because the limited range of activities required to construct the facility would be</i></p>	=

²³ See screening section of Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan

²⁴ See HRA assessment in the Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan, June 2020, Fleming Ecology Limited

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p><i>unlikely to present a threat of any magnitude to groundwater resources and any fuel spills can be confidently expected to be accommodated by the existing drainage infrastructure. Furthermore, it is separated from the river by the railway line making any incidents even less likely to arise in the river."</i></p> <p>The HRA however could not rule out adverse effects if residential development were to come forward at this location as a result of this policy. This is on the basis that residential development would result in increased recreational activity near to a sensitive ecological site.</p> <p>The policy wording of N1 does rule out residential development. A neutral impact is therefore registered.</p>	
	2. Does the policy protect or enhance protected flora and fauna?	2. There is existing vegetation and mature trees on the site. Assuming existing national, Local Plan and emerging NP relating to biodiversity impacts and development are applied, potential impacts during construction and on completion of any potential development would be appropriately managed. Due to largely undeveloped and vegetated nature of the current site an uncertain negative impact is registered. The impacts are uncertain since the policy is an aspirational one and is dependent on a development scheme coming forward. There is no indication in the NP that such a scheme is in the pipeline.	U –
	3.Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	The site is largely undeveloped and vegetated. It already links with the green corridor along the railway line. It is difficult to see how development could provide increased opportunities. There is therefore a neutral impact registered.	=
SEA 10: To maintain and enhance the quality	1. What impact would this policy have on the Visually Important	<p>1. The site is located on the opposite side of the River Derwent to a large area designated in the Ryedale Local Plan as Visually Important Undeveloped Area.</p> <p>Paragraph 6.1 of the Ryedale Local Sites Plan states that <i>"In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make</i></p>	U + U -

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
and character of the landscape	Undeveloped Areas in the plan area?	<p><i>a significant contribution to the setting of a Town and the role of the setting in influencing and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements."</i></p> <p>There is potential for a new scheme on this site to have either a negative or positive impact on the VIUA. However, delivery information is not sufficiently advanced for any conclusions to be drawn on this. An uncertain impact is registered</p>	
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	<p>1. Would this policy encourage people to walk and cycle rather than travel by car?</p> <p>2. Would this policy lead to highway impacts that would require highway mitigation measures?</p> <p>3. Will the policy protect or enhance access to public rights of way?</p>	<p>1. The policy presents an aspiration for regeneration including a town centre car parking facility in this accessible town centre location. Alone, the policy potentially would discourage walking and cycling to the town centre. A negative impact is registered to reflect the potential mixed impacts in this regard. The impacts are uncertain since the policy is an aspirational one and is dependent on a development scheme coming forward. There is no indication in the NP that such a scheme is in the pipeline</p> <p>2. It is not known what the highway impacts of any scheme would be. The policy lacks sufficient detail for any conclusion to be drawn on this. There is however existing access to this site from the highway. A neutral impact is registered.</p> <p>3. There are no public rights of way in this location.</p>	<p>U-</p> <p>=</p> <p>=</p>
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will	1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the	<p>1. The Northeast Yorkshire Strategic Flood Risk Assessment (SFRA) was last updated in 2010. Drawing number 10.2 to this SFRA (listed as PPS25 Malton and Norton flood plain delineation zone on the Ryedale website (accessed September 2020 https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html) shows the delineation of flood risk in the centre of Malton and Norton.</p> <p>According to this map, the site is partly located in Flood Zone 3a. PPS25 Flood Zone 3a is defined as those areas with a high probability of flooding of greater than 1% for fluvial</p>	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
increase the risk of flooding elsewhere	<p>rapid inundation zone?</p> <p>2. Does the policy lead to increases in flood risk to people and property in the plan area?</p>	<p>flooding or 0.5% for tidal flooding and which are not Functional Floodplain. The SFRA has developed sub zones for 3a as follows. 3a(ii) denotes the area <i>is Applicable for those developed areas at high risk of flooding which are currently defended to the appropriate minimum standard as defined by PPS25 (annual probability of 1% for fluvial flooding and 0.5% for flooding from the sea).</i></p> <p>The zones (e.g. 3a(iii) and 3a(ii)) in the SFRA provide the basis for the application of the sequential test in line with PPG25. PPS25 states that Zone 3a(ii) is appropriate for</p> <ul style="list-style-type: none"> • 'Water Compatible' and • 'Less Vulnerable' development types (see Table 7.1). • 'More Vulnerable' and 'Essential Infrastructure' development types are only considered appropriate if the requirements of the Exception Test are passed • 'Highly Vulnerable' development types are not appropriate within this Zone <p>The policy wording excludes the possibility of residential and other vulnerable uses from coming forward under this policy. A neutral impact is therefore registered.</p> <p>2. Because the policy excludes residential development or vulnerable uses coming forward on this site there is no increase in flood risk to people and property in the plan area. A neutral impact is therefore registered.</p>	=
SEA 13: To conserve and where appropriate enhance the significance ²⁵ of the historical and cultural environment.	<p>1. Does the policy conserve or enhance the significance of the designated heritage asset?</p>	<p>1. The site covered by Policy N1 lies in the Norton on Derwent conservation area. However there are no statutorily listed buildings in this area. The conservation area itself is a heritage asset. The current site includes vegetated open land and an area of hardcore. There is no reason why a regeneration scheme envisaged under this policy would not conserve or enhance the conservation area, given other planning policies that would apply. There is a therefore a neutral impact registered here</p> <p>2. There are no known non-designated heritage assets in this area.</p>	=

²⁵ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	2. Does the policy conserve or enhance the significance of the non-designated heritage assets?		0
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	There is no relationship between this policy and this SEA objective. The policy neither encourages or discourages the use of renewable resources and the development of renewable energy sources.	0
SEA 15: To make the most efficient use of land	1. Does the policy focus development towards previously developed land. Does the policy focus on maximising efficient uses of land?	1. N1 is partly previously developed land. A positive impact is registered here as it directs development to previously developed land.	+
SEA 16: To maintain a high quality environment in terms of air quality	1. Does the policy have an adverse impact on the Malton Air Quality Management area?	1. The Malton Air Quality Management area is located on the northern side of the River Derwent. Increased car parking or commercial uses at this town centre location could result in increased traffic movements to the town. This could in turn impact negatively on the air quality management area. The impact however is uncertain given the policy is aspirational and depending on a scheme to come forward.	U-

APPENDIX 9: SUBMISSION VERSION HRA DECEMBER 2021

Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan

December 2021

Fleming Ecology Limited

48 Larkspur Way, Wakefield, West Yorkshire WF2 0FD

Client Name: Malton and Norton Town Councils
Document Reference: MN NDP HRAv5
Issue date: December 2021

Issue	Date	Prepared, checked and approved by
First	April 2020	Bernie Fleming Director, Fleming Ecology
Second	June 2020 (minor revisions)	Bernie Fleming Director, Fleming Ecology
Third	December 2020 (minor revisions to accommodate changes in the Plan and comments by Ryedale DC and Natural England)	Bernie Fleming Director, Fleming Ecology
Fourth	October 2021 (minor revisions to accommodate changes in the legislation, the Plan and the outcome of the consultation exercise)	Bernie Fleming Director, Fleming Ecology
Fifth	December 2021 (minor revisions to dates and version number to take account of amended Plan dated December 2021)	Bernie Fleming Director, Fleming Ecology

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SUMMARY

The Malton and Norton-upon-Derwent Town Councils have together prepared the submission edition of the Neighbourhood Plan for Malton and Norton 2020-2027 for submission to the competent authority, Ryedale District Council.

The Conservation of Habitats and Species Regulations 2017 (as amended) require local authorities to assess the impact of their development plans on the internationally important sites for biodiversity in and around their administrative areas. Together, these Special Protection Areas, Special Areas of Conservation and Ramsar sites are known as 'European sites'. The task is achieved by means of a Habitats Regulations Assessment. This report is the Habitats Regulations Assessment for the Neighbourhood Plan. It follows the principles of case law, both UK and EU, takes account of Government policy and draws heavily on guidance contained within the Habitats Regulations Assessment Handbook.

A Habitats Regulations Assessment comprises a series of mandatory tests. Firstly, it "screens" the plan to identify which policies or allocations may have a *likely significant effect, alone or (if necessary) in combination* with other plans and projects, on the European sites. If likely significant effects can be ruled out, then the plan may be adopted but if they cannot, the plan must be subjected to the greater scrutiny of an '*appropriate assessment*' to determine if the Plan can avoid *an adverse effect on the integrity* of the European sites. If *adverse effects* cannot be ruled out, the plan cannot be adopted. If necessary, a plan should be amended to avoid or mitigate any likely conflicts. This usually means that some policies or allocations will need to be modified.

Forty-two policies were screened; the individual outcomes of the pre-screening of each policy and allocation can be found in Appendix C and are summarised in Table 8. Overall, this HRA found that likely significant effects could be ruled out for thirty-eight. However, likely significant effects could not be ruled out for four policies alone: RC1, RC2, CF1 and N1 because of a range of possible effects on the River Derwent SAC. However, there were no residual effects and no need for an in-combination assessment.

Consequently, an appropriate assessment was required. This found (see section 4) that adverse effects on the integrity on the River Derwent SAC could be ruled out alone for all four. There was no need for bespoke mitigation, no residual effects and, therefore, no need for an in-combination assessment.

Although this HRA has been prepared to help Ryedale District Council discharge its duties under the Habitats Regulations, the Council remains the competent authority and must decide whether to adopt this report or otherwise.

1. INTRODUCTION

Background

- 1.1. The Malton and Norton-upon-Derwent Town Councils are together preparing the submission edition of the 'Neighbourhood Development Plan for Malton and Norton 2020 – 2027' (dated December 2021) (*the Plan* or *NDP*). Alongside the adopted Ryedale Local Plan, this will help to deliver strategic vision and objectives across the neighbourhood until 2027. When adopted, the NDP will influence all future development within the towns' boundaries.
- 1.2. The Conservation of Habitats and Species Regulations 2017 (as amended) (or *the Habitats Regulations*) require local (or *competent*) authorities to assess the impact of development plans on the network of internationally important protected areas comprising Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites (or *European sites*). This requirement is delivered via a Habitats Regulations Assessment (HRA) which comprises a series of mandatory tests.
- 1.3. This report is the Habitats Regulations Assessment for the Plan. It follows the principles of case law, both UK and EU, takes account of Government policy and draws heavily on guidance contained within the Habitats Regulations Assessment Handbook¹ (the *Handbook*) utilising charts, pro-forma, definitions and interpretation throughout. The Handbook draws on best practice and case law at home and across the EU to identify over 180 principles to inform the production of HRAs. Subscribers to the Handbook include Natural England, the Environment Agency and the Planning Inspectorate amongst others.
- 1.4. Government guidance² allows competent authorities to rely on the conclusions of other, relevant HRAs where there has been no material change in circumstances³. Consequently, but only where relevant, this new HRA draws on the findings of other HRAs.

HRA of Plans, Natura 2000 and European sites

- 1.5. The network of European sites forms the cornerstone of UK nature conservation policy. Each site forms part of a '*national network*' and each is afforded the highest levels of protection in domestic policy and law. They comprise SPAs classified under the 1979 Birds Directive and SACs designated under the 1992 Habitats Directive. As a matter of policy, potential SPAs (pSPAs), possible SACs (pSACs) and those providing formal compensation for losses to European sites, are also given the same protection⁴. In England, the network of SPAs and SACs (on land and at sea and including those shared with Scotland and Wales) comprises over

¹ Tyldesley, D., and Chapman, C., (2013) The Habitats Regulations Assessment Handbook, April 2021 edition UK: DTA Publications Ltd

² Habitats regulations assessments: protecting a European site. Defra and Natural England. 24 February 2021. <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site> (accessed 15 October 2021)

³ The suitability of earlier, or higher level assessments is subject to the decision of the CJEU in *Cooperatie Mobilisatie for the Environment UA v College van Gedeputeerde (C-293/17)* [2019] Env. L.R. 27 ("Dutch Nitrogen").

⁴ For the avoidance of doubt, the list of statutory European sites also comprises: A site submitted by the UK to the European Commission (EC) before Exit Day (a candidate SAC or cSAC) as eligible for selection as a Site of Community Importance (SCI) but not yet entered on the ECs list of SCI, until such time as the Appropriate Authority has designated the site or it has notified the statutory nature conservation body that it does not intend to designate the site. After Exit Day, no further cSACs will be submitted to the EU. Statutory European sites also include SCI included on a list of such sites by the European Commission from cSACs submitted by the UK before the UK left the EU, until such time as the UK designates the site when it will become a fully designated SAC.

340 sites^{5,6} and safeguards the most valuable and threatened habitats and species across Europe. Locally, the network comprises sites such as the River Derwent, the Lower Derwent Valley and Strensall Common.

- 1.6. Prior to Brexit, these comprised part of the EU-wide Natura 2000 network of SPAs and SACs which formed the largest, coordinated network of protected areas in the world. The SPA and SAC designations made under the European Directives still apply and the term, 'European site' remains in use in law and elsewhere. Similarly, at present, EU case law still applies. According to long-established Government policy⁷, European sites also comprise 'Wetlands of International Importance' (or Ramsar sites listed under the Ramsar Convention) although these do not form part of the national network.
- 1.7. The overarching objective of the national network is to maintain, or where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a Favourable Conservation Status, and contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and compliance with the overarching aims of the Wild Birds Directive. The appropriate authorities must have regard to the importance of protected sites, coherence of the national site network and threats of degradation or destruction (including deterioration and disturbance of protected features) on SPAs and SACs.
- 1.8. The Habitats Regulations apply a series of mandatory tests for the HRA of local development plans set out in Regulation 105 *et seq.* These have been interpreted by European and domestic case law, supported by policy and guidance issued by Government on their implementation notably paragraphs 174-177 of the National Planning Policy Framework, Planning Practice Guidance 'Appropriate Assessment'⁸ and Defra Guidance⁹.
- 1.9. In brief, the HRA process requires the competent authority (ie the Council) to first assess the plan to identify whether it is '*... likely to have a significant effect on a European Site ... either alone or in-combination with other plans or projects*'. If likely significant effects can be ruled out, the plan may be adopted without further scrutiny. Importantly, an in-combination assessment is only required where an impact is identified which would not have an insignificant effect on its own ('a *residual effect*') but where likely significant effects could arise cumulatively with other plans or projects. Together this step is often referred to as 'Screening'
- 1.10. If likely significant effects cannot be ruled out, a more thorough appropriate assessment (AA) must be carried out to assess whether it is possible to ascertain that the Plan will have '*no adverse effect on the integrity of the site*' (AEOI) or not. At this stage, mitigation can be applied to remove adverse effects. If mitigation is unable to rule out adverse effects, then a plan cannot normally be adopted. If this is the case, derogations may be sought but only as a last resort and few local plans would be expected to pass these additional tests.
- 1.11. In reality, experience gained from implementation of the process has encouraged the adoption of a 'pre-screening' process and the use of additional filters at the outset to explore if the plan even needs to be subject to HRA at all. This more pragmatic approach is laid out in Fig 1 where the component steps are given expression. It is the process described in Fig 1 that is followed in this HRA.

⁵ <https://jncc.gov.uk/our-work/special-protection-areas-overview/> (accessed 15 October 2021)

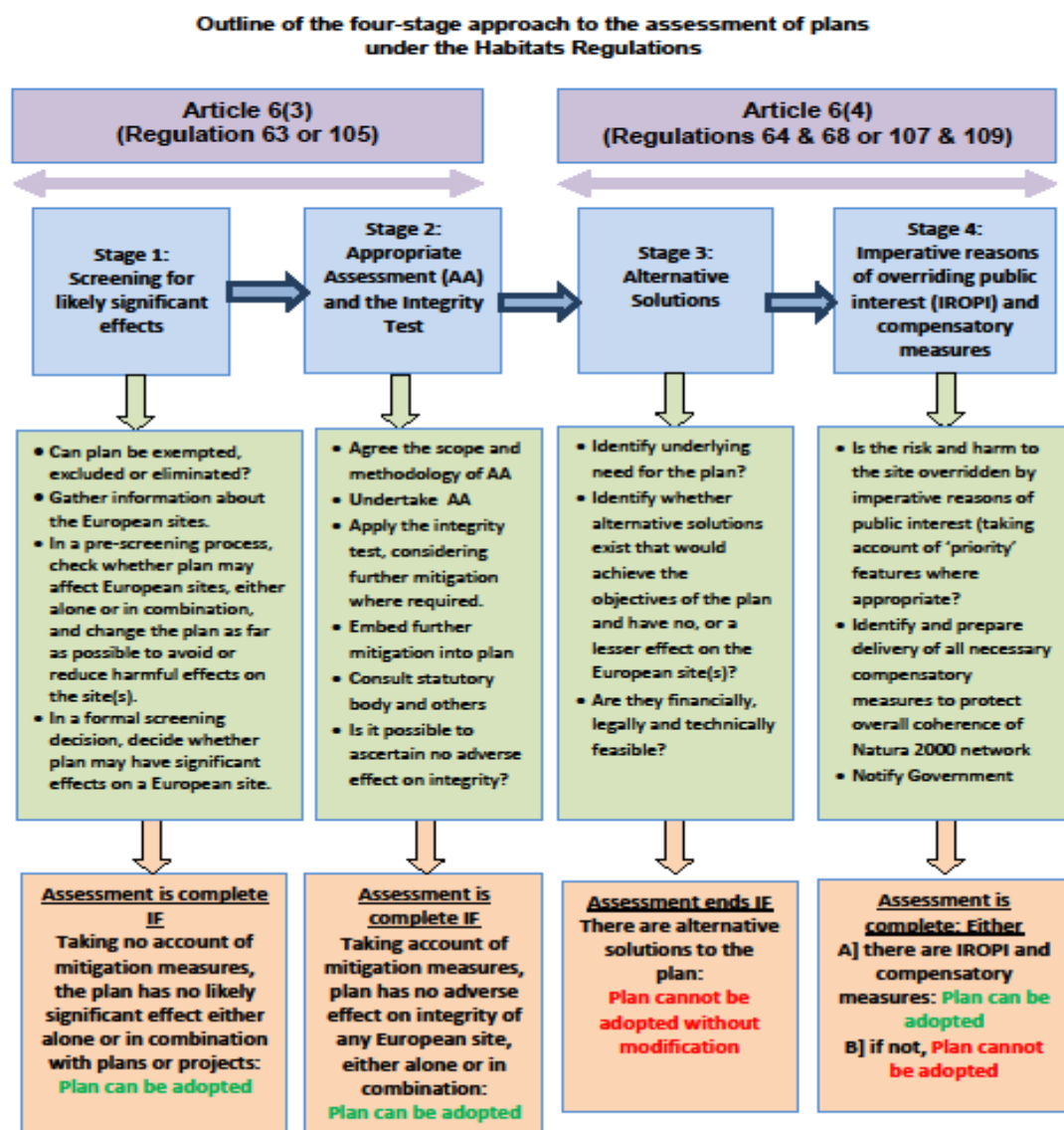
⁶ <https://sac.jncc.gov.uk/site/england> (accessed 15 October 2021)

⁷ ODPM Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (16 August 2005), to be read in conjunction with the current NPPF, other Government guidance and the current version of the Habitats Regulations.

⁸ Planning Practice Guidance <https://www.gov.uk/guidance/appropriate-assessment> (accessed 15 October 2021)

⁹ <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site#appropriate-assessment> (accessed 15 October 2021)

Figure 1 The four stage assessment of Local Plans under the Habitats Regulations



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Definitions, the Precautionary Principle and Case Law

Context

- 1.12. The overall approach to screening and appropriate assessment was summarised by Advocate General Sharpston in the Sweetman case¹⁰.

“47. It follows that the possibility of there being a significant effect on the site will generate the need for an appropriate assessment for the purposes of article 6(3) In para 44¹¹, it uses the term “in case of doubt”. It is the last of these that seems to me best to express the position. The requirement at this stage that the plan or project be likely to have a significant effect is thus a trigger for the obligation to carry out an appropriate assessment. There is no need to establish such an effect; it is, as Ireland observes, merely necessary to determine that there may be such an effect ...

49. The threshold at the first stage of article 6(3) is thus a very low one. It operates merely as a trigger, in order to determine whether an appropriate assessment must be undertaken of the implications of the plan or project for the conservation objectives of the site. The purpose of that assessment is that the plan or project in question should be considered thoroughly, on the basis of what the court has termed “the best scientific knowledge in the field”. ...

50. The test which that expert assessment must determine is whether the plan or project in question has “an adverse effect on the integrity of the site”, since that is the basis on which the competent national authorities must reach their decision. The threshold at this (the second) stage is noticeably higher than that laid down at the first stage. That is because the question (to use more simple terminology) is not “should we bother to check?” (the question at the first stage) but rather “what will happen to the site if this plan or project goes ahead; and is that consistent with ‘maintaining or restoring the favourable conservation status’ of the habitat or species concerned?”

Stage One - Screening

- 1.13. The screening test is defined in Regulation 105(1) which states:
- 1.14. Where a land use plan ... (a) is likely to have a significant effect on a European 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 ... must ... make an appropriate assessment ... in view of that site’s conservation objectives”.
- 1.15. Taking (b) first, this allows plans, where the sole focus is the management for the benefit of the one or more of the qualifying features without detriment to the others, can be excluded from the need for HRA. However, this rarely applies. Where it does not, an HRA is required.
- 1.16. A likely significant effect is described in Waddenzee as follows: ‘likely’ is a I ‘risk’, ‘the occurrence of which cannot be excluded on the basis of objective information’ and ‘significant’ as ‘any effect that would undermine the conservation objectives’ of a European site¹². It can be seen that where there is any ‘doubt’ as to an effect, an appropriate assessment is required.

¹⁰ Sweetman v An Bord Pleanála (C 258-11) [2012]. Opinion of the Advocate General.

¹¹ The CJEU in Landelijke Vereniging tot Behoud van de Waddenzee v Staatssecretaris Van Landbouw, Natuurbeheer en Visserij (C127-02) [2005] 2 CMLR 31 (“the Waddenzee case”)

¹² Waddenzee: European Courts C-127/02 Waddenzee 7th September 2004, reference for a preliminary ruling from the Raad van State at paras 44, 47 and 48.

- 1.17. In other words, this means the initial screening phase should not be exhaustive, a point candidly described by Advocate General Sharpston in paragraphs 49 and 50 of the Sweetman case¹³ when describing the levels of scrutiny to be applied to each test as follows:

'The threshold at the first stage [the test for LSE] ... is thus a very low one. It operates merely as a trigger, in order to determine whether an appropriate assessment must be undertaken ... The threshold at (the second) [the appropriate assessment] stage is noticeably higher than that laid down at the first stage. That is because the question (to use more simple terminology) is not 'should we bother to check?' (the question at the first stage) but rather 'what will happen to the site if this plan or project goes ahead ...'.

- 1.18. This was amplified in the Bagmoor Wind case¹⁴ as follows:

'If the absence of risk ... can only be demonstrated after a detailed investigation, or expert opinion, that is an indicator that a risk exists, and the authority must move from preliminary examination to appropriate assessment'.

- 1.19. However, Boggis¹⁵ clarifies there should be "*credible evidence that there was a real, rather than a hypothetical, risk*" that the conservation objectives of a European site could be undermined so requiring only the assessment of plausible effects and not the extremely unlikely.

Stage Two – Appropriate Assessment and the Integrity Test

- 1.20. Fundamentally, the HRA process employs the precautionary principle and Regulation 105 ensures that where a plan is '*likely to have a significant effect*', it can only be adopted if *the competent authority can ascertain (following an appropriate assessment) that it 'will not adversely affect the integrity of the European site'*. In simpler terms, it is not for the competent authority to prove harm but for the plan proposer to demonstrate that adverse effects have been avoided.

- 1.21. The *integrity* of a European site was described by Government¹⁶ as:

'the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was designated'.

- 1.22. Elsewhere, the Court of Justice of the European Union (CJEU) (Sweetman)¹⁷ defined integrity as:

'the lasting preservation of the constitutive characteristics of the site ... whose preservation was the objective justifying the designation of that site'.

- 1.23. Drawing on this, the European Commission¹⁸ defined it more recently as follows:

¹³ C-258/11 Sweetman reference for a preliminary ruling from the Supreme Court of Ireland. Opinion of the Advocate General 22 November 2012

¹⁴ Bagmoor Wind Limited v The Scottish Ministers Court of Sessions [2012] CSIH 93

¹⁵ Peter Charles Boggis and Easton Bavants Conservation v Natural England and Waveney District Council, High Court of Justice Court of Appeal case C1/2009/0041/QBACF Citation No [2009] EWCA Civ. 1061 20th October 2009

¹⁶ Habitats regulations assessments: protecting a European site. Defra and Natural England. 24 February 2021. <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site> (accessed 15 October 2021)

¹⁷ Sweetman EU:C:2013:220 para 39

¹⁸ Managing Natura 2000 sites: The provisions of Article 6 of the Habitats Directive 92/43/EEC", European Union. 2019.

'The integrity of the site involves its constitutive characteristics and ecological functions. The decision as to whether it is adversely affected should focus on and be limited to the habitats and species for which the site has been designated and the site's conservation objectives'.

- 1.24. Whilst the Supreme Court (Champion)¹⁹ has found “appropriate” is not a technical term and indicates no more than that the assessment should be appropriate to the task in hand, it can be seen that when compared with the test at the screening stage for likely significant effect, the ‘appropriate assessment’ is more thorough.

Stages Three and Four – The Derogations

- 1.25. If an adverse effect on the integrity of the site can be avoided, the plan can be adopted (Fig 1). If not, derogations would have to be sought to allow the plan to continue; these are regarded as a last resort and considered only in exceptional circumstances. For these to be successful it has to be shown that there are no less damaging *alternative solutions*. If there are none, *imperative reasons of overriding public interest* must apply. If they do, compensatory measures but be delivered. These stages are summarised in Stages 3 & 4 of Fig 1.

Overall approach

- 1.26. The HRA of development plans was first made a requirement in the UK following a ruling by the European Court of Justice in EC v UK²⁰. However, the judgement²¹ recognised that any assessment had to reflect the actual stage in the strategic planning process and the level of evidence that might or might not be available. This was given expression in the UK High Court (Feeney²²) which stated:

'Each ... assessment ... cannot do more than the level of detail of the strategy at that stage permits'.

- 1.27. This is where a way has to be found that whilst mindful of the need for the precautionary principle to be applied, the HRA must strive to identify only those plausible effects and not the extremely unlikely.
- 1.28. Because this is a strategic plan, the ‘objective information’²³ required by the HRA is typically only available at a strategic or high level, without the detail that might be expected at the planning application stage.

Mitigation and recent case law

- 1.29. The *People Over Wind*²⁴ in April 2018 the CJEU set out clear guidance as to the role of mitigation measures in an HRA. In taking a different approach from previous decisions in the UK courts, it held that measures embedded within a plan or project specifically to avoid or reduce the magnitude of likely significant effects should not be taken into account at the screening stage but reserved for the appropriate assessment.. This HRA therefore restricts consideration of mitigation measures to the appropriate assessment.

¹⁹ R (on the application of Champion) v. North Norfolk District Council [2015] UKSC 52.

²⁰ Case C-6/04: Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland judgment of the Court 20 October 2005.

²¹ Opinion of advocate general Kokott, 9th June 2005, Case C-6/04. Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland

²² Sean Feeney v Oxford City Council and the Secretary of State CLG para 92 of the judgment dated 24 October 2011 Case No CO/3797/2011, Neutral Citation [2011] EWHC 2699 Admin

²³ European Court of Justice Case C – 127/02 *Waddenzee* 7 September 2004

²⁴ *People Over Wind and Sweetman v Coillte Teoranta* (C 323/17) [2018] PTSR 1668

- 1.30. The Court also considered the approach to mitigation at the appropriate assessment stage in *Grace & Sweetman*²⁵. Here, it held that it is only when it is sufficiently certain that a measure will make an effective contribution to avoiding harm, guaranteeing beyond all reasonable doubt that the project will not adversely affect the integrity of the area, that such a measure may be taken into consideration”.
- 1.31. In the *Dutch nitrogen case*²⁶, the CJEU confirmed that an appropriate assessment is not to take into account the future benefits of mitigation measures if those benefits are uncertain, including where the procedures needed to accomplish them have not yet been carried out or because the level of scientific knowledge does not allow them to be identified or quantified with certainty. It is recognised that the ruling also covered the approach to “autonomous” measures which are not mitigation measures adopted as part of the plan in question, but measures which are taken outside that plan (in that case to reduce nitrogen deposition). The CJEU held that the effect of those measures could not be taken into account either, if their expected benefits are not certain at the time of that assessment²⁷.

Brexit

- 1.32. The requirement for the HRA derives from the EU Habitats Directive and, notwithstanding the UK’s withdrawal from the EU, UK law and policy remains currently largely unchanged, and the Conservation of Habitats and Species Regulations 2017 remain in force²⁸, other than to accommodate amendments made by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

Role of the competent authority

- 1.33. Lastly, although this HRA has been prepared to help Ryedale District Council discharge its duties under the Habitats Regulations, it remains the competent authority and it must decide whether to adopt this report or otherwise. Further, it should be noted that this HRA has been prepared for the purposes of preparing and examining the Neighbourhood Plan. Individual allocations will need to be reviewed when they become the subject of an individual planning application, to ensure that if further assessment under the Conservation of Habitats and Species Regulations 2017 as amended is necessary²⁹, it is undertaken in accordance with the requirements of appropriate assessment.

²⁵ *Grace & Sweetman v An Bord Pleanála* (C-164/17) [2019] PTSR 266 at paragraphs 51-53 and 57.

²⁶ *Coöperatie Mobilisation for the Environment and Vereniging Leefmilieu* (C 293/17, C 294/17) [2019] Env. L.R. 27 at paragraph 30

²⁷ See too the Compton Parish Council case, referred to above, at paragraph 207.

²⁸ See the EU (Withdrawal Agreement) Act 2020 Sch. 5(1) para. 1(1) and section 39(1). The amending regulations come into force at the end of the implementation period they generally seek to retain the requirements of the 2017 Regulations but with adjustments for the UK’s exit from the EU, for example by amending references to the Natura 2000 network so that they are construed as references to the national site network: see regulation 4, which also confirms that the interpretation of these Regulations as they had effect, or any guidance as it applied, before exit day, shall continue to do so.

²⁹ See *Dutch Nitrogen*, above, at paragraphs 100-104 and 120.

2. THE NEED FOR ASSESSMENT AND IDENTIFYING EUROPEAN SITES AT RISK

Exclusion, Elimination and Exemption from the need for Assessment

- 2.1. As part of the pre-screening exercise, prior to the identification of vulnerable European sites, Stage 1 of Fig.1 (elaborated in F3.2 – F3.4 of the Handbook) encourages a brief review of the plan to explore if it can be:
- Excluded from the HRA because 'it is not a plan within the meaning and scope of the Habitats Directive', or
 - Eliminated from the HRA because it can easily be shown that although 'it is a plan ... it could not have any conceivable effect on any European site', or
 - Exempted from the HRA because it is '... directly connected with or necessary to the management of the ... European site' (ie the first formal stage of the HRA - Fig 1).
- 2.2. Taking these in turn, it is clear the Neighbourhood Plan represents a plan within the meaning and scope of the Habitats Directive with the potential to harm European sites and so can neither be excluded nor eliminated from the HRA. Likewise, the purpose of the Plan is not the nature conservation management of any European sites and so it cannot be made exempt from further assessment. Consequently, the next steps in Stage 1 of Fig 1 need to be pursued by identifying which European sites and which features may be vulnerable as follows.

European sites at risk

- 2.3. To encourage a consistent, reliable and repeatable process, the Handbook (Figure F4.4) identifies 16 generic criteria, listed in full in Appendix A that when evaluated generate a precautionary, 'long' list of European sites that could be affected by the Plan³⁰. However, when considered further, using readily available information and local knowledge the list of plausible threats can be refined, and the list of potentially affected sites reduced. Albeit a coarse filter, this complies with Boggis by focusing scrutiny only on realistic and credible threats whilst avoiding the hypothetical or exceedingly unlikely. If Column 5 remains empty of European sites, then no European sites will be at risk and no further scrutiny will be required.
- 2.4. The search was restricted to those European sites found within 20km of the Neighbourhood Plan boundary as this was considered to be the maximum extent that policies and allocations could seriously be considered to generate measurable effects. This focuses the attention of this HRA on the River Derwent, Lower Derwent Valley, Strensall Common, Ellers Wood and Sand Dale and the North York Moors; only the River Derwent is found within the Plan area.
- 2.5. It is important to note that although the outcomes of this site identification task will reflect the type and location of activities proposed within the plan and/or the ecological characteristics of the European sites, it does not represent the test for likely significant effect (see section 3).
- 2.6. The exercise identified that only three of the 16 criteria, 'aquatic features' (2), 'mobile species' (5a) and recreational pressure (6) represented a credible threat to European sites in the area. For reasons of brevity, only relevant extracts from Appendix A are presented in Table 1 below. None of the remaining 13 criteria were considered to represent a credible threat and are removed from any further scrutiny as are all other European sites.

³⁰ This table is taken from the Handbook albeit with changes to the number and titles of Columns appropriate to this HRA.

Table 1: Pre-screening outcomes - Potential mechanisms and the initial list of European sites that could be affected - extract from Appendix A

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
2. Plans that could affect aquatic features	(a) Sites upstream or downstream of the plan area in the case of river or estuary sites	Lower Derwent Valley SPA, SAC, Ramsar River Derwent SAC	<p>Effects considered are those associated with the physical presence of built development and the <i>localised</i> effects on surface/groundwater resources and quality, resulting from changes in run-off, sedimentation, erosion etc.</p> <p>Given that the Lower Derwent Valley lies around 20km as the crow flies from the plan area, localised effects on aquatic features can be confidently ruled out from any further consideration for this European site.</p> <p>However, given that the River Derwent flows through the Plan area, all features of the River Derwent SAC remain vulnerable to development proposed in the NDP even though the section within the town centres is not designated.</p> <p>Note that the <i>indirect</i> effects of changes to wastewater disposal are assessed separately under '7b'.</p>	River Derwent SAC
5. Plans that could affect mobile species	Sites whose qualifying features include mobile species which may be affected by the plan irrespective of the location of the plan's proposals or whether the species would be in or out of the site when they might be affected	Lower Derwent Valley SPA, SAC, Ramsar River Derwent SAC	<p>This considers direct impacts of plan proposals on mobile species. Although otters can range widely along suitable waterways, given the distance to those which occupy the Lower Derwent Valley 20km to the south can be considered distinct from those which make frequent and regular use of the stretch of the River Derwent in around Malton and Norton. Therefore, impacts on the Lower Derwent Valley SAC can be ruled out.</p> <p>Similarly, impacts on both the breeding and wintering bird populations which use 'functionally-linked land' outside the LDV are highly unlikely given the distances involved and so too can be ruled out.</p> <p>However, given the development proposed in close proximity to the River Derwent as part of the Plan, impacts on the otter, bullhead and lamprey populations of the river cannot be ruled out.</p>	River Derwent SAC

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
6. Plans that could increase recreational pressure on European sites potentially vulnerable or sensitive to such pressure	(a) Such European sites in the plan area	River Derwent SAC (within the plan area)	<p>Therefore, these features of the River Derwent will be considered further.</p> <p>The Plan makes provision for unspecified development in a small number of locations in proximity to the River Derwent SAC. Although residential development is not specified, it is not ruled out either. If pursued, this could result in an increase in recreational pressure on the SAC and so this requires further consideration.</p> <p>The plan encourages the development of both horse racing and other tourist attractions but does not allocate land for either and at present these remain aspirations. Even if pursued, it is not anticipated that visitors to those destinations would increase pressure on the River Derwent to which there is only limited access through much of the plan area. Consequently, the impact of these proposals can be discounted.</p> <p>Modest proposals are encouraged on land adjacent to the river in the town centre albeit adjacent to a stretch that isn't designated. Despite this, the potential exists for an increase in recreational pressure from existing residents to harm the qualifying features.</p> <p>Therefore, possible impacts on the River Derwent require further consideration.</p> <p>Extract from <i>The Habitats Regulations Assessment Handbook</i>, www.dtapublications.co.uk © DTA Publications Limited (November) 2019 all rights reserved This work is registered with the UK Copyright Service</p>	River Derwent SAC

- 2.7. The outputs of the review carried out in Table 1 rule out the possibility of any credible effects from any aspect of the Plan on the Lower Derwent Valley or, indeed, any more distant European Strensall Common, Ellers Wood and Sand Dale and the North York Moors. These sites will therefore be ruled out of any further scrutiny in this HRA.
- 2.8. In addition, the exercise reduces the number of factors at play and begins to clarify the nature of potential impacts and the features most vulnerable. Importantly, it confirms that the focus of this HRA should be restricted entirely to the River Derwent SAC and the following issues as shown in Table 2:

Table 2: European sites at risk and list of potential threats

European sites	Potential threats
River Derwent SAC	(2a) Aquatic features
River Derwent SAC	(5) Mobile species
River Derwent SAC	(6a) Recreational pressure

- 2.10. The net result, and benefit to the HRA, is that the list of issues and sites potentially affected is reduced, making for a shorter and more focused HRA than would otherwise be the case.
- 2.11. However, as impacts on the River Derwent European site cannot be ruled out, further ecological information needs to be gathered to inform subsequent tests in the HRA. Drawing on the citation³¹, conservation objectives³², supplementary advice³³ and site improvement plan³⁴, the characteristics of the River Derwent SAC are described in Table 3 and are accompanied by observations on their sensitivity to external factors – the latter informed by Table 1. Conservation objectives, qualifying features and threats and pressures extracted from the SIP are provided in full. The citation is provided in Appendix B.

³¹ River Derwent SAC Citation. 14 June 2005

³² Conservation Objectives for River Derwent SAC. 27 November 2018. (Version 3)

³³ Supplementary advice on conserving and restoring features. River Derwent SAC. 27 March 2017 (Version 2)

³⁴ River Derwent SAC Site Improvement Plan. Natural England. V1.0. 8 October 2014.

Table 3: European site characteristics

Description (including summary of qualifying features)	Conservation objectives	Pressures and threats (P/T)
<p>River Derwent SAC</p> <p>Stretching from Ryemouth in the north to its confluence with the Ouse in the south, the River Derwent is considered to represent one of the best examples in England of a lowland river. Whilst a relatively short length also lies within the Lower Derwent Valley National Nature Reserve, not all of the river is designated, and a small stretch through Malton and Norton-upon-Derwent is excluded, reflecting its urbanised location here.</p> <p>It supports diverse communities of flora, notably floating vegetation dominated by water crowfoot, and fauna, comprising river lamprey, sea lamprey, bullhead and otter. The latter are mobile species with the potential/need to utilise extensive stretches of the river throughout the catchment beyond the boundaries of the SAC, and are critically dependent on the maintenance of a favourable hydrological (including physical and chemical) conditions throughout their range. They are therefore vulnerable to pollution events and the creation of physical or chemical barriers; for instance, lamprey migrate to the open sea via the Humber Estuary. In addition, otters also exploit riparian habitats for resting and breeding.</p> <p>The Derwent is meso/eutrophic and carries a high nutrient load providing a degree of resilience against air pollution, and whilst otter can be considered resilient, the floating vegetation communities and fish populations may be vulnerable. Overall though, the site can be considered relatively robust but vulnerable to changes in water quality (especially inputs of phosphate) from wastewater disposal, for instance.</p> <p>Restricted access to the river along much of its length reduces the impact of existing recreational pressure and the simple width of the channel effectively rules out harmful impacts on bullhead, both species of lamprey and the floating vegetation community. However, the otter population remains more vulnerable to disturbance.</p> <p>Natural England has assessed 99.2% of the River Derwent SSSI to be in 'favourable' or 'unfavourable recovering' condition; 0.8% is 'unfavourable no change' but the threat level is considered to be 'high' across a much wider area.</p>	<p>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:</p> <p>The extent and distribution of qualifying natural habitats and habitats of qualifying species;</p> <p>The structure and function (including typical species) of qualifying natural habitat;</p> <p>The structure and function of the habitats of qualifying species;</p> <p>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;</p> <p>The populations of qualifying species, and,</p> <p>The distribution of qualifying species within the site.</p> <p>Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:</p> <p><input type="checkbox"/> Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation. (Rivers with floating vegetation often dominated by water-crowfoot)</p> <p>Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:</p> <p><input type="checkbox"/> Bullhead <i>Cottus gobio</i></p> <p><input type="checkbox"/> River lamprey <i>Lampetra fluviatilis</i></p> <p><input type="checkbox"/> Otter <i>Lutra lutra</i></p> <p><input type="checkbox"/> Sea lamprey <i>Petromyzon marinus</i></p>	<ol style="list-style-type: none"> 1. Physical modification (P/T); 2. Water pollution (T); 3. Invasive species (T); 4. Change in land management (T); 5. Water abstraction (T).

- 2.12. The outputs of Table 1 allow this HRA to focus solely on a restricted number of possible impacts on just one European site: the River Derwent SAC. However, by drawing on the additional information provided in Table 3, the HRA is able to further refine the possible impacts to specific features, habitats and species. These, the key issues for the next, formal stage of this screening exercise are presented in Table 4.

Table 4: Refined list of European sites and features at risk

European site	Potential effects	Qualifying features at risk
River Derwent SAC	(2) Impacts on aquatic features	Otter, river and sea lamprey, and bullhead, and Floating vegetation dominated by water crowfoot
	(5) Impacts on mobile species	Otter, river and sea lamprey, and bullhead
	(6) Impacts from recreational pressure	Otter

3. SCREENING – PROCESS AND OUTCOMES

Methodology

- 3.1. Section 2 confirmed that the NDP could not be excluded, eliminated or exempted from the need for HRA and clarified which European sites and which features might be vulnerable. The next step is to explore if proposals in the Plan may represent a credible risk to the River Derwent by evaluating policies and allocations to identify if they should be:
- **Screened out from further scrutiny** (because the individual policies or allocations are considered not 'likely to have a significant effect on a European site, either alone or in combination with other plans and projects'), or
 - **Screened in for further scrutiny** (because the individual policies or allocations are considered 'likely to have a significant effect on a European site, either alone or in combination with other plans and projects').
- 3.2. To achieve this, all 42 policies within the Plan are scrutinised in terms of the key issues from Table 4 (based on an approach drawn from section F6.3 of the Handbook) and allocated to one (or more) broad, 'pre-screening categories' (summarised in Table 5 below).

Table 5: Pre-screening categories

Code	Category	Outcome
A	General statement of policy/general aspiration	Screened out
B	Policy listing general criteria for testing the acceptability/sustainability of the plan	Screened out
C	Proposal referred to but not proposed by the plan	Screened out
D	General plan-wide environmental protection/site safeguarding/threshold policies	Screened out
E	Policies or proposals which steer change in such a way as to protect European sites from adverse effects	Screened out
F	Policy that cannot lead to development or other change	Screened out
G	Policy or proposal that could not have any conceivable effect on a site	Screened out
H	Policy or proposal the (actual or theoretical) effects of which cannot undermine the conservation objectives	Screened out

Code	Category	Outcome
	(either alone or in-combination with other aspects of this or other plans or projects)	
I	Policy or proposal which may have a likely significant effect on a site alone	Screened in
J	Policy or proposal with an effect on a site but unlikely to be significant alone, so need to check for likely significant effects in-combination	Check
K	Policy or proposal unlikely to have a significant effect either alone or in-combination (screened out after the in-combination test)	Check
L	Policy or proposal which might be likely to have a significant effect in-combination (screened in after the in-combination test)	Check
M	Bespoke area, site or case-specific policies intended to avoid or reduce harmful effects on a European site. Excluded from formal screening but re-considered in appropriate assessment	Screened out

Extract from *The Habitats Regulations Assessment Handbook*, www.dtapublications.co.uk

- 3.3. This process provides a bespoke, precautionary and preliminary analysis for every policy in the Plan and identifies which proposals could pose a threat to the European site. This initial but lengthy exercise is provided in full Appendix C. Those policies which are considered to represent a threat to the vulnerable qualifying features of the River Derwent SAC are listed in Table 6 which also applies the outcomes of Table 4 to provide an effective summary of the issues at stake which will be subjected to formal screening.

Table 6: Features affected and relevant policies

Policy	Potential effect	Features potentially at risk
RC1	Aquatic features	Otter, river and sea lamprey, and bullhead Floating vegetation dominated by water crowfoot
	Mobile species	Otter, river and sea lamprey, and bullhead
	Recreational pressure	Otter
RC2	Aquatic features	Otter, river and sea lamprey, and bullhead Floating vegetation dominated by water crowfoot

Policy	Potential effect	Features potentially at risk
	Mobile species	Otter, river and sea lamprey, and bullhead
	Recreational pressure	Otter
	Aquatic features	Otter, river and sea lamprey, and bullhead Floating vegetation dominated by water crowfoot
CF1	Mobile species	Otter, river and sea lamprey, and bullhead
	Recreational pressure	Otter
	Aquatic features	Otter, river and sea lamprey, and bullhead Floating vegetation dominated by water crowfoot
N1	Mobile species	Otter, river and sea lamprey, and bullhead
	Recreational pressure	Otter
	Aquatic features	Otter, river and sea lamprey, and bullhead Floating vegetation dominated by water crowfoot

- 3.4 The relevant proposals are subjected to formal screening below where each preliminary outcome is evaluated in terms of the conservation objectives of the European sites affected (Table 3) and their vulnerable features (Table 4). Here, the initial assessment will be either confirmed or amended by identifying which would result in a likely significant effect alone or in combination. The outcomes of this exercise are summarised in Tables 7 and 8.
- 3.5 Where policies are 'screened-out', it is considered they pose no credible risk to the European site and so they can be removed from any further consideration in this HRA. If a credible risk remains, likely significant effects cannot be ruled out and an appropriate assessment of those policies will be required.
- 3.6. Importantly, this exercise complies with the People Over Wind decision and recent Ministry of Housing, Communities and Local Government HRA Planning Guidance (2019)³⁵ by distinguishing between the *essential features and characteristics* of the Plan, and, in Category M, those *mitigation measures* specifically embedded within the Plan to reduce impacts on European sites and which would be subject to appropriate assessment.

Screening - Context

- 3.7. Each potential effect is now described in turn and is followed by a screening opinion for each policy listed above. It should be remembered that case law demands that screening is not meant to represent a detailed impact assessment and should only identify if there is a *credible risk* that the conservation objectives may be undermined. In doing so, this should act as a *trigger* for more thorough scrutiny in an appropriate assessment.

Aquatic features

- 3.8. This potential effect is concerned with new built development and its localised effects on surface and sub-surface flows both in terms of water quality and water resources resulting from pollution events, and changes in run-off, sedimentation and erosion etc.
- 3.9. Table 4 shows that all the features of the River Derwent SAC, ie the otter, river and sea lamprey, and bullhead populations, and the floating vegetation community could be at risk.
- 3.10. The Council proposes development at four locations immediately adjacent or in close proximity to the River Derwent SAC (Policies RC1, RC2, CF1 and N1). All encourage at

³⁵ Ministry of Housing, Communities and Local Government HRA Planning Guidance <https://www.gov.uk/guidance/appropriate-assessment> 22 July 2019 (accessed 14 August 2019)

least some form of development and water pollution is identified as a threat in the River Derwent SIP (Table 3).

Mobile species

- 3.11. Mobile species are defined here as those that utilise ('functionally-linked') land or water beyond the European site boundary for some part of their lifecycle be it seasonally, diurnally or even intermittently. It is this aspect in particular which requires consideration of the non-designated stretch of the river that bisects the towns in this HRA.
- 3.12. Again, this is typically associated with new, built development but these species can be vulnerable to a range of both localised and strategic effects away from protected areas. Therefore, in the case of lamprey, bullhead and otter, effects on water quality and resources will have to be considered both up and downstream, and, in terms of otter populations, attention will also have to be paid to land-take, construction or disturbance on potentially wider areas of land.
- 3.13. Table 4 shows that all the mobile species, otter, river and sea lamprey, and bullhead could be affected and potentially, Policies RC1, RC2, CF1 and N1 could be implicated. However, whilst water pollution is listed as a threat in the SIP for the River Derwent, 'disturbance' is not (Table 3). For the avoidance of doubt, this does not apply to the floating vegetation community.

Recreational pressure

- 3.14. The most popular destinations can draw in visitors in great numbers from considerable distances and lead to erosion and disturbance. Less popular sites, or those with fewer facilities, have a smaller catchment, fewer visitors and the issue is typically less problematic. Alternatively, sites managed specifically to encourage large numbers of visitors can tolerate these pressures without causing significant harm.
- 3.15. Excessive recreational pressure typically leads to the disturbance of qualifying species, and a reduction in habitat quality/extent from trampling or other related activities. It can be particularly problematic on land or water with open or unauthorised access where which can compromise site management.
- 3.16. Of course, each site is different and other key factors will include the fragility of the feature, size of the development, the accessibility of alternative destinations, the availability of footpaths, public transport and so on.
- 3.17. Table 4 shows that all four policies, RC1, RC2, CF1 and N1 could be relevant though only the otter population could be affected. However, 'disturbance' is not identified as a threat in the River Derwent SIP (Table 3).

Approach

- 3.18. What is clear from preceding text is that the stretch of the River Derwent in closest proximity to all four proposals is not designated as a SAC. However, in terms of this HRA this is considered an irrelevance as the river provides an unbroken hydraulic link with adjacent designated stretches of the river that are and so all elements of the river are assessed equally in the screening exercise below.
- 3.19. What is also apparent is that there is considerable overlap between the three potential threats and a high degree of commonality between the features affected. This risks repetition and a loss of clarity. In effect, there are two main potential threats:

- the potential impact of disturbance on the otter population; and
 - the potential impact of pollution from any development that may arise on all the remaining qualifying features: floating vegetation, bullhead, both species of lamprey and otter.
- 3.20. A focus on these two issues, disturbance and pollution, will have the effect of simplifying the assessment process without overlooking the impact from any potential threats. Each policy identified in Table 6 is subject to formal screening below.

Screening opinions

RC1 – Malton and Norton River Corridor Development

- 3.21. Although apparently modest in scope, the aspiration behind this policy is to provide low-key recreational activities on a 1.2km stretch of land immediately adjacent to both designated and non-designated stretches of the river.
- 3.22. There are two broad elements to this policy – the provision of open space allied with proposals for a picnic area, seating and bridle/cycleways, and built development comprising the construction of a café and the unspecified conversion of existing buildings. Importantly, the land is not allocated for this purpose in the Ryedale local plan and has not been assessed in its HRA.
- 3.23. Taking these in turn, impacts on the floating vegetation community and all three fish species from disturbance (from recreational pressure) have already been ruled out in the pre-screening exercise given their physical separation and, consequently, their relative immunity from these riparian activities (see Tables 4 & 6). In contrast, the uncertainty surrounding the scale of the proposals ensures there is a credible risk that the establishment of the recreational area could increase the number of visitors to the riverside from across both towns public open space, especially in the vicinity of the river, is a scarce resource in both towns. In turn has the potential to disturb otters when commuting or foraging along the river corridor. Whilst daytime activities should not represent a threat, the degree of lighting, noise and human presence could all be expected to increase. Therefore, there is a risk that the conservation objectives could be undermined.
- 3.24. These potentially significant effects could be exacerbated should new development be required to deliver the ‘café/refreshment facilities’ specified. Unless of a very minor scale, this could introduce a credible threat of pollution of the river from construction unless of a very minor scale. In turn this has the potential to impact all qualifying features: floating vegetation, bullhead, both species of lamprey and otters.
- 3.25. Whilst it is not suggested that impacts from this policy could be expected to result in harm across the entire length of the SAC, it is possible that changes could extend across localised but significant areas of the river. This could conflict with the conservation objective for the River Derwent to:
- ‘maintain ... the extent and distribution ... the structure and function ... and the supporting processes ... of the qualifying natural habitats*
- 3.26. Therefore, likely significant effects from disturbance and pollution cannot be ruled out at this stage and an appropriate assessment is required.

Screening test – Policy RC1

There is a credible risk that disturbance and pollution from construction from Policy RC1 could undermine the conservation objectives of the River Derwent SAC and that likely significant effects cannot be ruled out (alone). Consequently, an appropriate assessment is required. This policy is considered capable of resulting in a likely significant effect alone and, therefore, there is no need for an in-combination assessment at this stage.

RC2 – Regeneration of Land North and South of County Bridge

- 3.27. This policy seeks to encourage the loosely defined, development-led regeneration of riverside land along both banks of the River Derwent although none lie directly adjacent to the SAC. As described on the proposals map, this also includes unspecified development on the bridge over the river although this is taken to comprise measures to improve the flow of people and traffic. Importantly, the land is not allocated for this purpose in the Ryedale local plan and has not been assessed in its HRA.
- 3.28. For reasons very similar to Policy RC1 above, there is a credible risk that the unspecified development could increase the number of visitors to the riverside given its proximity and the proposed expansion of recreational space in RC1. This could, in turn, increase the disturbance of otter populations. It is noted, however, that residential development is not proposed.
- 3.29. Construction in such close proximity to the river raises additional issues. The river is a fragile habitat, vulnerable to pollution events in particular or any changes in the local surface or sub-surface hydrological regime. Such changes are often associated with construction, especially in close proximity to wetland or riverine sites. Therefore, there is a risk that the conservation objectives could be undermined.
- 3.30. Whilst it is not suggested that impacts from this policy could be expected to result in harm across the entire length of the SAC, it is possible that changes could extend across localised but significant areas of the river. This could conflict with the conservation objective for the River Derwent to:
‘maintain ... the extent and distribution ... the structure and function ... and the supporting processes ... of the qualifying natural habitats.’
- 3.31. Therefore, likely significant effects cannot be ruled out at this stage and an appropriate assessment is required.

Screening test – Policy RC2

There is a credible risk that disturbance and pollution from construction from Policy RC2 could undermine the conservation objectives of the River Derwent SAC and that likely significant effects cannot be ruled out (alone). Consequently, and an appropriate assessment is required. This policy is considered capable of resulting in a likely significant effect alone and, therefore, there is no need for an in-combination assessment at this stage.

CF1 – Norton’s swimming pool

- 3.32. This policy seeks to encourage the expansion of the size of and facilities available at Norton swimming pool. Although located in relatively close proximity to the River Derwent SAC, it is considered almost inconceivable that expansion of this single facility could result in any harmful effects on the SAC.
- 3.33. However, there is a credible risk that expansion of car park could allow an increase in the number of visitors to the riverside given its proximity and the proposed expansion of recreational space in RC1. This could, in turn, increase the disturbance of otter populations.
- 3.34. Similarly with RC1 and RC2, the remote possibility exists that construction work associated with the expansion of facilities could lead to localised pollution events which could potentially affect all features of the River Derwent. Therefore, there is a risk that the conservation objectives could be undermined. Importantly, the land is not allocated for this purpose in Ryedale local plan and has not been assessed in its HRA.
- 3.35. Whilst it is not suggested that impacts from this policy could be expected to result in harm across the entire length of the SAC, it is possible that changes could extend across localised but significant areas of the river. This could conflict with the conservation objective for the River Derwent to:
- ‘maintain ... the extent and distribution ... the structure and function ... and the supporting processes ... of the qualifying natural habitats.’*
- 3.36. Therefore, likely significant effects cannot be ruled out at this stage and an appropriate assessment is required.

Screening test – Policy CF1

There is a credible risk that disturbance and pollution from construction from Policy CF1 could undermine the conservation objectives of the River Derwent SAC and that likely significant effects cannot be ruled out (alone). Consequently, and an appropriate assessment is required. This policy is considered capable of resulting in a likely significant effect alone and, therefore, there is no need for an in-combination assessment at this stage.

N1 – Land to the Rear of Commercial Street

- 3.37. This policy seeks to encourage the redevelopment of land to the rear of Commercial Street in Norton town centre. The uses described comprise retail, light industrial uses and the development of a car park; residential development is not listed. Although located in close proximity to the undesignated stretch of the River Derwent, it is considered almost inconceivable that development of this type could result in any harmful effects on the SAC. However, the remote possibility exists that a new car park could increase the number of visitors to the riverside (and the level of disturbance) and that construction work associated with the expansion of facilities could lead to localised pollution events which could potentially affect all features of the River Derwent. Importantly, the land is not allocated for this purpose in the Ryedale local plan and has not been assessed in its HRA. It is noted that residential development is not proposed.
- 3.38. Whilst it is not suggested that impacts from this policy could be expected to result in harm across the entire length of the SAC, it is possible that changes could extend across localised but significant areas of the river. This could conflict with the conservation objective for the River Derwent to:

‘maintain ... the extent and distribution ... the structure and function ... and the supporting processes ... of the qualifying natural habitats.’

- 3.39. Therefore, likely significant effects cannot be ruled out at this stage and an appropriate assessment is required.
- 3.40. It should be noted that concern regarding pollution events during construction relates to the possible development of the site (perhaps for residential development) beyond the suggested use as a car park. Should the former not be pursued, all potential threats related to pollution would be removed. However, at this stage, it is not possible to make this assumption.

Screening test – Policy N1

There is a credible risk that disturbance and pollution from construction from Policy N1 could undermine the conservation objectives of the River Derwent SAC and that a likely significant effect cannot be ruled out (alone). Consequently, and an appropriate assessment is required. This policy is considered capable of resulting in a likely significant effect alone and, therefore, no residual effects are anticipated and there is no need for an in-combination assessment at this stage.

Summary of the Screening Exercise and Next Steps

- 3.41. The outcomes of this stage of the formal screening assessment are brought together in Table 7 which lists those sites and issues where it has been found that the conservation objectives may be undermined and where likely significant effects cannot be ruled out. Table 8 lists all the policies in the Plan and summarises the outcome of both the preliminary screening assessment and how it has been modified by the screening exercise above.

Table 7: Summary of the Screening exercise by policy and feature

European site	Issue	Policies	Feature affected	Conservation objectives*	Undermined?	Residual effects?	In-combination effect?	Outcome
River Derwent SAC	Disturbance and Pollution	RC1, RC2, CF2, N1	Floating vegetation communities Otter, river and sea lamprey, and bullhead	Extent and distribution of qualifying habitats and those of qualifying species	Yes	None	None	Likely significant effects cannot be ruled out (alone) Appropriate assessment required No residual effects No in-combination assessment required
				Structure and function (including typical species) of qualifying habitats	Yes	None	None	
				Structure and function of habitats of qualifying species	Yes	None	None	
				Supporting processes on which qualifying natural habitats and the habitats of qualifying species rely	Yes	None	None	
				Populations of qualifying species	Yes	None	None	
				Distribution of qualifying species	Yes	None	None	

3.42. Table 8 summarises the outcome of the pre-screening and formal screening exercises and highlights changes of opinion accordingly. In this case, the screening exercise confirmed the outcome of the pre-screening exercise and there are, therefore, no changes.

Table 8: Summary of the Screening exercise by category

Screening outcome	Pre-screening	Post-Screening
A General statement of policy Screened out	Vision EM1	Vision EM1
B General criteria for testing acceptability of proposals Screened out	HD1, HD2, HD3, HD4, HD5, HD6, HD7, HD8, HD9, HD10, HD11 H1	HD1, HD2, HD3, HD4, HD5, HD6, HD7, HD8, HD9, HD10, HD11 H1
C Proposal referred to but not proposed by the Plan Screened out	None	None
D Environmental protection policy Screened out	E1, E2, E3, E4	E1, E2, E3, E4
E Policies or proposals which steer change in such a way as to protect European sites Screened out	None	None
F Policy that cannot lead to development or other change Screened out	None	None
G No conceivable effect on a European site Screened out	TM1, TM2, T3, TM4, TM5, TM6, TM7 E5, E6 CF2 TC2, TC4 HRI1, HRI2, HRI3 M1	TM1, TM2, T3, TM4, TM5, TM6, TM7 E5, E6 CF2 TC2, TC4 HRI1, HRI2, HRI3 M1
H Policy or proposal with unspecified location which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects	CF3 TC1, TC3 HRI4 M1, M2	CF3 TC1, TC3 HRI4 M1, M2
I Likely significant effect alone cannot be ruled out Screened in	RC1, RC2, CF1, N1	RC1, RC2, CF1, N1

Screening outcome	Pre-screening	Post-Screening
J Likely significant effect in combination cannot be ruled out Screened in	None	None
K Policy or proposal with no likely significant effect alone but which lead to in combination effects	None	None
L Policy or proposal considered to have in combination effects	None	None
M Bespoke area, site or case specific policies or proposals intended to avoid or reduce harmful effects on a European site	None	None

Screening conclusion

- 3.43. This exercise found that all 38 of the 42 policies (excluding the Vision) could be screened out of the need for further assessment in this HRA. In other words, it found that the majority would not lead to any likely significant effects on any European sites either within or beyond the Town Councils' boundary. There would be no residual effects and, therefore, no need for an in-combination assessment or, indeed, an appropriate assessment.
- 3.44. However, the screening exercise found it was not possible to screen out likely significant effects alone for Policies RC1, RC2, CF1 and N1 for a range of possible but credible impacts regarding effect on aquatic features and mobile species from construction and other activities, and the effect of recreational pressure affecting the River Derwent.
- 3.45. Consequently, an appropriate assessment is required to explore whether these policies will have an adverse effect on the integrity of the European site. Policies can normally only be adopted if it is certain, beyond reasonable scientific doubt, that adverse effects can be ruled out. Drawing on the recent People Over Wind ruling, this will explore if embedded or additional mitigation measures can avoid a negative outcome. This is presented in Section 4 below.

4. APPROPRIATE ASSESSMENT

Purpose, approach and assessment

- 4.1. The precautionary principle demands that where a plan is likely to have a significant effect, it can only be adopted if the competent authority can ascertain (following an appropriate assessment) that it *will not adversely affect the integrity of the European site*. This is the role of the appropriate assessment and represents the fundamental test of an HRA; competent authorities should not normally consent or adopt proposals unless they are certain that adverse effects can be ruled out.
- 4.2. Where it is not certain that an adverse effect can be avoided, and in line with the People Over Wind ruling, the appropriate assessment also considers whether any incorporated mitigation measures are sufficient to remove all reasonable scientific doubt about the risk of such an effect. Further explanation of the process is provided in section 1.
- 4.3. Mitigation performs a different role to compensation; the former comprises measures intended to avoid, cancel or reduce adverse effects on European sites whereas the latter can only be considered under the derogations – where an adverse effect cannot be avoided. Importantly, Principle C5.1.5 of the Handbook advises that any mitigation measures considered *should be effective, reliable, timely, guaranteed to be delivered and as long terms as they need to be to achieve their objectives*. Any doubt as to any of these criteria would introduce unhelpful uncertainty into the decision-making process.
- 4.4. The Handbook highlights the meaning of integrity in contemporary planning policy and guidance as defined by the CJEU (Sweetman) and European Commission as *the lasting preservation of the constitutive characteristics of the site* before adding that for a plan-making body to conclude the absence of an adverse effect **it should be convinced that no reasonable scientific doubt remains** as expressed in the Waddenzee ruling:

That is the case where no reasonable scientific doubt remains as to the absence of such effects (Para 59) and where doubt remains as to the absence of adverse effects ... the competent authority will have to refuse authorisation (Para 57).
- 4.5. This should be read in the context of case law that shows this need not be absolute (the Cairngorms case), that reliance on *probabilities and estimates* is sometimes required (Waddenzee, para 97) but, fundamentally it remains thus **“where doubt remains as to the absence of adverse effects ... the competent authority will have to refuse authorisation”** (Waddenzee, Para 57).
- 4.6. In addressing the burden of proof, the Handbook (F.10.1) states:

Because the integrity test incorporates the application of the precautionary principle as a matter of law, and because plan assessments are, by their nature, less precise than project assessments, it is important for the assessment process to eliminate the prospect of adverse effects on site integrity in so far as that is possible at the level of specificity inherent in the nature and purpose of the particular plan.
- 4.7. Bearing this in mind, each policy where likely significant effects could not be ruled out is taken in turn and each issue dealt with accordingly. The effectiveness of any mitigation embedded in the policies is considered. If an adverse effect on the integrity of the site cannot be removed even when site-specific mitigation measures are considered, the appropriate assessment will consider if other restrictions are available that could secure a

positive outcome; this could include the removal of an entire policy, or part of one, if other effective mitigation is not available.

- 4.8. Each concludes with a bespoke statement that represents the integrity test on that site. These individual outcomes are summarised in Table 9. The appropriate assessment concludes with a final statement that confirms the outcome of the HRA. Because of the similarity of the issues at stake, there is some unavoidable repetition.
- 4.9. In accordance with the *Waddenzee* decision, it should be noted that the appropriate assessment also explores if residual effects (as described in Section 1) remain. In this case, this refers to effects that would not result in an adverse effect on the integrity of the site alone but, when considered with other residual effects identified elsewhere in the appropriate assessment, could combine to harm the integrity of the site. If any arise, this could prompt the need for an in-combination assessment.

Policy RC1

- 4.10. Although apparently modest in scope, this policy seeks to provide low-key recreational activities on a 1.2km stretch of land immediately adjacent to both designated and non-designated stretches of the river. There are two broad elements to this policy – the provision of open space allied with proposals for a picnic area and seating, and built development comprising the construction of a café, and the possible, though unspecified conversion of existing buildings. However, the scale is described as *minor* in the supporting text.
- 4.11. Taking these in turn, the simple provision of open space alone cannot be expected to result in an adverse effect on the integrity of the site. Indeed, it is almost inconceivable that a green open space providing opportunities for low-key recreation adjacent to the river will pose a major threat to the achievement of the conservation objectives of the SAC. Furthermore, the features are relatively resilient with only otter potentially vulnerable to disturbance and this, only at dawn, dusk and during the night (see Tables 4 and 6).
- 4.12. Otters display very different behaviours at different stages of their life-cycle. Adults are known to frequently make use of busy stretches of water in towns in close proximity to large human populations when foraging or commuting within or between territories (which can be extensive). Too much emphasis can be placed on species' ability to habituate to new pressures but in the case of otters, it can be valid. Evidence of this in Malton and Norton is that otters already make frequent use of this stretch of river even though it is exposed to the typical disturbance associated within any urban setting with road bridges, railway lines, industry and people all in close proximity. Given that otters are predominantly nocturnal, and that activities associated with recreational use of this land will be largely restricted to daylight hours, the proposals cannot be considered to appreciably increase disturbance. Therefore, adverse effects on foraging and commuting otters from disturbance associated with this policy can be ruled out.
- 4.13. Contrasting with this resilience to human disturbance when foraging or commuting, resting places and breeding holts are almost always sited far from human disturbance. These settings are of critical importance to the maintenance of otter populations, with adults especially displaying an intolerance of human disturbance around their young. However, it is almost inconceivable that resting places or holts will be found in proximity to RC1 given its location in the centre of the two towns; circumstances that will have been evident since otters recolonised local waterways several decades ago. Therefore, adverse effects on resting places or holts as a consequence of this policy can be ruled out.

- 4.14. It is considered, therefore, that low-key recreational opportunities supported by picnic areas and seating can be considered to be in keeping with the conservation objectives of the SAC. This statement is made in full knowledge that open space in both towns is restricted and could prove popular with existing residents. An increase in the local population could change this opinion but none is proposed in the Plan. Where increases have been proposed in the Ryedale local plan, these have been assessed elsewhere. Policy RC1 is not considered to affect those conclusions.
- 4.15. Turning to the possible construction of a café or refurbishment of other buildings, the scale of development is described as *minor*, reflecting its location in the floodplain, the low-key approach to recreation on this site and the adjacent SAC. However, the SAC is fragile and potentially vulnerable to pollution incidents that could arise during any construction such as spillages of oil or cement dust which could, especially the former, result in harmful effects over a considerable distance of the river and affect all the qualifying features: the floating vegetation, bullhead, both species of lamprey and otters.
- 4.16. Mindful of the anticipated scale, all development has to comply with a range of pollution control mechanisms laid out in legislation and best practice, including oil and sediment traps, and the storage of materials amongst others to effectively reduce the risk. All are tried and tested and, if implemented correctly, provide effective guarantees that such incidents will either be prevented or, if they do occur, will be controlled before they enter the river. In addition the existing drainage infrastructure can also be expected to accommodate the management of wastewater when in use.
- 4.17. As these measures would be required by law and best practice to afford wide-ranging environmental safeguards, they can be considered to be reliable, effective in the short and long-terms and their implementation guaranteed. Together, these bring confidence that the threat could be removed from the types of built development proposed.
- 4.18. As these measures would be required with or without the presence of the SAC, they do not represent mitigation in the context of the People Over Wind decision. However, if the competent authority does regard these measures as mitigation, the consideration of these here, in the appropriate assessment would comply with People Over Wind. No further safeguards are considered necessary.
- 4.19. Consequently, it is considered that adverse effects from disturbance and pollution on the integrity of the River Derwent SAC can be ruled out, beyond reasonable scientific doubt. There would be no need for mitigation, no residual effects and no need for an in-combination assessment.
- 4.20. It should be noted though, that any development may well require the provision of the necessary information to allow the local planning authority (Ryedale District Council) to carry out an HRA of any application.

Integrity test for Policies RC1

It is considered that **the Council will be able to ascertain beyond reasonable scientific doubt that Policy RC1 will have no adverse effect on the integrity of the River Derwent SAC alone.** There would be no need for mitigation, no residual effects, and no need for an in-combination assessment.

Policy RC2

- 4.21. This policy seeks to encourage the loosely defined, development-led regeneration of riverside land along both banks of the River Derwent although none lie directly adjacent to the SAC.
- 4.22. It is anticipated that this will reflect similar commercial uses to that already present. Consequently, employees of commercial premises will have only restricted opportunities to visit the riverbank and the majority will only be present during the day when impacts on otters are less likely. In addition, the policy excludes residential development and so prevents any increase in the size of the local population and number of residents that might make use of the new open space along the riverbank promoted in RC1 above. Therefore, increased use of the riverbank and disturbance of otters can effectively be ruled out as associated activities with this kind of regeneration can safely be assumed to take place during the day and not at night when otters are more likely to be present; further justification regarding the habits of otters is presented for this under RC1 above and is not repeated here.
- 4.23. Construction of any kind in such close proximity to the river raises additional issues. The SAC is a fragile habitat, vulnerable to pollution events in particular or any changes in the local surface or sub-surface hydrological regime. It is anticipated that construction of the proposed development here, could be prolonged, extending over several months or even years and could comprise substantial earthworks, the installation of drains and the storage of fuel and other potential contaminants, all with the potential to adversely affect the local hydrological regime and water quality. These factors go beyond that anticipated for the café in RC1.
- 4.24. However, whilst the scale may be greater, the management of such risks is governed by the same legislation and best practice as described in RC1. This too is not repeated here but the same, positive outcomes can be assumed, that these bring confidence that the threat could be removed from the types of built development proposed.
- 4.25. Similarly, as these measures would be required with or without the presence of the SAC, they do not represent mitigation in the context of the People Over Wind decision. However, if the competent authority does regard these measures as mitigation, the consideration of these here, in the appropriate assessment would comply with People Over Wind. No further safeguards are considered necessary.
- 4.26. Consequently, it is considered that adverse effects from disturbance and pollution on the integrity of the River Derwent SAC can be ruled out, beyond reasonable scientific doubt. There would be no need for mitigation, no residual effects and no need for an in-combination assessment.
- 4.27. It should be noted though, that any development may well require the provision of the necessary information to allow the local planning authority (Ryedale District Council) to carry out an HRA of any application.

Integrity test for Policies RC2

The Council will be able to ascertain beyond reasonable scientific doubt that Policy RC2 will have no adverse effect on the integrity of the River Derwent SAC alone.

There would be no need for mitigation, no residual effects, and no need for an in-combination assessment.

Policy CF1

- 4.28. This policy seeks to encourage the expansion of the size of and facilities available at Norton swimming pool. However, despite being located in relatively close proximity to the (undesignated stretch of the) River Derwent, it was not possible to rule out the risk of harm arising from an increase in recreational pressure and from construction..
- 4.29. The scale of the proposals is unknown but is reasonably presumed to be in keeping with the modest extent of the existing facility. Importantly, the policy excludes residential development and so prevents any increase in the size of the local population and number of residents that might make use of the new open space along the riverbank promoted in RC1 above. Similarly, any increase in car parking capacity is likely to be accommodated by the allied expansion of the swimming pool/leisure centre. As a specific 'destination' it is unlikely measurable numbers of visitors will also use the opportunity to visit the new riverside greenspace, especially at night when otters could be considered vulnerable. Therefore, increased use of the riverbank and disturbance of otters can effectively be ruled out.
- 4.30. Similarly, should the facility be expanded, the same threats of pollution from construction as described in policies RC1 and RC2 above also apply here (but are not repeated). As before, though, the management of such pollution risks is governed by the same legislation and best practice as described in RC1 and RC2. This too is not repeated here but the same, positive outcomes can be assumed, that these bring confidence that the threat could be removed from the types of built development proposed. Furthermore, the site is separated from the river by the railway line making any incidents even less likely to arise in the river as it will not only provide a physical barrier, but will bring with it its own drainage infrastructure.
- 4.31. Similarly, as these measures would be required with or without the presence of the SAC, they do not represent mitigation in the context of the People Over Wind decision. However, if the competent authority does regard these measures as mitigation, the consideration of these here, in the appropriate assessment would comply with People Over Wind. No further safeguards are considered necessary.
- 4.32. Consequently, it is considered that adverse effects from disturbance and pollution on the integrity of the River Derwent SAC can be ruled out, beyond reasonable scientific doubt. There would be no need for mitigation, no residual effects and no need for an in-combination assessment.
- 4.33. It should be noted though, that any development may well require the provision of the necessary information to allow the local planning authority (Ryedale District Council) to carry out an HRA of any application.

Integrity test for Policies CF1

The Council will be able to ascertain beyond reasonable scientific doubt that Policy CF1 will have no adverse effect on the integrity of the River Derwent SAC alone.
There would be no need for mitigation, no residual effects, and no need for an in-combination assessment.

Policy N1

- 4.34. This policy seeks to encourage the redevelopment of land to the rear of Commercial Street in Norton town centre. The uses described comprise retail, light industrial uses and the development of a car park; residential development is not proposed. The screening exercise

identified that an increase in disturbance could result from an increase in recreational pressure from use of the car park or from employees or shoppers, depending on the development proposed.

- 4.35. As with Policy RC2, employees of commercial premises or shoppers will have only restricted opportunities to visit the riverbank and the majority will only be present during the day when impacts on otters are less likely. Likewise, as with Policy CF1, any increase in car parking capacity is likely to be accommodated by the workforce or shoppers and it is considered unlikely measurable numbers of visitors will also use the opportunity to visit the new riverside greenspace, especially at night when otters could be considered vulnerable.
- 4.36. In addition, the policy excludes residential development and so prevents any increase in the size of the local population and number of residents that might make use of the new open space along the riverbank promoted in RC1 above.
- 4.37. Therefore, increased use of the riverbank and disturbance of otters can effectively be ruled out; further justification regarding the habits of otters is presented for this under RC1 above and is not repeated here.
- 4.38. Should development be proposed, the same threats of pollution from construction as described in policies RC1, RC2 and CF1 above also apply here (but are not repeated). As before, though, the management of such pollution risks is governed by the same legislation and best practice as described in the same. This too is not repeated here but the same, positive outcomes can be assumed, that these bring confidence that the threat could be removed from the types of built development proposed. Furthermore, the site is separated from the river by the railway line making any incidents even less likely to arise in the river as it will not only provide a physical barrier, but will bring with it its own drainage infrastructure.
- 4.39. Similarly, as these measures would be required with or without the presence of the SAC, they do not represent mitigation in the context of the People Over Wind decision. However, if the competent authority does regard these measures as mitigation, the consideration of these here, in the appropriate assessment would comply with People Over Wind. No further safeguards are considered necessary.
- 4.40. Consequently, it is considered that adverse effects from disturbance and pollution on the integrity of the River Derwent SAC can be ruled out, beyond reasonable scientific doubt. There would be no need for mitigation, no residual effects and no need for an in-combination assessment.
- 4.41. It should be noted though, that any development may well require the provision of the necessary information to allow the local planning authority (Ryedale District Council) to carry out an HRA of any application.

Integrity test for Policies N1

The Council will be able to ascertain beyond reasonable scientific doubt that Policy N1 will have no adverse effect on the integrity of the River Derwent SAC alone.

There would be no need for mitigation, no residual effects, and no need for an in-combination assessment.

Conclusion of the appropriate assessment

- 4.42. The appropriate assessment found that adverse effects on the integrity on the River Derwent SAC could be ruled out alone beyond reasonable scientific doubt for Policies RC1, RC2, CF1 and N1 could be ruled out without the need for mitigation.
- 4.43. The Plan cannot preclude speculative or windfall development in the future, but tests have been alluded to that any proposals would have to satisfy. Whilst only indicative, these do not necessarily represent an exhaustive list but could include Ryedale's local plan and the consenting regimes of the Environment Agency and Natural England amongst others.

5. FORMAL INTEGRITY TEST

- 5.1. This HRA 'subjected the Malton and Norton-upon-Derwent Town Councils' Neighbourhood Development Plan to an appropriate assessment according to the statutory procedures laid out in the Habitats Regulations 2017 as amended, and the methodology laid out in the Habitats Regulations Assessment Handbook. It ascertained that:
- 5.2. **Policy RC1: adverse effects on the integrity of the River Derwent SAC could be ruled out alone beyond reasonable scientific doubt.** There would be no need for mitigation, no residual effects and, therefore, no need for an in-combination assessment.
- 5.3. **Policy RC2: adverse effects on the integrity of the River Derwent SAC could be ruled out alone beyond reasonable scientific doubt.** There would be no need for mitigation, no residual effects and, therefore, no need for an in-combination assessment.
- 5.4. **Policy CF1: adverse effects on the integrity of the River Derwent SAC could be ruled out alone beyond reasonable scientific doubt.** There would be no need for mitigation, no residual effects and, therefore, no need for an in-combination assessment.
- 5.5. **Policy N1: adverse effects on the integrity of the River Derwent SAC could be ruled out alone beyond reasonable scientific doubt.** There would be no need for mitigation, no residual effects and, therefore, no need for an in-combination assessment.
- 5.6. Adverse effects were ruled out alone for all policies. There were no residual effects and, therefore, no need for an in-combination assessment. There is no need for any further scrutiny of the Plan under the Habitats Regulations.
- 5.7. The decision to adopt this HRA or otherwise now lies with the competent authority, Ryedale District Council.

Bernard Fleming CEcol MCIEEM

Director, Fleming Ecology Ltd

October 2021

APPENDICES

A. Identification of European sites at risk

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
1. All plans (terrestrial, coastal and marine)	Sites within the geographic area covered by or intended to be relevant to the plan	River Derwent SAC	This 'test' simply identifies all the European sites in the Councils' administrative area. All sites present will be included.	River Derwent SAC
2. Plans that could affect aquatic features	(a) Sites upstream or downstream of the plan area in the case of river or estuary sites	Lower Derwent Valley SPA, SAC, Ramsar River Derwent SAC	Effects considered are those associated with the physical presence of built development and the <i>localised</i> effects on surface/groundwater resources and quality, resulting from changes in run-off, sedimentation, erosion etc. Given that the Lower Derwent Valley lies around 20km as the crow flies from the plan area, localised effects on aquatic features can be confidently ruled out from any further consideration for this European site. However, given that the River Derwent flows through the Plan area, all features of the River Derwent SAC remain vulnerable to development proposed in the NDP even though the section within the town centres is not designated. Note that the <i>indirect</i> effects of changes to wastewater disposal are assessed separately under '7b'.	River Derwent SAC
	(b) Open water, peatland, fen, marsh and other wetland sites with relevant hydrological links to land within the plan area, irrespective of distance from the plan area	Ellers Wood and Sand Dale SAC Lower Derwent Valley SPA, SAC, Ramsar North York Moors SPA, SAC Strensall Common SAC	Effects considered are those associated with the physical presence of built development and the <i>localised</i> effects on surface/groundwater resources and quality, resulting from changes in run-off, sedimentation, erosion etc. Given the distances, involved, all the listed sites lie over 15km from the plan area, localised effects on wetland features from the type of development	None

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
			<p>proposed can be confidently ruled out from any further consideration.</p> <p>Note that the <i>indirect</i> effects of changes to wastewater disposal are assessed separately under '7b'.</p>	
3. Plans that could affect the marine environment	Sites that could be affected by changes in water quality, currents or flows; or effects on the inter-tidal or sub-tidal areas or the seabed, or marine species	None	No European sites with marine features are considered vulnerable to development proposed within the plan	None
4. Plans that could affect the coast	Sites in the same coastal 'cell', or part of the same coastal ecosystem, or where there are interrelationships with or between different physical coastal processes	None	No European sites with coastal features are considered vulnerable to development proposed within the plan	None
5. Plans that could affect mobile species	Sites whose qualifying features include mobile species which may be affected by the plan irrespective of the location of the plan's proposals or whether the species would be in or out of the site when they might be affected	Lower Derwent Valley SPA, SAC, Ramsar River Derwent SAC	<p>This considers direct impacts of plan proposals on mobile species.</p> <p>Although otters can range widely along suitable waterways, given the distance to those which occupy the Lower Derwent Valley 20km to the south can be considered distinct from those which make frequent and regular use of the stretch of the River Derwent in around Malton and Norton. Therefore, impacts on the Lower Derwent Valley SAC can be ruled out.</p> <p>Similarly, impacts on both the breeding and wintering bird populations which use 'functionally-linked land' outside the designated site are highly unlikely given the distances involved and so too can be ruled out.</p> <p>However, given the development proposals in close proximity to the River Derwent SAC, impacts on the otter, bullhead and lamprey populations of the river cannot be ruled out.</p> <p>Therefore, these features of the River Derwent will be considered further.</p>	River Derwent SAC
6. Plans that could increase	(a) Such European sites in the plan area	River Derwent SAC (within the plan area)	The Plan makes provision for unspecified development in a small number of locations in	River Derwent SAC

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
recreational pressure on European sites potentially vulnerable or sensitive to such pressure			<p>proximity to the River Derwent SAC. If pursued, this could result in an increase in recreational pressure on the SAC and so this requires further consideration.</p> <p>The plan encourages the development of both horse racing and other tourist attractions but does not allocate land for either and at present these remain aspirations. Even if pursued, it is not anticipated that visitors to those destinations would increase pressure on the River Derwent to which there is only limited access through much of the plan area. Consequently, the impact of these proposals can be discounted.</p> <p>Modest proposals are encouraged on land adjacent to the river in the town centre albeit adjacent to a stretch that isn't designated. Despite this, the potential exists for an increase in recreational pressure from existing residents to harm the qualifying features.</p> <p>Therefore, the River Derwent will be considered further.</p>	
	(b) Such European sites within an agreed zone of influence or other reasonable and evidence-based travel distance of the plan area boundaries that may be affected by local recreational or other visitor pressure from within the plan area	River Derwent SAC (upstream and downstream but beyond the plan area)	<p>Given that proposals for recreational facilities (see above) are rather modest, any impacts are likely to be very localised restricting impacts to those stretches of the River Derwent within the plan area. Therefore, impacts on all other, more distant sites can be ruled out.</p> <p>Therefore, only the River Derwent within the plan area will be considered further.</p>	None
	(c) Such European sites within an agreed zone of influence or other evidence-based longer travel distance of the plan area, which are major (regional or national) visitor attractions such as European sites which are National Nature Reserves where public visiting is promoted, sites in National Parks, coastal sites and sites in other major tourist or visitor destinations	Peak District SPA, SAC Flamborough Head SPA North York Moors SPA, SAC Yorkshire Dales SPA and SAC	The popular tourist destinations sites of the Peak District, Flamborough Head, North York Moors and Yorkshire Dales are considered too distant to be affected by any credible threats from the type of development proposed and are removed from any further consideration in this HRA.	None

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
7. Plans that would increase the amount of development	(a) Sites in the plan area or beyond that are used for, or could be affected by, water abstraction irrespective of distance from the plan area	Ellers Wood and Sand Dale SAC Lower Derwent Valley SPA, SAC, Ramsar North York Moors SPA, SAC River Derwent SAC Strensall Common SAC	The plan does not promote intensive development and so the need for additional water abstraction does not arise. Furthermore, the HRA of Yorkshire Water's Water Resources Management Plan found that there were unlikely to be any significant effects on European sites from anticipated development in the region anyway, either alone or in combination with other plans or projects ³⁶ . Therefore, all potentially affected sites can therefore be ruled out from further scrutiny.	None
	(b) Sites used for, or could be affected by, discharge of effluent from wastewater treatment works or other waste management streams serving the plan area, irrespective of distance from the plan area	Lower Derwent Valley SAC, Ramsar River Derwent SAC	The plan does not promote intensive development and so the need for additional effluent discharge does not arise. Therefore, all potentially affected sites can be ruled out from further scrutiny.	None
	(c) Sites that could be affected by the provision of new or extended transport or other infrastructure	River Derwent SAC	Although the plan seeks to safeguard land to allow for future transport infrastructure, no actual projects are proposed	None
	(d) Sites that could be affected by increased deposition of air pollutants arising from the proposals, including emissions from significant increases in traffic	Lower Derwent Valley SPA, SAC, Ramsar River Derwent SAC Strensall Common SAC	The plan does not contain proposals that will meaningfully increase road traffic within the plan area or beyond. Therefore, all potentially affected sites can be ruled out from further scrutiny.	None
8 Plans for linear developments or infrastructure	Sites within a specified distance from the centre line of the proposed route (or alternative routes), the distance may be varied for differing types of site / qualifying features and in the absence of established good practice standards, distance(s) to be agreed by the statutory nature conservation body	River Derwent SAC	No such infrastructure proposed	None

³⁶ Water Resource Management Plan 2014 Strategic Environmental Assessment Post Adoption Statement Cascade/Yorkshire Water

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
9. Plans that introduce new activities or new uses into the marine, coastal or terrestrial environment	Sites considered to have qualifying features potentially vulnerable or sensitive to the effects of the new activities proposed by the plan	River Derwent SAC	No such activities proposed	None
10. Plans that could change the nature, area, extent, intensity, density, timing or scale of existing activities or uses	Sites considered to have qualifying features potentially vulnerable or sensitive to the effects of the changes to existing activities proposed by the plan	River Derwent SAC	No such activities proposed	None
11. Plans that could change the quantity, quality, timing, treatment or mitigation of emissions or discharges to air, water or soil	Sites considered to have qualifying features potentially vulnerable or sensitive to the changes in emissions or discharges that could arise as a result of the plan	River Derwent SAC	No such activities proposed	None
12. Plans that could change the quantity, volume, timing, rate, or other characteristics of biological resources harvested, extracted or consumed	Sites whose qualifying features include the biological resources which the plan may affect, or whose qualifying features depend on the biological resources which the plan may affect, for example as prey species or supporting habitat or which may be disturbed by the harvesting, extraction or consumption	River Derwent SAC	No such activities proposed	None

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
13. Plans that could change the quantity, volume, timing, rate, or other characteristics of physical resources extracted or consumed	Sites whose qualifying features rely on the non-biological resources which the plan may affect, for example, as habitat or a physical environment on which habitat may develop or which may be disturbed by the extraction or consumption	River Derwent SAC	No such activities proposed	None
14. Plans which could introduce or increase, or alter the timing, nature or location of disturbance to species	Sites whose qualifying features are considered to be potentially sensitive to disturbance, for example as a result of noise, activity or movement, or the presence of disturbing features that could be brought about by the plan	Lower Derwent Valley SPA, SAC, Ramsar River Derwent SAC	For the purposes of this HRA, it is considered that the effects of this category will be captured effectively via the application of criteria 5 (mobile species) and/or 6 (recreation). Therefore, this criterion is screened out to avoid duplication and will be removed from further consideration in this HRA.	None
15. Plans which could introduce or increase or change the timing, nature or location of light or noise pollution	Sites whose qualifying features are considered to be potentially sensitive to the effects of changes in light or noise that could be brought about by the plan	River Derwent SAC	For the purposes of this HRA, it is considered that the effects of this category will be captured effectively via the application of criteria 5 (mobile species) and/or 6 (recreation). Therefore, this criterion is screened out to avoid duplication and will be removed from further consideration in this HRA.	None
16. Plans which could introduce or increase a potential cause of mortality of species	Sites whose qualifying features are considered to be potentially sensitive to the source of new or increased mortality that could be brought about by the plan	River Derwent SAC	No such activities proposed	None
<p>Extract from <i>The Habitats Regulations Assessment Handbook</i>, www.dtapublications.co.uk © DTA Publications Limited (November) 2018 all rights reserved This work is registered with the UK Copyright Service</p>				

B. River Derwent Citation and Qualifying Features

River Derwent SAC	
SAC	EC Directive 92/43 on the Conservation of Natural Habitats and of Wild Fauna and Flora
Citation	Citation for Special Area of Conservation (SAC)
including	Name: River Derwent
qualifying	Unitary Authority/County: East Riding of Yorkshire, North Yorkshire, York
features	SAC status: Designated on 1 April 2005
	Grid reference: SE704474
	SAC EU code: UK0030253
	Area (ha): 411.23
	Component SSSI: River Derwent SSSI
	Site description:
	<p>The Yorkshire Derwent is considered to represent one of the best British examples of the classic river profile. This lowland section, stretching from Ryemouth to the confluence with the Ouse, supports diverse communities of aquatic flora and fauna. Fed from an extensive upland catchment, the lowland course of the Derwent has been considerably diverted and extended as a result of glacial action in the Vale of Pickering.</p> <p>The river supports an aquatic flora uncommon in Northern Britain. Several species, including river water-dropwort <i>Oenanthe fluviatilis</i>, flowering rush <i>Butomus umbellatus</i>, shining pondweed <i>Potamogeton lucens</i>, arrowhead <i>Sagittaria sagittifolia</i>, opposite-leaved pondweed <i>Groenlandia densa</i> and narrow-leaved water-parsnip <i>Berula erecta</i> are more typically found in lowland rivers in southern England.</p> <p>The Derwent is noted for the diversity of its fish communities, which include river <i>Lampetra fluviatilis</i> and sea lampreys <i>Petromyzon marinus</i> populations that spawn in the lower reaches, as well as bullhead <i>Cottus gobio</i>. The diverse habitats also support otters <i>Lutra lutra</i>.</p> <p>Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 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>Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Bullhead <i>Cottus gobio</i> <input type="checkbox"/> River lamprey <i>Lampetra fluviatilis</i> <input type="checkbox"/> Otter <i>Lutra lutra</i> <input type="checkbox"/> Sea lamprey <i>Petromyzon marinus</i>

C. Record of preliminary screening of proposed policies

Policy	Rationale	Screening outcome
Vision	This policy represents a vision or aspirations for the Neighbourhood and provides a series of broad objectives. It does not directly lead to development and cannot have any effect on a on a European site.	A – Screened out
TM1: Protection and Enhancement of Pedestrian, Cycle and Bridleway Networks	This policy seeks to safeguard the existing pedestrian, cycle and bridleway networks before identifying criteria to evaluate possible future development proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	G – Screened out
TM2: New Pedestrian and Cycle River/Railway Crossing	This policy seeks to safeguard land from development that would prevent the possible, future construction of a new pedestrian and cycle crossing of the River Derwent (though outside the SAC) and adjacent railway line. It does not directly lead to development (ie construction of a new bridge) and therefore cannot have any effect on a on a European site.	G – Screened out
TM3: Highway Improvement Schemes	This policy seeks to safeguard land from development that would prevent the possible, future implementation of a number of highway improvements across a range of locations within and around both towns that range from relatively modest changes to junctions to the construction of a new by-pass. It does not directly lead to development (ie construction of the individual projects) and therefore cannot have any effect on a on a European site.	G – Screened out
TM4: County Bridge Level Crossing	<p>This policy seeks to encourage improvements to the layout and functioning of the existing level crossing that lies almost adjacent to the SAC. Improvements would be provided by developer contributions. However, no specific project is promoted and this policy cannot directly lead to development and therefore cannot have any effect on a on a European site.</p> <p>No increase in traffic is promoted and a reduction in standing traffic may reduce nitrogen deposition on the SAC.</p>	G – Screened out
TM5: New Vehicular River/Railway Crossing	This policy seeks to safeguard land from development that would prevent the possible, future construction of a new vehicular crossing of the River Derwent (though outside the SAC) and adjacent railway line. It does not directly lead to development (ie construction of a new bridge) and therefore cannot have any effect on a on a European site.	G – Screened out
TM6: Development of Non-allocated sites	This policy seeks to apply tests to new development above a minimum size to ensure that harmful effects on traffic management in the towns does not arise. It does not directly lead to development and therefore cannot have any effect on a on a European site.	G – Screened out
TM7: Electric Vehicle Charging Infrastructure	This policy seeks to secure the provision of vehicle chargers with new residential development. It does not directly lead to development therefore cannot have any effect on a on a European site.	G – Screened out
RC1: Malton and Norton River	This policy seeks to encourage the development of new open space and so increase recreational use of a 1.2km stretch of	I – Screened in

Policy	Rationale	Screening outcome
Corridor Development	<p>both banks of land adjacent to the River Derwent; it occupies land adjacent to both designated and non-designated stretches of the river which provides a direct hydraulic link to the entire European site.</p> <p>Although relatively modest in scope the land is not allocated for this purpose in the Ryedale local plan and the desired effect is to increase recreational activities on land adjacent to the river and includes the possible change of use of existing buildings to provide, perhaps, a café.</p> <p>Consequently, harmful effects from construction and recreational pressure on the aquatic and mobile features of the SAC cannot be ruled out and so this policy is carried forward for formal screening.</p>	
RC2: Regeneration of Land North and South of County Bridge	<p>This policy seeks to encourage the loosely defined, development-led regeneration of riverside land either side of the River Derwent in the town centre including County Bridge. Although this lies adjacent to (and across) the undesignated stretch of the river, it remains intimately linked with the rest of the European site both up and downstream; there is no corresponding allocation in the Ryedale Local Plan.</p> <p>Given the lack of detail associated with this policy, harmful effects from construction and, potentially, recreational pressure on the aquatic and mobile features of the SAC cannot be ruled out and so this policy is carried forward for formal screening.</p>	I – screened in
E1: Protection of Local Green Space	This policy seeks to protect existing open space of recreational and/or environmental importance. It provides environmental benefits and cannot result in harmful effects on any European site.	D - Screened out
E2: Enhancement of Local Green Space	This policy seeks to encourage the management of existing open space of recreational and/or environmental importance. It provides environmental benefits and cannot result in harmful effects on any European site.	D - Screened out
E3: Open Space in New Development	This policy seeks to encourage the establishment of new open space of recreational and/or environmental importance within new development. It provides environmental benefits and cannot result in harmful effects on any European site.	D - Screened out
E4: Green and Blue Infrastructure	This policy seeks to protect the existing network of Green and Blue Infrastructure. The policy will provide environmental benefits and cannot result in harmful effects on any European site.	D – Screened out
E5: Gateways	This policy seeks to protect views of the built and semi-natural heritage. It does not directly lead to development (ie construction of the individual projects) and therefore cannot have any effect on a on a European site.	G – Screened out
E6: Development Affecting the Malton AQMA	This policy seeks to mitigate the impact of new development on the air quality of the town centres. It does not directly lead to development (ie construction of the individual projects) and therefore cannot have any effect on a on a European site.	G – Screened out
CF1: Norton's Swimming Pool	This policy seeks to expand the facilities at Norton swimming pool which lies in relatively close proximity to the River Derwent SAC.	I – Screened in

Policy	Rationale	Screening outcome
	Consequently, harmful effects from construction and, potentially, recreational pressure on the aquatic and mobile features of the SAC cannot be ruled out and so this policy is carried forward for formal screening.	
CF2: Malton Community Sports Centre	This policy seeks to expand the facilities at Malton Community Sports Centre. As it is located over 1km from the River Derwent SAC, it is considered almost inconceivable that this could result in any harmful effects on this or any other European site.	G – Screened out
CF3: Medical Centre Development	<p>This policy seeks to promote the construction of a new medical centre at an unspecified location within the two towns and it is conceivable that harmful activities could arise if built in close proximity to the River Derwent SAC without the necessary safeguards.</p> <p>However, there can be confidence that Policy SP14 of the Ryedale Local Plan will apply and that the conservation objectives of the European site will not be undermined, and harmful effects avoided especially when the modest scale of the proposal is also taken into account.</p>	H – screened out
TC1: New Museums and Visitor Facilities	<p>This policy seeks to promote the development of new museum and tourism facilities at unspecified locations within the two towns and it is conceivable that harmful activities could arise if built in close proximity to the River Derwent SAC without the necessary safeguards.</p> <p>However, there can be confidence that Policy SP14 of the Ryedale Local Plan will apply and that the conservation objectives of the European site will not be undermined, and harmful effects avoided especially when the modest scale of the proposals is also taken into account.</p>	H – Screened out
TC2: Orchard Fields	<p>This policy seeks to encourage the sympathetic development of visitor facilities on this greenfield site and ancient monument in relatively close proximity to the River Derwent.</p> <p>Given the nature and anticipated scale of the proposed development and that it is separated from the river by industrial development, it is considered almost inconceivable that this could result in any harmful effects on this or any other Europeans site.</p>	G - Screened out
TC3: Hotel Development	<p>This policy seeks to promote the construction of a new hotel of an unknown scale at an unspecified location within or close to the two towns and it is conceivable that harmful activities could arise if built in close proximity to the River Derwent SAC without the necessary safeguards.</p> <p>However, there can be confidence that Policy SP14 of the Ryedale Local Plan will apply and ensure that adverse effects on the integrity of the European are avoided.</p>	H – Screened out
TC4: Wentworth Street	This policy allocates land for the development of a new hotel. Although not allocated in the Ryedale Local Plan as it is located several hundred metres from the River Derwent SAC, it is considered almost inconceivable that this could result in any harmful effects on this or any other European site.	G – Screened out
HRI1: Protection of Horse Racing Stables	This policy seeks to safeguard the functioning or similar equine use of existing horse stables and identifies criteria to be applied should different proposals threaten their continued	G – Screened out

Policy	Rationale	Screening outcome
	use. It does not directly lead to development and therefore can have no effect on any European site.	
HRI2: Horse Racing Zones and Development	This policy seeks to safeguard the functioning of existing horse stables and identifies criteria to be applied should other proposals threaten their continued use. It does not directly lead to development and therefore cannot have any effect on a on a European site.	G – Screened out
HRI3: Improved Accessibility to the Horse Racing Industry	This policy seeks to safeguard the functioning of existing horse stables and identifies criteria to be applied should other proposals threaten their continued use. It does not directly lead to development and therefore can have no effect on any European site.	G – Screened out
HRI4: Horse Racing Museum	This policy seeks to promote the construction of a new horse racing museum of an unknown scale at an unspecified location within or close to the two towns and it is conceivable that harmful activities could arise if built in close proximity to the River Derwent SAC without the necessary safeguards. However, there can be confidence that Policy SP14 of the Ryedale Local Plan will apply and ensure that adverse effects on the integrity of the European are avoided	H – Screened out
HD1: Development and Design – Conservation Areas	This policy seeks to promote high quality design for new or infill building within existing conservation areas by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD2: Development and Design – Area-wide Principles	This policy seeks to promote high quality design for new building across the neighbourhood plan area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD3: Shop Fronts	This policy seeks to influence the design of shopfronts across the neighbourhood plan area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD4: Malton Town Centre Conservation Area – Enhancement	This policy seeks to encourage the high-quality design of new development at specific and non-specific locations in both towns by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD5: Public Realm Improvements within Malton Town Centre Conservation Area	This policy seeks to encourage improvements to the public realm within the Malton Town Centre conservation area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD6: Norton-on-Derwent Conservation Area – Enhancement	This policy seeks to encourage the enhancement of the Norton conservation area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD7: Public Realm Improvements within Norton-on-	This policy seeks to encourage improvements to the public realm within the conservation area of Norton by identifying criteria to evaluate proposals. It does not directly lead to	B – Screened out

Policy	Rationale	Screening outcome
Derwent Conservation Area	development and so cannot have any effect on a on a European site.	
HD8: Malton Old Town Conservation Area – Enhancement	This policy seeks to encourage the enhancement of the Malton Old Town conservation area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD9: Public Realm Improvements within Malton Old Town Conservation Area	This policy seeks to encourage improvements to the public realm within the Malton Old Town conservation area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD10: Area-wide Public Realm Improvements	This policy seeks to encourage improvements to the public realm across the Neighbourhood Plan area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a on a European site.	B – Screened out
HD11: Archaeology	This policy seeks to influence development that affects archaeological features by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effects on a European site.	B – Screened out
H1: Housing Mix	This policy seeks to influence the housing mix of future residential development. It does lead directly to development and so cannot have any effects on a European site.	B – Screened out
EM1: Encouragement of Local Employment Sectors	This policy represents a vision or aspirations for the Neighbourhood by providing a single, broad objective. It does not directly lead to development and cannot have any effect on a on a European site.	A – Screened out
M1: Wentworth Street Car Park	<p>This policy seeks to safeguard Wentworth Street car park from development. It does not directly lead to development and therefore cannot have any effect on a on a European site.</p> <p>However, this policy also seeks to encourage the possible construction of a new car park of an unknown scale at an unspecified location and it is conceivable that harmful activities could arise if built in close proximity to the River Derwent SAC without the necessary safeguards.</p> <p>However, there can be confidence that Policy SP14 of the Ryedale Local Plan will apply and ensure that the conservation objectives of the European site will not be undermined, and harmful effects avoided</p>	G & H – Screened out
M2: Malton Market Place	<p>This policy seeks to safeguard car parking facilities in Malton Market Place from development. It does not directly lead to development and therefore cannot have any effect on a on a European site.</p> <p>However, this policy also seeks to encourage the possible construction of a new car park of an unknown scale at an unspecified location and it is conceivable that harmful activities could arise if built in close proximity to the River Derwent SAC without the necessary safeguards.</p>	G & H – Screened out

Policy	Rationale	Screening outcome
	However, there can be confidence that Policy SP14 of the Ryedale Local Plan will apply and ensure that the conservation objectives of the European site will not be undermined, and harmful effects avoided	
N1: Land to the Rear of Commercial Street	<p>This policy seeks to encourage the redevelopment of land to the rear of Commercial Street in Norton town centre.</p> <p>The uses described comprise retail, light industrial uses and the development of a car park; residential development is not listed though the land is not allocated for this purpose in the Ryedale local plan.</p> <p>Given the lack of detail associated with this policy, harmful effects from construction and, potentially, recreational pressure on the aquatic and mobile features of the SAC cannot be ruled out and so this policy is carried forward for formal screening.</p>	I – Screened in

APPENDIX 10: SUBMISSION VERSION S.E.A REPORT NOVEMBER 2021

Malton and Norton on Derwent Neighbourhood Plan

Submission (Regulation 15)

Strategic Environmental Assessment - Environmental Report

November 2021

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Appendix 2: SEA scoping response from Natural England
Appendix 3: SEA scoping response from Historic England
Appendix 4: SEA scoping response from the Environment Agency
Appendices 5a, 5b, 5c and 5d: Assessment of Reg 14 NP policies against SEA objectives.

References and information sources used in this document:

Policy Documents:

- Ryedale Plan Local Plan Strategy adopted in September 2013
- Ryedale Plan Local Sites Document adopted in June 2019
- Sustainability Appraisals/Strategic Environmental Assessments applicable to the statutory development plan for Ryedale district.
- The HRA of the draft Malton and Norton NP (dated June 2020)
- Draft Malton and Norton Neighbourhood Plan (dated July 2019)
- Malton and Norton Neighbourhood Plan May 2020 SEA Screening Report
- Malton and Norton Neighbourhood Plan July 2020 SEA Scoping Report

Evidence:

- 2019 Air Quality Annual Status Report (ASR) In fulfilment of Part IV of the Environment Act 1995 Local Air Quality Management June 2019, Ryedale District Council
- Ryedale District Council Infrastructure Delivery Plan 2012
- Ryedale District Council Infrastructure Delivery Plan 2018 update
- Ryedale District Council PPG17 Open Spaces Study
- North Yorkshire County Council Definitive Map of public rights of way. Accessed online at <https://www.northyorks.gov.uk/definitive-map-public-rights-way>
- National Heritage List. Accessed online in September 2020 and October 2020 at <https://historicengland.org.uk/listing/the-list>
- Northeast Yorkshire Strategic Flood Risk Assessment 2006. Accessed online in September and October 2020 at <https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html>
- Northeast Yorkshire Strategic Flood Risk Assessment Update 2010. Accessed online in September and October at <https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html>
 - including Drawing Number 10.2 (PPS25 Flood Plain Delineation in Malton and Norton). Available as a separate document at <https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html>

A non-technical summary

Introduction

This document is the environmental report for the draft Malton and Norton on Derwent Neighbourhood Plan (NP). It has been prepared in accordance with Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 (referred to from this point onwards as the SEA Regulations).

The report explains all the steps that have taken place to date for the strategic environmental assessment (SEA) of the draft Malton and Norton on Derwent NP.

What is Strategic Environmental Assessment?

Strategic environmental assessment is a tool used at the plan-making stage to assess the likely effects of the plan on the environment when judged against a baseline. The baseline is the situation without the plan being in place. As part of the assessment, it is also necessary to assess the plan against reasonable alternatives to the plan being proposed (for example the same plan with different policies in it).

What is the Malton and Norton on Derwent Neighbourhood Plan?

The Malton and Norton on Derwent NP is a land use document that has been prepared jointly by the two Town Councils of Malton and Norton on Derwent to cover the designated plan area. This is shown in Figure 1. Once made, the NP will sit alongside the Ryedale Local Plan and provide the basis for the determination of planning applications for land that falls in the area shown in Figure 1.

What has happened so far?

The SEA work has comprised five stages:

- a) a screening stage (an initial assessment to see if the Neighbourhood Plan (NP) is likely to trigger significant environmental effects)
- b) a scoping stage (a mid-way assessment that explains what will be looked at and what information will be used to undertake a full environmental assessment of the draft NP). The Environment Agency, Natural England and Historic England were consulted at this stage as a way of checking that an appropriate approach is being proposed
- c) an assessment undertaken in October 2020 of the likely significant effects on the environment of the emerging Malton and Norton on Derwent NP (this was reported in the Interim SEA Environmental Report)
- d) following revisions to the neighbourhood plan in light of SEA and HRA¹ findings and the preparation of the Regulation 14 version of the Malton and Norton on Derwent NP, a revised assessment of the likely significant effects on the environment of planning policies. This assessment was made available for community and stakeholder engagement alongside the neighbourhood plan. This neighbourhood plan consultation was undertaken in line with Regulation 14 of the Neighbourhood Planning Regulations² as well as Regulation 13 of the SEA Regulations.

¹ Habitat Regulations Assessment

² The Neighbourhood Planning (General) Regulations 2012 (as amended)

- e) following revisions to the neighbourhood plan in light of consultation responses received during the pre submission consultation (the Regulation 14 consultation referred to in paragraph d) above) and the subsequent preparation of the Regulation 15 version of the Malton and Norton on Derwent NP, the SEA report (this report) has been updated accordingly. However there has been no need to make changes to the environmental assessment found in Chapters 5 and 6 of this report because the affected policies were not materially changed between pre-submission stage and submission stage in the neighbourhood plan process.

How has the SEA influenced the NP to date?

The SEA screening stage resulted in a need to undertake a detailed environmental appraisal of the NP. The reason for this was due to a separate assessment called the Habitats Regulations Assessment that had been undertaken on the NP as well. This is known as the HRA assessment. The HRA Assessment concluded that adverse impacts on the River Derwent could not be ruled out.

At the SEA Scoping stage, a report was prepared and sent to the Environment Agency, Natural England and Historic England. This report concluded that the SEA of the NP should only focus on four policies in the NP. These were:

- RC1: Malton and Norton River Corridor Development
- RC2: Regeneration of Land North and South of County Bridge
- CF1: Norton's Swimming Pool, and
- N1: Land to the Rear of Commercial Street.

These three environmental bodies responded to the consultation. Their responses are included in this report as Appendices 2, 3 and 4. They all agreed with the proposed approach to be taken in this assessment.

A detailed assessment of the four NP policies was undertaken in October 2020 against agreed sustainability criteria. This is detailed in Appendix 1 to this report. The scoring system used is as set out below.

Scoring system used to assess the NP policies

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither and positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.

Symbol	Score	Definition
U -	Uncertain impact but possibly negative impact.	Uncertain, but the policy may hinder achievement of the objective
U +	Uncertain impact but possibly positive impact	Uncertain, but the policy may be positively consistent with meeting the objective

An overview of the completed assessment at the interim stage is provided in Chapter 6. This assessment resulted in the identification of possible and reasonable alternatives to policy wording. This is indicated in the table provided in Chapter 6 through the use of the abbreviation **ALT** in the last four columns.

The findings of the interim assessment is reported in the document *Malton and Norton on Derwent Neighbourhood Plan Strategic Environmental Assessment - Interim Environmental Report to inform the Regulation 14 Draft Plan* (referred to from this point as the SEA Interim Environmental Report). The findings were used by the NP group to inform revisions to the regulation 14 version of the NP.

What were the key findings of the SEA work undertaken for the Regulation 14 version of the NP?

An overview of the completed assessment is provided in the table below. A full more detailed assessment is set out in Appendix 5 to this report.

What can be seen from the overview is that overall, the impacts are, neutral or positive. There is one uncertain significant positive effect identified for Policy RC1 against SEA objective 3. This is due to the potential significant improvements the policy could facilitate in terms of public realm improvements along the River Derwent. But, as with a high number of registered impacts, this impact is uncertain. This is because all four policies being assessed are aspirational in nature where they are encouraging specific land uses. They are not site allocations as such. Deliverability or viability has not been tested and there is no evidence of any discussions having taken place with land promoters, owners or other stakeholders in terms of the implementation of schemes. The development being encouraged will not come forward without other drivers outside the NP process.

There are a few occasions where potential negative impacts have been identified. These are noted through the symbol - .

The SEA assessment undertaken of the Regulation 14 NP compared to the interim assessment differ in that the previous potential significant negative impacts registered against biodiversity impacts (SEA 9) flooding objectives (SEA 12) have now been removed. This is because of amendments to the policy wording in light of the recommendations set out in the SEA Interim Environmental Report.

An overview of the assessment of the four Regulation 14 policies against the SEA objectives

Proposed SEA objective	Appraisal prompts	RC1	RC2	CF1	N1
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	1. Does the policy result in the loss of a community facility or poorer access to a community facility?	=	=	+	=
		U +	U +	U+	U +

Proposed SEA objective	Appraisal prompts	RC1	RC2	CF1	N1
	2. Does the policy result in improved access to a community facility				
SEA 2: To provide the opportunity for all people to meet their housing needs.	1. Does the policy deliver homes which will address an identified local need such as affordable homes?	0	0	0	0
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?	0	U+	=	=
	2. Would the policy involve new public realm or enhancements to the public realm?	U++	U+	=	=
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	=	=	=	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	U +	U+	U+	U+
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	1. Will the policy protect or enhance the viability and vitality of the town centres?	U+	U+	U+	U+
	2. Will the policy protect or enhance open areas outside the town centre?	0	0	0	0
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors	1. Does the policy protect, employment opportunities in plan area?	=	=	=	=
	2. Does the policy encourage or deliver more employment opportunities in accessible locations?	U +	U+	U+	U+
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	0	U+	U+	U+

Proposed SEA objective	Appraisal prompts	RC1	RC2	CF1	N1
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	=	=	=	=
	2. Does the policy protect or enhance protected flora and fauna?	U -	U-	U- U+	U-
	3. Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	=	=	U +	=
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	=	0	U + U -	U + U -
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	1. Would this policy encourage people to walk and cycle rather than travel by car? 2. Would this policy lead to highway impacts that would require highway mitigation measures? 3. Will the policy protect or enhance access to public rights of way?	U + = U+	= U- AND U+ = =	= = 0	U- = =
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone? 2. Does the policy lead to increases in flood risk to people and property in the plan area?	= = =	= = =	0 0	= =
SEA 13: To conserve and where appropriate enhance the historical significance ³ of the and cultural environment.	Does the policy conserve or enhance designated heritage asset?	=	U +	= 0	= 0

³ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

Proposed SEA objective	Appraisal prompts	RC1	RC2	CF1	N1
	Does the policy conserve or enhance non-designated heritage assets?	=	U		
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	0	0	0	0
SEA 15: To make the most efficient use of land	Does the policy focus development towards previously developed land. Does the policy focus on maximising efficient uses of land?	0	+	+	+
SEA 16: To maintain a high quality environment in terms of air quality	Does the policy have an adverse impact on the Malton Air Quality Management area?	=	U+ U -	U-	U -

What happened after the regulation 14 consultation on the neighbourhood plan?

The SEA report was published for consultation alongside the NP at regulation 14 stage. This means that where the SEA report identified any negative environmental effects, these were clear to all stakeholders. It also provided consultees with an opportunity to comment on the content of the SEA assessment itself.

During the regulation 14 consultation no comments were received on the content of the SEA environmental report.

Following the Regulation 14 consultation, the NP group considered all consultation responses and revised the NP in light of the consultation responses.

The submission NP included a number of changes to the plan but no changes to three of the policies which have been the subject of this SEA and only one minor change to Policy N1. The most significant changes to the plan between pre-submission consultation stage and submission stage is the addition of two planning policies in the Traffic Management section (TM6: Development on Non-allocated Sites and TM7: Electric Vehicle Charging Infrastructure) and the addition of a Local Green Space under Policy E1: Protection of Local Green Spaces. Other changes included minor amendments to the plan vision, alongside amendments to text supporting the planning policies.

What happens next?

This SEA environmental report will be submitted alongside the NP under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended). Subject to a successful examination and referendum, the NP will then become part of the statutory development plan and planning applications will be determined in line with it. Under Regulation 17 of the SEA Regulations, any significant environmental effects of the implementation of the NP will then need

to be monitored with the purpose of identifying any unforeseen adverse effects and undertaking appropriate remedial action. In this case, monitoring requirements have limited relevance since the SEA has not identified any potentially significant adverse effects. Notwithstanding this, the NP itself will be monitored on an annual basis by the town councils as set out in Chapter 6 of the NP. It is advised attention is paid to Policies RC1, RC2, CF1 and N1 as part of this with a view to identifying environmental effects which differ from those anticipated in this SEA.

Figure 1: The Malton and Norton on Derwent Neighbourhood Plan area



1. Introduction to the Malton and Norton on Derwent NP.

1.1 Work on the Neighbourhood Plan (NP) initially began in 2011. The plan area was however designated relatively recently on 19 February 2019. The plan boundary is shown in Figure 1.

1.2 The NP covers the year up to 2027.

1.3 The NP is made up of the following chapters:

- Chapter 1: Introduction
- Chapter 2: Malton and Norton Yesterday and Today, describes the two towns and key issues
- Chapter 3: Vision and Objectives for the area up to year 2027.
- Chapter 4: 41 Planning Policies divided into eleven key themes
- Chapter 5: Community actions. Non planning policies accompanying the plan policies and proposals
- Chapter 6: Monitoring chapter

1.4 The Vision underpinning the plan is as follows:

Malton and Norton boast a rich heritage and culture, from their historical origins and archaeological and architectural legacy to their surviving traditional horse racing and food-based industries. These are the bedrocks on which our future vision for the towns are based.

As such, by the end of the plan period in 2027, our three conservation areas will be better understood, their assets better protected as a result, and their appearance and character enhanced by new development and other improvements in keeping with their key elements and features. This enlightened approach to development and design will also be reflected in the wider Neighbourhood Area.

The local food and horse-racing industries which are so much a part of the towns and their hinterland will be confirmed in their status and have developed further within a climate of promotion and encouragement.

The tourism which is vital to our towns will have continued to grow powered by the twin engines of heritage and culture.

The River Derwent, separating the two towns and running through the heart of the area is the other jewel in our crown but also the potential thorn in our sides! It is rich ecologically, and acknowledged as such by a European wildlife designation, while providing an important leisure resource for all. Conversely, it carries an ever present flood risk, acts as a barrier to movement between the towns and through the very thing that makes it so special (its wildlife) poses challenges to more productive and positive use. The town councils' vision is of a Derwent that remains ecologically rich but which yields up its potential for sympathetic riverside enhancements and the positive use of under-utilised riverside land, through development which respects and works with the river's natural functions. The hope too is that new river crossings will have been created, allowing for much improved road, cycling and pedestrian links between Malton and Norton and, through them and other highway improvements, the alleviation of traffic congestion and air pollution in our town centres.

At root, we want the people in our towns to be able to freely enjoy an abundance of simple pleasures in a well-supported and fully serviced community. We aspire to culturally rich and vibrant leisure opportunities, including improvement of existing services and the development of new facilities and wellness activities.

We look forward to enjoying two towns which have enjoyed appropriate housing and employment growth and opportunity, within the context of an even higher quality environment, consistent with their status as Ryedale's principal towns.

1.5 Underpinning this vision, the plan defines the following eleven objectives:

- To protect and improve the local environment and particularly the ecological quality of the river corridor.
- To cut congestion and improve air quality.
- To improve connectivity between Malton and Norton.
- To improve access to the river for the community.
- To build upon local distinctiveness in order to enhance the visual quality and appearance of the towns.
- To protect heritage assets.
- To encourage regeneration and redevelopment of vacant plots.
- To capitalise on the history and culture of Malton and Norton to develop the tourism industry.
- To build upon the economic strengths of the towns and address deficiencies in the economy.
- To protect and improve community services and facilities.
- To encourage housing provision that meets local needs.

- 1.6 The submission NP includes 43 planning policies. These policies are listed in Table 1 below alongside a description as to what each policy does.

Table 1: What each NP planning policy does

Policy Name and Reference		What does this policy do?
Transport Policies		
1	TM1: Protection and Enhancement of Pedestrian, Cycle and Bridleway Networks	<p>Protects the existing footpath, cycleway and bridleway network and sets out ways in which applicable development can contribute to the network.</p> <p>Seeks improvements to the network and identifies eight locations where improvements would be specifically welcome. The policy clarifies any acceptability of proposals is subject to there being no adverse effects on the integrity of the River Derwent SAC.</p> <p>Seeks contributions to new provision from development likely to increase pedestrian footfall and/or cycle horse rider usage within the network. Policy suggest ways in which developers can enhance the user experience.</p>
2	TM2: New Pedestrian and Cycle River/Railway Crossing	Resists proposals which would prevent the provision of new pedestrian and cycle crossings of the River Derwent and/or the York/Scarborough Railway at three specific locations.
3	TM3: Highway Improvement Scheme	<p>Identifies four locations which present opportunities for highways improvements. Policy resists development which would prevent the improvements from coming forward.</p> <p>Requires developers to make provision of transport infrastructure necessitated through the development proposal.</p>
4	TM4: County Bridge Level Crossing	Supports development proposals which would deliver specific (a list of 5) highway management improvements at the County Bridge Level Crossing
5	TM5: New Vehicular River/Railway Crossings	Resists proposals which would prevent the provision of new road crossings of the River Derwent and/or the York/Scarborough Railway at two specific locations.
6	TM6: Development on Non-allocated Sites	<p>A policy which would apply to developments of 0.4ha and/or 10 dwellings or more and which requires evidence to be provided relating to traffic impacts to demonstrate the following:</p> <ul style="list-style-type: none"> the capacity of existing transport infrastructure is not exceeded mitigation measures in respect of congestion, highway safety and access to the local road network no worsening of the air quality in the Malton AQMA the proposal makes positive provision for sustainable transport modes
7	TM7: Electric Vehicle Charging Infrastructure	A policy setting out requirements with respect to electric vehicle charging infrastructure.
8	TM8: Traffic Management Plans	Encourages developers of major development proposals to provide a traffic management plan as part of Construction Management Plan

The River Corridor		
9	RC1: Malton and Norton River Corridor Development	<p>Identifies a list of recreational enhancement works which would be supported in the River Corridor. The list is:</p> <ul style="list-style-type: none"> - A new picnic area - Improved riverside seating - Enhanced footpath, cycleway and bridleway provision - Café/refreshment facilities <p>The policy highlights the environmental sensitivity of the River Corridor and specifies that the acceptability of any proposal is subject to there being no adverse affects on the integrity of the River Derwent SAC.</p>
10	RC2: Regeneration of Land North and South of County Bridge	<p>Supports development-related regeneration on land to the north and south of County Bridge (site is identified on the Proposals Map). Policy does not designate it for development but provides seven criteria should the site be accepted for development via the Local Plan (or otherwise e.g. via an outline planning application) and subject to any adverse affects on the integrity of the River Derwent SAC being ruled out.</p>
The Environment		
11	E1: Protection of Local Green Space	Identifies eight open spaces as Local Green Spaces (protects them as open spaces).
12	E2: Enhancement of Local Green Space	Supports, in principle, development which would result in 'appropriate enhancements' to the Local Green Spaces subject to compliance with other policies in the plan.
13	E3: Open space in new development	This policy applies to proposals which involve provision of new open space as part of new development. The policy encourages development that creatively addresses the provision of equipped children's play areas and public open space.
14	E4: Green and Blue Infrastructure	<p>Specifies that development proposals should not harm the function of existing green infrastructure network comprising six different areas:</p> <ul style="list-style-type: none"> - The Derwent Corridor - The Howardian Hills - The Rye Corridor - The Mill Beck Corridor - The Driffild-Thirsk Disused Railway Line - Westfield Way, Priorpot Beck
15	E5: Gateways	Requires development at the settlement gateways to respect key views
16	E6: Development affecting the Malton AQMA	Requires proposals in or around the Malton AQMA to mitigate potential adverse impacts e.g. provision of electric charging infrastructure and provision of green infrastructure
Community Facilities		
17	CF1: Norton's Swimming Pool	<p>Supports in principle the upgrading of Norton Swimming Pool</p> <p>Due to the location of the swimming pool, the policy includes a caveat clarifying the acceptability of any such development is subject to the proposal not adversely affecting the integrity of the River Derwent SAC.</p>

18	CF2: Malton Community Sports Centre	Supports in principle the development of the community sports centre to provide additional capacity or improved leisure facilities.
19	CF3: Medical Centre Development	Supports the development of a new doctor's surgery or medical centre within the built-up area of either Malton or Norton
Tourism and Culture		
20	TC1: New Museums and Visitor Facilities	Supports in principle new or extended facilities
21	TC2: Orchard Fields	Identifies Orchard Fields as an opportunity for development of visitor facilities. Specifies a requirement to consider known or potential archaeological remains. Requires the submission of a heritage statement alongside any proposal.
22	TC3: Hotel Development	Supports in principle a new hotel along the A64 close to Malton and Norton or within a central location to the two towns.
23	TC4: Wentworth Street	Encourages the development of a new hotel with public car park at a specific site along Wentworth Street.
The Horse Racing Industry		
24	HRI1: Protection of Horse Racing Stables	Safeguards existing horse racing stables. Allows for change of use/redevelopment in certain cases.
25	HRI2: Horse Racing Zones and Development	Resists development within a designated horse racing zone (also designated by the plan) which would adversely affect the horse racing zone (e.g. in terms of safety of pedestrians, horses etc)
26	HRI3: Improved Accessibility to the Horse Racing Industry	Specifies that development within the vicinity of the racing stables, gallops or horse walking routes, will be expected to contribute to (the network) where the development would affect this footpath, cycleway or bridleway network. Policy lists seven locations where improvements are sought.
27	HRI4: Horse Racing Museum	Supports in principle the development of a horse racing museum.
Heritage and Design		
28	HD1: Development and Design – Conservation Areas	Provides design principles for proposals coming forward in the three conservation areas (Malton Town Centre, Norton on Derwent and Malton Old Town).
29	HD2: Development and Design – Area Wide Principles	Provides area-wide principles to be complied with.
30	HD3: Shop Fronts	Provides principles for proposals affecting or creating shop fronts
31	HD4: Malton Town Centre Conservation Area – Enhancement	Identifies specific sites in the Malton Town Centre Conservation Area where enhancements are sought.
32	HD5: Public Realm Improvements within Malton Town Centre Conservation Areas	Supports, in principle, proposals which would lead to public realm improvements. Identifies two locations where public realm improvements are particularly welcomed.
33	HD6: Norton-on-Derwent Conservation Area Enhancement	Identifies specific sites in the Norton-on-Derwent Conservation Area where enhancements are sought.

34	HD7: Public Realm Improvements within the Norton-on-Derwent Conservation Area	Supports, in principle, proposals which would lead to public realm improvements. Identifies five locations where public realm improvements are particularly welcomed.
35	HD8: Malton Old Town Conservation Area – Enhancement	Identifies specific sites in the Malton Old Town Centre Conservation Area where enhancements are sought.
36	HD9: Public Realm Improvements within the Malton Old Town Conservation Area	Supports, in principle, proposals which would lead to public realm improvements.
37	HD10: Area-wide public realm Improvements	Supports, in principle, proposals which would lead to public realm improvements
Archaeology		
38	HD11: Archaeology	Policy specifies required survey and evaluation procedures for proposals involving disturbance of existing ground levels
Housing		
39	H1: Housing Mix	A housing mix policy
Employment		
40	EM1: Encouragement of Local Employment Sectors	Supports in principle uses generating new employment.
Malton Specific Policies		
41	M1: Wentworth Street Car Park	Protects existing car parking provision at Wentworth Street car park.
42	M2: Malton Market Place	Protects existing car parking provision at Malton Market Place.
Norton Specific Policies		
43	N1: Land to the Rear of Commercial Street	Supports regeneration at land to the rear of Commercial Street (site is identified on the Proposals Map) subject to a proposal having no adverse affects on the integrity of the River Derwent SAC.

2 The Scope of this SEA

- 2.1 An SEA Scoping report was prepared in July 2020. During August and the first half of September 2020, the environmental bodies (Environment Agency, Natural England and Historic England) were consulted on this scoping report. Natural England and Historic England responded stating they agreed with the proposed approach to be taken in this SEA albeit Historic England requested that the SEA objective regarding the conservation and enhancement of heritage assets be amended so that it referred to the significance of the heritage assets. The Environment Agency responded by repeating their earlier response that they didn't think the draft NP triggered the need for an SEA. The responses received from the environmental bodies are appended to this report in Appendix 2, 3 and 4.
- 2.2 The SEA Scoping report proposed that this SEA should be restricted to just four policies in the NP. These are:
- RC1: Malton and Norton River Corridor Development
 - RC2: Regeneration of Land North and South of County Bridge
 - CF1 Norton's Swimming Pool, and
 - N1: Land to the Rear of Commercial Street.
- 2.3 These are all place specific policies. They all relate to land areas in the central part of the settlement along the river corridor. The extent of the policies can be seen from the extract below (Figure 2.1) taken from the Proposals Map in the regulation 14 version of the NP.
- 2.4 In 2021, following the pre-submission consultation of the Neighbourhood Plan under Regulation 14 of the Neighbourhood Planning regulations⁴, the Neighbourhood Plan was revised in light of comments received. This included the addition of the following two planning policies TM6: Development on Non-allocated Sites and TM7: Electric Charging Infrastructure.

TM6: Development on Non-allocated Sites

For non-allocated sites of 0.4ha and/or 10 dwellings or more, development will be expected to provide proportionate evidence that it:-

- *demonstrates that it does not exceed the cumulative capacity of transport infrastructure, factoring in the allocations and/or any recent planning applications at Malton and Norton, and sets out any mitigation measures, in respect of congestion impacts, highway safety and ease of access to the local road network, particularly within Malton and Norton town centres;*
- *does not result in any measurable worsening of air quality in or around the Malton AQMA;*
- *makes positive provision for sustainable transport modes, including walking, cycling, public transport in respect of access to Malton and Norton town centres, and appropriate provision of electric vehicle charging infrastructure.*

Policy TM7: Electric Vehicle Charging Infrastructure.

⁴ The Neighbourhood Planning (General) Regulations 2012 as amended

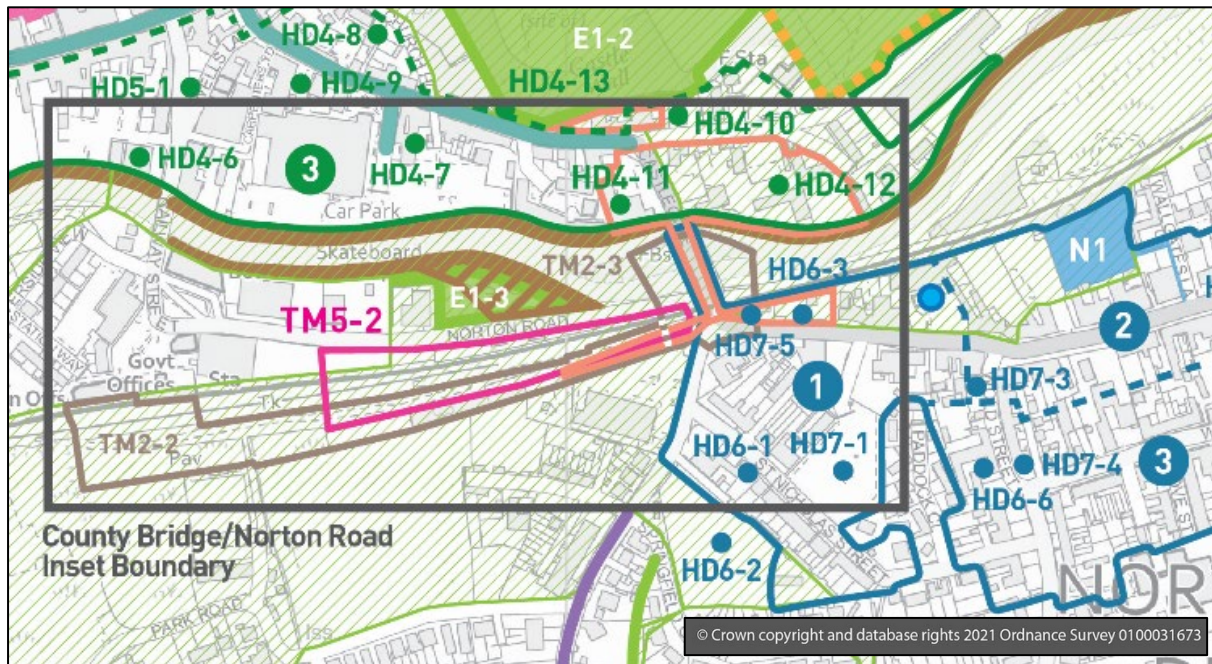
All proposals for new development which includes provision of parking spaces will be required to meet a minimum standard of provision of electric vehicle charging points. This requires:

- *Residential: 1 charging point per parking space and 1 charging point per 10 visitor spaces.*
- *Office/Retail/Industrial/Education: charging points for 10% of parking spaces ensuring that electricity infrastructure is sufficient to enable further points to be added at a later stage.*
- *Petrol Filling Stations: provision of fast charge facilities.*

In respect of proposals for new development in or adjacent to the Malton AQMA, as shown on the Neighbourhood Plan Proposals Map, the provision of charging infrastructure in excess of the minimum standard of provision will be encouraged and supported.

- 2.5 Neither of these policies could have been taken into account at the SEA screening stage or the SEA scoping stage. However, these two policies are similar to many of the other policies in the NP. They are focused on shaping and influencing development when planning applications are brought forward and are not site specific.
- 2.6 Policy TM6 would apply in the scenario that an application at or above 0.4 hectares or 10 dwellings or more. The policy expects proposals to demonstrate that transport capacity would not be exceeded, that air quality in the AQMA would not be worsened, and that a proposal should make provision for sustainable travel modes. Whether or not a proposal would in principle be supported is not within the remit of the policy. In scenarios where the principle of development is accepted (through other policies) Policy TM6 could deliver some positive impacts.
- 2.7 Similarly Policy TM7 does not establish a principle of consent but instead sets standards for electric vehicle charging facilities for proposals that do come forward.
- 2.8 Whilst parts of the plan area are vulnerable in biodiversity, landscape and in flood risk terms, Policy TM6 and TM7 are screened out for requiring SEA in the same way the other plan policies were at the SEA screening stage.

Figure 2.1: An extract from the Neighbourhood Plan Proposals Map showing the extents of the site-specific policies RC1, RC2, CF1 and N1



Selected items from the Map Key:

THE RIVER CORRIDOR

- Malton & Norton River Corridor (ref POLICY RC1)
- Land North and South of County Bridge Regeneration (ref POLICY RC2)

NORTON-SPECIFIC

- Land to the Rear of Commercial Street (ref POLICY N1)

COMMUNITY FACILITIES

- Norton Swimming Pool (ref POLICY CF1)

- 2.9 The four policies were subject to an interim SEA assessment in October 2020. This resulted in the production of the SEA Interim Environmental Report the NP group could consider before finalising the Regulation 14 NP. At the same time, the NP had been subject to HRA assessment. The wording of the four policies changed between July 2020 and the preparation of the Regulation 14 version to take into account the findings of both the SEA and HRA. Following the Regulation 14, one minor amendment was proposed to Policy N1. This was the inclusion of the wording “including for retail, light industrial uses and” in the second line of the policy. The effect of this change is to increase the clarity of the wording and does not introduce a material change to the policy. The submission versions of the policies are provided below.

Policy RC1 – Malton & Norton River Corridor Development (submission version)

The following types of development proposals within the Malton and Norton River Corridor, as identified on the Neighbourhood Plan Proposals Map, will be supported:-

-Recreational enhancement works to include:-

- A new picnic area*
- Improved riverside seating*

-Enhanced footpath, cycleway and bridleway provision along the river frontage

-Café/refreshment facilities

The acceptability of any such development is subject to there being no adverse effects on the integrity of the River Derwent Special Area of Conservation.

Development is also subject to:

-The satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency;

-The conservation or enhancement of the significance of heritage assets within the defined river corridor, including their settings, as applicable;

-The maintenance or enhancement of existing landscape quality within the defined river corridor.

Policy RC2: Regeneration of Land North and South of County Bridge (submission version)

Development-related regeneration on land to the North and South of County Bridge, as shown on the Neighbourhood Plan Proposals Map, will be supported.

In the event that the principle of any such development on this site is accepted via the Local Plan or otherwise, and subject to any adverse effects on the integrity of the River Derwent Special Area of Conservation being ruled out, development of this site will be supported, subject to:

- No residential or other vulnerable use (in terms of flood risk) coming forward on this land and subject to development meeting the sequential test and where applicable the exceptions test in line with national policy;*
- The preservation and/or enhancement of the character and appearance of the Malton Town Centre and Norton-on- Derwent Conservation Areas within which the site is located;*
- The conservation or enhancement of the significance of heritage assets, including their setting, as applicable;*
- The maximisation of opportunities to improve pedestrian, cycle and motorised vehicular access across the River Derwent and the York-Scarborough Railway Line;*
- The incorporation of low emission measures to ensure that the overall impact on AQMA air quality is mitigated;*
- The retention/replacement of Yorkshire Water's site access;*
- The retention/replacement of the on-site public conveniences.*

CF1: Norton's Swimming Pool (submission version)

Development of Norton Swimming Pool to provide additional capacity or improved leisure facilities for the benefit of the community, including its upgrading, extension or replacement, will be supported.

Consideration should be given to the need for any additional off-road car parking provision to serve any enhanced facility.

The acceptability of any such development is subject to there being no adverse effects on the integrity of the River Derwent Special Area of Conservation.

N1: Land to the Rear of Commercial Street (submission version)

Regeneration of land to the rear of Commercial Street, as identified on the Neighbourhood Plan Proposals Map, including for retail, light industrial uses and the development of a public car park, with associated service access to the rear of commercial properties in Commercial Street, will be supported.

Residential development or other vulnerable uses will not be supported in this location.

The acceptability of any development supported by this policy is subject to there being no adverse effects on the integrity of the River Derwent Special area of Conservation.

Environmental topics covered in this SEA

2.10 The SEA Regulations requires the environmental report to provide information on the relevant aspects of the current state of the environment. Because this SEA is focused on assessing the impact of four place specific policies, this section of the report focuses on the environmental baseline applicable to the central part of the NP area and on those topics as agreed at the scoping stage of this SEA.

2.11 The following topics are therefore covered in current environmental baseline which is described in detail in Chapter 3.

- Exploring places specific characteristics affected by policies RC1, RC2, CF2 and N1
- Biodiversity, Fauna and Flora – in the central part of the plan area along the River Corridor see Figure 2.1
- Population
- Health
- Air Quality
- Climatic Factors and
- Cultural Heritage

Assessing Alternatives

2.12 The SEA Regulations require that as part of the assessment an outline of the reasons for selecting the alternatives (e.g. the policies in the agreed Neighbourhood Plan compared to other policies) are provided. In the SEA scoping report, it was proposed that in understanding available alternative approaches or policies to the NP group, consideration should not be given to an alternative NP vision or an alternative set of NP

objectives as provided in the draft NP. The reason for this is that there is a high degree of compatibility between the NP vision, the NP objectives and the Local Plan Strategy 2013 objectives. One of the basic conditions which applies to Neighbourhood Plans at its examination stage is that the NP is in broad conformity with the strategic policies of the Local Plan. It therefore would fall outside the scope of this SEA to consider an alternative NP vision or alternative NP objectives to those proposed in the draft NP.

- 2.13 The SEA scoping report therefore reasoned that the reasonable alternatives to the proposed approach in the NP that should be included in the SEA assessment are quite limited in scope. They should be focused on looking at alternative ways of realising the NP vision and objectives through the approach taken in the four policies RC1: Malton and Norton River Corridor Development, RC2: Regeneration of Land North and South of County Bridge, CF1 Norton's Swimming Pool and N1: Land to rear of Commercial Street. Alternatives could include:
- removal of some or all of these policies given that it is these policies that have triggered potential impacts on the European sites as part of the initial HRA screening (and it was this, in turn, that triggered a need for an SEA);
 - looking at alternative policy wording and alternative wording in the supporting text; and
 - incorporating the changes proposed by the HRA appropriate assessment.
- 2.14 Alternative policy wording including the incorporation of changes identified through the interim SEA assessment and the HRA assessment to date has been considered as part of this SEA. The adoption of the policy wording provided in the Regulation 14 NP (and subsequently the submission version) has resulted in the removal of all potentially (albeit uncertain) significant negative effects.
- 2.15 The removal of the policies RC1, RC2, CF1 and N1 has not been considered as being necessary and has therefore not been the subject of detailed assessment in this SEA. It is however logical to conclude that the removal of the policies would result in removal of both the positive and negative effects set out in appendices 5a, 5b, 5c and 5d (see the non-technical summary for an overview of the effects) as well as the one uncertain but potentially significant effect with respect to public realm improvements in the NP area.

3 The Environmental Baseline.

Place specific characteristics applicable to Policies RC1, RC2, CF1 and N1.

RC1: Malton and Norton River Corridor Development

- 3.1 The policy relates to the area annotated as RC1 in Figure 2.1 above. Policy RC1 stretches along a section of the River Derwent in the central part of the two settlements of Malton and Norton on Derwent as follows:
- the north and south banks of the River Derwent to the west of County Bridge and
 - on the northern bank only to the east of County Bridge.
- 3.2 The River Derwent Special Area of Conservation (SAC) runs along the entirety of the river corridor in the NP area with a small interruption (where there is no SAC designation) in this central part of the River Corridor. Most of Policy RC1 is not also designated as SAC (see Figure 3.4). However, the SAC designation starts at both the east and west end of Policy RC1.

RC1 river corridor to the west of County Bridge:

- 3.3 Currently the southern side of the proposed RC1 designation on the western side of County Bridge is designated as public open space by Policy SP11 in the Local Plan. The northern side of the proposed RC1 designation (on the west side of County Bridge) falls in the southern boundary of the Malton Conservation Area.
- 3.4 There is currently a public footpath 25.70/4/1 which runs along the southern bank of the River Derwent up to the County Bridge – see Figure 3.3
- 3.5 Current land uses along the proposed corridor of Policy RC1 on the southern side of the river include (working from the western extent), public open space (including a playground and public footpath 25.70/4/1) and vegetation along the river corridor. Abutting the extent of RC1 and working from the west are a residential property, the bridge at Railway Street, a series of industrial buildings/business units including the bus depot, a picnic area, and road infrastructure (Norton Road) leading up to the County Bridge at Castlegate.
- 3.6 Current land uses along the proposed corridor of Policy RC1 on the northern side of the river is limited vegetation alongside the river corridor only. Abutting the RC1 corridor is (working from the western extent) car parking serving large retail units including Morrisons supermarket and then residential properties. There is a public right of way (footpath number 25.60/44/1) that leads from Castlegate through the middle of the Morrisons car park to the River Derwent.

RC1 river corridor to the east of County Bridge

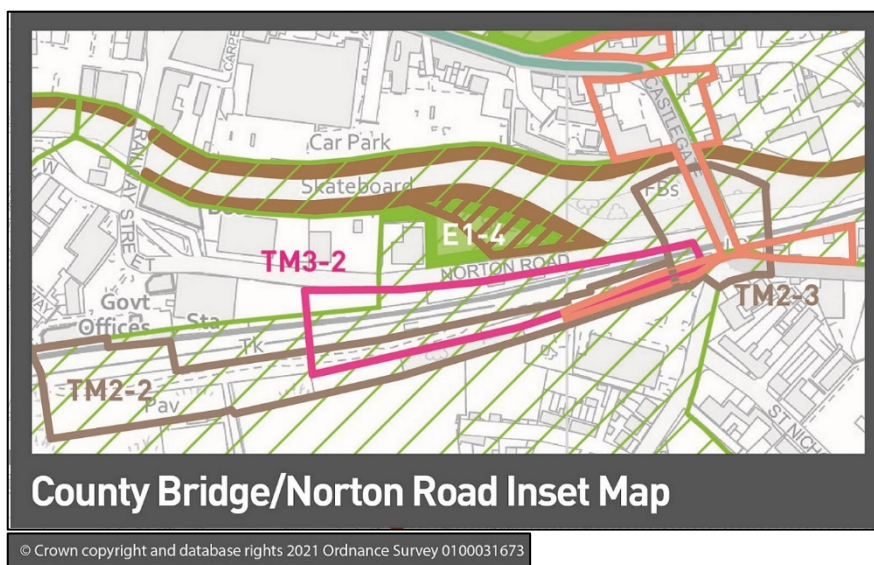
- 3.7 The RC1 designation on the eastern side of County Bridge overlaps partly with the extent of a much larger area designated in the Local Plan as a Visually Important Undeveloped Area (under Policy SP16).
- 3.8 There is no public footpath on the eastern side of County Bridge.

- 3.9 Current land uses along the proposed corridor of Policy RC1 on the northern side of the river again is limited to vegetation alongside the river corridor. Abutting the extent of RC1 and working from the west from Castlegate, there are a series of industrial units followed by undeveloped greenfield land including Willow Woods.

Policy RC2: Regeneration of land north and south of County Bridge:

- 3.10 To assist with understanding this policy, Figure 3.1 below provides a close up view of its extent. This is an extract from the Proposals Map to the Regulation 14 NP. The extent of RC2 is the peach coloured line crossing the County Bridge, together with a long area of land to the south alongside the railway line and a larger area to the north including buildings along Castlegate. The designation falls within the Malton Town Centre conservation area on the northern side of the river and in the Norton on Derwent conservation area on the southern side of the river.

Figure 3.1: Extract taken from Proposals Map showing the extent of Policy RC1 and RC2



Selected items from Map Key:

THE RIVER CORRIDOR	
	Malton & Norton River Corridor (ref POLICY RC1)
	Land North and South of County Bridge Regeneration (ref POLICY RC2)

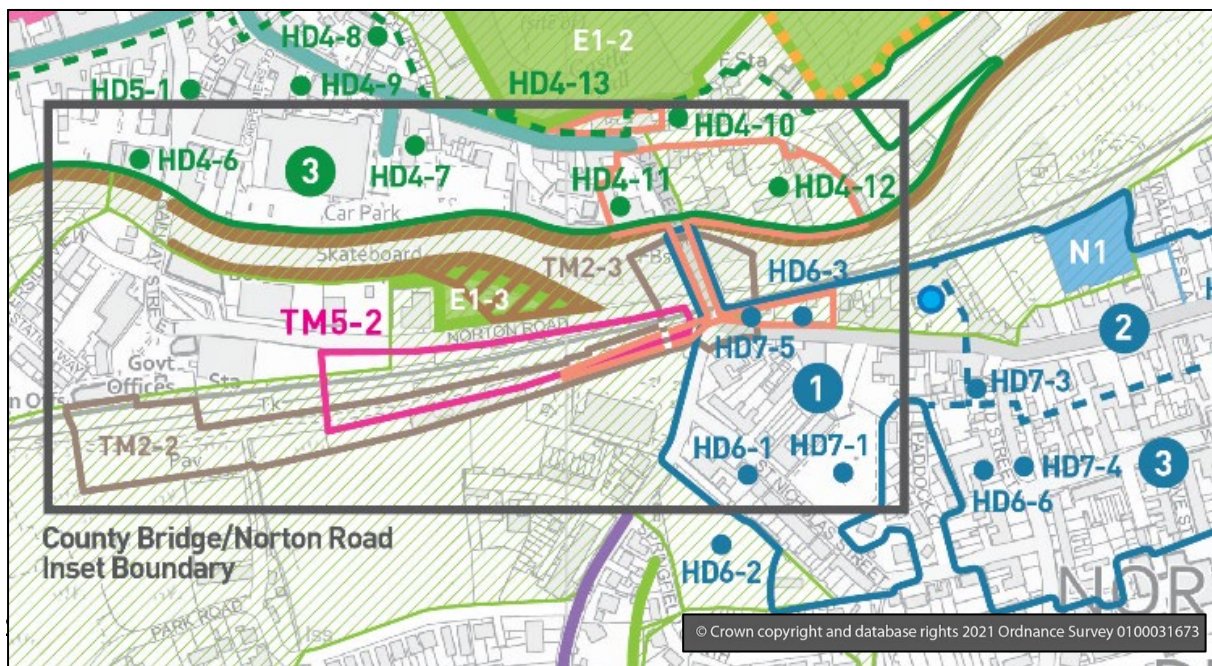
Policy CF1: Norton Swimming Pool:

3.11 CF1 relates to the current site of Derwent Swimming Pool. This is where the blue dot is in the Figure 3.2 Derwent Swimming Pool is located on the southern side of the river on Church Street. The wording of the policy is in italics above.

Policy N1: Land to the Rear of Commercial Street:

3.12 Site specific policy N1 is also located south of the river and further east from the swimming pool. It is shown below in Figure 3.2 (the same as Figure 2.1)

Figure 3.2: NP proposals map extract showing the extent of N1 and CF1.



Selected items from the Map Key:

THE RIVER CORRIDOR

- Malton & Norton River Corridor (ref POLICY RC1)
- Land North and South of County Bridge Regeneration (ref POLICY RC2)

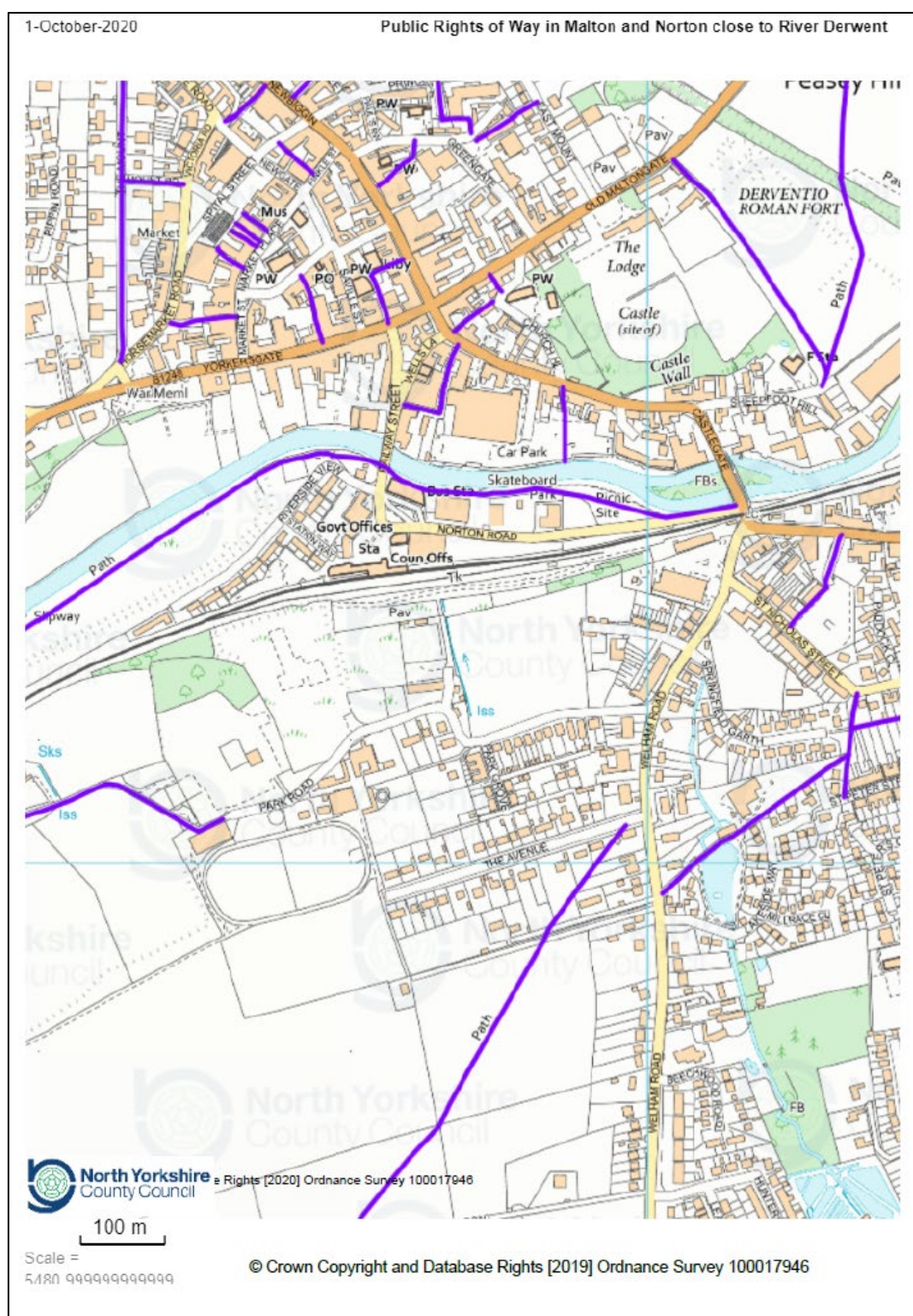
NORTON-SPECIFIC

- Land to the Rear of Commercial Street (ref POLICY N1)

COMMUNITY FACILITIES

- Norton Swimming Pool (ref POLICY CF1)

Figure 3.3: Public Rights of way in Malton and Norton town centre/river corridor area. Screen shot taken September 2020 from interactive public rights of way map available at <https://www.northyorks.gov.uk/definitive-map-public-rights-way>



Biodiversity, Fauna and Flora

3.13 There are three very important current environmental designations in the plan area. These are:

1. The River Derwent Special Area of Conservation runs through the plan area; it runs along the boundary between the two civil parishes of Malton and Norton. See Figure 3.4 below.
2. The River Derwent Special Site of Scientific Interest run through the plan area: it runs along the boundary between the two civil parishes of Malton and Norton. See Figure 3.5 below.
3. The Howardian Hills Area of Outstanding Natural Beauty lies adjacent to the NP area, to the west in the neighbouring parish of Broughton.

The River Derwent Special Area of Conservation (SAC)

3.14 A SAC is an area identified by the UK government as being of European level importance for the protection of specific species (220 habitats and approximately 1000 species listed in the European Union Habitats Directive (92/43/EEC). They are therefore protected and the UK government is responsible for ensuring appropriate conservation measures are in place. The River Derwent SAC has been identified because:

- It provides the following important habitat – Water courses of plain to montaine levels with the *Ranuncilion fluitantis* and *Callitricho-Batyrachion* vegetation (Rivers with floating vegetation often dominated by water-crowfoot)
- It hosts the following protected species in Annex II of the European Directive (92/43/EEC)? Bulhead **Bullhead** *Cottus gobio*, **River lamprey** *Lampetra fluviatilis*, **Otter** *Lutra lutra* and **Sea lamprey** *Petromyzon marinus*

The River Derwent Special Site of Scientific Interest (SSSI)

3.15 A SSSI is a national designation given to sites by Natural England deemed to have special conservation value. There is a citation published by Natural England which explains the reasons why the River Derwent is so valued. The citation is available to access directly at <https://designatedsites.naturalengland.org.uk/> The citation give the following description for the River Derwent SSSI.

The Yorkshire Derwent is considered to represent one of the best British examples of the classic river profile. This lowland section, stretching from Ryemouth to the confluence with the Ouse, supports diverse communities of aquatic flora and fauna, many elements of which are nationally significant.

Fed from an extensive upland catchment, the lowland course of the Derwent has been considerably diverted and extended as a result of glacial action in the Vale of Pickering.

*In contrast to the upland reaches this section of the river is rich in nutrients and relatively unpolluted and supports an aquatic flora uncommon in Northern Britain. Several species, including river water-dropwort *Oenanthe fluviatilis*, flowering rush *Butomus umbellatus*, shining pondweed *Potamogeton lucens*, arrowhead *Sagittaria sagittifolia*, opposite-leaved pondweed *Groenlandia densa* and narrow-leaved water-parsnip *Berula erecta* are typically found in lowland rivers in southern England, and several occur here near their north-eastern*

limit in Britain. The presence of the unbranched bur-reed Sparganium emersum and yellow water-lily Nuphar lutea add to the floral interest.

The exceptionally rich assemblage of invertebrates reflects their affinities with the communities of the southern slow-flowing rivers. Species of particular interest include the mayflies Baetis buceratus, Heptagenia fusogrisea and Brachycerus harisella, and a stonefly Taeniopteryx nebulosa. Eleven species of dragonfly have been recorded including the banded agrion Agrion splendens at its most north-easterly site in the country.

The river is also noted for its diversity of fish species, which include or have included the bleak, ruffe and burbot. The presence of these European species reflect the Derwent's geographical position at the end of the Ice Age when migration of fish from the Rhine and other European rivers was possible across the North Sea which, at that time, was a fresh-water lake.

The riverine habitat also supports an excellent breeding bird community including common sandpiper, dipper, kingfisher, and yellow and grey wagtails. During the winter the Lower Derwent is vital in maintaining the internationally important population of Bewick's swans association with the adjacent Derwent Ings. The Derwent is also one of the few rivers in lowland Britain which still supports a breeding population of otters.

- 3.16 The condition of SSSIs are assessed by Natural England. There are six reportable condition categories: favourable; unfavourable recovering; unfavourable no change; unfavourable declining; part destroyed and destroyed. The current status (as at September 2020) of the River Derwent SSSI as a whole is 94% unfavourable recovering, 5.6% favourable and 1% unfavourable no change. Unfavourable recovering means that the extent of the SSSI is not yet fully conserved but all the management mechanisms are in place for this to take place. So long as the recover work is sustained the site will be expected to reach a favourable condition.
- 3.17 Without the Malton and Norton on Derwent NP coming forward the River Derwent SSSI can be considered to be in a good position to reach a good conservation status.

The Howardian Hills Area of Outstanding Natural Beauty

- 3.18 It is not considered necessary to examine the condition of the Howardian Hills AONB as part of the environmental baseline for this SEA because the policies in the plan which are triggering the need for an SEA area will have no impact on this area of the plan area.

Figure 3.4: Extract from Magic Map showing the extent of the River Derwent SAC and its path through the plan area.

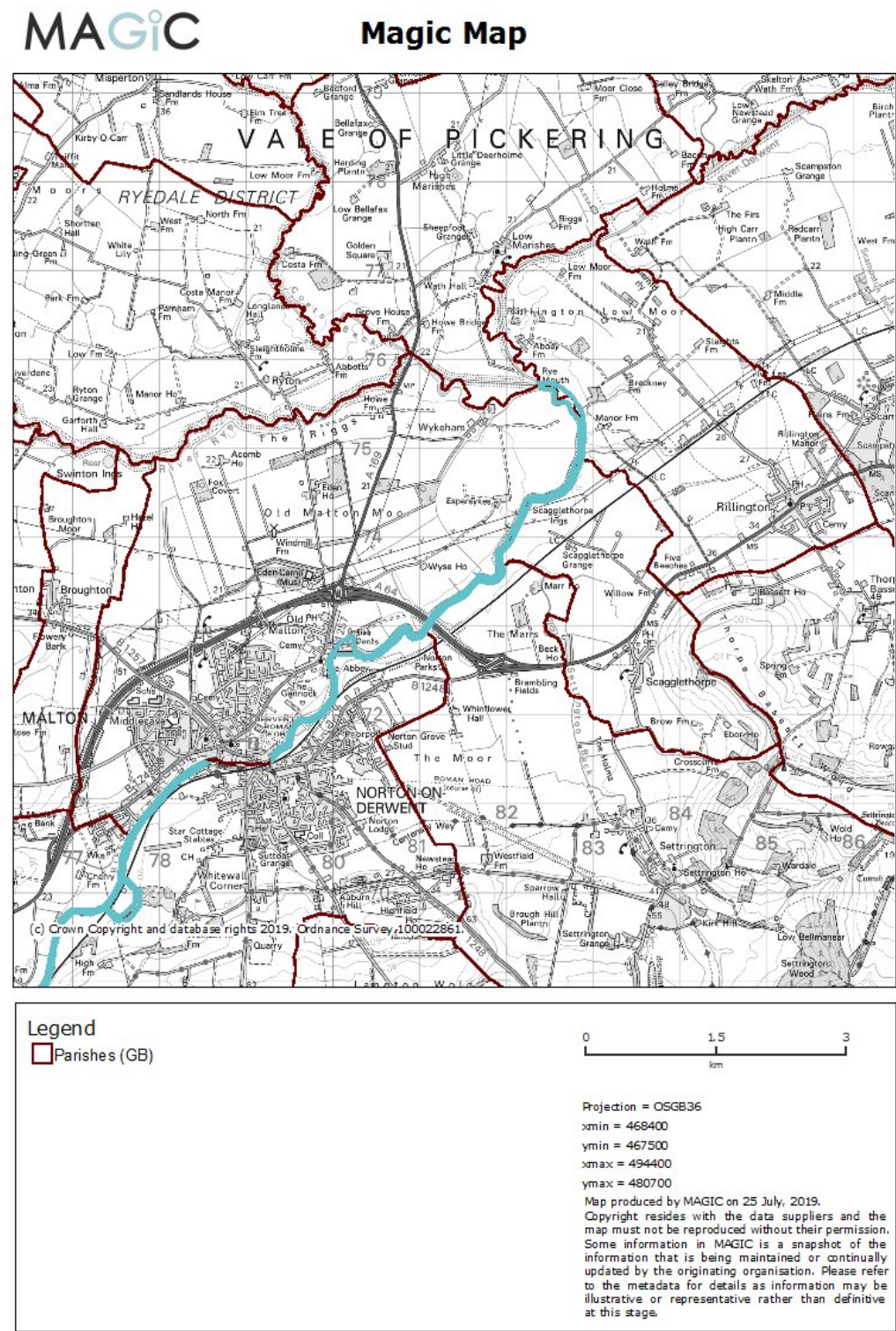
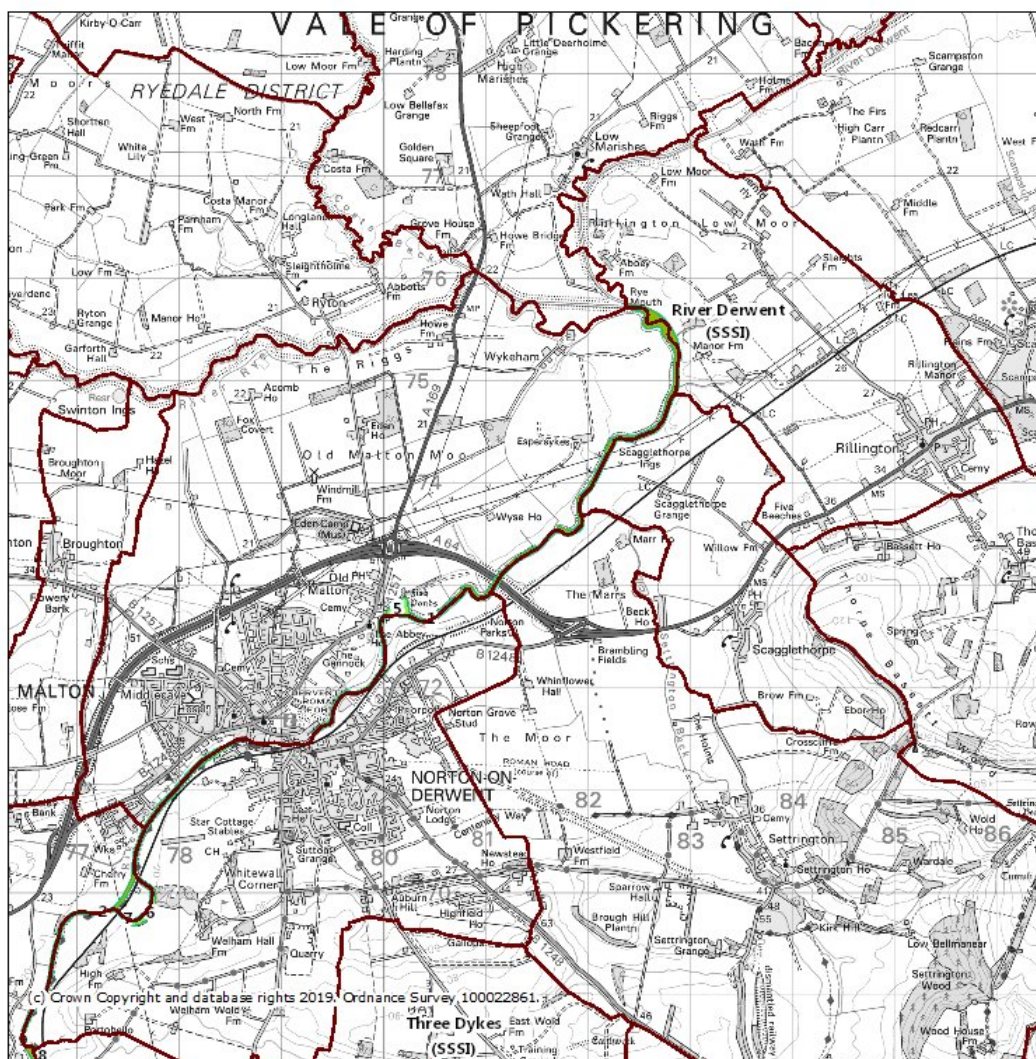


Figure 3.5: Extract from Magic Map showing the extent of the River Derwent SSSI and its path through the plan area.

MAGiC

Magic Map



Other Fauna:

- 3.19 The plan area is known to be host to the following species at magic.gov.uk (28 July 2019):
1) Corn Bunting, Curlew and Lapwing (all priority species for CS Targeting and grassland assemblage farmland birds) 2) Grey Partridge, tree sparrow and yellow wagtail (grassland assemblage farmland birds) and 3) Bats (one recorded granted European species application in Malton).
- 3.20 Other Flora: recorded at www.magic.gov.uk (28 July 2019), the Civil parish of Malton includes coastal and floodplain grazing marsh along the River Rye on the northern boundary, an area of good quality semi improved grassland in the north east and small area of wood pasture and parkland. The Civil parish of Norton on Derwent includes an area of coastal and floodplain in the north east. Both civil parishes include an area of lowland Fen along the River Derwent SSSI covering a small area in both civil parishes just to the south of Sheepfoot Hill, areas of deciduous woodland, areas of broadleaved woodland and areas of young trees. There are also small areas of traditional orchards.

Key issue to look out for in this SEA

- How will the proposed NP policies impact the River Derwent SAC and River Derwent SSSI?

Population

- 3.21 According to the Census 2011, the population in Norton on Derwent is 7,387 (nomisweb.co.uk) and the population in Malton is 4,888 (nomisweb.co.uk).
- 3.22 The SEA/SA report for the Ryedale Local Sites document published in October 2017 notes the following concerns which are applicable to the population.
- Ability of social and physical infrastructure to cope with additional development due to timing, in particular transport and schools.
 - Traffic congestion through the towns.

Human Health

- 3.23 As part of the Census undertaken in 2011, residents in Malton and Norton parishes were asked to assess whether their health was very good, good, fair, bad or very bad. The outcome of this self-assessment was:

Malton (of 4,888 residents in the parish)

- 41% were in very good health
- 37.1% in good health
- 16.1% in fair health
- 4.6% in bad health and
- 1.2 % in very bad health.

Norton (of 7,387 residents in the parish)

- 46.4% were in very good health

- 35.5% were in good health
- 13.2% were in fair health
- 3.6% were in bad health
- 1.4% were in very bad health

3.24 People were also asked if they had a long-term health problem or disability that limits a person's day-to-day activities, and has lasted, or is expected to last, at least 12 months. This includes problems that are related to old age. The outcome of this question was that:

Malton

- 80% of residents were not limited in their day to day activities
- 11.3% had their day to day activities limited a little
- 9% limited a lot.

Norton

- 83.1% of residents were not limited in their day to day activities
- 8.8% had their day to day activities limited a little
- 8.1% limited a lot

3.25 Also recorded in the Census 2011 is the number of households that included one person in the household with a long-term health problem or disability.

- In Malton, 27.8 % households in Malton Parish included one person in the household with a long term health problem or disability.
- In Norton on Derwent, 25.1% of households included one person with a long term problem or disability

Access to Open Space

3.26 The Open Spaces, Sport and Recreation Study completed in 2007 for Ryedale District Council is the latest information available on open space provision across the district. This study identified the following deficiencies in the Malton and Norton area:

- In terms of parks and market town amenity space, the Malton and Norton area was found to have good provision at 1.20 hectares per 1,000 population (better than the district average of 0.91 hectares per 1,000 population).
- In terms of access to natural and semi-natural open space, the Malton and Norton area is served by a 83.6 hectare site at Hildenlay Wood. However, despite this provision, 28% felt there to be insufficient natural and semi natural open space.
- There is current deficient provision for children and young people in the Malton and Norton area. The Malton and Norton area has both the smallest number of facilities and the lowest level of provision per 1,000 population when compared with other areas in the district. At the time of the study, there were just 0.42 facilities per 1,000 population where as the average provision in the district is 0.79 per 1,000 population and the recommended standard of provision stated in the report is 0.85 facilities per 1,000 population. It is unclear whether since 2007 there has been any new provision (refer below to 2018 Infrastructure Delivery Update).

- 3.27 The 2018 Infrastructure Delivery Update published by Ryedale reports continued quantitative and qualitative deficiencies in some open space typologies with no improvements having been delivered.

Key issue to look out for in this SEA

- How will the proposed NP policies impact on open space provision serving Malton and Norton?

Air quality

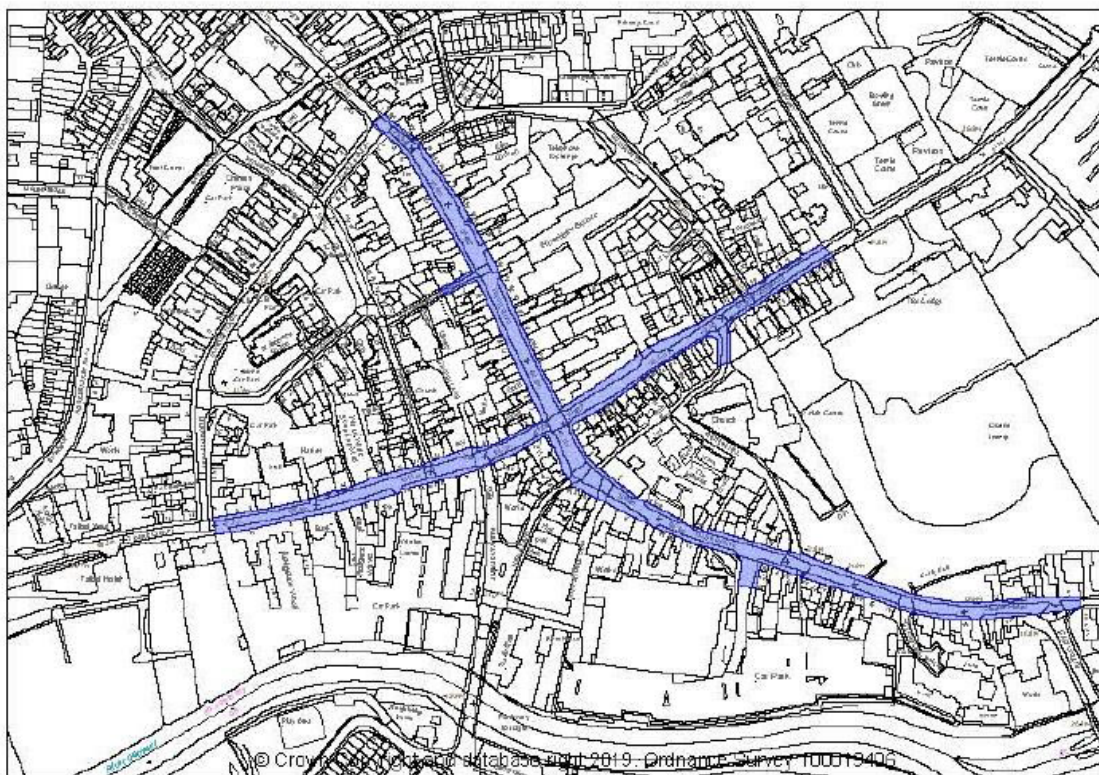
- 3.28 An Air Quality Management Area was declared by Ryedale District Council in 2009 to reduce ambient levels of nitrogen dioxide in Malton. The area designated is the junction of Yorkersgate and Castlegate and extends approximately 400 metres along the roads in four directions from this junction. The aim is to reduce annual mean concentrations, so they do not exceed 40 µg/m³.
- 3.29 The poor air quality is traffic related. The Malton Air Quality Management Plan included a commitment to upgrade the junction on the A64 Malton by-pass (referred to as the Brambling Fields
- 3.30 Interchange Junction improvements) to allow traffic to avoid driving through the Malton Air Quality Management Area. The junction was delivered in September 2014. Air quality in the area has since been measured and are reported on annually by Ryedale District Council. The most recent report the 2019 Air Quality Annual Status Report (ASR) was made available in 2019 on the Council's website. This reports the following:
- Concentrations of NO₂ at all monitoring sites within the AQMA have shown a general downward trend since 2012/13
 - The health-based annual mean NO₂ objective of 40µg/m³ was not exceeded at any monitoring location in 2018 (including all monitoring locations with the current AQMA).
 - The highest annual mean concentration of NO₂ monitored within the Malton AQMA during 2018 was 33µg/m³ at sites 2 (Wheelgate) and 9 (Yorkersgate). The highest annual mean concentration of NO₂ monitored outside the Malton AQMA Ryedale District Council LAQM Annual Status Report 2019 iii was 24µg/m³ at site 15 (Sherburn), well below the health based objective of 40µg/m³.
 - The number of exceedances of the annual mean NO₂ objective in the AQMA has gradually fallen between 2012 and 2018 (7 exceedances in 2012, 3 in 2013, 2 in 2014, 1 in 2015 and no exceedances in 2016, 2017 or 2018).
- 3.31 It also reports that whilst there have been no exceedances of the annual mean NO₂ objective within the Malton AQMA in the proceeding 3 years, it is anticipated there will be increases in queuing related congestion at the level crossing in line with doubling of rail services in 2019. However, to date, this doubling in rail services has not taken place and the rail services have been impacted in 2020 by the Covid-19 pandemic. Ryedale District Council will continue to keep the AQMA under review until it can be demonstrated that compliant concentrations are stable over a sustained period. Should pollution levels remain well below health-based objectives post doubling of rail services later in 2019, parts of the AQMA will be considered for revocation.

- 3.32 The 2019 ASR reports that the completion of the Brambling Fields Interchange Junction has contributed significantly to the reduction in emission rates. The Air Quality Action Plan however includes a range of further measures. This includes:
- an experimental 18-month HGV ban (which has since been made permanent) on the level crossing between Malton and Norton which came into effect from 13th April 2018 (anticipated to reduce emissions of NO_x and Particulate Matter in the AQMA). Future reports will monitor the outcome of this.
 - changes in priority at the junction of Church Street/Welham Road which were introduced in December 2016. Priority is now given to traffic coming to and from Welham Road which enables eastbound traffic in Castlegate to clear quicker and not be held up by vehicles turning right into Welham Road.
- 3.33 To conclude on the issue of air quality, without the NP being in place poor air quality in the area remains a key environmental issue. Whilst the Air Quality Action Plan has resulted in reductions in emissions these reductions need to be monitored until the impact of the railway services is fully understood.

Key issue to look out for in this SEA

- How will the proposed NP policies impact on air quality in the Malton Air Quality Management area?

Figure 3.6: The Malton Air Quality Management Area



Climatic Factors

- 3.34 The River Derwent corridor and surrounding land falls within fluvial flood zone 3 and fluvial flood zone 2. This applies to corridors of land running south from the River Derwent in the town of Norton (e.g. Mill Beck Corridor and Priorpot Beck). The Environment Agency have monitoring stations along at the following locations
- River Derwent in Malton
 - Mill Beck and Norton Mill Beck Screen
 - Priorpot Beck at Norton Priorpot Beck
- 3.35 Where an area falls within flood zone 3, this means that each year there is a risk of the area flooding at greater than 3.3%. Where an area falls within flood zone 2, this means that each year there is a risk of the area flooding at between 1% and 3.3%. Flooding incidents have occurred in the two towns in the past.
- 3.36 The Northeast Yorkshire Strategic Flood Risk Assessment (2006) provides more detail on the areas of flood risk. This SFRA was updated in 2012. Drawing number 10.2 to this SFRA (listed as PPS25 Malton and Norton flood plain delineation zone on the Ryedale website (accessed September 2020 <https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html>) shows the delineation of flood risk in the centre of Malton and Norton.

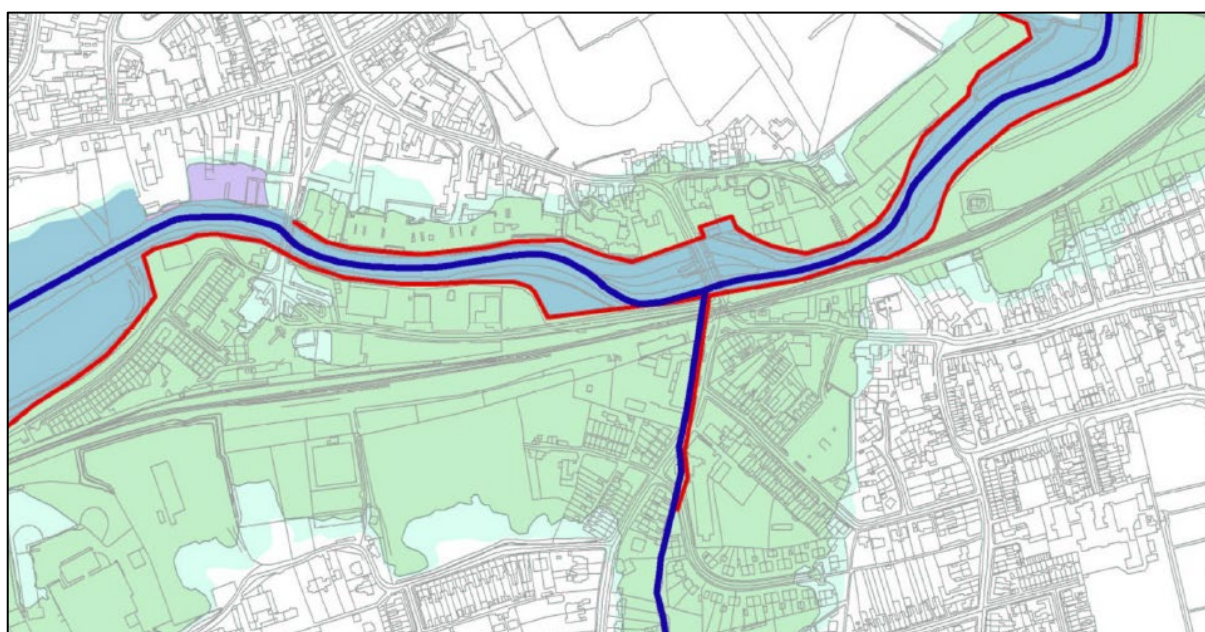


Figure 3.7 Extract focusing on central Malton and Norton from the Northeast Yorkshire Strategic Flood Risk Assessment (SFRA) update 2010

- 3.37 The figure above is an extract taken from drawing number 10.2 to the SFRA. The light blue area (following the river corridor) shows the area which falls within fluvial flood zone 3b and the area surrounding this (in light green) is in flood zone 3a.

Policies RC1, RC2, CF2 and N1 and flood risk

- 3.38 The entirety of the extent of RC1 appear to lie in the functional flood plain. This is denoted as zone 3b in Drawing 10.2 in the 2010 update to the Northeast Yorkshire Strategic Flood Risk Assessment (listed as PPS25 Malton and Norton flood plain delineation zone on the Ryedale website (accessed September 2020 <https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html>) The area borders flood zone 3aiii where 3aiii denotes *areas at high risk of flooding which are currently defended to the appropriate minimum standard for existing development as defined by Defra (annual probability of 2% for fluvial flooding and 1 % for flooding from the sea) but are not defended to the appropriate minimum standard for new development as defined by PPS25 (annual probability of 1% for fluvial flooding and 0.5% for flooding from the sea).*
- 3.39 Site specific designation RC2 (land to the north and south of County Bridge) lies in flood zone 3aii and flood zone 3aiii.
- 3.40 Norton Swimming Pool which is the subject of Policy CF1 is one of few river corridor sites which does not lie in a flood zone.
- 3.41 Site specific designation N1 (Land to the rear of Commercial Street) lies in flood zone 3aii.

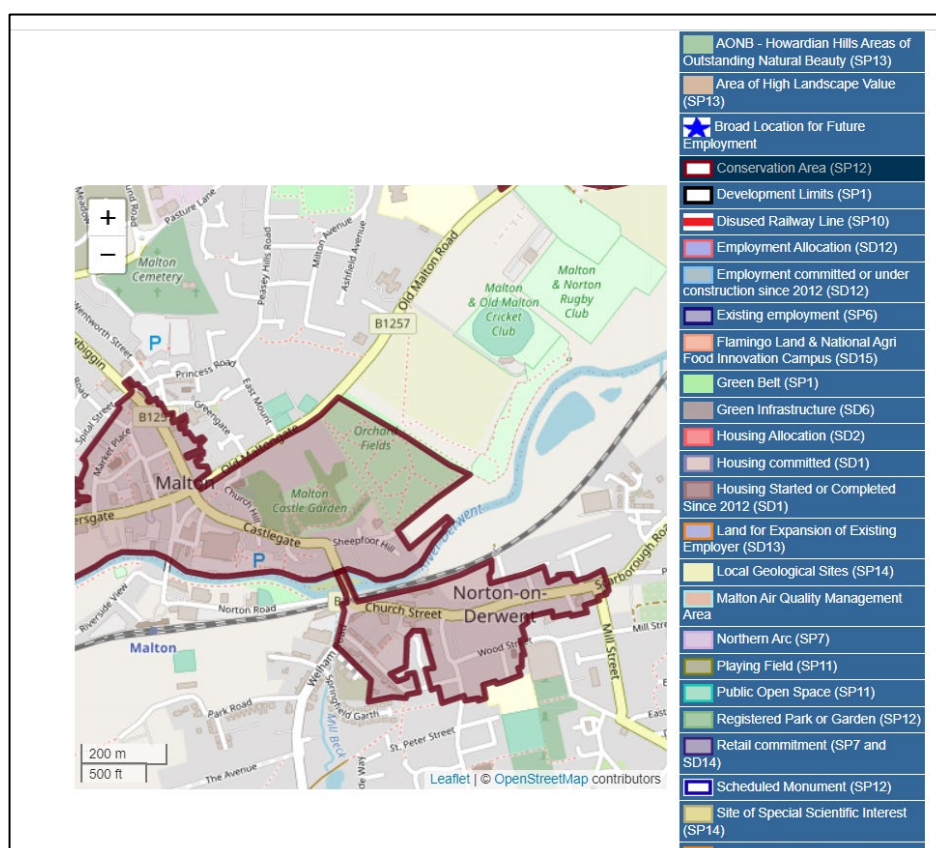
Key issue to look out for in this SEA

- How will the proposed NP policies impact on current fluvial flood risk in the plan area?

Cultural Heritage

3.42 The plan area is very rich in built-heritage assets. The plan area includes three conservation areas (Malton Town Centre, Norton-on-Derwent and Malton Old Town). The screen shot below shows the extent of the Malton Town Centre Conservation Area and the Norton-on-Derwent conservation area in the area close to the policies that are the focus of this SEA.

Figure 3.8: Malton and Norton Conservation Areas - Screenshot taken from the Ryedale Interactive Local Plans Map at www.ryedale.gov.uk Sept 2020



Heritage assets in central plan area close to RC1, RC2, CF1 and N1.

- 3.43 This SEA focuses on the central area of Malton and Norton where the site-specific designations relating to policies RC1: Malton and Norton River Corridor Development, RC2: Regeneration of Land North and South of County Bridge, CF1 Norton's Swimming Pool, and N1: Land to the Rear of Commercial Street are located.
- 3.44 In this central area, there is a concentration of heritage assets, with the vast majority located on the northern side of the river. The two scheduled monuments and statutorily listed buildings along Yorkersgate, Malton Bridge, Castlegate, Sheepfoot Hill, Well's Lane, Yorkersgate, Owston's Wharf, and Railway Street are listed below.

Scheduled monuments:

- Site of Malton Castle – see Figure 3.9
- Roman Fort – see Figure 3.10

Grade II*

- Forecourt walls, piers, gates and railings to the front of York House (Yorkersgate)
- York House (Yorkersgate)
- Talbot Hotel (Yorkersgate)
- Retaining wall and steps for the main terrace to the west of Talbot Hotel (Yorkersgate)
- Garden walls and gateways to west of Talbot Hotel (Yorkersgate)
- Pedimented archway and wall on north side of Yorkersgate

Grade II listed buildings and structures:

- Malton Bridge

Castlegate (southern)

- 82 and 82A Castlegate
- 76 Castlegate
- 78 Castlegate
- 72 Castlegate
- 68 and 70 Castlegate
- 18 and 20 Castlegate
- 14 and 16 Castlegate
- 10 and 12 Castlegate
- 94 – 96 Castle Gate
- 88 Castle Gate

Castlegate (northern)

- Maltings at Joshua Tetley and Sons Ltd.
- 1, 3 and 5 Castlegate
- 15 and 17 Castlegate
- 19 and 21 Castlegate
- 25 and 27 Castlegate
- Castledykes
- 37 Castlegate
- 45 Castlegate
- 47 Castlegate
- 51 and 52 Castlegate

Sheepfoot Hill

- Sheepfoot Hill Number 104 and attached outbuildings to West
- King's Mill

Wells Lane

- 4 Wells Lane
- 6 Wells Lane
- St Marys Community Centre
- Baptist Church
- Hall
- R Yates and Sons

Yorkersgate (south)

- The New Globe Public House
- 5 and 5a Yorkersgate

- 7 and 7a Yorkersgate
- 9 Yorkersgate
- 11 Yorkersgate
- 13 Yorkersgate
- 15, 17 and 17s Yorkersgate
- The George Public House
- 25 Yorkersgate
- National Westminster Bank
- 29 to 30 Yorkersgate
- Garden steps linking the upper and middle terrace to the rear (south) of York House
- Terrace wall, with garden steps and grotto, between the middle and lower terraces to the rear of York House
- Eastern Garden Wall to York House
- 43 Yorkersgate
- Garden wall extending southwards from the southeast corner of the Talbot Hotel
- Garden wall extending south of the Talbot Hotel on the line of Malton's medieval town wall

Yorkersgate (north)

- 46, 48 and 50 Yorkersgate
- 40 and 42 Yorkersgate
- 38 Yorkersgate
- Assembly Rooms, the Milton Rooms
- 34 Yorkersgate
- 32 Yorkersgate
- Number 30 and Railings attached to front steps
- The Gate Public House
- 2 and 4 Yorkersgate

Owston's Wharf

- Warehouse approximately 80 metres south of number 37 on Owston's Wharf

Railway Street

- Brandsby Agricultural Traders' Association
- K6 Telephone Kiosk
- Railway Bridge
- Malton Station

3.45 Further east, on the southern side of the River Derwent and close to the site-specific designations N1 (Land to the rear of Commercial Street) and CF2 (Norton Swimming Pool), there are a further two listed buildings.

Grade II listed

- 3 Scarborough Road
- 49 Commercial Street

There are several more heritage assets south of the river in the civil parish of Norton but they are not listed here as they are not considered to be close (and therefore potentially impacted by) to those NP policies that fall within the scope of this SEA (RC1, RC2, CF2 and N1). As far as this SEA is concerned they are therefore considered to be of limited relevance.

3.46 In addition to the built heritage assets there is also records of extensive archaeological remains from the pre-historic, Romano-British, Medieval and Post-Medieval periods. These can be seen in Appendix 3 to the Neighbourhood Plan.

Figure 3.9: Site of Malton Castle Extract taken from interactive mapping at www.historicengland.org.uk

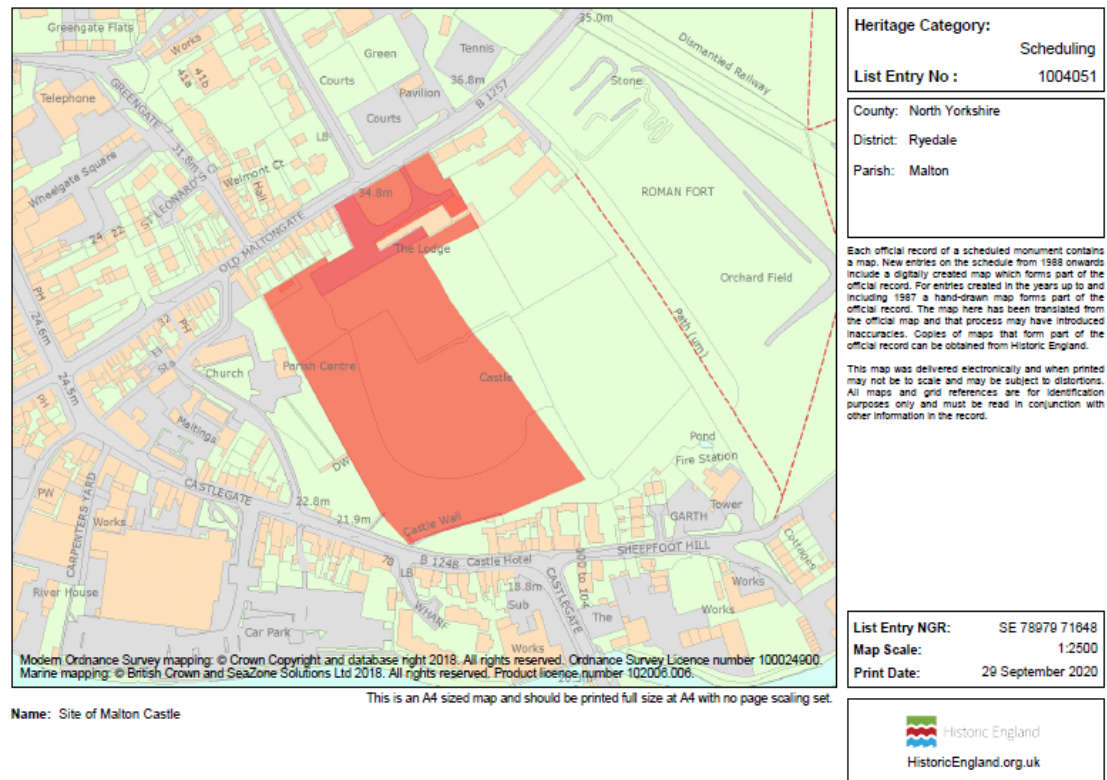


Figure 3.10: Roman Fort - Extract taken from interactive mapping at www.historicengland.org.uk

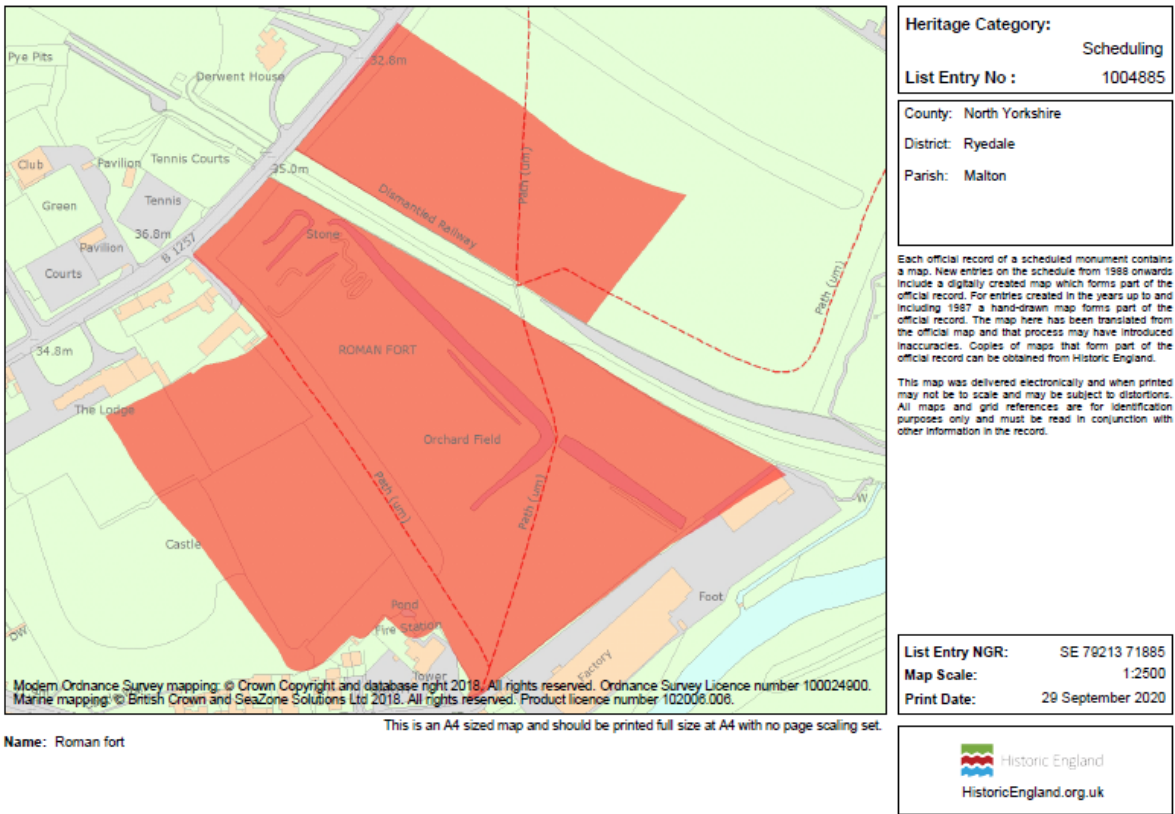
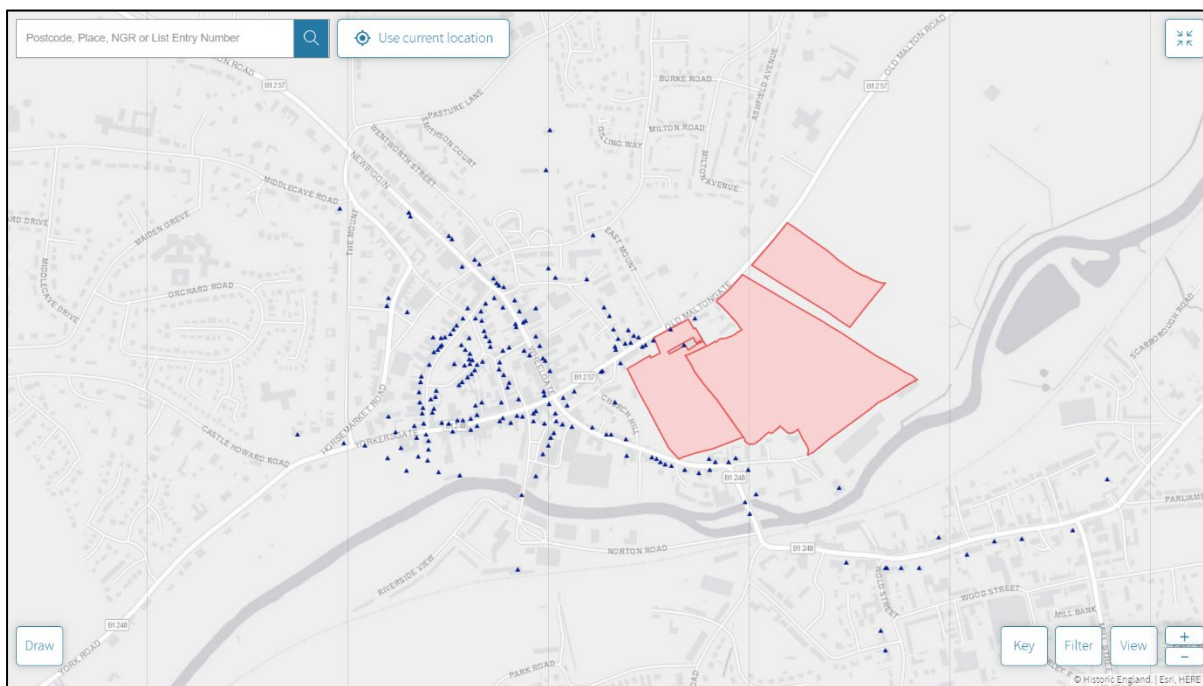


Figure 3.11: Print screen taken on September 2020 from online heritage asset database at <https://historicengland.org.uk/>



Key issue to look out for in this SEA

- How will the proposed NP policies impact on cultural heritage in the plan area?

Landscape

- 3.47 An area adjacent to the plan area in the north west is the Howardian Hills Area of Outstanding Natural Beauty. This area does not abut the settlements in the towns and there are no proposals for development near to this area.
- 3.48 The Ryedale Local Plan Sites Document adopted in June 2019 includes areas of Visually Important Undeveloped Areas in the plan area – see policy SD16. This applies to:
- Land at Follitt Ward Close, Middlecave Road, Malton
 - Land to the north of Peasey Hills,
 - Land between Welham Road and Langton Road, Norton
 - Land north of Westgate Lane, Old Malton
- 3.49 The Local Plan Strategy (adopted 2013) had already designated further Visually Important Undeveloped Area in the plan area. This applies to:
- Land in Norton on Derwent following the River Derwent corridor and up to the settlement boundary of Norton on Derwent (exact extent shown on the Malton and Norton Policies Map).
 - A stretch of Land in Norton on Derwent and Malton all on open land, again following the River Derwent corridor and surrounding open space up to the settlement boundary
- 3.50 The effect of this is applying a designation that exists via the Local Plan Strategy in Policy SP16 (Design) of that document.
- 3.51 These designations are shown in the map extract below. This designation is applicable to the SEA particularly in relationship to the two designated areas along the River Derwent.

Figure 3.12 - Sites designated in the Local Plan as Visually Important Undeveloped Areas in Malton and Norton NP area. Screenshot taken from www.ryedale.gov.uk and the interactive policy map provided by Open Street Map

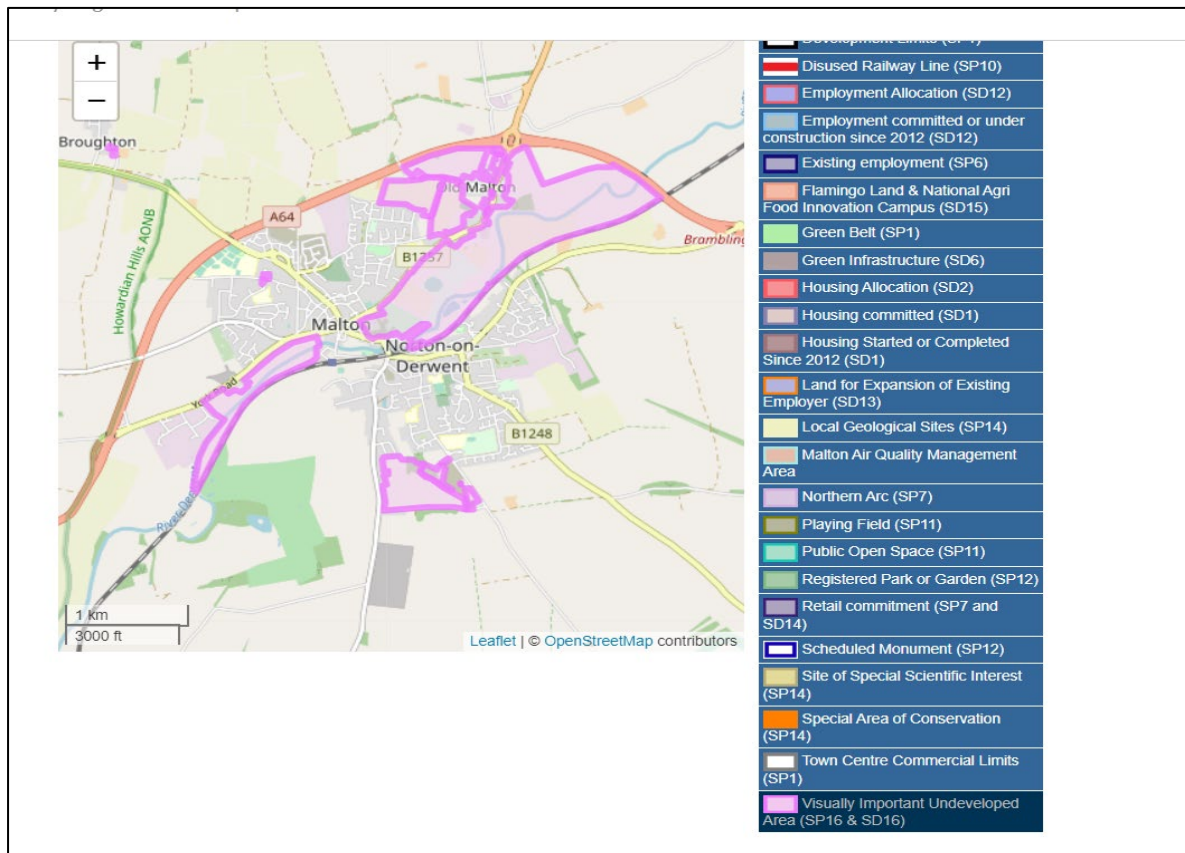
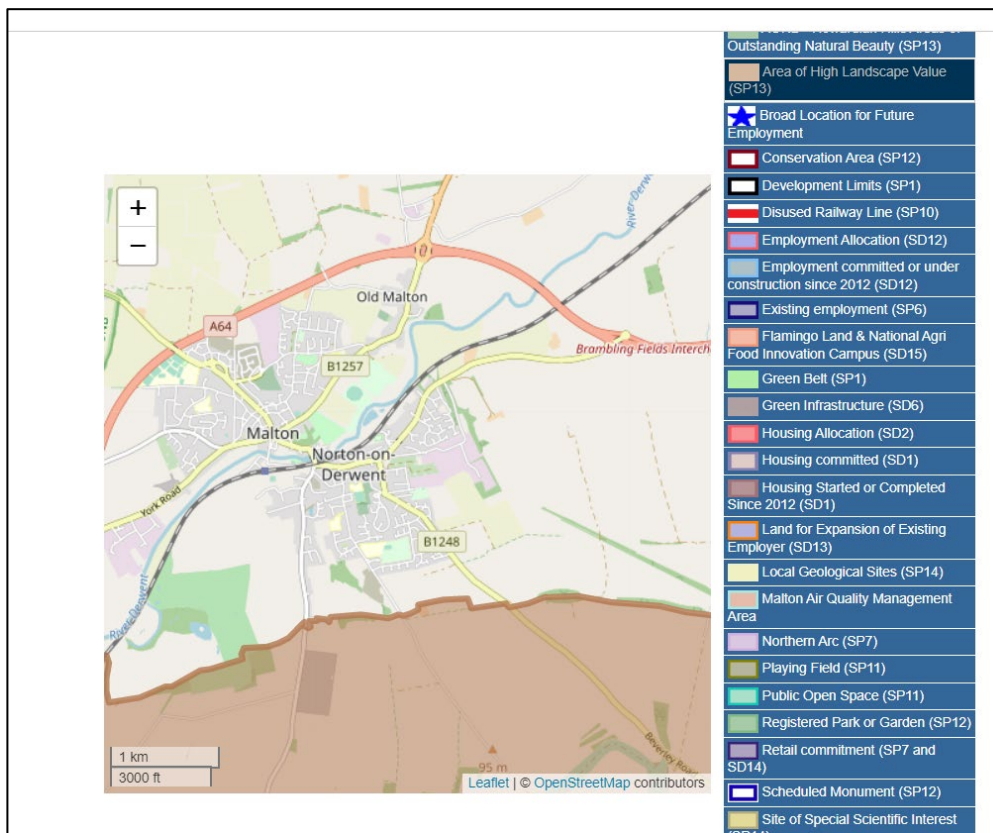


Figure 3.13 – Part of Wolds Area of High Landscape Value. Screenshot taken from www.ryedale.gov.uk and the interactive map provided by Open Street Map



- 3.52 Applicable designations in the Ryedale Local Plan 2002 also still exist: Area of High Landscape Value in the south of Norton on Derwent known as The Wolds Area of High Landscape Value. Part of this extent is shown in Figure 3.11 above. The policies in the NP subject to the scope of this SEA will have no impact on this area due to the location of the Wolds Area of High Landscape Value. So this is given no further consideration in this SEA.

Key issue to look out for in this SEA

- How will the proposed NP policies impact on landscape character and quality?

4. Wider context to the SEA of the Malton and Norton NP.

4.1 There are several documents which provide important context to the SEA of the NP. These are:

- Ryedale Plan Local Plan Strategy adopted in September 2013
- Ryedale Plan Local Sites Document adopted in June 2019
- Sustainability Appraisals/Strategic Environmental Assessments applicable to the statutory development plan for Ryedale district.
- The HRA of the draft Malton and Norton NP.

4.2 The Ryedale Plan Local Plan Strategy 2013 sets out a long-term vision, objectives and strategy to guide development over a 15-year period. The document outlines:

- expected levels of development that will take place in the District up to 2027;
- specific types of new development required to meet Ryedale's needs;
- sorts of changes that will happen in different locations;
- types of projects and investment needed to successfully deliver the strategy and support growth and local communities; and
- provides a framework to assist in the determination of planning applications.

4.3 The Ryedale Plan Local Plan Strategy 2013 has the following objectives:

Objective 1: Plan for growth in Ryedale which is compatible with the principles of sustainable development which address local sustainability issues and which specifically helps to support a more balanced population structure in the longer term.

Objective 2: Enhance the role of the Market Towns as accessible, attractive and vibrant service centres, offering a range of homes, jobs, shops, entertainment, leisure and recreational facilities within a high quality public realm. Emphasise the role and regeneration of Malton and Norton as the District's Principal Town.

Objective 3: Focus development at those settlements where it will enhance accessibility to local services, shops and jobs and which provide sustainable access to major service centres outside of the District by promoting the use of public transport, walking and cycling, while reducing the need to travel by private car.

Objective 4: Protect and, where appropriate, enhance the distinctive character of the District's settlements, landscapes and biodiversity, safeguarding those elements of the historic and natural environment that are recognised as being of local, national or international importance.

Objective 5: Deliver new development alongside the provision of the necessary community, transport and utilities infrastructure and initiatives. Make best use of existing infrastructure and make best use of development to secure investment in improved and new infrastructure. Maximise opportunities to secure Green Infrastructure links between the towns, villages and the open countryside.

Objective 6: Support the delivery of new homes and to substantially increase the delivery of affordable housing; encouraging an appropriate mix and type of housing that will meet local housing needs and requirements of all in the community, including those of Ryedale's elderly population.

Objective 7: Protect and enhance the provision of community facilities, recognising the particular importance they play in supporting the District's rural and village communities.

Objective 8: Support new and existing businesses with the provision of a range of employment sites and premises, including higher quality purpose built sites, principally at the Market Towns.

Objective 9: Diversify the District's economy and enhance skills by building links with the York economy and science and knowledge sectors: supporting Ryedale's precision/advanced engineering cluster and using the District's strong rural identity and its historic, cultural and landscape assets as economic drivers.

Objective 10: Support the land-based economy through sustainable land management; promoting sustainable rural enterprises and activity that helps to retain traditional land uses such as food production and horse racing, which help to retain land management and traditional building techniques and skills; supporting and facilitating the provision of local weekday and farmer's markets and the retention of a livestock market in the District.

Objective 11: Improve the quality of the environment and environmental systems and require that new development has as low an impact on the environment as possible.

Objective 12: Respond to climate change by reducing green house gas emissions and helping Ryedale to adapt to the impacts of climate change through flood risk minimisation and enhancing Green Infrastructure opportunities.

- 4.4 The Ryedale Plan Local Plan Strategy 2013 intends that Malton and Norton play a more strategic role for the district and in terms of their relationship with York. The plan seeks to rebalance the twin towns by placing a greater focus on locating new development at Malton and releasing greenfield sites around Malton. In addition, the plan identifies as an aspiration to bring forward a large brownfield site the 'Woolgrowers, Yorkshire Fertilisers site' (although this does not appear in the 2019 local sites plan). The Local Plan Strategy also refers to other brownfield sites within the Malton and Norton Rail/River corridor that are currently underused or which are vacant or derelict. The plan states *"they detract from the appearance of the towns and their redevelopment would provide an excellent opportunity to reinforce the physical and visual links between Malton and Norton."*
- 4.5 Policy SP1 'General Location of Development and Settlement Hierarchy' provides a settlement hierarchy where Malton and Norton are the primary focus of the district's growth. Sites are allocated via the later adopted document, the Ryedale Plan Local Sites Document.
- 4.6 Following Policy SP1, the Plan includes a section called 'Guiding Development at the Towns'. In this section, the plan identifies as opportunities for growth. *"Redevelopment of underused Town Centre/ edge of centre sites and rail/river corridor sites subject to flood risk, providing the opportunity to repair and improve the built fabric of the towns including, the Woolgrowers Site, Railway Street/Norton Road areas"*

- 4.7 The Ryedale Plan Local Plan Strategy 2013 refers to the River Derwent SAC in paragraphs 2.21 where it states *"The River Derwent is an internationally important site for wildlife conservation and is designated as a Special Area of Conservation under European legislation primarily for the presence of the River Lamprey. There are also other important species with Otters, Bull Lamprey and a flat fish called a Bullhead."* It is also referred to in paragraph 7.15 where it states *"Stretches of the River Derwent are protected under international law as a Special Area of Conservation and 32 Sites of Special Scientific Interest have been designated as areas of national interest by virtue of their flora, fauna or geological importance."*
- 4.8 This latter paragraph is included in the supporting text to Local Plan Policy SP14 'Biodiversity' which states:
- "In considering proposals for development – Proposals which would have an adverse effect on any site or species protected under international or national legislation will be considered in the context of the statutory protection which is afforded to them."*
- 4.9 Policy SP15 'Green Infrastructure Networks' also refers to the River Derwent. This policy states that, the quality and integrity of the River Derwent, among a number of other important sites, will be protected and enhanced.
- 4.10 The Ryedale Plan Local Plan Strategy 2013 has been subject to a strategic environmental assessment. The work is reported in a document published in May 2012 *The Ryedale Plan Local Plan Strategy Sustainability Report* which is no longer available to view on the district council's website. This document identifies, as a key environmental constraint and issue affecting the district, that *'pollution remains a risk to the River Derwent SAC with part of the river being defined at being risk of diffuse agricultural pollution.'*

Ryedale Plan Local Sites Document

- 4.11 The Ryedale Plan Local Sites Document was adopted in June 2019 and allocates two sites in the plan area as follows:
- Land to the east of Beverley Road (600 homes on a site of 24.29 hectares). This is in the south east of Norton on Derwent.
 - Land at old Maltongate (60 homes on a 1.44 hectare site). This is in Malton.
- 4.12 The Ryedale Plan Local Sites Document has been subject to a sustainability appraisal (SA) and strategic environmental assessment (SEA). The SA/SEA document is available to view on the Ryedale District Council website.

HRA of the draft Malton and Norton NP.

- 4.13 A HRA screening assessment was undertaken on the draft NP in August 2019. Natural England and Ryedale District Council were engaged in this process and a key output of this was a decision that four policies in the draft NP triggered the need for an appropriate assessment under the HRA legislation. These policies were:
- RC1: Malton and Norton River Corridor Development
 - RC2: Regeneration of Land North and South of County Bridge

- CF1: Norton's Swimming Pool
 - N1: Land to the Rear of Commercial Street
- 4.14 The HRA screening assessment process concluded that likely significant effects could not be ruled out for four policies alone: RC1, RC2, CF1 and N1 because of a range of possible effects on the River Derwent SAC.
- 4.15 The HRA appropriate assessment was subsequently undertaken in May 2020. This found that provided mitigation measures were adopted, including the removal of some types of proposed development, adverse effects on the integrity on the River Derwent SAC could be ruled out for Policies RC1, RC2 and N1. Adverse effects from Policy CF1 could be ruled out without the need for mitigation.

Sources of evidence used in the strategic environmental assessment

- 4.16 In addition to the HRA for the Neighbourhood Plan and the Local Plan documents, several other reference documents have been used and referred to in this strategic environmental assessment. These are:
- 2019 Air Quality Annual Status Report (ASR) In fulfilment of Part IV of the Environment Act 1995 Local Air Quality Management June 2019, Ryedale District Council
 - Ryedale District Council Infrastructure Delivery Plan 2012
 - Ryedale District Council Infrastructure Delivery Plan 2018 update
 - Ryedale District Council PPG17 Open Spaces Study
 - North Yorkshire County Council Definitive Map of public rights of way. Accessed online at <https://www.northyorks.gov.uk/definitive-map-public-rights-way>
 - National Heritage List. Accessed online in September 2020 and October 2020 at <https://historicengland.org.uk/listing/the-list>
 - Northeast Yorkshire Strategic Flood Risk Assessment 2006. Accessed online in September and October 2020 at <https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html>
 - Northeast Yorkshire Strategic Flood Risk Assessment Update 2010. Accessed online in September and October at <https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html>
 - including Drawing Number 10.2 (PPS25 Flood Plain Delineation in Malton and Norton). Available as a separate document at <https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html>

5. Likely Significant effects on the environment

- 5.1 The applicable Regulation 14 NP policies have been assessed using an SEA framework that was drafted and consulted on at the scoping stage of this SEA. (See Malton and Norton on Derwent Neighbourhood Plan Strategic Environmental Assessment Scoping report – 27 July 2020).
- 5.2 The SEA framework includes a set of SEA objectives, indicators and proposed tools for measuring impacts.

Table 5.1 Malton and Norton NP SEA objectives

SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.
SEA 2: To provide the opportunity for all people to meet their housing needs.
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton
SEA 4: To reduce crime and the fear of crime in Malton and Norton
SEA 5: to maintain and enhance employment opportunities in the NP area.
SEA 6: To maintain and enhance the vitality of the countryside and town centres.
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors
SEA 8: To diversify the local economy
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI
SEA 10: To maintain and enhance the quality and character of the landscape
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere
SEA 13: To conserve and where appropriate enhance the significance ⁵ of the historical and cultural environment.
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton
SEA 15: To make the most efficient use of land
SEA 16: To maintain a high quality environment in terms of air quality

- 5.3 At the SEA scoping stage it was proposed to use the same scoring system which Ryedale District Council have used in the SA and SEA of their Local Sites Plan. This is shown below:

Table 5.2: Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither a positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective

⁵ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

Symbol	Score	Definition
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.

5.4 As the assessment progressed, two more categories were added in order to reflect more accurately the nature of the plan and the fact that the impacts of the policies being assessed were very much uncertain due to their aspirational nature.

Symbol	Score	Definition
U -	Uncertain and negative impact	Uncertain, but the policy may hinder achievement of the objective
U +	Uncertain impact but possibly positive impact.	Uncertain, but the policy may be positively consistent with meeting the objective

5.5 Consistent with Schedule 2 to the SEA Regulations, any effects have been considered in terms of short, medium and long term effects, permanent and temporary effects, positive and negative effects, and secondary, cumulative and synergistic effects.

5.6 Table 5.3 below provides further detail on the prompts used to assess the four NP policies.

Table 5.3: Proposed prompts to help assess the NP policies against the SEA objectives.

Proposed SEA objective	Appraisal prompts
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	Does the policy result in the loss of a community facility or poorer access to a community facility? Does the policy result in improved access to community facility
SEA 2: To provide the opportunity for all people to meet their housing needs.	Does the policy deliver homes which will address and identified local need such as affordable homes?
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton? Would the policy involve new public realm or enhancements to the public realm?
SEA 4: To reduce crime and the fear of crime in Malton and Norton	Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.
SEA 5: to maintain and enhance employment opportunities in the NP area.	Will this policy deliver or help to deliver improved employment opportunities?
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	Will the policy protect or enhance the viability and vitality of the town centres?

Proposed SEA objective	Appraisal prompts
	Will the policy protect or enhance open areas outside the town centre?
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors	Does the policy protect, employment opportunities in plan area? Does the policy encourage or deliver more employment opportunities in accessible locations?
SEA 8: To diversify the local economy	Does the policy assist in diversifying the local economy in Malton and Norton?
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	Does the policy protect or enhance the River Derwent SAC and SSSI? Does the policy protect or enhance protected flora and fauna? Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?
SEA 10: To maintain and enhance the quality and character of the landscape	What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	Would this policy encourage people to walk and cycle rather than travel by car? Would this policy lead to highway impacts that would require highway mitigation measures? Will the policy protect or enhance access to public rights of way?
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone? Does the policy lead to increases in flood risk to people and property in the plan area?
SEA 13: To conserve and where appropriate enhance the historical and cultural environment.	Does the policy conserve or enhance the significance of the designated heritage asset? Does the policy conserve or enhance the significance of the non-designated heritage assets?
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?
SEA 15: To make the most efficient use of land	Does the policy focus development towards previously developed land. Does the policy focus on maximising efficient uses of land?

Proposed SEA objective	Appraisal prompts
SEA 16: To maintain a high quality environment in terms of air quality	Does the policy have an adverse impact on the Malton Air Quality Management area?

- 5.7 Appendices 5a, 5b, 5c and 5d to this report provides the detailed individual assessments of each of the four NP policies against the SEA framework. The table provided in the non-technical summary (see page 5) provides an overview of the assessment of the four policies against the SEA objectives.
- 5.8 What can be seen from the overview is that overall, the impacts are, neutral or positive. There is one uncertain significant positive effect identified for Policy RC1 against SEA objective 3. This is due to the potential significant improvements the policy could facilitate in terms of public realm improvements along the River Derwent. But, as with a high number of registered impacts, this impact is uncertain. This is because all four policies being assessed are aspirational in nature where they are encouraging specific land uses. They are not site allocations as such. Deliverability or viability has not been tested and there is no evidence of any discussions having taken place with land promoters, owners or other stakeholders in terms of the implementation of schemes. The development being encouraged will not come forward without other drivers outside the NP process.
- 5.9 There are a few occasions where potential negative impacts have been identified. These are noted through the symbol - .

6. Identification of Alternatives

- 6.1 Schedule 1 to the SEA Regulations requires the SEA to include an outline for selecting the draft NP policies instead of other reasonable alternatives. Before this can be done, it is important to provide an outline of the options available to the draft Neighbourhood Plan policies. At the scoping stage of the SEA, it was proposed that the SEA should *not* include an alternative NP vision or an alternative set of NP objectives. This is because, as seen in Table 6.1 in the SEA scoping report, there is a high degree of compatibility between the NP objectives and the Local Plan Strategy 2013 objectives. Instead, the SEA should explore alternative ways of realising the NP vision and objectives to the approach taken in the four policies RC1: Malton and Norton River Corridor Development, RC2: Regeneration of Land North and South of County Bridge, CF1 Norton's Swimming Pool and N1: Land to rear of Commercial Street.
- 6.2 Prior to the regulation 14 version of the neighbourhood plan being available, there was a previous version of the neighbourhood plan drafted. This is referred to as the 2020 pre-Reg 14 version. This earlier version was subject to both an SEA assessment and an initial HRA assessment.
- 6.3 The previous versions of the four policies RC1, RC2, CF1 and N1 are as follows:

Policy RC1 – River & Norton River Corridor Development (pre Reg 14 (2020) version)

The following types of development proposals within the Malton and Norton River Corridor, as identified on the Neighbourhood Plan Proposals Map, will be supported:-

- *Recreational enhancement works to include:-*
- *A new picnic area*
- *Improved riverside seating*
- *Fishing platforms/pegs*
- *Boat moorings*
- *A bandstand/facilities to host performances and entertainment*
- *Enhanced footpath, cycleway and bridleway provision along the river frontage*
- *Café/refreshment facilities*
- *The appropriate change of use or redevelopment of existing buildings within the corridor.*

The acceptability of any such development is subject to satisfying the requirements of Local Plan Strategy Policy SP14 in respect of biodiversity sites statutorily protected by international legislation.

Development is also subject to the satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency

Policy RC2: Regeneration of Land North and South of County Bridge (pre Reg 14 (2020) version)

Development-related regeneration on land to the North and South of County Bridge, as shown on the Neighbourhood Plan Proposals Map, will be supported.

In the event that the principle of any such development on this site is accepted via the Local Plan or otherwise, relative to the requirements of Local Plan Strategy Policy SP14 (in respect of biodiversity sites statutorily protected by international legislation), development of this site should have regard to the following:-

- *The satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency;*
- *Preservation and/or enhancement of the character and appearance of the Malton Town Centre and Norton-on-Derwent Conservation Areas within which the site is located;*
- *The maximisation of opportunities to improve pedestrian, cycle and motorised vehicular access across the River Derwent and the York-Scarborough Railway Line;*
- *The incorporation of low emission measures to ensure that the overall impact on AQMA air quality is mitigated;*
- *The retention/replacement of Yorkshire Water's site access;*
- *The retention/replacement of the on-site public conveniences.*

CF1: Norton's Swimming Pool (pre Reg 14 (2020) version)

Development of Norton Swimming Pool to provide additional capacity or improved leisure facilities for the benefit of the community, including its upgrading, extension or replacement, will in principle be supported.

Consideration should be given to the need for any additional off-road car parking provision to serve any enhanced facility.

N1: Land to the Rear of Commercial Street (pre Reg 14 (2020) version)

Regeneration of land to the rear of Commercial Street, as identified on the Neighbourhood Plan Proposals Map, including the development of a public car park, with associated service access to the rear of commercial properties in Commercial Street, will be supported.

The acceptability of any such regeneration development is subject to satisfying the requirements of Local Plan Strategy Policy SP14 in respect of biodiversity sites statutorily protected under international legislation

6.3 The interim SEA assessment of the 2020 pre-Reg 14 version of the plan is available to view in the SEA Interim Environmental Report (October 2020). Appendices 1a, 1b, 1c and 1d to this report sets out the individual assessments of each of the four policies (as provided at the earlier stage). The policies that were assessed were those versions made available prior to the HRA work. That assessment resulted in the identification of further reasonable alternatives in terms of policy wording. As follows:

Policy RC1:

- Removing the last bullet point in the first paragraph which allows for “appropriate change of use or redevelopment of existing buildings within the corridor”. The SEA notes that the extent of RC1 only includes the functional floodplain and any development in this zone would present a significant risk. There is therefore a potential

significant negative impact. However, the SEA has also found that there are no existing buildings within this extent. Therefore, in practice, this element of RC1 could not trigger development in the functional flood plain. Nonetheless, the SEA concludes any potential negative impact could be moved were this sentence to be removed altogether. As it stands the policy creates ambiguity and confusion with regards to allowing development come forward in the functional flood plain.

- Including a paragraph to require any development to conserve or enhance the setting of heritage assets. The SEA finds that the River Derwent corridor is located very close to a large concentration of statutorily listed buildings. Some stretches of the corridor are likely to fall within the setting of some of these heritage assets. A reasonable alternative therefore is to include a criteria such as *"All proposals coming forward in the defined river corridor will be required to conserve or enhance the significance of heritage assets, including their setting, as applicable"*.
- The assessment also finds that the land covered by RC1 is very close to areas of high landscape value as defined as Visually Important Undeveloped Areas in the Ryedale Local Plan. The SEA identifies as a reasonable alternative to include wording in the policy to ensure all development coming forward in the defined river corridor be required to maintain or enhance existing landscape quality. Example wording would be: *All proposals coming forward in the defined river corridor will be required to maintain or enhance the existing landscape quality"*.
- Amend the wording of Policy RC1 so that it directly states what is required in terms of ensuring no development proposal under the NP will have any adverse effects on the integrity of the River Derwent SAC. The current wording requires proposals to be in line with Local Plan Strategy Policy SP14 but this policy is in turn quite generic (as it applies to a wider range of scenarios) and states *"Proposals which would have an adverse effect on any site or species protected under international or national legislation will be considered in the context of the statutory protection which is afforded to them"*. The SEA considers the NP policy should be clearer and more specific in terms of what is required. Example amendment could be as follows:

The acceptability of any such development is subject to there being no adverse effects on the integrity of the River Derwent Special Area of Conservation, satisfying the requirements of Local Plan Strategy Policy SP14 in respect of biodiversity sites statutorily protected by international legislation.

Policy RC2

- The policy could be strengthened to include reference to the need to conserve or enhance the significance of all built heritage assets and their setting
- As with RC1, the application of Local Plan Policy SP14 would presumably rule out a proposal coming forward under NP Policy RC2 which would impact adversely on the habitats and species in the River Derwent SAC. There is however scope for the current and emerging policy context (provided by NP policy RC2 and Local Plan Policy SP14) to be more explicit about this.

In the event that the principle of any such development on this site is accepted via the Local Plan or otherwise, ~~relative to the requirements of Local Plan Strategy Policy SP14 (in respect of biodiversity sites statutorily protected by international legislation) and subject to any adverse effects on the integrity of the River Derwent SAC being ruled out~~ development of this site will be supported subject to: should have regard to the following:-

- In light of flood risk on this site, exclude the possibility of residential or other vulnerable uses coming forward on this site and require for all development that sequential and exceptions test to be met. This alternative would result in the removal of a significant adverse impact. The supporting text should be amended to clarify requirements. A suggested amendment to the policy wording is provided below:

~~The satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency; no residential or other vulnerable uses (in terms of flood risk) coming forward on this land and subject to development meeting the sequential test and where applicable the exceptions test in line with national policy.~~

Policy N1

- To reflect the vulnerability of this site to flooding, make clear in the policy wording that residential uses are not supported in this location

6.4 The changes proposed by the HRA appropriate assessment undertaken of the 2020 pre Reg 14 version of the plan are as follows:

Policy RC1:

- amend the policy to ensure that time limits are imposed on organised events so that they do not extend beyond dusk
- amend the policy to ensure that the provision of both mooring points and fishing pegs are removed.

Policy RC2:

- to amend the policy to ensure that residential development is excluded from future uses of this land.

6.5 The alternatives to the policies set out in the Reg 14 version of the plan are:

- Not to incorporate the changes proposed by the HRA appropriate assessment; and
- Not to include the recommended changes that have resulted from the 2020 SEA assessment work.

6.6 Appendices 1a, 1b, 1c and 1d set out the results of the NP policies were they not to include the recommended changes that resulted from the 2020 SEA assessment work and were they not to

incorporate the changes proposed by the HRA appropriate assessment work (see Paragraph 6.4 and 6.5 above).

6.8 The table below provides an overview of these results:

Table 6.1: An overview of the assessment of the four policies (2020 pre Reg 14 version) against the SEA objectives

Proposed SEA objective	Appraisal prompts	RC1	RC2	CF1	N1
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	1. Does the policy result in the loss of a community facility or poorer access to a community facility?	=	=	=	=
	2. Does the policy result in improved access to community facility	U +	U +	U+	U +
SEA 2: To provide the opportunity for all people to meet their housing needs.	1. Does the policy deliver homes which will address an identified local need such as affordable homes?	0	0	0	0
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?	0	U+	=	=
	2. Would the policy involve new public realm or enhancements to the public realm?	U+	U+	=	=
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	=	=	=	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	U +	U+	U+	U+
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	1. Will the policy protect or enhance the viability and vitality of the town centres?	U+	U+	U+	U+
		0	0	0	0

Proposed SEA objective	Appraisal prompts	RC1	RC2	CF1	N1
	2. Will the policy protect or enhance open areas outside the town centre?				
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors	1. Does the policy protect, employment opportunities in plan area? 2. Does the policy encourage or deliver more employment opportunities in accessible locations?	= U +	= U+	= U+	= U+
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	0	U+	=	U+
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	U - ALT	U- ALT	=	=
	1. Does the policy protect or enhance protected flora and fauna?	U -	U-	U- U+	U-
	1. Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	=	=	U	=
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	U - ALT	0	U	U
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	1. Would this policy encourage people to walk and cycle rather than travel by car? 2. Would this policy lead to highway impacts that would require highway mitigation measures? 3. Will the policy protect or enhance access to public rights of way?	U + = U+	= U- U+	= = 0	U- = =
SEA 12: To ensure future development is resilient to climate change such as	1. Does the policy lead to development in areas at risk of flooding e.g. within the	U - ALT	U - - ALT	0	U - - ALT

Proposed SEA objective	Appraisal prompts	RC1	RC2	CF1	N1
development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	Flood Zone 3 or b or within the rapid inundation zone? 2. Does the policy lead to increases in flood risk to people and property in the plan area?	=	U - -	0	U--
SEA 13: To conserve and where appropriate enhance the significance of the historical and cultural environment.	Does the policy conserve or enhance the significance of the designated heritage asset? Does the policy conserve or enhance the significance of the non-designated heritage assets?	U - ALT	U + ALT	+ 0	= 0
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	0	0	0	0
SEA 15: To make the most efficient use of land	Does the policy focus development towards previously developed land. Does the policy focus on maximising efficient uses of land?	0	+	+	+
SEA 16: To maintain a high quality environment in terms of air quality	Does the policy have an adverse impact on the Malton Air Quality Management area?	=	U+ U -	U+	U -

6.7 The assessment of these alternatives found both potential positive and negative impacts. Overall, the impacts were all uncertain. This is because all four policies being assessed were aspirational in nature where they were encouraging specific land uses. They were not site allocations as such. Deliverability or viability had not been tested and there is no evidence of any discussions having taken place with land promoters, owners or other stakeholders in terms of the implementation of schemes. The development being encouraged would not come forward without other drivers outside the NP process. From this perspective, the assessment of the previous version of the policies was similar to the assessment of the Reg 14 version of the policies.

6.8 Nonetheless, there were a few occasions where possible significant negative impacts had been identified. These are noted in appendices 1a, 1b, 1c and 1d through the symbols - - . There was an uncertain significant impact registered with Policies RC2 and N1 in relation to flood risk. This is because both site-specific policies involve land in high flood risk areas and

they do not adequately rule out vulnerable uses in these sites. It is clear this is not the intention of the policies and in both circumstances, alternative wording in the policies were proposed (since accepted) which would remove the potential significant negative impact.

- 6.9 There were further occasions where other (not significant) potential negative impacts had been identified. These are noted through the symbol -. In some instances, the SEA had proposed alternatives to help remove these impacts. These are indicated in the table above through the use of the abbreviation **ALT** in the last four columns.
- 6.10 In October 2020, the NP group were advised to use the findings of the SEA Interim Environmental report, to inform the changes to be made to the draft NP prior to it being finalised and published for Regulation 14 Pre-submission consultation.

7. Monitoring

- 7.1 Under Regulation 17 of the SEA Regulations, any significant environmental effects of the implementation of a plan are required to be monitored by the responsible authority with the purpose of identifying unforeseen adverse effects at an early stage and being able to undertake appropriate remedial action. These monitoring requirements have limited relevance to the NP since the SEA has not identified any potentially significant adverse effects; this report only identifies an uncertain significant positive effect due to the potential public realm improvements which may come about as a result of Policy RC1. Notwithstanding this, the NP itself will be monitored on an annual basis by the town councils as set out in Chapter 6 of the NP. It is advised attention is paid to Policies RC1, RC2, CF1 and N1 as part of this with a view to identifying environmental effects which differ from those anticipated in this SEA.

8. Conclusions

- 8.1 Chapter 5 in this report highlights both potential positive and negative impacts from the environmental assessment of the draft planning policies in the Neighbourhood Plan. There is one uncertain significant positive effect identified for Policy RC1 against SEA objective 3. This is due to the potentially significant improvements the policy could facilitate in terms of public realm improvements along the River Derwent. But, as with a high number of registered impacts, this impact is uncertain. This is because all four policies being assessed are aspirational in nature where they are encouraging specific land uses. They are not site allocations as such. Deliverability or viability has not been tested and there is no evidence of any discussions having taken place with land promoters, owners or other stakeholders in terms of the implementation of schemes. The development being encouraged will not come forward without other drivers outside the NP process.
- 8.2 Alternative policy wording has been assessed as part of the SEA work. The interim SEA work assessed an earlier version of draft policies (the version that was subject to SEA and HRA screening). This resulted in a set of recommended changes to the policy wording in order to improve the environmental performance of the drafted policies. The Reg 14 NP policies have performed better against the SEA than the previous version.
- 8.3 During the period 12 February 2021 to 26 March 2021, the Neighbourhood Plan was subject to a public consultation under Regulation 14 of the Neighbourhood Planning Regulations. The SEA environmental assessment was also made available for comment at the same time. No

comments were received which required any changes to be made to the assessment set out in Chapters 5 and 6 of this report.

APPENDIX 11: SUBMISSION VERSION SEA APPENDICES 1-5 NOVEMBER 2021

Malton and Norton on Derwent Neighbourhood Plan
Submission (Regulation 15) version¹
Strategic Environmental Assessment

Appendices to the Environmental Report - November 2021

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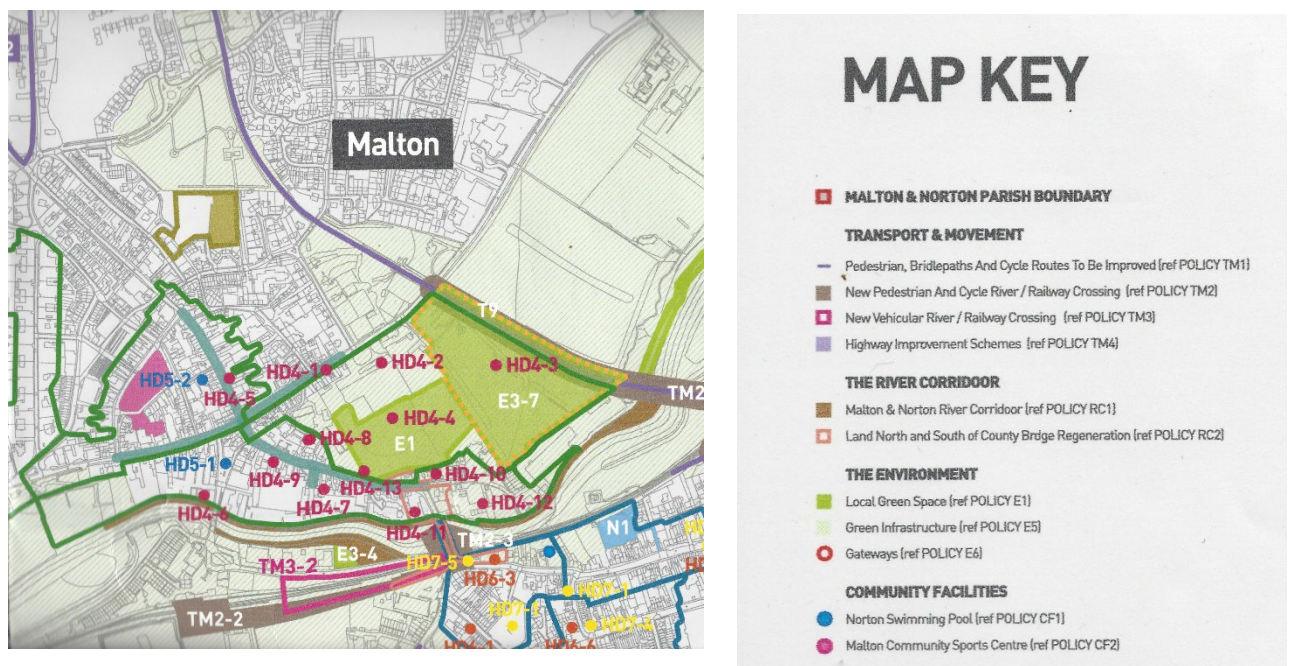
¹ Note: this set of appendices accompanying the submission SEA provides the same content as that which accompanied the SEA at pre-submission stage of the Neighbourhood Plan

RC1: Malton and Norton River Corridor Development

The following types of development proposals within the Malton and Norton River Corridor, as identified on the Neighbourhood Plan Proposals Map, will be supported:-

- Recreational enhancement works to include:-
 - A new picnic area
 - Improved riverside seating
 - Fishing platforms/pegs
 - Boat moorings
 - A bandstand/facilities to host performances and entertainment
- Enhanced footpath, cycleway and bridleway provision along the river frontage
- Café/refreshment facilities
- The appropriate change of use or redevelopment of existing buildings within the corridor.

The acceptability of any such development is subject to satisfying the requirements of Local Plan Strategy Policy SP14 in respect of biodiversity sites statutorily protected by international legislation. Development is also subject to the satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency



Map 1 – Extract from emerging proposals map and key

Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither and positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	<p>1. Does the policy result in the loss of a community facility or poorer access to a community facility?</p> <p>2. Does the policy result in improved access to community facility</p>	<p>1. No.</p> <p>2. This is an aspirational policy stating that development proposals (which would also need to meet the requirements set out other planning policies set out in the NP and Local Plan) which deliver one of a number of recreational enhancement works would be supported. These recreational enhancement works are all types of community facilities and therefore this registers a positive impact. The delivery of such impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward. The impact is therefore uncertain.</p> <p>The policy also supports proposals delivering enhanced footpath/cycleway and bridleway provision, café/refreshment facilities. These are all types of community facilities so a further positive impact is registered. The delivery of such impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward. The impact is therefore uncertain.</p>	<p>=</p> <p>U +</p> <p>U +</p>
SEA 2: To provide the opportunity for all people to meet their housing needs.	<p>1. Does the policy deliver homes which will address an identified local need such as affordable homes?</p>	<p>1. There is no link registered between this draft NP policy and this SEA objective</p>	<p>0</p>
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	<p>1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?</p> <p>2. Would the policy involve new public</p>	<p>1. No</p> <p>2. There is a possible significant positive impact. Recreational enhancements and enhancements to the public footpath, cycleway and bridleway are all considered to be enhancements to public realm provision. If proposals come forward as a result of this policy there is a possible significant positive impact. The delivery of such impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward. The impact is therefore uncertain.</p>	<p>0</p> <p>U+</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	realm or enhancements to the public realm?		
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	1. Policy RC1 supports proposals which will deliver recreational enhancements along the River Corridor. This would have the potential to address any current issues there may be regarding crime or unsociable behaviour along the River Corridor. However, there is no evidence to indicate there are any existing issues.	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	<p>1. There are a number of different retail and business uses along the River Derwent corridor. These are described in the environmental baseline to the SEA report. However, the extent of the RC1 does not include these and the retail and business uses lie outside of the designation (see Map 1 above). The policy supports 'appropriate' changes of uses along the corridor as identified on the map. However, the only structures identified along the extent of RC1 is the County Bridge itself. No loss of employment uses is therefore likely as a result of this policy.</p> <p>The policy supports public realm enhancements taking place along the river corridor. This could make the area more attractive to business occupiers. There is therefore a potential positive impact registered. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p>	U +
SEA 6: To maintain and enhance the vitality of the	1. Will the policy protect or enhance the viability and	1. By encouraging development that would deliver public realm improvements in this town centre location, the policy registers a positive impact. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is also uncertain.	U+

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
countryside and town centres.	vitality of the town centres? 2. Will the policy protect or enhance open areas outside the town centre?	2. The policy seeks to enhance a corridor along the River Derwent, parts of which are in open land although this is in a location in the town centre not outside. No direct link.	0
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors	1. Does the policy protect, employment opportunities in plan area? 2. Does the policy encourage or deliver more employment opportunities in accessible locations?	1. The policy does not protect employment opportunities. The policy supports 'appropriate' changes of uses along the extent of RC1. However, the proposals map shown above indicates that the extent of RC1 does not include any existing uses for this to apply to. 2. The policy supports public realm enhancements taking place along the river corridor. This could make the area more attractive to business occupiers. There is therefore a potential indirect positive impact registered. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain	= U +
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	1. There is no perceivable link between this objective and Policy RC1	0
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	1. The policy designation RC1 overlaps in some locations with the extent of the River Derwent SAC and the River Derwent SSSI. However, as these protected areas (SAC and SSSI) apply to a flowing river the entirety of the RC1 designation is directly relevant to the SAC and SSSI. The policy is an aspirational policy that seeks recreational enhancements along the River Corridor. There is a potential negative impact from riverside recreational activities on to	U –

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>sensitive environmental receptors along the river. The River Derwent SAC has been designated European status due to the habitat:</p> <ul style="list-style-type: none"> • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation. (Rivers with floating vegetation often dominated by water-crowfoot) <p>And due to the species:</p> <ul style="list-style-type: none"> • Bullhead Cottus gobio • River lamprey Lampetra fluviatilis • Otter Lutra lutra • Sea lamprey Petromyzon marinus <p>The HRA appropriate screening assessment² undertaken on the NP states concluded that <i>There is a credible risk that recreational pressure and pollution/erosion etc from Policy RC1 could undermine the conservation objectives of the River Derwent SAC and that a likely significant effect cannot be ruled out (alone). Consequently, an appropriate assessment is required.</i></p> <p>The concern identified in the HRA screening recreational pressure impacts on the otter population and the pollution/erosion issue related to the possible construction activity (supported in the wording on Policy RC1) would have on water quality.</p> <p>At the more detailed assessment stage (the appropriate assessment) the HRA assessment³ concluded that increased recreational activity along the river corridor would not impact the otter population if it were restricted to the daytime drawing on the observation that <i>"otters already make frequent use of this stretch of river even though it is exposed to the typical disturbance associated within any busy town with road bridges, railway lines, industry and people all in close proximity"</i>.</p>	

² See screening section of the Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan, June 2020, Fleming Ecology Limited.

³ See HRA assessment in the Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan, June 2020, Fleming Ecology Limited

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>The HRA then states that the proposals for a bandstand <i>“does suggest that organised activities could take place in the evenings and the associated people, lights and noise could hinder the behaviour of otters. Given their large territories there is the real, if remote possibility that large-scale organised activities at night could disrupt this behaviour and an adverse effect on the integrity of the site may arise.”</i></p> <p>The HRA appropriate assessment also concludes that the inclusion in Policy RC1 of supporting fishing pegs and boat moorings along the River Corridor also has a potential adverse impact on the otter population and identifies potential for fuel spills, pollution and litter. The appropriate assessment concludes that the only way to rule this potential impact out is to amend the policy to remove reference to fishing pegs and boat moorings.</p> <p>The appropriate assessment also considers in more detail the implications of the part of Policy RC1 that allows for <i>The appropriate change of use or redevelopment of existing buildings within the corridor</i>. The assessment however concludes that impacts can be ruled out since, existing flood risk levels in this area implies any acceptable change of use or redevelopment would be very low key. This SEA actually finds that there are no existing uses within the exact extent of RC1 (as shown on the proposals map) that a change of use application could apply to. So for different reasons the SEA finds no impact here.</p> <p>There is a potential link between Policy RC1 and an impact on the otter population. However, any impact would depend on the exact recreational activity and the time of day that this takes place.</p> <p>In recognition of the ecology status of the River Derwent, Policy RC1 includes the following requirement: <i>The acceptability of any such development is subject to satisfying the requirements of Local Plan Strategy Policy SP14 in respect of biodiversity sites statutorily protected by international legislation.</i></p>	

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>Local Plan Strategy Policy SP14 doesn't specify how proposals which could harm a SAC would be considered. It does however include the following generic statement: <i>In considering proposals for development – Proposals which would have an adverse effect on any site or species protected under international or national legislation will be considered in the context of the statutory protection which is afforded to them.</i></p> <p>The application of Local Plan Policy SP14 would presumably rule out a proposal coming forward under NP Policy RC1 which would impact adversely on the habitats and species in the River Derwent SAC. There is however scope for the current and emerging policy context (provided by NP policy RC1 and Local Plan Policy SP14) to be more explicit about this.</p> <p>To conclude, Policy RC1 therefore registers a negative impact with respect to impact on the SAC because of the potential disturbance to the otter population caused by increased recreational activity along the river corridor during the evening. This impact is however uncertain. This is because Policy RC1 is not itself delivering or allocating the development. Instead it is an aspirational policy that would facilitate such a proposal were it to come forward.</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows:</p> <ul style="list-style-type: none"> a) Policy wording in line with HRA recommendations b) Amending policy so it directly requires any proposal to maintain integrity of the River Derwent SAC (rather than indirectly via reference to the 2013 Local Plan policy which is worded generically to apply district wide and cover a range of circumstances). 	
	1. Does the policy protect or enhance protected flora and fauna?	1. As discussed above there is a potential but uncertain negative impact between Policy RC1 that would support proposals that deliver recreational activities along the River Derwent corridor and the flora and fauna along the River Derwent Corridor.	U -

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	1. Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	<p>1. Policy RC1 covers a corridor of land on either side of the River Derwent that combines current public rights of way, an open space and vegetated river corridor not accessible to the public. Alongside this extent on either side of the river, there are various land uses including business use and rear retail parking. On the northern part of the River there is a public right of way from Castlegate through the middle of the Morrisons' car park to the River Derwent. Depending on proposals which come forward, this policy could potentially open up opportunities for increased access to green infrastructure corridors but there is no positive impact detected from the current policy wording in terms of improving green infrastructure itself.</p> <p>Policy RC1 allows for appropriate changes of use or redevelopment of existing uses along the corridor. Under this assessment however, there are no current uses found in the extent of RC1 what change of use could be applied to. There is therefore no link detected. Were this policy to apply neighbouring land (the retail, business uses) there could however be some positive links.</p>	=
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	<p>1. Either side of the proposed designation of the NP Policy RC1 are two large areas of land designated in the Ryedale Local Plan as Visually Important Undeveloped Areas. These are shown on the Local Plan Proposals Map.</p> <p>Paragraph 6.1 of the Ryedale Local Sites Plan states that <i>"In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make a significant contribution to the setting of a Town and the role of the setting in influencing and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements."</i></p> <p>The extent of the land covered by RC1 which is currently undeveloped is not open for additional development under the wording of Policy RC1 other than for very minor development (e.g. picnic areas, a café) that would allow for enhanced recreational enhancements. Potential negative impacts could be avoided altogether were the policy to require any such development to maintain or enhance existing landscape quality.</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows:</p>	U –

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		a) Potential negative impacts could be avoided altogether were the policy to require any such development to maintain or enhance existing landscape quality.	
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	<p>1. Would this policy encourage people to walk and cycle rather than travel by car?</p> <p>2. Would this policy lead to highway impacts that would require highway mitigation measures?</p> <p>3. Will the policy protect or enhance access to public rights of way?</p>	<p>1. If this policy succeeds to facilitate improved accessible open space provision there is potential for this policy to result in fewer journeys to areas of open space by car. Likewise, if successful this policy will result in enhancing provision of an existing public right of way.</p> <p>This impact is however uncertain given the fact this policy is aspirational and does not include specific proposals for development.</p> <p>2. No highway impacts identified.</p> <p>3. There is a direct link between this policy and public rights of way since the policy wording itself seeks enhanced footpath, cycleway and bridleway provision along the river frontage. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p>	<p>U +</p> <p>=</p> <p>U+</p>
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone?	<p>1. The Northeast Yorkshire Strategic Flood Risk Assessment (SFRA) was last updated in 2010. Drawing number 10.2 to this SFRA (listed as PPS25 Malton and Norton flood plain delineation zone on the Ryedale website (accessed September 2020 https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html) shows the delineation of flood risk in the centre of Malton and Norton. It shows that the proposed extent of NP policy RC1 is largely in flood zone 3b. This is the functional floodplain. The area borders flood zone 3aiii where 3aiii denotes <i>areas at high risk of flooding which are currently defended to the appropriate minimum standard for existing development as defined by Defra (annual probability of 2% for fluvial flooding and 1 % for flooding from the sea) but are not defended to the appropriate minimum standard for</i></p>	U –

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	2. Does the policy lead to increases in flood risk to people and property in the plan area?	<p><i>new development as defined by PPS25 (annual probability of 1% for fluvial flooding and 0.5% for flooding from the sea).</i></p> <p>Policy RC1 allows for “<i>The appropriate change of use or redevelopment of existing buildings within the corridor.</i>”</p> <p>The final paragraph of the policy requires that: <i>Development is also subject to the satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency</i></p> <p>The zones (e.g. 3a and 3b) in the SFRA provide the basis for the application of the sequential test in line with PPG25. The SFRA states that the only development that would be appropriate in zone 3b would be:</p> <ul style="list-style-type: none"> • Water compatible development provided that an appropriate FRA has been submitted • Essential infrastructure development types so long as it can be demonstrated that the proposal meets the requirements of the exception test. <p>The flood risk therefore directly restricts what development could come forward within the extent of NP policy RC1. For example, no residential development could come forward. Nonetheless, as currently worded Policy RC1 could potentially lead to development in Flood Zone 3b.</p> <p>2. Given the type of development envisaged in this policy, it is unlikely this policy would lead to increases in flood risk to people and property. There is therefore a neutral impact registered against this second question. However, it is noted that ambiguity is created with the last bullet point in the first paragraph as it could be interpreted as allowing residential uses. It also creates confusion since there are no buildings located within the extent of RC1.</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows:</p>	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		a) Remove the last bullet point in the first paragraph	
SEA 13: To conserve and where appropriate enhance the significance ⁴ of the historical and cultural environment.	<p>Does the policy conserve or enhance the significance of the designated heritage asset?</p> <p>Does the policy conserve or enhance the significance of the non-designated heritage assets?</p>	<p>There are many heritage assets close to the extent of the River Derwent corridor. The closest one is the County Bridge itself which is statutorily listed as a Grade II structure.</p> <p>It is possible that Policy extent RC1 could lie within the setting of some of these important heritage assets.</p> <p>Policy RC1 supports development along the river corridor where this would deliver recreational enhancements. National planning policy (provided through NPPF and PPS25, together with the last paragraph which confirms <i>Development is also subject to the satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency</i>, would in practice limit what development could come forward due to the existing site lying in flood zone 3b (see the 2012 Northeast Yorkshire SFRA). Any development coming forward under Policy RC1 is therefore likely to small in scale. Nonetheless, it is noted the policy does not refer to need for development to conserve and enhance the setting of existing heritage assets.</p> <p>A negative impact is therefore recorded. The impact is uncertain since the policy is an aspirational and is not linked with any specific scheme in the development pipeline.</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows:</p> <p>a) Including a paragraph to require any development to conserve or enhance the setting of heritage assets. The SEA finds that the River Derwent corridor is located very close to a large concentration of statutorily listed buildings. Some stretches of the corridor are likely to be fall within the setting of some of these heritage assets.</p>	U –

⁴ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

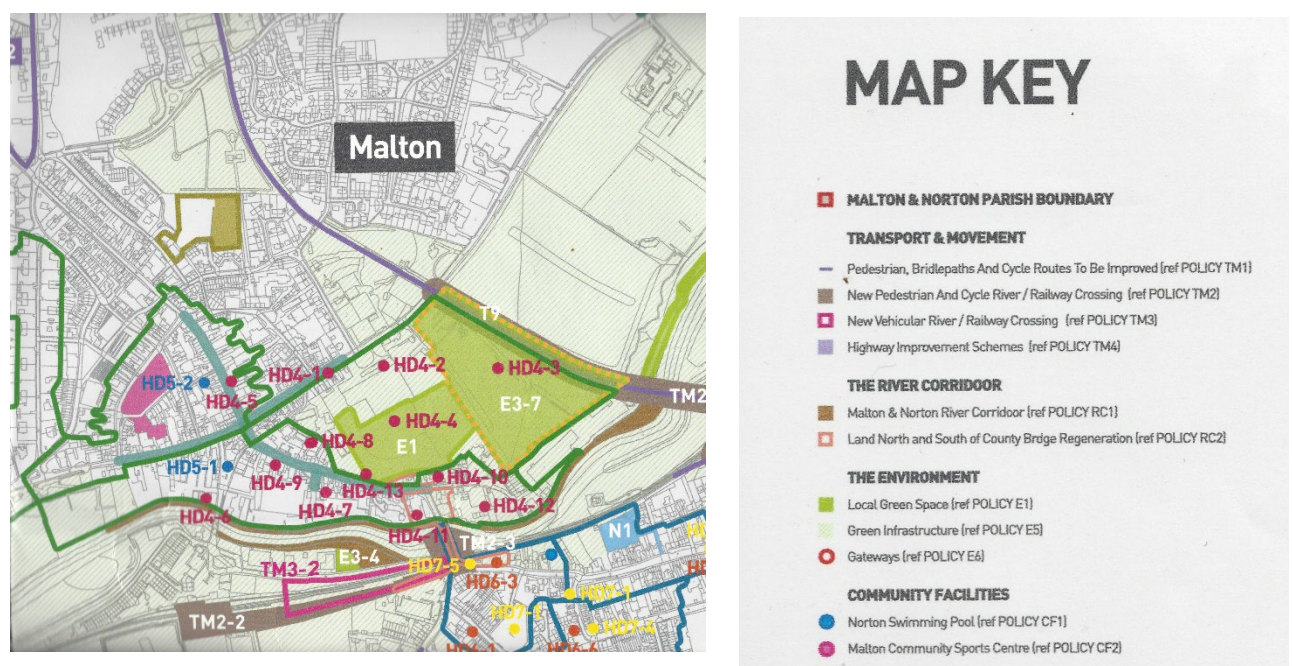
Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	There is no relationship between this policy and this SEA objective. The policy neither encourages or discourages the use of renewable resources and the development of renewable energy sources.	0
SEA 15: To make the most efficient use of land	Does the policy focus development towards previously developed land. Does the policy focus on maximising efficient uses of land?	The extent of RC1, whilst located adjacent to previously developed land, appears to be limited to the vegetated river corridor only. There is no relationship between this policy and this SEA objective.	0
SEA 16: To maintain a high quality environment in terms of air quality	Does the policy have an adverse impact on the Malton Air Quality Management area?	This policy is an aspirational one which would support proposals which would lead to river corridor recreational enhancements. If this policy leads to the desired development coming forward, access and public use of the river corridor would be increased. This could have the effect of increasing opportunities for pedestrians and cyclists to travel through the plan area whilst avoiding the Malton Air Quality Management Area NO2 where emissions are concentrated. There could in the long run therefore be a positive impact here in terms of providing access to cleaner air. However the link is tenuous and uncertain. A neutral impact is therefore recorded against this objective.	=

RC2: Regeneration of Land North and South of County Bridge

Development-related regeneration on land to the North and South of County Bridge, as shown on the Neighbourhood Plan Proposals Map, will be supported.

In the event that the principle of any such development on this site is accepted via the Local Plan or otherwise, relative to the requirements of Local Plan Strategy Policy SP14 (in respect of biodiversity sites statutorily protected by international legislation), development of this site should have regard to the following:-

- The satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency;
- Preservation and/or enhancement of the character and appearance of the Malton Town Centre and Norton-on- Derwent Conservation Areas within which the site is located;
- The maximisation of opportunities to improve pedestrian, cycle and motorised vehicular access across the River Derwent and the York-Scarborough Railway Line;
- The incorporation of low emission measures to ensure that the overall impact on AQMA air quality is mitigated;
- The retention/replacement of Yorkshire Water's site access;
- The retention/replacement of the on-site public conveniences.



Map 1 – Extract from emerging proposals map and key

Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither and positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	<p>1. Does the policy result in the loss of a community facility or poorer access to a community facility?</p> <p>2. Does the policy result in improved access to community facility</p>	<p>1. No.</p> <p>2. This policy is an aspirational policy stating that development proposals (which would also need to meet the requirements set out other planning policies set out in the NP and Local Plan) which deliver development-related regeneration on the land which includes the County Bridge, land to the north and land to the south will be supported. The policy includes specific criteria which are applicable to community facilities. This is the requirement to retain or replace on-site public convenience and a requirement to maximise opportunities to improve pedestrian, cycle and motorised access the River Derwent and the York Scarborough Railway Line. These are all types of community facilities, so a positive impact is registered. The delivery of such impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward. The impact is therefore uncertain.</p>	<p>=</p> <p>U +</p>
SEA 2: To provide the opportunity for all people to meet their housing needs.	<p>1. Does the policy deliver homes which will address an identified local need such as affordable homes?</p>	<p>1. There is no link registered between this draft NP policy and this SEA objective</p>	<p>0</p>
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	<p>1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?</p> <p>2. Would the policy involve new public</p>	<p>1. Policy RC2 covers land in both the Norton on Derwent conservation area and land in the Malton Town Centre conservation area. There are also numerous built heritage assets and archaeological remains in this area. An overview of the built heritage assets in this part of the town is shown in the environmental baseline in the SEA report and the archaeological remains are shown in Appendix 3 to the draft NP. The richness in heritage assets in this location is considered to be a key contributor to social character and distinctiveness. Policy RC2 includes a requirement to preserve or enhance the character and appearance of the Malton Town Centre conservation area and the Norton on Derwent conservation area. The Local Plan (SP12) and the NPPF would require impact of development on heritage assets</p>	<p>U+</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	realm or enhancements to the public realm?	<p>to be fully considered at planning application stage. However, the policy does not refer to built-heritage assets. The policy could be strengthened in this respect.</p> <p>The supporting text to Policy RC2 refers to underused river corridor sites. Whilst the built up area around the County Bridge has heritage value there may be scope for sense of place to be strengthened were development to take place which resulted in both conservation/enhancement of a heritage asset <i>and</i> which resulted in better use of the sites in this location.</p> <p>Whilst the SEA concludes the policy could be strengthened to include reference to the need to conserve or enhance all built heritage assets and their setting, the SEA registers a potential positive impact. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p> <p>2. The policy could also potentially lead to a better public realm if it resulted in increased occupation of currently underutilised sites. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows:</p> <p>a) the policy could be strengthened to include reference to the need to conserve or enhance all built heritage assets and their setting</p>	U+
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging	1. The intention driving Policy RC2 is understood to be a drive to encourage use of currently underused river corridor sites. This would have the potential to address any current issues there may be regarding crime or unsociable behaviour associated with unoccupied building. However, there is no evidence to indicate there are any existing issues.	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	anti-social behaviour.		
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	1. The policy identifies a central location in the NP area as a regeneration opportunity. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation) Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain	U +
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	1. Will the policy protect or enhance the viability and vitality of the town centres? 2. Will the policy protect or enhance open areas outside the town centre?	1. By encouraging development that would deliver regeneration benefits in a town centre location. Yes. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain 2. No direct link.	U+ 0
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors	1. Does the policy protect, employment opportunities in plan area? 2. Does the policy encourage or deliver more employment opportunities in accessible locations?	1. The policy does not protect employment opportunities. 2. The policy identifies a central location in the NP area as a regeneration opportunity. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation). Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	= U +

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	1. The policy identifies a central location in the NP area as a regeneration opportunity. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation). This facilities opportunities for diversifying the local economy. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	U+
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	<p>1. The policy designation RC2 overlaps in some locations with the extent of the River Derwent SAC and the River Derwent SSSI. However, as these protected areas (SAC and SSSI) apply to a flowing river the entirety of the RC2 designation is directly relevant to the SAC and SSSI.</p> <p>The policy is an aspirational policy that seeks the regeneration of the land north and south of the County Bridge. There is a potential negative impact from riverside construction activities on to sensitive environmental receptors along the river. The River Derwent SAC has been designated European status due to the habitat:</p> <ul style="list-style-type: none"> • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation. (Rivers with floating vegetation often dominated by water-crowfoot) <p>And due to the species:</p> <ul style="list-style-type: none"> • Bullhead <i>Cottus gobio</i> • River lamprey <i>Lampetra fluviatilis</i> • Otter <i>Lutra lutra</i> • Sea lamprey <i>Petromyzon marinus</i> <p>The HRA appropriate screening assessment⁵ undertaken on the NP also identified a concern relating to possible residential development that could come forward under Policy RC2 and that the provision of additional housing without adequate provision of open space opportunities would increase recreational pressure on the River Derwent SAC and SSSI.</p>	U –

⁵ See screening section of the Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan, June 2020, Fleming Ecology Limited.

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>At the more detailed assessment stage (the appropriate assessment) the HRA assessment⁶ concluded that the only way to avoid increased recreational pressure on the River Derwent SAC and SSSI from Policy RC2 would be for the policy to be amended so as to rule out residential uses. With respect to pollution and disturbance from construction activity the HRA ruled any adverse impacts out on the basis that safeguards to protect the SAC and SSSI during construction would be required by law.</p> <p>In recognition of the ecology status of the River Derwent, Policy RC2 includes the requirement that any proposal is accepted via the Local Plan or otherwise, relative to the requirements of Local Plan Strategy Policy SP14 (in respect of biodiversity sites statutorily protected by international legislation). This goes some way to ensure protection of the SAC. However, Local Plan Strategy Policy SP14 doesn't specify how proposals which could harm a SAC would be considered. Instead it has the following generic statement: <i>In considering proposals for development – Proposals which would have an adverse effect on any site or species protected under international or national legislation will be considered in the context of the statutory protection which is afforded to them.</i></p> <p>The application of Local Plan Policy SP14 would presumably rule out a proposal coming forward under NP Policy RC2 which would impact adversely on the habitats and species in the River Derwent SAC. There is however scope for the current and emerging policy context (provided by NP policy RC2 and Local Plan Policy SP14) to be more explicit about this.</p> <p>To conclude, Policy RC2 therefore registers a negative impact with respect to potential for increased recreational pressure on the SAC. This impact is however uncertain. This is because Policy RC2 is not itself delivering or allocating the development. Instead it is an aspirational policy that would facilitate such a proposal were it to come forward.</p>	

⁶ See HRA assessment in the Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan, June 2020, Fleming Ecology Limited

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		NB: Possible reasonable alternatives are identified as part of this assessment as follows: a) The application of Local Plan Policy SP14 would presumably rule out a proposal coming forward under NP Policy RC2 which would impact adversely on the habitats and species in the River Derwent SAC. There is however scope for the current and emerging policy context (provided by NP policy RC2 and Local Plan Policy SP14) to be more explicit about this.	
	2. Does the policy protect or enhance protected flora and fauna?	2. As discussed above there is a potential but uncertain negative impact between Policy RC2 that would support proposals that deliver recreational activities along the River Derwent corridor and the flora and fauna along the River Derwent Corridor.	U -
	3.Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	No.	=
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	1. There are two large areas of land designated in the Ryedale Local Plan as Visually Important Undeveloped Areas. These are shown on the Local Plan Proposals Map. Paragraph 6.1 of the Ryedale Local Sites Plan states that <i>"In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make a significant contribution to the setting of a Town and the role of the setting in influencing and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements."</i> Policy designation RC2 is some distance away from the VIUAs. Also, the land covered by this policy is already built up and given any proposals would need to conserve or enhance the conservation areas, there is no identified impact on the VIUAs from this policy.	0

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	<p>1. Would this policy encourage people to walk and cycle rather than travel by car?</p> <p>2. Would this policy lead to highway impacts that would require highway mitigation measures?</p> <p>3. Will the policy protect or enhance access to public rights of way?</p>	<p>1. Regeneration at this location could lead to a more attractive and vibrant town centre. This, itself may lead to increased footfall and cycle trips. However this link is indirect and too uncertain for any impact to be registered.</p> <p>2. The third criteria in this policy is for <i>The maximisation of opportunities to improve pedestrian, cycle and motorised vehicular access across the River Derwent and the York-Scarborough Railway Line.</i> Proposals envisaged under this policy could lead to disruption to the highways during the construction phase but the policy could lead to long term improvements overall. The policy therefore registers uncertain positive impact and an uncertain negative impact.</p> <p>3. There is currently a public right of way on the southern side of the River Derwent from This public right of way runs from the west until the County Bridge where it stops. Policy RC2 does not mention protection of the public right of way but equally there is no indication that the policy would lead to the loss of the public right of way. Regeneration of the southern side could allow for enhancement or even extension of this public right of way. But as this is not mentioned, there is a neutral impact registered here.</p>	<p>=</p> <p>U –</p> <p>U +</p>
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	<p>1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone?</p> <p>2. Does the policy lead to increases in flood risk to people</p>	<p>1. The Northeast Yorkshire Strategic Flood Risk Assessment (SFRA) was last updated in 2010. Drawing number 10.2 to this SFRA (listed as PPS25 Malton and Norton flood plain delineation zone on the Ryedale website (accessed September 2020 https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html) shows the delineation of flood risk in the centre of Malton and Norton.</p> <p>Land shown in the Proposals Map as land to the south of County Bridge lies in flood zone 3aiii and 3aii. PPS25 Flood Zone 3a is defined as those areas with a high probability of flooding of greater than 1% for fluvial flooding or 0.5% for tidal flooding and which are not Functional Floodplain. The SFRA has developed sub zones for 3a as follows. 3aiii denotes the area is <i>applicable for those developed areas at high risk of flooding which are currently defended to the appropriate minimum standard for existing development as defined by Defra (annual probability of 2% for fluvial flooding and 1 % for flooding from</i></p>	<p>U --</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	and property in the plan area?	<p><i>the sea) but are not defended to the appropriate minimum standard for new development as defined by PPS25 (annual probability of 1% for fluvial flooding and 0.5% for flooding from the sea). 3a(ii) denotes the area is Applicable for those developed areas at high risk of flooding which are currently defended to the appropriate minimum standard as defined by PPS25 (annual probability of 1% for fluvial flooding and 0.5% for flooding from the sea).</i></p> <p>The zones (e.g. 3a(iii) and 3a(ii)) in the SFRA provide the basis for the application of the sequential test in line with PPG25. PPS25 states that Zone 3a(ii) is appropriate for</p> <ul style="list-style-type: none"> • 'Water Compatible' and • 'Less Vulnerable' development types (see Table 7.1). • 'More Vulnerable' and 'Essential Infrastructure' development types are only considered appropriate if the requirements of the Exception Test are passed • 'Highly Vulnerable' development types are not appropriate within this Zone <p>The SFRA states for Zone 3a(iii) that <i>Rapid inundation of an area following the breach or overtopping of a flood defence has the potential to lead to structural damage, injury and/or death.</i> The SFRA states this zone should be treated as if it were a developed site at high risk of flooding without an appropriate standard of flood defence and states also that a sequential approach to the allocation of sites within areas behind flood defences should also be followed, with preference being given to those sites where the lowest consequences of flood defence failure are anticipated.</p> <p>The level of flood risk within the extent of Policy RC2 would therefore restrict (if NPPF policy and guidance in the SFRA were being followed) what land uses could come forward and in all cases the sequential test and exceptions test would need to be met.</p> <p>Policy RC2 currently requires of any scheme: <i>The satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency.</i> As currently worded however the policy does not exclude the possibility of residential and other vulnerable uses from coming forward under this policy. Neither does it explicitly state requirements</p>	

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>for the exceptions test to be met. A significant negative impact is therefore registered. This impact is however uncertain. This is because Policy RC2 is not itself delivering or allocating the development. Instead it is an aspirational policy that would facilitate such a proposal were it to come forward</p> <p>2. If residential development or vulnerable uses came forward as a result of this policy then it would lead to increases in flood risk to people and property in the plan area. A significant negative impact is therefore registered. This impact is however uncertain. This is because Policy RC2 is not itself delivering or allocating the development. Instead it is an aspirational policy that would facilitate such a proposal were it to come forward</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows a) Exclude the possibility of residential or other vulnerable uses coming forward on this site b) Require sequential and exceptions test to be met</p>	U --
SEA 13: To conserve and where appropriate enhance the significance ⁷ of the historical and cultural environment.	<p>1. Does the policy conserve or enhance the significance of the designated heritage asset?</p> <p>2. Does the policy conserve or enhance the significance of the non-designated heritage assets?</p>	<p>1. Policy RC2 covers land which falls in both the Norton on Derwent conservation area and in the Malton Town Centre conservation area. There are also numerous built heritage assets and archaeological remains in this area. The County Bridge itself is a grade II listed building.</p> <p>An overview of the built heritage assets in this part of the town is shown in the environmental baseline in the SEA report and the archaeological remains are shown in Appendix 3 to the draft NP. Policy RC2 includes a requirement to preserve or enhance the character and appearance of the Malton Town Centre conservation area and the Norton on Derwent conservation area. The Local Plan (SP12) and the NPPF would require impact of development on heritage assets to be fully considered at planning application stage. However, the NP policy does not refer to built heritage assets. Given the number of statutorily listed buildings in this area, the policy could be strengthened in this respect.</p>	U +

⁷ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

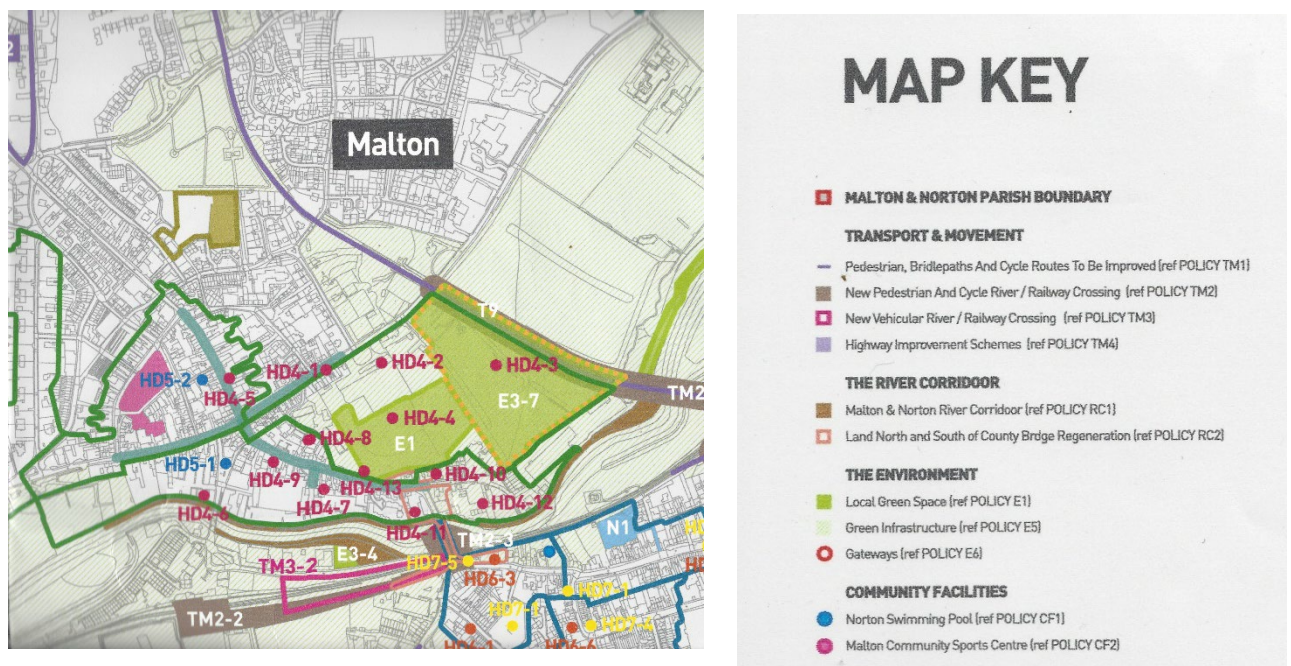
Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>The supporting text to Policy RC2 refers to underused river corridor sites. Whilst the built up area around the County Bridge has heritage value there may be scope for sense of place to be strengthened were development to take place which resulted in both conservation/enhancement of a heritage asset/s <i>and</i> which resulted in better use of the sites in this location.</p> <p>Whilst the SEA concludes the policy could be strengthened to include reference to the need to conserve or enhance all built heritage assets and their setting, the SEA registers a potential positive impact. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p> <p>2. There are no known non-designated heritage assets in this area.</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows a) the SEA concludes the policy could be strengthened to include reference to the need to conserve or enhance all built heritage assets and their setting,</p>	
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	There is no relationship between this policy and this SEA objective. The policy neither encourages or discourages the use of renewable resources and the development of renewable energy sources.	0
SEA 15: To make the most efficient use of land	1. Does the policy focus development towards previously developed land.	1. The extent of RC2 is all previously developed land. One of the aspirations in the plan is to facilitate the redevelopment of underused river corridor sites subject (subject to flood risk). The plan considers this an opportunity to improve the built fabric of the towns. A positive impact is registered here as it directs development to previously developed land.	+

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	Does the policy focus on maximising efficient uses of land?		
SEA 16: To maintain a high quality environment in terms of air quality	Does the policy have an adverse impact on the Malton Air Quality Management area?	<p>This policy identifies a regeneration opportunity on land north and south of County Bridge. The third criteria in this policy is for <i>The maximisation of opportunities to improve pedestrian, cycle and motorised vehicular access across the River Derwent and the York-Scarborough Railway Line.</i></p> <p>Proposals envisaged under this policy could lead to disruption to the highways during the construction phase but the policy could lead to long term improvements overall. Since the emissions in the Malton Air Quality Management Area (which is close to the land at RC2) are traffic related, this policy registers uncertain positive impact and an uncertain negative impact.</p>	U + U-

CF1: Norton's Swimming Pool

Development of Norton Swimming Pool to provide additional capacity or improved leisure facilities for the benefit of the community, including its upgrading, extension or replacement, will in principle be supported.

Consideration should be given to the need for any additional off-road car parking provision to serve any enhanced facility.



Map 1 – Extract from emerging proposals map and key

Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither and positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	<p>1. Does the policy result in the loss of a community facility or poorer access to a community facility?</p> <p>2. Does the policy result in improved access to community facility</p>	<p>1. No.</p> <p>2. This policy is an aspirational policy stating that development proposals (which would also need to meet the requirements set out other planning policies set out in the NP and Local Plan) which would provide additional capacity or improved leisure facilities including upgrading, extension or replacement would in principle be support.</p> <p>Ryedale District Council's 2012 Infrastructure Study⁸ reported a quantitative requirement for a swimming pool at Malton and also highlighted that the Derwent Swimming Pool is nearing the end of its operational life and replacement/refurbishment will be required. The emerging NP asserts that both Norton's swimming pool and Malton's Community Sports Centre require extensions and improvements. Policy CF1 is a response to this. A positive impact is registered. The impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward.</p>	<p>=</p> <p>U +</p>
SEA 2: To provide the opportunity for all people to meet their housing needs.	1. Does the policy deliver homes which will address an identified local need such as affordable homes?	1. There is no link registered between this draft NP policy and this SEA objective	0
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?	<p>1. Policy CF2 applies to the existing site of the Derwent Swimming Pool which is in the Norton on Derwent Conservation Area and located on Church Street close to where it changes to Commercial Street. The building is single storey and is set back from the road. The site incorporates a green area of amenity land with mature trees fronting onto Church Street.</p> <p>Whilst the current site does contribute to social character, there is no reason why a replacement facility or refurbishment would not do the same. There is a therefore a neutral impact registered here.</p>	<p>=</p> <p>=</p>

⁸ Infrastructure Delivery Plan, January 2012, Ryedale District Council

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	2. Would the policy involve new public realm or enhancements to the public realm?	2. It is possible any development taking place here could create or enhance public realm but there is nothing in the policy referring to this. A neutral impact is registered here.	
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	1. There is nothing to indicate in this policy alone that development would incorporate the principles of Secure by Design. A neutral impact is therefore registered. This is not to assert that the Local Plan and Neighbourhood Plan as a whole would not do this.	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	1. The policy supports in principle the provision of expanded community facilities. It is expected this would also deliver new employment opportunities. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain	U +
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	1. Will the policy protect or enhance the viability and vitality of the town centres? 2. Will the policy protect or enhance	1. By encouraging development that would deliver enhanced community facilities in a town centre location. Yes. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain 2. No direct link.	U+ 0

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	open areas outside the town centre?		
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors	1. Does the policy protect, employment opportunities in plan area? 2. Does the policy encourage or deliver more employment opportunities in accessible locations?	1. The policy does not protect employment opportunities. 2. The policy identifies a central location in the NP area as an opportunity for enhanced community facilities. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation). Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	= U +
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	1. The policy identifies a central location in the NP area as an opportunity for enhanced community facilities. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation). This facilities opportunities for diversifying the local economy. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	U+
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	1. The site of Derwent Swimming Pool is located south of the River Derwent SAC and SSSI and the railway line separates the building from the river. There is no access from the swimming pool to the river. This would indicate there is little relationship between Policy CF2 and the ecological sensitivity of the River Derwent SAC and SSSI. The HRA screening ⁹ however concludes: <i>There is a credible risk that pollution from construction from Policy CF1 could undermine the conservation objectives of the River Derwent SAC and that a likely significant effect cannot be ruled out (alone). Consequently, and an appropriate</i>	=

⁹ See screening section of Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p><i>assessment is required.</i></p> <p>At the more detailed assessment stage (the appropriate assessment) the HRA assessment¹⁰ concluded that any adverse effects can be avoided altogether taking into account the following:</p> <ul style="list-style-type: none"> the limited range of activities required to construct the facility would be unlikely to present a threat of any magnitude to groundwater resources and any fuel spills can be confidently expected to be accommodated by existing drainage infrastructure it is separated from the river by the railway line making any incidents even less likely to arise in the river as it will not only provide a physical barrier, but will bring with it its own drainage infrastructure. any development of this scale will be required (through other legislation) to be accompanied by comprehensive construction techniques to effectively rule out any threat from pollution etc. As these measures would be required by law and best practice to afford wide-ranging environmental safeguards and would not be required specifically for the SAC, they can be considered to be reliable, effective and their implementation guaranteed <p>A neutral impact is therefore recorded here.</p>	
	2. Does the policy protect or enhance protected flora and fauna?	<p>2. There are existing mature trees on the site. Assuming existing national, Local Plan and emerging NP relating to biodiversity impacts and development are applied, potential impacts during construction and on completion of any potential development would be appropriately managed. Indeed there is potential positive impacts in the long run if development is required to achieve a net gain in biodiversity.</p> <p>Both an uncertain positive impact is registered to reflect the operation stage and an uncertain negative impact to reflect potential impact on the existing trees. The impacts are uncertain since the policy is an aspirational one and is dependent on a development</p>	U – U +

¹⁰ See HRA assessment in the Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan, June 2020, Fleming Ecology Limited

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		scheme coming forward. There is no indication in the NP that such a scheme is in the pipeline.	
	3.Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	The site has a green corridor along the railway line and green infrastructure in front. There is potential for green infrastructure to be improved, for example through the provision of green roofs or an enhanced open space. However, delivery information is not sufficiently advanced for any conclusions to be drawn on this. An uncertain impact is registered.	U
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	<p>1. The site is located on the opposite side of the River Derwent to a large area designated in the Ryedale Local Plan as Visually Important Undeveloped Area.</p> <p>Paragraph 6.1 of the Ryedale Local Sites Plan states that <i>"In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make a significant contribution to the setting of a Town and the role of the setting in influencing and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements."</i></p> <p>There is potential for a new scheme on this site to have either a negative or positive impact on the VIUA. However, delivery information is not sufficiently advanced for any conclusions to be drawn on this. An uncertain impact is registered</p>	U
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	<p>1. Would this policy encourage people to walk and cycle rather than travel by car?</p> <p>2. Would this policy lead to highway impacts that would</p>	<p>1. The policy presents and aspiration for expanded community facilities in this accessible town centre location. Any scheme, if implemented, will help to encourage people to walk and cycle to the leisure facility. It is noted the policy also includes a proviso that consideration should be given to the need for additional off-street car parking to serve an expanded facility.</p> <p>A neutral impact is registered to reflect the potential mixed impacts in this regard.</p>	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	<p>require highway mitigation measures?</p> <p>3. Will the policy protect or enhance access to public rights of way?</p>	<p>2. It is not known what the highway impacts of any scheme would be. The policy lacks sufficient detail for any conclusion to be drawn on this. No such impacts are therefore registered.</p> <p>3. There are not public rights of way in this location.</p>	0
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	<p>1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone?</p> <p>2. Does the policy lead to increases in flood risk to people and property in the plan area?</p>	<p>1. The Northeast Yorkshire Strategic Flood Risk Assessment (SFRA) was last updated in 2010. Drawing number 10.2 to this SFRA (listed as PPS25 Malton and Norton flood plain delineation zone on the Ryedale website (accessed September 2020 https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html) shows the delineation of flood risk in the centre of Malton and Norton.</p> <p>According to this map, the site of the swimming pool is in one of the few river corridor sties that is not in the flood zone.</p> <p>2. No.</p>	0
SEA 13: To conserve and where appropriate enhance the significance ¹¹ of the historical and	1. Does the policy conserve or enhance the significance of the designated heritage asset?	1. Policy CF2 applies to the existing site of the Derwent Swimming Pool which is in the Norton on Derwent Conservation Area and located on Church Street close to where it changes to Commercial Street. The conservation area itself is a heritage asset. There are no other heritage assets in this location. The building is single storey and is set back from the road. There is no reason why a replacement facility or refurbishment would not	=

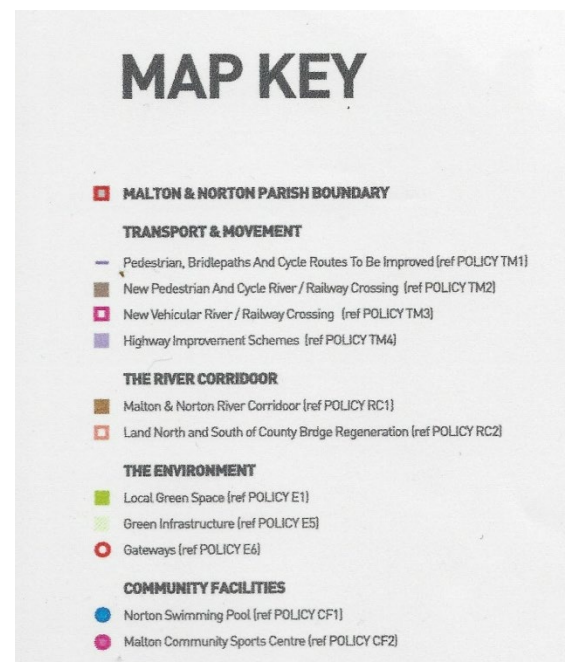
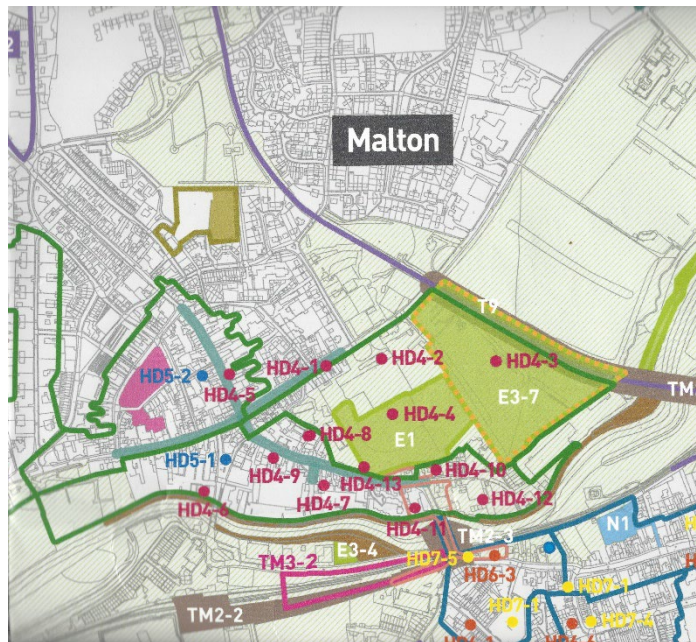
¹¹ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
cultural environment.	2. Does the policy conserve or enhance the significance non-designated heritage assets?	conserve or enhance the conservation area, given other planning policies that would apply. There is a therefore a neutral impact registered here. 2. There are no known non-designated heritage assets in this area.	0
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	There is no relationship between this policy and this SEA objective. The policy neither encourages or discourages the use of renewable resources and the development of renewable energy sources.	0
SEA 15: To make the most efficient use of land	1. Does the policy focus development towards previously developed land. Does the policy focus on maximising efficient uses of land?	1. The extent of CF1 is all previously developed land. A positive impact is registered here as it directs development to previously developed land.	+
SEA 16: To maintain a high quality environment in terms of air quality	1. Does the policy have an adverse impact on the Malton Air Quality Management area?	1. The Malton Air Quality Management area is located on the northern side of the River Derwent. Increased community facilities at this town centre location could result in increased traffic movements to the town. This could in turn impact negatively on the air quality management area. The impact however is uncertain given the policy is aspirational and depending on a scheme to come forward.	U-

N1: Land to the Rear of Commercial Street

Regeneration of land to the rear of Commercial Street, as identified on the Neighbourhood Plan Proposals Map, including the development of a public car park, with associated service access to the rear of commercial properties in Commercial Street, will be supported.

The acceptability of any such regeneration development is subject to satisfying the requirements of Local Plan Strategy Policy SP14 in respect of biodiversity sites statutorily protected under international legislation.



Map 1 – Extract from emerging proposals map and key

Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither and positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	<p>1. Does the policy result in the loss of a community facility or poorer access to a community facility?</p> <p>2. Does the policy result in improved access to community facility</p>	<p>1. No.</p> <p>2. This policy highlights the site shown as N1 on the NP proposals map as an opportunity for regeneration including the development of a public car park. The NP identifies shortage of car parking spaces as presenting an issue for people visiting the town centre. On the basis that improved car parking provision will increase access to shops and services including community facilities (e.g. the swimming pool), a positive impact is registered.</p> <p>The impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward.</p>	<p>=</p> <p>U +</p>
SEA 2: To provide the opportunity for all people to meet their housing needs.	1. Does the policy deliver homes which will address an identified local need such as affordable homes?	1. There is no link registered between this draft NP policy and this SEA objective	0
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	<p>1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?</p> <p>2. Would the policy involve new public realm or enhancements to the public realm?</p>	<p>1. No.</p> <p>.</p> <p>2. It is possible any development taking place here could create or enhance public realm but there is nothing in the policy referring to this. A neutral impact is registered here.</p>	<p>=</p> <p>=</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	1. There is nothing to indicate in this policy alone that development would incorporate the principles of Secure by Design. A neutral impact is therefore registered. This is not to assert that the Local Plan and Neighbourhood Plan as a whole would not do this.	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	1. The policy identifies this site as suitable for regeneration which could include new commercial uses which could help to deliver improved employment opportunities. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	U+
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	1. Will the policy protect or enhance the viability and vitality of the town centres? 2. Will the policy protect or enhance open areas outside the town centre?	1. By encouraging development that would deliver enhanced access to shops, services and community facilities in a town centre location. Yes. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain 2. No direct link.	U+ 0
SEA 7: To retain and enhance the factors which are conducive to	1. Does the policy protect, employment	1. The policy does not protect employment opportunities. 2. The policy identifies this site as suitable for regeneration which could include new commercial uses which could help to deliver improved employment opportunities in this	= U +

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
wealth creation, including personal creativity and attractiveness to investors	opportunities in plan area? 2. Does the policy encourage or deliver more employment opportunities in accessible locations?	town centre location. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	1. The policy identifies a central location in the NP area as an opportunity for regeneration. This, if implemented, would deliver employment opportunities in the short and medium term (construction) and the long term (occupation). This facilitates opportunities for diversifying the local economy. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	U+
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	<p>1. The land identified as NI is located south of the River Derwent SAC and SSSI and the railway line separates the building from the river. There is no access from this site to the river. This would indicate there is little relationship between Policy N1 and the ecological sensitivity of the River Derwent SAC and SSSI.</p> <p>The HRA screening¹² however concludes: <i>There is a credible risk that pollution from construction from Policy CF1 could undermine the conservation objectives of the River Derwent SAC and that a likely significant effect cannot be ruled out (alone). Consequently, and an appropriate assessment is required.</i></p> <p>At the more detailed assessment stage (the appropriate assessment) the HRA assessment¹³ found that "<i>Providing development is limited to construction and use of a</i></p>	=

¹² See screening section of Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan

¹³ See HRA assessment in the Habitats Regulations Assessment of the Malton and Norton

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p><i>car park, it is almost inconceivable that adverse effects on the integrity of the River Derwent could arise. This is because the limited range of activities required to construct the facility would be unlikely to present a threat of any magnitude to groundwater resources and any fuel spills can be confidently expected to be accommodated by the existing drainage infrastructure. Furthermore, it is separated from the river by the railway line making any incidents even less likely to arise in the river."</i></p> <p>The HRA however could not rule out adverse effects if residential development were to come forward at this location as a result of this policy. This is on the basis that residential development would result in increased recreational activity near to a sensitive ecological site.</p> <p>The policy wording of N1 does not currently rule out residential development. However, it is clear in the supporting text to the policy that residential development in this location is not the intention on the basis that the flood risk zone would make residential development inappropriate. The supporting text states:</p> <p><i>"The land is within an area of flood risk which limits any development potential, certain types of development, such as residential, being considered inappropriate due to their particular vulnerability to flooding. The town councils would, nonetheless, like to see the land put to better use. The land is considered to be situated in a convenient location to the shops along Commercial Street which are currently served by a restricted number of on-street car parking spaces. The land therefore provides an opportunity for additional parking spaces to support the existing shops, both in terms of parking and servicing/deliveries. Other regeneration uses may also be appropriate."</i></p> <p>The SEA does not register negative impacts against this SEA criteria. This is on the basis that it is clear that the policy is not intended to allow residential uses in this site. It is however agreed the policy wording could be made clear with regards to this.</p>	

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>NB: Possible reasonable alternatives are identified as part of this assessment as follows:</p> <ul style="list-style-type: none"> - To reflect the vulnerability of this site to flooding, make clear in the policy wording that residential uses are not supported in this location 	
	2. Does the policy protect or enhance protected flora and fauna?	2. There is existing vegetation and mature trees on the site. Assuming existing national, Local Plan and emerging NP relating to biodiversity impacts and development are applied, potential impacts during construction and on completion of any potential development would be appropriately managed. Due to largely undeveloped and vegetated nature of the current site an uncertain negative impact is registered. The impacts are uncertain since the policy is an aspirational one and is dependent on a development scheme coming forward. There is no indication in the NP that such a scheme is in the pipeline.	U –
	3.Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	The site is largely undeveloped and vegetated. It already links with the green corridor along the railway line. It is difficult to see how development could provide increased opportunities. There is therefore a neutral impact registered.	=
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	<p>1. The site is located on the opposite side of the River Derwent to a large area designated in the Ryedale Local Plan as Visually Important Undeveloped Area.</p> <p>Paragraph 6.1 of the Ryedale Local Sites Plan states that <i>“In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make a significant contribution to the setting of a Town and the role of the setting in influencing and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements.”</i></p>	U

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		There is potential for a new scheme on this site to have either a negative or positive impact on the VIUA. However, delivery information is not sufficiently advanced for any conclusions to be drawn on this. An uncertain impact is registered	
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	<p>1. Would this policy encourage people to walk and cycle rather than travel by car?</p> <p>2. Would this policy lead to highway impacts that would require highway mitigation measures?</p> <p>3. Will the policy protect or enhance access to public rights of way?</p>	<p>1. The policy presents an aspiration for regeneration including a town centre car parking facility in this accessible town centre location. Alone, the policy potentially would discourage walking and cycling to the town centre. A negative impact is registered to reflect the potential mixed impacts in this regard. The impacts are uncertain since the policy is an aspirational one and is dependent on a development scheme coming forward. There is no indication in the NP that such a scheme is in the pipeline</p> <p>2. It is not known what the highway impacts of any scheme would be. The policy lacks sufficient detail for any conclusion to be drawn on this. There is however existing access to this site from the highway. A neutral impact is registered.</p> <p>3. There are no public rights of way in this location.</p>	<p>U-</p> <p>=</p> <p>=</p>
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone?	<p>1. The Northeast Yorkshire Strategic Flood Risk Assessment (SFRA) was last updated in 2010. Drawing number 10.2 to this SFRA (listed as PPS25 Malton and Norton flood plain delineation zone on the Ryedale website (accessed September 2020 https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html) shows the delineation of flood risk in the centre of Malton and Norton.</p> <p>According to this map, the site is partly located in Flood Zone 3a) 3a. PPS25 Flood Zone 3a is defined as those areas with a high probability of flooding of greater than 1% for fluvial flooding or 0.5% for tidal flooding and which are not Functional Floodplain. The SFRA has developed sub zones for 3a as follows. 3a) denotes the area <i>is Applicable for those developed areas at high risk of flooding which are currently defended to the</i></p>	<p>U --</p> <p>U--</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	2. Does the policy lead to increases in flood risk to people and property in the plan area?	<p><i>appropriate minimum standard as defined by PPS25 (annual probability of 1% for fluvial flooding and 0.5% for flooding from the sea).</i></p> <p>The zones (e.g. 3aiii and 3aii) in the SFRA provide the basis for the application of the sequential test in line with PPG25. PPS25 states that Zone 3a(ii) is appropriate for</p> <ul style="list-style-type: none"> • 'Water Compatible' and • 'Less Vulnerable' development types (see Table 7.1). • 'More Vulnerable' and 'Essential Infrastructure' development types are only considered appropriate if the requirements of the Exception Test are passed • 'Highly Vulnerable' development types are not appropriate within this Zone <p>As currently worded however the policy does not exclude the possibility of residential and other vulnerable uses from coming forward under this policy. Neither does it explicitly state requirements in relation to new development and flood risk management. A significant negative impact is therefore registered. This impact is however uncertain. This is because Policy N1 is not itself delivering or allocating the development. Instead it is an aspirational policy that would facilitate such a proposal were it to come forward</p> <p>2. If residential development or vulnerable uses came forward as a result of this policy then it would lead to increases in flood risk to people and property in the plan area. A significant negative impact is therefore registered. This impact is however uncertain. This is because Policy N1 is not itself delivering or allocating the development. Instead it is an aspirational policy that would facilitate such a proposal were it to come forward</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows:</p> <ul style="list-style-type: none"> - To reflect the vulnerability of this site to flooding, make clear in the policy wording that residential uses are not supported in this location 	
SEA 13: To conserve and	1. Does the policy conserve or	1. The site covered by Policy N1 lies in the Norton on Derwent conservation area. However there are no statutorily listed buildings in this area. The conservation area itself is a	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
where appropriate enhance the significance ¹⁴ of the historical and cultural environment.	enhance the significance of the designated heritage asset? 2. Does the policy conserve or enhance the significance of the non-designated heritage assets?	heritage asset. The current site includes vegetated open land and an area of hardcore. There is no reason why a regeneration scheme envisaged under this policy would not conserve or enhance the conservation area, given other planning policies that would apply. There is a therefore a neutral impact registered here 2. There are no known non-designated heritage assets in this area.	0
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	There is no relationship between this policy and this SEA objective. The policy neither encourages or discourages the use of renewable resources and the development of renewable energy sources.	0
SEA 15: To make the most efficient use of land	1. Does the policy focus development towards previously developed land. Does the policy focus on maximising efficient uses of land?	1. N1 is partly previously developed land. A positive impact is registered here as it directs development to previously developed land.	+

¹⁴ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 16: To maintain a high quality environment in terms of air quality	1. Does the policy have an adverse impact on the Malton Air Quality Management area?	1. The Malton Air Quality Management area is located on the northern side of the River Derwent. Increased car parking or commercial uses at this town centre location could result in increased traffic movements to the town. This could in turn impact negatively on the air quality management area. The impact however is uncertain given the policy is aspirational and depending on a scheme to come forward.	U-

Appendix 2: SEA scoping response from Natural England.

Date: 11 September 2020
Our ref: 323624



Tim Hicks
Deputy Town Clerk to Malton and Norton Town Councils
Norton On Derwent Town Council
The Old Courthouse
84b Commercial Street
Norton
YO17 9ES

Customer Services
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Crewe Business Park
Electra Way
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CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Mr Hicks

Planning consultation: SEA of the Malton and Norton Neighbourhood Plan: Scoping consultation

Thank you for your consultation on the above which was received by Natural England on 28 July 2020

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Provided the SEA covers all environmental effects identified in the HRA then Natural England does not wish to make any further comments over and above our advice on the HRA of the Neighbourhood Plan. We are responding separately the HRA consultation that has been sent to Natural England.

In answer to the specific questions posed please see below:

Q1: Do you agree with the proposed scope of the SEA in particular that the SEA of the NP will be limited to assessing the impact of Policies RC1, RC2, CF2 and N1? See section 7 and section 8 of this report for a detailed explanation of this. Yes.

Q2: Do you agree with the proposed SEA objectives (Table 10.1) which will be used in assessing the environmental effects of the NP? See Table 10.3 of this report. Yes.

Q3: Do you agree with the proposed approach to assessing alternatives (see section 8 of this report) to the draft Policies RC1, RC2, CF2 and NI where this approach will focus on looking at alternative ways of realising the NP vision and objectives to the approach taken in the four policies and where these alternatives could include: Yes.

- Removal of these policies;
- Looking at alternative policy wording and alternative wording in the supporting text
- Incorporating the changes proposed by the HRA appropriate assessment

Q4: Do you consider anything to be missing from the environmental baseline and environmental issues? See section 9 of this report. No.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Kate Wheeler on 07769918711. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Kate Wheeler
Yorkshire and Northern Lincolnshire Area

Appendix 3: SEA scoping response from Historic England



Historic England

YORKSHIRE

Mr. Tim Hicks,
Deputy Town Clerk,
Malton and Norton On Derwent Town Councils,
The Old Courthouse,
84b Commercial Street,
Norton,
YO17 9ES

Our ref: PL00708702
Your ref:

Telephone 01904 601 879
Mobile 0755 719 0988

24 August 2020

Dear Mr. Hicks,

Malton and Norton Neighbourhood Plan

Strategic Environmental Assessment Scoping Report Consultation Response

Thank you for consulting Historic England on the Strategic Environmental Assessment Scoping Report for the Malton and Norton Neighbourhood Plan.

The Malton and Norton Neighbourhood Plan Area contains a large number of designated and undesignated heritage assets, although our assessment of the draft Neighbourhood Plan concluded that there would be no adverse environmental effect upon them, arising from the making of the Neighbourhood Plan (letter of 30 September 2019).

Your e-mail invited us to respond to the four specific questions set out in Paragraph 1.3 of the report, which we do so below, on the understanding that our responses are confined to the impact of the Neighbourhood Plan on Malton and Norton's cultural heritage.

Consultation Questions & Responses

Q1: Do you agree with the proposed scope of the SEA in particular that the SEA of the NP will be limited to assessing the impact of Policies RC1, RC2, CF2 and N1?

We agree with the proposed scope of the SEA should be limited to assessing the impact of Policies RC1, RC2, CF2 and N1

Q2: Do you agree with the proposed SEA objectives (Table 10.1) which will be used in assessing the environmental effects of the NP?

We agree with the proposed SEA Objectives as set out in Table 10.1 of the Scoping report. However we would advise that the text SEA Objective 13 should be re-worded in Table 10.1 & 10.3 as follows:

“To conserve and where appropriate enhance the significance of the historical and cultural environment.”*

Additionally, the Appraisal Prompts text in relation to SEA 13 require re-wording as follows:

“Does the policy conserve or enhance the significance of designated heritage asset?”*

“Does the policy conserve or enhance the significance of non-designated heritage assets?”*

**Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.” (National Planning Policy Framework Glossary)*

Q3: Do you agree with the proposed approach to assessing alternatives to the draft Policies RC1, RC2, CF2 and NI where this approach will focus on looking at alternative ways of realising the NP vision and objectives to the approach taken in the four policies and where these alternatives could include:

- Removal of these policies;
- Looking at alternative policy wording and alternative wording in the supporting text
- Incorporating the changes proposed by the HRA appropriate assessment

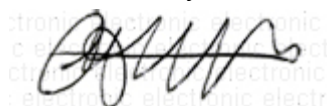
We agree with the proposed approach to assessing alternatives to the draft Policies RC1, RC2, CF2 and NI.

Q4: Do you consider anything to be missing from the environmental baseline and environmental issues?

We do not consider that any other matters need to be added the environmental baseline and environmental issues.

We trust the above advice is clear, and look forward to receiving the consultations on the Submission draft of the Malton Neighbourhood Plan, in due course.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Craig Broadwith', is written over a faint, repeating watermark of the word 'electronic'.

Craig Broadwith

Historic Places Adviser

E-mail: Craig.Broadwith@HistoricEngland.org.uk

Appendix 4: SEA scoping response from the Environment Agency

Malton and Norton on Derwent Neighbourhood Plan

Strategic Environmental Assessment Environmental Report

October 2020 – Appendix 4 Scoping report responses

Responses from the Environment Agency:

Received from the Environment Agency, 28 September 2020 by email.

Thank you for consulting the Environment Agency regarding the above mentioned proposed draft plan. We have reviewed the information submitted and we wish to make the following comments

Strategic Environmental Assessment

We note that the Council has a responsibility to advise the Parish Council if there is a need for formal Strategic Environmental Assessment of the draft Neighbourhood Plan. You are seeking our views in order to inform the Council's decision on this matter.

We have considered the draft plan and its policies against those environmental characteristics of the area that fall within our remit and area of interest.

Having considered the nature of the policies in the Plan, we consider that it is **unlikely that significant negative** impacts on environmental characteristics that fall within our remit and interest will result through the implementation of the plan.

Kind Regards

RC1: Malton and Norton River Corridor Development

The following types of development proposals within the Malton and Norton River Corridor, as identified on the Neighbourhood Plan Proposals Map, will be supported:-

-Recreational enhancement works to include:-

- A new picnic area
- Improved riverside seating

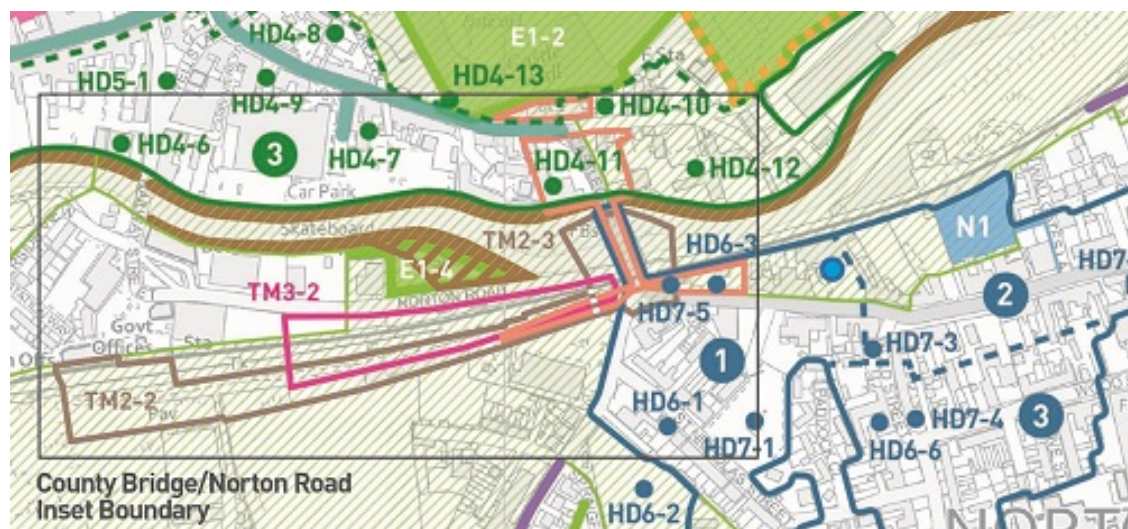
-Enhanced footpath, cycleway and bridleway provision along the river frontage
-Café/refreshment facilities

The acceptability of any such development is subject to there being no adverse effects on the integrity of the River Derwent Special Area of Conservation.

Development is also subject to:

- The satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency;
- The conservation or enhancement of the significance of heritage assets within the defined river corridor, including their settings, as applicable;
- The maintenance or enhancement of existing landscape quality within the defined river corridor

Extract from NP Proposals Map showing the extent of RC1, RC2, CF1 and N1



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COMMUNITY FACILITIES

- Norton Swimming Pool (ref POLICY CF1)
- Malton Community Sports Centre (ref POLICY CF2)

THE RIVER CORRIDOR

- Malton & Norton River Corridor (ref POLICY RC1)
- Land North and South of County Bridge Regeneration (ref POLICY RC2)

Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither a positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.
U -	Uncertain and negative impact	Uncertain, but the policy may hinder achievement of the objective
U +	Uncertain impact but possibly positive impact.	Uncertain, but the policy may be positively consistent with meeting the objective

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	<p>1. Does the policy result in the loss of a community facility or poorer access to a community facility?</p> <p>2. Does the policy result in improved access to community facility</p>	<p>1. No.</p> <p>2. This is an aspirational policy stating that development proposals (which would also need to meet the requirements set out other planning policies set out in the NP and Local Plan) which deliver one of a number of recreational enhancement works would be supported. These recreational enhancement works are all types of community facilities and therefore this registers a positive impact. The delivery of such impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward. The impact is therefore uncertain.</p> <p>The policy also supports proposals delivering enhanced footpath/cycleway and bridleway provision, café/refreshment facilities. These are all types of community facilities so a further positive impact is registered. The delivery of such impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward. The impact is therefore uncertain.</p>	<p>=</p> <p>U +</p>
SEA 2: To provide the opportunity for all people to meet their housing needs.	1. Does the policy deliver homes which will address an identified local need such as affordable homes?	1. There is no link registered between this draft NP policy and this SEA objective	0
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	<p>1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?</p> <p>2. Would the policy involve new public realm or enhancements to the public realm?</p>	<p>1. No</p> <p>2. There is a possible significant positive impact. Recreational enhancements and enhancements to the public footpath, cycleway and bridleway are all considered to be enhancements to public realm provision. If proposals come forward as a result of this policy there is a possible significant positive impact. The delivery of such impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward. The impact is therefore uncertain.</p>	<p>0</p> <p>U++</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	1. Policy RC1 supports proposals which will deliver recreational enhancements along the River Corridor. This would have the potential to address any current issues there may be regarding crime or unsociable behaviour along the River Corridor. However, there is no evidence to indicate there are any existing issues.	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	1. There are a number of different retail and business uses along the River Derwent corridor. These are described in the environmental baseline to the SEA report. However, the extent of the RC1 does not include these and the retail and business uses lie outside of the designation (see Map above). No loss of employment uses is therefore likely as a result of this policy. The policy supports public realm enhancements taking place along the river corridor. This could make the area more attractive to business occupiers. There is therefore a potential positive impact registered. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain	U +
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	1. Will the policy protect or enhance the viability and vitality of the town centres? 2. Will the policy protect or enhance open areas outside the town centre?	1. By encouraging development that would deliver public realm improvements in this town centre location, the policy registers a positive impact. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is also uncertain. 2. The policy seeks to enhance a corridor along the River Derwent, parts of which are in open land although this is in a location in the town centre not outside. No direct link.	U+ 0
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal	1. Does the policy protect, employment opportunities in plan area?	1. The policy does not protect employment opportunities. However, the proposals map shown above indicates that the extent of RC1 does not include any existing uses for this to apply to.	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
creativity and attractiveness to investors	2. Does the policy encourage or deliver more employment opportunities in accessible locations?	2. The policy supports public realm enhancements taking place along the river corridor. This could make the area more attractive to business occupiers. There is therefore a potential indirect positive impact registered. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain	U +
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	1. There is no perceivable link between this objective and Policy RC1	0
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	<p>1. The policy designation RC1 overlaps in some locations with the extent of the River Derwent SAC and the River Derwent SSSI. However, as these protected areas (SAC and SSSI) apply to a flowing river the entirety of the RC1 designation is directly relevant to the SAC and SSSI.</p> <p>The policy is an aspirational policy that seeks recreational enhancements along the River Corridor. There is a potential negative impact from riverside recreational activities on to sensitive environmental receptors along the river. The River Derwent SAC has been designated European status due to the habitat:</p> <ul style="list-style-type: none"> • Water courses of plain to montane levels with the Ranunculus fluitantis and Callitriche-Batrachion vegetation. (Rivers with floating vegetation often dominated by water-crowfoot) <p>And due to the species:</p> <ul style="list-style-type: none"> • Bullhead Cottus gobio • River lamprey Lampetra fluviatilis • Otter Lutra lutra • Sea lamprey Petromyzon marinus <p>The HRA appropriate screening assessment¹⁵ undertaken on the 2020 version of the NP (pre Reg 14 version) states concluded that <i>There is a</i></p>	=

¹⁵ See screening section of the Habitats Regulations Assessment of the Malton and Norton

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p><i>credible risk that recreational pressure and pollution/erosion etc from Policy RC1 could undermine the conservation objectives of the River Derwent SAC and that a likely significant effect cannot be ruled out (alone). Consequently, an appropriate assessment is required.</i></p> <p>Following this, the 2020 version was subject to an appropriate assessment. This resulted in a number of amendments including the removal of the elements in the policy (e.g support for a bandstand and fishing pegs) that had the potential to affect the integrity of the SAC.</p> <p>With respect to the potential impact between the policy proposals in RC1 and the characteristics of the River Derwent SAC, it is the otter population where there is a potential link and this is associated with potential recreational activity along the river corridor arising as a result of the policy. It is noted however that the types of recreational uses supported by the policy (recreational enhancement works, enhancements to the public right of way and café/refreshment facilities) are in themselves relatively self contained in impact and not likely to cause disturbance (above and beyond the activity currently taking place along this stretch of land) to the otter population in the river corridor. It is recognised that any impact would depend on the exact recreational activity and the time of day that this takes place.</p> <p>In recognition of the ecology status of the River Derwent, Policy RC1 includes the following requirement to ensure that where any implications do exist they would be ruled out at the planning application stage. <i>The acceptability of any such development is subject to there being no adverse effects on the integrity of the River Derwent Special Area of Conservation.</i></p>	

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		To conclude, Policy RC1 therefore registers a neutral impact with respect to impact on the SAC because of the policy wording that has been included.	
	2. Does the policy protect or enhance protected flora and fauna?	As discussed above adverse impacts on the integrity of the River Derwent SAC has been ruled out. However, there is nonetheless a sensitive site and there is a potential but uncertain negative impact between Policy RC2 that would support proposals that deliver recreational activities which may impact the flora and fauna along the River Derwent Corridor.	U -
	3. Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	1. Policy RC1 covers a corridor of land on either side of the River Derwent that combines current public rights of way, an open space and vegetated river corridor not accessible to the public. Alongside this extent on either side of the river, there are various land uses including business use and rear retail parking. On the northern part of the River there is a public right of way from Castlegate through the middle of the Morrisons' car park to the River Derwent. Depending on proposals which come forward, this policy could potentially open up opportunities for increased access to green infrastructure corridors but there is no positive impact detected from the current policy wording in terms of improving green infrastructure itself.	=
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	1. Either side of the proposed designation of the NP Policy RC1 are two large areas of land designated in the Ryedale Local Plan as Visually Important Undeveloped Areas. These are shown on the Local Plan Proposals Map. Paragraph 6.1 of the Ryedale Local Sites Plan states that <i>"In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make a significant contribution to the setting of a Town and the role of the setting in influencing and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements."</i>	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		The extent of the land covered by RC1 which is currently undeveloped is not open for additional development under the wording of Policy RC1 other than for very minor development (e.g. picnic areas, a café) that would allow for enhanced recreational enhancements. Potential negative impacts are avoided due to the inclusion of policy wording which requires development to maintain or enhance existing landscape quality.	
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	<p>1. Would this policy encourage people to walk and cycle rather than travel by car?</p> <p>2. Would this policy lead to highway impacts that would require highway mitigation measures?</p> <p>3. Will the policy protect or enhance access to public rights of way?</p>	<p>1. If this policy succeeds to facilitate improved accessible open space provision there is potential for this policy to result in fewer journeys to areas of open space by car. Likewise, if successful this policy will result in enhancing provision of an existing public right of way.</p> <p>This impact is however uncertain given the fact this policy is aspirational and does not include specific proposals for development.</p> <p>2. No highway impacts identified.</p> <p>3. There is a direct link between this policy and public rights of way since the policy wording itself seeks enhanced footpath, cycleway and bridleway provision along the river frontage. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p>	<p>U +</p> <p>=</p> <p>U+</p>
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone?	1. The Northeast Yorkshire Strategic Flood Risk Assessment (SFRA) was last updated in 2010. Drawing number 10.2 to this SFRA (listed as PPS25 Malton and Norton flood plain delineation zone on the Ryedale website (accessed September 2020 https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html) shows the delineation of flood risk in the centre of Malton and Norton. It shows that the proposed extent of NP policy RC1 is largely in flood zone 3b. This is the functional	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	2. Does the policy lead to increases in flood risk to people and property in the plan area?	<p>floodplain. The area borders flood zone 3aiii where 3aiii denotes <i>areas at high risk of flooding which are currently defended to the appropriate minimum standard for existing development as defined by Defra (annual probability of 2% for fluvial flooding and 1 % for flooding from the sea) but are not defended to the appropriate minimum standard for new development as defined by PPS25 (annual probability of 1% for fluvial flooding and 0.5% for flooding from the sea).</i></p> <p>The final paragraph of the policy requires that: <i>Development is also subject to the satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency</i></p> <p>The zones (e.g. 3a and 3b) in the SFRA provide the basis for the application of the sequential test in line with PPG25. The SFRA states that the only development that would be appropriate in zone 3b would be:</p> <ul style="list-style-type: none"> • Water compatible development provided that an appropriate FRA has been submitted • Essential infrastructure development types so long as it can be demonstrated that the proposal meets the requirements of the exception test. <p>The flood risk therefore directly restricts what development could come forward within the extent of NP policy RC1. For example, no residential development could come forward.</p> <p>2. Given the type of development envisaged in this policy, it is unlikely this policy would lead to increases in flood risk to people and property. There is therefore a neutral impact registered against this second question.</p>	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 13: To conserve and where appropriate enhance the significance ¹⁶ of the historical and cultural environment.	<p>Does the policy conserve or enhance the significance of the designated heritage asset?</p> <p>Does the policy conserve or enhance the significance of the non-designated heritage assets?</p>	<p>There are many heritage assets close to the extent of the River Derwent corridor. The closest one is the County Bridge itself which is statutorily listed as a Grade II structure.</p> <p>It is possible that Policy extent RC1 could lie within the setting of some of these important heritage assets.</p> <p>Policy RC1 supports development along the river corridor where this would deliver recreational enhancements. National planning policy (provided through NPPF and PPS25, together with the last paragraph which confirms <i>Development is also subject to the satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency</i>, would in practice limit what development could come forward due to the existing site lying in flood zone 3b (see the 2012 Northeast Yorkshire SFRA). Any development coming forward under Policy RC1 is therefore likely to small in scale.</p> <p>It is also noted the policy refers to the need for development to conserve and enhance the setting of existing heritage assets.</p> <p>A neutral impact is therefore registered.</p>	<p>=</p> <p>=</p>
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	There is no relationship between this policy and this SEA objective. The policy neither encourages or discourages the use of renewable resources and the development of renewable energy sources.	0

¹⁶ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 15: To make the most efficient use of land	<p>Does the policy focus development towards previously developed land.</p> <p>Does the policy focus on maximising efficient uses of land?</p>	The extent of RC1, whilst located adjacent to previously developed land, appears to be limited to the vegetated river corridor only. There is no relationship between this policy and this SEA objective.	0
SEA 16: To maintain a high quality environment in terms of air quality	Does the policy have an adverse impact on the Malton Air Quality Management area?	<p>This policy is an aspirational one which would support proposals which would lead to river corridor recreational enhancements. If this policy leads to the desired development coming forward, access and public use of the river corridor would be increased. This could have the effect of increasing opportunities for pedestrians and cyclists to travel through the plan area whilst avoiding the Malton Air Quality Management Area NO2 where emissions are concentrated. There could in the long run therefore be a positive impact here in terms of providing access to cleaner air. However the link is tenuous and uncertain.</p> <p>A neutral impact is therefore recorded against this objective.</p>	=

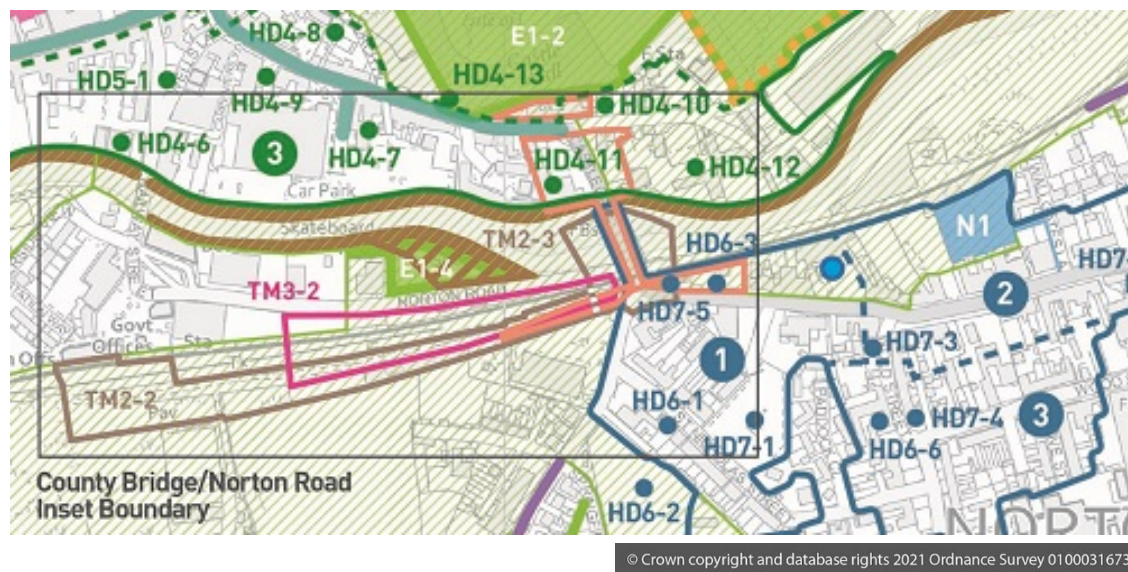
RC2: Regeneration of Land North and South of County Bridge

Development-related regeneration on land to the North and South of County Bridge, as shown on the Neighbourhood Plan Proposals Map, will be supported.

In the event that the principle of any such development on this site is accepted via the Local Plan or otherwise, and subject to any adverse effects on the integrity of the River Derwent Special Area of Conservation being ruled out, development of this site will be supported, subject to:

- No residential or other vulnerable use (in terms of flood risk) coming forward on this land and subject to development meeting the sequential test and where applicable the exceptions test in line with national policy;
- The preservation and/or enhancement of the character and appearance of the Malton Town Centre and Norton-on- Derwent Conservation Areas within which the site is located;
- The conservation or enhancement of the significance of heritage assets, including their setting, as applicable;
- The maximisation of opportunities to improve pedestrian, cycle and motorised vehicular access across the River Derwent and the York-Scarborough Railway Line;
- The incorporation of low emission measures to ensure that the overall impact on AQMA air quality is mitigated;
- The retention/replacement of Yorkshire Water's site access;
- The retention/replacement of the on-site public conveniences.

Extract from NP Proposals Map showing the extent of RC1, RC2, CF1 and N1



COMMUNITY FACILITIES

- Norton Swimming Pool [ref POLICY CF1]
- Malton Community Sports Centre [ref POLICY CF2]

THE RIVER CORRIDOR

- Malton & Norton River Corridor [ref POLICY RC1]
- Land North and South of County Bridge Regeneration [ref POLICY RC2]

Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither a positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.
U -	Uncertain and negative impact	Uncertain, but the policy may hinder achievement of the objective
U +	Uncertain impact but possibly positive impact.	Uncertain, but the policy may be positively consistent with meeting the objective

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	<p>1. Does the policy result in the loss of a community facility or poorer access to a community facility?</p> <p>2. Does the policy result in improved access to community facility</p>	<p>1. No.</p> <p>2. This policy is an aspirational policy stating that development proposals (which would also need to meet the requirements set out other planning policies set out in the NP and Local Plan) which deliver development-related regeneration on the land which includes the County Bridge, land to the north and land to the south will be supported. The policy includes specific criteria which are applicable to community facilities. This is the requirement to retain or replace on-site public convenience and a requirement to maximise opportunities to improve pedestrian, cycle and motorised access the River Derwent and the York Scarborough Railway Line. These are all types of community facilities, so a positive impact is registered. The delivery of such impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward. The impact is therefore uncertain.</p>	<p>=</p> <p>U +</p>
SEA 2: To provide the opportunity for all people to meet their housing needs.	1. Does the policy deliver homes which will address an identified local need such as affordable homes?	1. There is no link registered between this draft NP policy and this SEA objective	0
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	<p>1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?</p> <p>2. Would the policy involve new public</p>	1. Policy RC2 covers land in both the Norton on Derwent conservation area and land in the Malton Town Centre conservation area. There are also numerous built heritage assets and archaeological remains in this area. An overview of the built heritage assets in this part of the town is shown in the environmental baseline in the SEA report and the archaeological remains are shown in Appendix 3 to the draft NP. The richness in heritage assets in this location is considered to be a key contributor to social character and distinctiveness. Policy RC2 includes a requirement to preserve or enhance the character and appearance of the Malton Town Centre conservation area and the Norton on Derwent conservation area. The policy also includes a requirement to conserve or enhance the significance of heritage assets including their setting.	U+

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	realm or enhancements to the public realm?	<p>2. The supporting text to Policy RC2 refers to underused river corridor sites. Whilst the built up area around the County Bridge has heritage value there may be scope for sense of place to be strengthened were development to take place which resulted in both conservation/enhancement of a heritage asset <i>and</i> which resulted in better use of the sites in this location.</p> <p>The SEA registers a potential positive impact. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p> <p>The policy could also potentially lead to a better public realm if it resulted in increased occupation of currently underutilised sites. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p>	U+
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	1. The intention driving Policy RC2 is understood to be a drive to encourage use of currently underused river corridor sites. This would have the potential to address any current issues there may be regarding crime or unsociable behaviour associated with unoccupied building. However, there is no evidence to indicate there are any existing issues.	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	<p>1. The policy identifies a central location in the NP area as a regeneration opportunity. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation)</p> <p>Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p>	U +

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	<p>1. Will the policy protect or enhance the viability and vitality of the town centres?</p> <p>2. Will the policy protect or enhance open areas outside the town centre?</p>	<p>1. By encouraging development that would deliver regeneration benefits in a town centre location. Yes. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain</p> <p>2. No direct link.</p>	<p>U+</p> <p>0</p>
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors	<p>1. Does the policy protect, employment opportunities in plan area?</p> <p>2. Does the policy encourage or deliver more employment opportunities in accessible locations?</p>	<p>1. The policy does not protect employment opportunities.</p> <p>2. The policy identifies a central location in the NP area as a regeneration opportunity. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation). Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain</p>	<p>=</p> <p>U +</p>
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	1. The policy identifies a central location in the NP area as a regeneration opportunity. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation). This facilities opportunities for diversifying the local economy. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	U+
SEA 9: To protect and enhance biodiversity in the	1. Does the policy protect or enhance	1. The policy designation RC2 overlaps in some locations with the extent of the River Derwent SAC and the River Derwent SSSI. However, as these protected areas (SAC and	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
River Derwent SAC and SSSI	the River Derwent SAC and SSSI?	<p>SSSI) apply to a flowing river the entirety of the RC2 designation is directly relevant to the SAC and SSSI.</p> <p>The policy is an aspirational policy that seeks the regeneration of the land north and south of the County Bridge. There is a potential negative impact from riverside construction activities on to sensitive environmental receptors along the river. The River Derwent SAC has been designated European status due to the habitat:</p> <ul style="list-style-type: none"> • Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachium</i> vegetation. (Rivers with floating vegetation often dominated by water-crowfoot) <p>And due to the species:</p> <ul style="list-style-type: none"> • Bullhead <i>Cottus gobio</i> • River lamprey <i>Lampetra fluviatilis</i> • Otter <i>Lutra lutra</i> • Sea lamprey <i>Petromyzon marinus</i> <p>The HRA appropriate screening assessment¹⁷ undertaken on the NP also identified a concern relating to possible residential development that could come forward under Policy RC2 and that the provision of additional housing without adequate provision of open space opportunities would increase recreational pressure on the River Derwent SAC and SSSI.</p> <p>At the more detailed assessment stage (the appropriate assessment) the HRA assessment¹⁸ concluded that the only way to avoid increased recreational pressure on the River Derwent SAC and SSSI from Policy RC2 would be for the policy to be amended so as to rule out residential uses. With respect to pollution and disturbance from construction activity the HRA ruled any adverse impacts out on the basis that safeguards to protect the SAC and SSSI during construction would be required by law.</p>	

¹⁷ See screening section of the Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan, June 2020, Fleming Ecology Limited.

¹⁸ See HRA assessment in the Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan, June 2020, Fleming Ecology Limited

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>The wording of Policy RC2 rules out residential development. This removes a risk of recreational pressure on the River Derwent SAC and SSSI arising from additional residential development in this area.</p> <p>In recognition of the ecology status of the River Derwent, Policy RC2 includes the requirement that any proposal is accepted via the Local Plan or otherwise, and subject to proposals not adversely affecting the integrity of the River Derwent SAC. This will ensure protection of the SAC.</p> <p>To conclude, whilst this is a sensitive location in which development may be supported, the policy wording ensures that residential uses are ruled out and that no proposal could come forward that would adversely affect the integrity of the River Derwent SAC. There is therefore a neutral impact registered.</p>	
	2. Does the policy protect or enhance protected flora and fauna?	2. As discussed above adverse impacts on the integrity of the River Derwent SAC has been ruled out. However, there is nonetheless a sensitive site and there is a potential but uncertain negative impact between Policy RC2 that would support proposals that deliver recreational activities which may impact the flora and fauna along the River Derwent Corridor.	U -
	3.Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	No.	=
SEA 10: To maintain and enhance the	1. What impact would this policy have on the Visually	1. There are two large areas of land designated in the Ryedale Local Plan as Visually Important Undeveloped Areas. These are shown on the Local Plan Proposals Map.	0

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
quality and character of the landscape	Important Undeveloped Areas in the plan area?	Paragraph 6.1 of the Ryedale Local Sites Plan states that <i>"In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make a significant contribution to the setting of a Town and the role of the setting in influencing and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements."</i> Policy designation RC2 is some distance away from the VIUAs. Also, the land covered by this policy is already built up and given any proposals would need to conserve or enhance the conservation areas, there is no identified impact on the VIUAs from this policy.	
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	<p>1. Would this policy encourage people to walk and cycle rather than travel by car?</p> <p>2. Would this policy lead to highway impacts that would require highway mitigation measures?</p> <p>3. Will the policy protect or enhance access to public rights of way?</p>	<p>1. Regeneration at this location could lead to a more attractive and vibrant town centre. This, itself may lead to increased footfall and cycle trips. However this link is indirect and too uncertain for any impact to be registered.</p> <p>2. The third criteria in this policy is for <i>The maximisation of opportunities to improve pedestrian, cycle and motorised vehicular access across the River Derwent and the York-Scarborough Railway Line.</i> Proposals envisaged under this policy could lead to disruption to the highways during the construction phase but the policy could lead to long term improvements overall. The policy therefore registers uncertain positive impact and an uncertain negative impact.</p> <p>3. There is currently a public right of way on the southern side of the River Derwent from This public right of way runs from the west until the County Bridge where it stops. Policy RC2 does not mention protection of the public right of way but equally there is no indication that the policy would lead to the loss of the public right of way. Regeneration of the southern side could allow for enhancement or even extension of this public right of way. But as this is not mentioned, there is a neutral impact registered here.</p>	<p>=</p> <p>U – U +</p> <p>=</p>
SEA 12: To ensure future development is resilient to climate change such as	1. Does the policy lead to development in areas at risk of flooding e.g. within	1. The Northeast Yorkshire Strategic Flood Risk Assessment (SFRA) was last updated in 2010. Drawing number 10.2 to this SFRA (listed as PPS25 Malton and Norton flood plain delineation zone on the Ryedale website (accessed September 2020 https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html) shows the delineation of flood risk in the centre of Malton and Norton.	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	<p>the Flood Zone 3 or b or within the rapid inundation zone?</p> <p>2. Does the policy lead to increases in flood risk to people and property in the plan area?</p>	<p>Land shown in the Proposals Map as land to the south of County Bridge lies in flood zone 3aiii and 3aii. PPS25 Flood Zone 3a is defined as those areas with a high probability of flooding of greater than 1% for fluvial flooding or 0.5% for tidal flooding and which are not Functional Floodplain. The SFRA has developed sub zones for 3a as follows. 3aiii denotes the area is <i>applicable for those developed areas at high risk of flooding which are currently defended to the appropriate minimum standard for existing development as defined by Defra (annual probability of 2% for fluvial flooding and 1 % for flooding from the sea) but are not defended to the appropriate minimum standard for new development as defined by PPS25 (annual probability of 1% for fluvial flooding and 0.5% for flooding from the sea).</i> 3aii denotes the area is <i>Applicable for those developed areas at high risk of flooding which are currently defended to the appropriate minimum standard as defined by PPS25 (annual probability of 1% for fluvial flooding and 0.5% for flooding from the sea).</i></p> <p>The zones (e.g. 3aiii and 3aii) in the SFRA provide the basis for the application of the sequential test in line with PPG25. PPS25 states that Zone 3a(ii) is appropriate for</p> <ul style="list-style-type: none"> • 'Water Compatible' and • 'Less Vulnerable' development types (see Table 7.1). • 'More Vulnerable' and 'Essential Infrastructure' development types are only considered appropriate if the requirements of the Exception Test are passed • 'Highly Vulnerable' development types are not appropriate within this Zone <p>The SFRA states for Zone 3a(III) that <i>Rapid inundation of an area following the breach or overtopping of a flood defence has the potential to lead to structural damage, injury and/or death.</i> The SFRA states this zone should be treated as if it were a developed site at high risk of flooding without an appropriate standard of flood defence and states also that a sequential approach to the allocation of sites within areas behind flood defences should also be followed, with preference being given to those sites where the lowest consequences of flood defence failure are anticipated.</p>	

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>The level of flood risk within the extent of Policy RC2 would therefore restrict (if NPPF policy and guidance in the SFRA were being followed) what land uses could come forward and in all cases the sequential test and exceptions test would need to be met.</p> <p>Policy RC2 currently includes the following requirement of any scheme: <i>subject to:</i> <i>-No residential or other vulnerable use (in terms of flood risk) coming forward on this land and subject to development meeting the sequential test and where applicable the exceptions test in line with national policy.</i> The policy excludes the possibility of residential and other vulnerable uses from coming forward under this policy. The policy also ensures that of any other development the sequential and exceptions test are met. A neutral impact is therefore registered.</p> <p>2. The policy wording included here will ensure that development will not result in increase in flood risk to people or property.</p>	=
SEA 13: To conserve and where appropriate enhance the significance ¹⁹ of the historical and cultural environment.	<p>1. Does the policy conserve or enhance the significance of the designated heritage asset?</p> <p>2. Does the policy conserve or enhance the significance of the non-designated heritage assets?</p>	<p>1. Policy RC2 covers land which falls in both the Norton on Derwent conservation area and in the Malton Town Centre conservation area. There are also numerous built heritage assets and archaeological remains in this area. The County Bridge itself is a grade II listed building.</p> <p>An overview of the built heritage assets in this part of the town is shown in the environmental baseline in the SEA report and the archaeological remains are shown in Appendix 3 to the draft NP. Policy RC2 includes a requirement to preserve or enhance the character and appearance of the Malton Town Centre conservation area and the Norton on Derwent conservation area. The Local Plan (SP12) and the NPPF would require impact of development on heritage assets to be fully considered at planning application stage. The NP policy also requires the conservation or enhancement of the significance of all heritage assets. This is important given the number of statutorily listed buildings in this area, the policy could be strengthened in this respect.</p>	U +

¹⁹ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>The supporting text to Policy RC2 refers to underused river corridor sites. Whilst the built up area around the County Bridge has heritage value there may be scope for sense of place to be strengthened were development to take place which resulted in both conservation/enhancement of a heritage asset/s <i>and</i> which resulted in better use of the sites in this location.</p> <p>The SEA registers a potential positive impact. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p> <p>2. There are no known non-designated heritage assets in this area.</p>	U
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	There is no relationship between this policy and this SEA objective. The policy neither encourages or discourages the use of renewable resources and the development of renewable energy sources.	0
SEA 15: To make the most efficient use of land	<p>1. Does the policy focus development towards previously developed land.</p> <p>Does the policy focus on maximising efficient uses of land?</p>	1. The extent of RC2 is all previously developed land. One of the aspirations in the plan is to facilitate the redevelopment of underused river corridor sites subject (subject to flood risk). The plan considers this an opportunity to improve the built fabric of the towns. A positive impact is registered here as it directs development to previously developed land.	+
SEA 16: To maintain a high quality	Does the policy have an adverse impact on the	This policy identifies a regeneration opportunity on land north and south of County Bridge. The third criteria in this policy is for <i>The maximisation of opportunities to improve</i>	U + U-

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
environment in terms of air quality	Malton Air Quality Management area?	<p><i>pedestrian, cycle and motorised vehicular access across the River Derwent and the York-Scarborough Railway Line.</i></p> <p>Proposals envisaged under this policy could lead to disruption to the highways during the construction phase but the policy could lead to long term improvements overall. Since the emissions in the Malton Air Quality Management Area (which is close to the land at RC2) are traffic related, this policy registers uncertain positive impact and an uncertain negative impact.</p>	

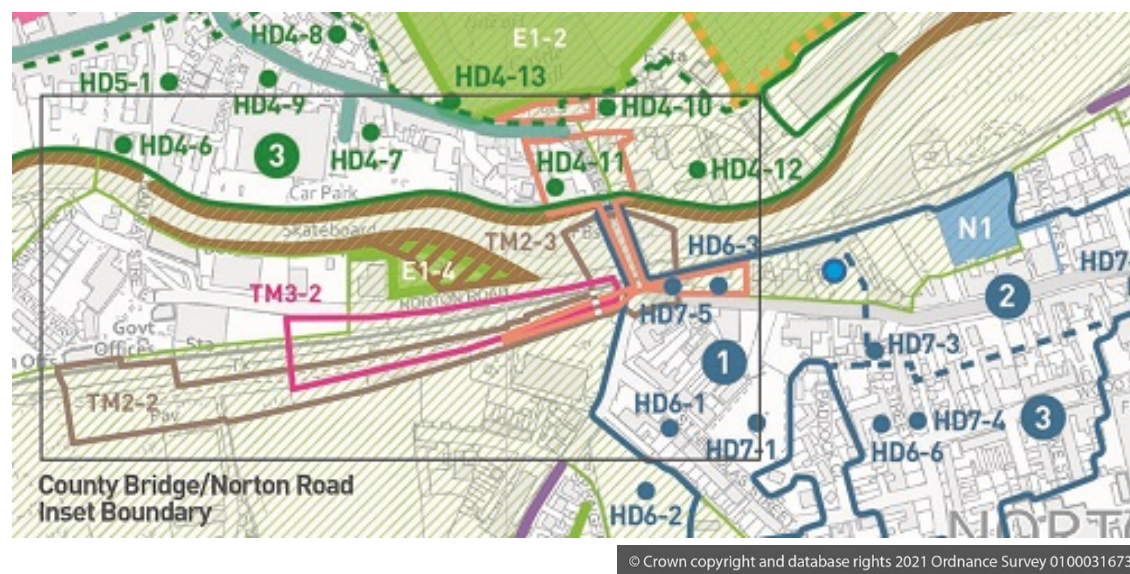
CF1: Norton's Swimming Pool

Development of Norton Swimming Pool to provide additional capacity or improved leisure facilities for the benefit of the community, including its upgrading, extension or replacement, will be supported.

Consideration should be given to the need for any additional off-road car parking provision to serve any enhanced facility.

The acceptability of any such development is subject to there being no adverse effects on the integrity of the River Derwent Special Area of Conservation.

Extract from NP Proposals Map showing the extent of RC1, RC2, CF1 and N1



COMMUNITY FACILITIES

- Norton Swimming Pool [ref POLICY CF1]
- Malton Community Sports Centre [ref POLICY CF2]

THE RIVER CORRIDOR

- Malton & Norton River Corridor [ref POLICY RC1]
- Land North and South of County Bridge Regeneration [ref POLICY RC2]

Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither a positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.
U -	Uncertain and negative impact	Uncertain, but the policy may hinder achievement of the objective
U +	Uncertain impact but possibly positive impact.	Uncertain, but the policy may be positively consistent with meeting the objective

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	<p>1. Does the policy result in the loss of a community facility or poorer access to a community facility?</p> <p>2. Does the policy result in improved access to community facility</p>	<p>1. No.</p> <p>2. This policy is an aspirational policy stating that development proposals (which would also need to meet the requirements set out other planning policies set out in the NP and Local Plan) which would provide additional capacity or improved leisure facilities including upgrading, extension or replacement would in principle be support.</p> <p>Ryedale District Council's 2012 Infrastructure Study²⁰ reported a quantitative requirement for a swimming pool at Malton and also highlighted that the Derwent Swimming Pool is nearing the end of its operational life and replacement/refurbishment will be required. The emerging NP asserts that both Norton's swimming pool and Malton's Community Sports Centre require extensions and improvements. Policy CF1 is a response to this. A positive impact is registered. The impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward.</p>	<p>+</p> <p>U +</p>
SEA 2: To provide the opportunity for all people to meet their housing needs.	1. Does the policy deliver homes which will address an identified local need such as affordable homes?	1. There is no link registered between this draft NP policy and this SEA objective	0
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?	<p>1. Policy CF2 applies to the existing site of the Derwent Swimming Pool which is in the Norton on Derwent Conservation Area and located on Church Street close to where it changes to Commercial Street. The building is single storey and is set back from the road. The site incorporates a green area of amenity land with mature trees fronting onto Church Street.</p> <p>Whilst the current site does contribute to social character, there is no reason why a replacement facility or refurbishment would not do the same. There is a therefore a neutral impact registered here.</p>	<p>=</p> <p>=</p>

²⁰ Infrastructure Delivery Plan, January 2012, Ryedale District Council

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	2. Would the policy involve new public realm or enhancements to the public realm?	2. It is possible any development taking place here could create or enhance public realm but there is nothing in the policy referring to this. A neutral impact is registered here.	
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	1. There is nothing to indicate in this policy alone that development would incorporate the principles of Secure by Design. A neutral impact is therefore registered. This is not to assert that the Local Plan and Neighbourhood Plan as a whole would not do this.	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	1. The policy supports in principle the provision of expanded community facilities. It is expected this would also deliver new employment opportunities. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain	U +
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	1. Will the policy protect or enhance the viability and vitality of the town centres? 2. Will the policy protect or enhance	1. By encouraging development that would deliver enhanced community facilities in a town centre location. Yes. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain 2. No direct link.	U+ 0

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	open areas outside the town centre?		
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors	1. Does the policy protect, employment opportunities in plan area? 2. Does the policy encourage or deliver more employment opportunities in accessible locations?	1. The policy does not protect employment opportunities. 2. The policy identifies a central location in the NP area as an opportunity for enhanced community facilities. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation). Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	= U +
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	1. The policy identifies a central location in the NP area as an opportunity for enhanced community facilities. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation). This facilities opportunities for diversifying the local economy. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	U+
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	1. The site of Derwent Swimming Pool is located south of the River Derwent SAC and SSSI and the railway line separates the building from the river. There is no access from the swimming pool to the river. This would indicate there is little relationship between Policy CF2 and the ecological sensitivity of the River Derwent SAC and SSSI. The HRA screening ²¹ however concludes: <i>There is a credible risk that pollution from construction from Policy CF1 could undermine the conservation objectives of the River Derwent SAC and that a likely significant effect cannot be ruled out (alone). Consequently, and an appropriate</i>	=

²¹ See screening section of Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p><i>assessment is required.</i></p> <p>At the more detailed assessment stage (the appropriate assessment) the HRA assessment²² concluded that any adverse effects can be avoided altogether taking into account the following:</p> <ul style="list-style-type: none"> the limited range of activities required to construct the facility would be unlikely to present a threat of any magnitude to groundwater resources and any fuel spills can be confidently expected to be accommodated by existing drainage infrastructure it is separated from the river by the railway line making any incidents even less likely to arise in the river as it will not only provide a physical barrier, but will bring with it its own drainage infrastructure. any development of this scale will be required (through other legislation) to be accompanied by comprehensive construction techniques to effectively rule out any threat from pollution etc. As these measures would be required by law and best practice to afford wide-ranging environmental safeguards and would not be required specifically for the SAC, they can be considered to be reliable, effective and their implementation guaranteed <p>Furthermore, the policy includes the wording <i>The acceptability of any such development is subject to there being no adverse effects on the integrity of the River Derwent Special Area of Conservation.</i> A neutral impact is therefore recorded here.</p>	
	2. Does the policy protect or enhance protected flora and fauna?	2. There are existing mature trees on the site. Assuming existing national, Local Plan and emerging NP relating to biodiversity impacts and development are applied, potential impacts during construction and on completion of any potential development would be appropriately managed. Indeed there is potential positive impacts in the long run if development is required to achieve a net gain in biodiversity.	U – U +

²² See HRA assessment in the Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan, June 2020, Fleming Ecology Limited

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		Both and uncertain positive impact is registered to reflect the operation stage and an uncertain negative impact to reflect potential impact on the existing trees. The impacts are uncertain since the policy is an aspirational one and is dependent on a development scheme coming forward. There is no indication in the NP that such a scheme is in the pipeline.	
	3.Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	The site has a green corridor along the railway line and green infrastructure in front. There is potential for green infrastructure to be improved, for example through the provision of green roofs or an enhanced open space. However, delivery information is not sufficiently advanced for any conclusions to be drawn on this. An uncertain impact is registered.	U +
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	<p>1. The site is located on the opposite side of the River Derwent to a large area designated in the Ryedale Local Plan as Visually Important Undeveloped Area. Paragraph 6.1 of the Ryedale Local Sites Plan states that <i>"In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make a significant contribution to the setting of a Town and the role of the setting in influencing and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements."</i></p> <p>There is potential for a new scheme on this site to have either a negative or positive impact on the VIUA. However, delivery information is not sufficiently advanced for any conclusions to be drawn on this. An uncertain impact is registered</p>	U – U +
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	1. Would this policy encourage people to walk and cycle rather than travel by car?	<p>1. The policy presents an aspiration for expanded community facilities in this accessible town centre location. Any scheme, if implemented, will help to encourage people to walk and cycle to the leisure facility. It is noted the policy also includes a proviso that consideration should be given to the need for additional off-street car parking to serve an expanded facility.</p> <p>A neutral impact is registered to reflect the potential mixed impacts in this regard.</p>	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	<p>2. Would this policy lead to highway impacts that would require highway mitigation measures?</p> <p>3. Will the policy protect or enhance access to public rights of way?</p>	<p>2. It is not known what the highway impacts of any scheme would be. The policy lacks sufficient detail for any conclusion to be drawn on this. No such impacts are therefore registered.</p> <p>3. There are not public rights of way in this location.</p>	<p>=</p> <p>0</p>
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	<p>1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone?</p> <p>2. Does the policy lead to increases in flood risk to people and property in the plan area?</p>	<p>1. The Northeast Yorkshire Strategic Flood Risk Assessment (SFRA) was last updated in 2010. Drawing number 10.2 to this SFRA (listed as PPS25 Malton and Norton flood plain delineation zone on the Ryedale website (accessed September 2020 https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html) shows the delineation of flood risk in the centre of Malton and Norton.</p> <p>According to this map, the site of the swimming pool is in one of the few river corridor sties that is not in the flood zone.</p> <p>2. No.</p>	<p>0</p>
SEA 13: To conserve and where appropriate enhance the	<p>1. Does the policy conserve or enhance the significance of the</p>	<p>1. Policy CF2 applies to the existing site of the Derwent Swimming Pool which is in the Norton on Derwent Conservation Area and located on Church Street close to where it changes to Commercial Street. The conservation area itself is a heritage asset. There are no other heritage assets in this location. The building is single storey and is set back from the road. There is no reason why a replacement facility or refurbishment would not</p>	<p>=</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
significance ²³ of the historical and cultural environment.	designated heritage asset? 2. Does the policy conserve or enhance the significance non-designated heritage assets?	conserve or enhance the conservation area, given other planning policies that would apply. There is a therefore a neutral impact registered here. 2. There are no known non-designated heritage assets in this area.	0
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	There is no relationship between this policy and this SEA objective. The policy neither encourages or discourages the use of renewable resources and the development of renewable energy sources.	0
SEA 15: To make the most efficient use of land	1. Does the policy focus development towards previously developed land. Does the policy focus on maximising efficient uses of land?	1. The extent of CF1 is all previously developed land. A positive impact is registered here as it directs development to previously developed land.	+
SEA 16: To maintain a high	1. Does the policy have an adverse	1. The Malton Air Quality Management area is located on the northern side of the River Derwent. Increased community facilities at this town centre location could result in	U-

²³ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
quality environment in terms of air quality	impact on the Malton Air Quality Management area?	increased traffic movements to the town. This could in turn impact negatively on the air quality management area. The impact however is uncertain given the policy is aspirational and depending on a scheme to come forward.	

Regeneration of land to the rear of Commercial Street, as identified on the Neighbourhood Plan Proposals Map, including the development of a public car park, with associated service access to the rear of commercial properties in Commercial Street, will be supported.

The acceptability of any development supported by this policy is subject to there being no adverse effects on the integrity of the River Derwent Special area of Conservation.

County Bridge/Norton Road
Inset Boundary

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- Norton Swimming Pool (ref POLICY CF1)
- Malton Community Sports Centre (ref POLICY CF2)

THE RIVER CORRIDOR

- Malton & Norton River Corridor (ref POLICY RC1)
- Land North and South of County Bridge Regeneration (ref POLICY RC2)

Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither and positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.
U -	Uncertain and negative impact	Uncertain, but the policy may hinder achievement of the objective
U +	Uncertain impact but possibly positive impact.	Uncertain, but the policy may be positively consistent with meeting the objective

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	<p>1. Does the policy result in the loss of a community facility or poorer access to a community facility?</p> <p>2. Does the policy result in improved access to community facility</p>	<p>1. No.</p> <p>2. This policy highlights the site shown as N1 on the NP proposals map as an opportunity for regeneration including the development of a public car park. The NP identifies shortage of car parking spaces as presenting an issue for people visiting the town centre. On the basis that improved car parking provision will increase access to shops and services including community facilities (e.g. the swimming pool), a positive impact is registered.</p> <p>The impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward.</p>	<p>=</p> <p>U +</p>
SEA 2: To provide the opportunity for all people to meet their housing needs.	1. Does the policy deliver homes which will address an identified local need such as affordable homes?	1. There is no link registered between this draft NP policy and this SEA objective	0
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	<p>1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?</p> <p>2. Would the policy involve new public realm or enhancements to the public realm?</p>	<p>1. No.</p> <p>2. It is possible any development taking place here could create or enhance public realm but there is nothing in the policy referring to this. A neutral impact is registered here.</p>	<p>=</p> <p>=</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	1. There is nothing to indicate in this policy alone that development would incorporate the principles of Secure by Design. A neutral impact is therefore registered. This is not to assert that the Local Plan and Neighbourhood Plan as a whole would not do this.	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	1. The policy identifies this site as suitable for regeneration which could include new commercial uses which could help to deliver improved employment opportunities. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain.	U+
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	1. Will the policy protect or enhance the viability and vitality of the town centres? 2. Will the policy protect or enhance open areas outside the town centre?	1. By encouraging development that would deliver enhanced access to shops, services and community facilities in a town centre location. Yes. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain 2. No direct link.	U+ 0
SEA 7: To retain and enhance the factors which are conducive to	1. Does the policy protect, employment	1. The policy does not protect employment opportunities. 2. The policy identifies this site as suitable for regeneration which could include new commercial uses which could help to deliver improved employment opportunities in this	= U +

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
wealth creation, including personal creativity and attractiveness to investors	opportunities in plan area? 2. Does the policy encourage or deliver more employment opportunities in accessible locations?	town centre location. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	1. The policy identifies a central location in the NP area as an opportunity for regeneration. This, if implemented, would deliver employment opportunities in the short and medium term (construction) and the long term (occupation). This facilitates opportunities for diversifying the local economy. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	U+
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	<p>1. The land identified as NI is located south of the River Derwent SAC and SSSI and the railway line separates the building from the river. There is no access from this site to the river. This would indicate there is little relationship between Policy N1 and the ecological sensitivity of the River Derwent SAC and SSSI.</p> <p>The HRA screening²⁴ however concludes: <i>There is a credible risk that pollution from construction from Policy CF1 could undermine the conservation objectives of the River Derwent SAC and that a likely significant effect cannot be ruled out (alone). Consequently, and an appropriate assessment is required.</i></p> <p>At the more detailed assessment stage (the appropriate assessment) the HRA assessment²⁵ found that <i>"Providing development is limited to construction and use of a</i></p>	=

²⁴ See screening section of Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan

²⁵ See HRA assessment in the Habitats Regulations Assessment of the Malton and Norton

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p><i>car park, it is almost inconceivable that adverse effects on the integrity of the River Derwent could arise. This is because the limited range of activities required to construct the facility would be unlikely to present a threat of any magnitude to groundwater resources and any fuel spills can be confidently expected to be accommodated by the existing drainage infrastructure. Furthermore, it is separated from the river by the railway line making any incidents even less likely to arise in the river."</i></p> <p>The HRA however could not rule out adverse effects if residential development were to come forward at this location as a result of this policy. This is on the basis that residential development would result in increased recreational activity near to a sensitive ecological site.</p> <p>The policy wording of N1 does rule out residential development. A neutral impact is therefore registered.</p>	
	2. Does the policy protect or enhance protected flora and fauna?	2. There is existing vegetation and mature trees on the site. Assuming existing national, Local Plan and emerging NP relating to biodiversity impacts and development are applied, potential impacts during construction and on completion of any potential development would be appropriately managed. Due to largely undeveloped and vegetated nature of the current site an uncertain negative impact is registered. The impacts are uncertain since the policy is an aspirational one and is dependent on a development scheme coming forward. There is no indication in the NP that such a scheme is in the pipeline.	U –
	3.Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	The site is largely undeveloped and vegetated. It already links with the green corridor along the railway line. It is difficult to see how development could provide increased opportunities. There is therefore a neutral impact registered.	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	<p>1. The site is located on the opposite side of the River Derwent to a large area designated in the Ryedale Local Plan as Visually Important Undeveloped Area. Paragraph 6.1 of the Ryedale Local Sites Plan states that <i>"In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make a significant contribution to the setting of a Town and the role of the setting in influencing and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements."</i></p> <p>There is potential for a new scheme on this site to have either a negative or positive impact on the VIUA. However, delivery information is not sufficiently advanced for any conclusions to be drawn on this. An uncertain impact is registered</p>	U + U -
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	<p>1. Would this policy encourage people to walk and cycle rather than travel by car?</p> <p>2. Would this policy lead to highway impacts that would require highway mitigation measures?</p> <p>3. Will the policy protect or enhance access to public rights of way?</p>	<p>1. The policy presents an aspiration for regeneration including a town centre car parking facility in this accessible town centre location. Alone, the policy potentially would discourage walking and cycling to the town centre. A negative impact is registered to reflect the potential mixed impacts in this regard. The impacts are uncertain since the policy is an aspirational one and is dependent on a development scheme coming forward. There is no indication in the NP that such a scheme is in the pipeline</p> <p>2. It is not known what the highway impacts of any scheme would be. The policy lacks sufficient detail for any conclusion to be drawn on this. There is however existing access to this site from the highway. A neutral impact is registered.</p> <p>3. There are no public rights of way in this location.</p>	U- = =
SEA 12: To ensure future development is	1. Does the policy lead to development in	1. The Northeast Yorkshire Strategic Flood Risk Assessment (SFRA) was last updated in 2010. Drawing number 10.2 to this SFRA (listed as PPS25 Malton and Norton flood plain delineation zone on the Ryedale website (accessed September 2020	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	<p>areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone?</p> <p>2. Does the policy lead to increases in flood risk to people and property in the plan area?</p>	<p>https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html) shows the delineation of flood risk in the centre of Malton and Norton.</p> <p>According to this map, the site is partly located in Flood Zone 3a(ii) 3a(ii). PPS25 Flood Zone 3a is defined as those areas with a high probability of flooding of greater than 1% for fluvial flooding or 0.5% for tidal flooding and which are not Functional Floodplain. The SFRA has developed sub zones for 3a as follows. 3a(ii) denotes the area <i>is Applicable for those developed areas at high risk of flooding which are currently defended to the appropriate minimum standard as defined by PPS25 (annual probability of 1% for fluvial flooding and 0.5% for flooding from the sea).</i></p> <p>The zones (e.g. 3a(iii) and 3a(ii)) in the SFRA provide the basis for the application of the sequential test in line with PPG25. PPS25 states that Zone 3a(ii) is appropriate for</p> <ul style="list-style-type: none"> • 'Water Compatible' and • 'Less Vulnerable' development types (see Table 7.1). • 'More Vulnerable' and 'Essential Infrastructure' development types are only considered appropriate if the requirements of the Exception Test are passed • 'Highly Vulnerable' development types are not appropriate within this Zone <p>The policy wording excludes the possibility of residential and other vulnerable uses from coming forward under this policy. A neutral impact is therefore registered.</p> <p>2. Because the policy excludes residential development or vulnerable uses coming forward on this site there is no increase in flood risk to people and property in the plan area. A neutral impact is therefore registered.</p>	=
SEA 13: To conserve and where appropriate enhance the	1. Does the policy conserve or enhance the significance of the	1. The site covered by Policy N1 lies in the Norton on Derwent conservation area. However there are no statutorily listed buildings in this area. The conservation area itself is a heritage asset. The current site includes vegetated open land and an area of hardcore. There is no reason why a regeneration scheme envisaged under this policy would not	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
significance ²⁶ of the historical and cultural environment.	designated heritage asset? 2. Does the policy conserve or enhance the significance of the non-designated heritage assets?	conserve or enhance the conservation area, given other planning policies that would apply. There is a therefore a neutral impact registered here 2. There are no known non-designated heritage assets in this area.	0
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	There is no relationship between this policy and this SEA objective. The policy neither encourages or discourages the use of renewable resources and the development of renewable energy sources.	0
SEA 15: To make the most efficient use of land	1. Does the policy focus development towards previously developed land. Does the policy focus on maximising efficient uses of land?	1. N1 is partly previously developed land. A positive impact is registered here as it directs development to previously developed land.	+
SEA 16: To maintain a high	1. Does the policy have an adverse	1. The Malton Air Quality Management area is located on the northern side of the River Derwent. Increased car parking or commercial uses at this town centre location could	U-

²⁶ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
quality environment in terms of air quality	impact on the Malton Air Quality Management area?	result in increased traffic movements to the town. This could in turn impact negatively on the air quality management area. The impact however is uncertain given the policy is aspirational and depending on a scheme to come forward.	

APPENDIX 12: SECOND VERSION SUBMISSION VERSION HRA REPORT



HRA of Malton and Norton 2nd Submission Neighbourhood Plan (June 2023)

Neighbourhood Plan for Malton and Norton 2020 - 2027

2nd Submission Neighbourhood Plan

Habitats Regulations Assessment

June 2023

Fleming Ecology Limited

48 Larkspur Way, Wakefield, West Yorkshire WF2 0FD



HRA of Malton and Norton 2nd Submission Neighbourhood Plan (June 2023)

Client Name: Malton and Norton Town Councils
Document Reference: MN NDP 2nd submission HRA(v1.0)
Issue date: June 2023

Issue	Date	Prepared, checked and approved by
First	June 2023	Bernie Fleming Director, Fleming Ecology

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SUMMARY

The Conservation of Habitats and Species Regulations 2017 (as amended) require local authorities to assess the impact of their development plans on the internationally important sites for biodiversity in and around their administrative areas. These protected sites are known as Special Protection Areas, Special Areas of Conservation and Ramsar sites. The task is achieved by means of a Habitats Regulations Assessment.

Following the withdrawal of the previously submitted Neighbourhood Plan, the Malton and Norton-upon-Derwent Town Councils have together prepared a revised '2nd Submission Neighbourhood Plan' and Proposals Map. This will be submitted for approval to the competent authority, which, following local government reorganisation, is now North Yorkshire Council. This new Plan requires this new Habitats Regulations Assessment.

A Habitats Regulations Assessment comprises a series of mandatory tests. Firstly, it '*screens*' the plan to identify which policies or allocations may have a *likely significant effect, alone or (if necessary) in combination* with other plans and projects, on the protected sites. If likely significant effects can be ruled out, then the plan may be adopted but if they cannot, the plan must be subjected to the greater scrutiny of an '*appropriate assessment*' to determine if the Plan can avoid *an adverse effect on the integrity* of the European sites. If *adverse effects* cannot be ruled out, the plan cannot be adopted. If necessary, a plan should be amended to avoid or mitigate any likely conflicts. This usually means that some policies or allocations will need to be modified.

Forty-four policies were screened; the individual outcomes for each policy can be found in Appendix C, section 3 and are summarised in Table 8. Overall, this HRA found that likely significant effects could be ruled out for majority. However, likely significant effects could not be ruled out for four policies alone: RC1, RC2, CF1 and N1 because of a range of possible impacts on the River Derwent SAC. However, there were no residual effects and no need for an in-combination assessment.

Consequently, an appropriate assessment was required. This found (see section 4) that adverse effects on the integrity on the River Derwent SAC could be ruled out alone for all four. There was no need for mitigation, no residual effects and, therefore, no need for any further assessment.

Although this HRA has been prepared to help North Yorkshire Council discharge its duties under the Habitats Regulations, the Council remains the competent authority and must decide whether to adopt this report or otherwise.



1. INTRODUCTION

Background

- 1.1. The Malton and Norton-upon-Derwent Town Councils have together prepared the 'Neighbourhood Plan' for Malton and Norton 2020-2027 2nd Submission Neighbourhood Plan' (dated July 2023) (hereafter referred to as *the Plan* or *Neighbourhood Plan*) and Proposals Map. The production of this second edition followed a decision by both Town Councils to withdraw the previously submitted Plan to make a number of key amendments primarily in respect of transport/movement and Local Green Space policies.
- 1.2. Alongside the adopted Ryedale Local Plan (which is currently in the early stages of a partial review) and, following local government reorganisation, the emerging Local Plan for North Yorkshire, the Neighbourhood Plan will help to deliver strategic vision and objectives across the neighbourhood within the towns' boundaries until 2027.
- 1.3. The Conservation of Habitats and Species Regulations 2017 (as amended) (or *the Habitats Regulations*) require local (or *competent*) authorities to assess the impact of development plans on the network of internationally important protected areas comprising Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites (or *European sites*). This requirement is delivered via a Habitats Regulations Assessment (HRA) which comprises a series of mandatory tests.
- 1.4. This report is the HRA of the Neighbourhood Plan. The HRA follows the principles of case law, both UK and EU, takes account of Government policy and draws heavily on guidance contained within the Habitats Regulations Assessment Handbook¹ (the *Handbook*) utilising charts, pro-forma, definitions and interpretation throughout. The Handbook draws on best practice and case law at home and across the EU to identify over 180 principles to inform the production of HRAs. Subscribers to the Handbook include Natural England, the Environment Agency and the Planning Inspectorate amongst others.
- 1.5. Government guidance² allows competent authorities to rely on the conclusions of other, relevant HRAs where there has been no material change in circumstances³. Consequently, but only where relevant, this new HRA draws on the findings of others.

European sites and the assessment of Plans

- 1.6. European sites form the cornerstone of UK nature conservation policy. In England, each site forms part of a '*national network*' that safeguards the most valuable and threatened habitats and species across Europe and beyond. Accordingly, each is afforded the highest levels of protection in domestic policy and law. European sites comprise SPAs classified under the 1979 Birds Directive

¹ Tyldesley, D., and Chapman, C., (2013) The Habitats Regulations Assessment Handbook, April 2021 edition UK: DTA Publications Ltd

² Habitats regulations assessments: protecting a European site. Defra and Natural England. 24 February 2021. <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site> (accessed 2 June 2023)

³ The suitability of earlier, or higher level assessments is subject to the decision of the CJEU in Cooperatie Mobilisatie for the Environment UA v College van Gedeputeerde (C-293/17) [2019] Env. L.R. 27 ("Dutch Nitrogen").



and SACs designated under the 1992 Habitats Directive. Locally, the network comprises sites such as the River Derwent, the Lower Derwent Valley and Strensall Common.

- 1.7. Prior to Brexit, the SPAs and SACs comprised part of the EU-wide Natura 2000 network which formed the largest, coordinated network of protected areas in the world. The SPA and SAC designations made under the European Directives still apply and the term, 'European site' remains in use in law and elsewhere. Similarly, at present, EU case law still applies. According to long-established Government policy⁴, European sites also comprise 'Wetlands of International Importance' (or *Ramsar sites* listed under the Ramsar Convention). Whilst these are not included in the national network, where present they often share the same or similar boundaries with SPAs and SACs.
- 1.8. The overarching objective of the national network is to maintain, or where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a Favourable Conservation Status, and contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and compliance with the overarching aims of the Wild Birds Directive. The appropriate authorities must have regard to the importance of protected sites, coherence of the national site network and threats of degradation or destruction (including deterioration and disturbance of protected features) on SPAs and SACs.
- 1.9. The Habitats Regulations apply a series of mandatory tests for the HRA of local development plans set out in Regulation 105 *et seq.* These have been interpreted by European and domestic case law, supported by policy and guidance issued by Government on their implementation notably the National Planning Policy Framework (NPPF)⁵, Planning Practice (and other) Guidance^{6,7}.
- 1.10. In brief, the HRA process requires the competent authority (ie the Council) to first assess the plan to identify whether it is '*... likely to have a significant effect on a European Site ... either alone or in-combination with other plans or projects*'. If likely significant effects can be ruled out, the plan may be adopted without further scrutiny. Importantly, an in-combination assessment is only required where an impact is identified which would not have an insignificant effect on its own ('a *residual effect*') but where likely significant effects could arise cumulatively with other plans or projects. Together this step is often referred to as 'Screening'
- 1.11. If likely significant effects cannot be ruled out, a more thorough appropriate assessment must be carried out to assess whether it is possible to ascertain that the Plan will have '*no adverse effect on the integrity of the site*' (AEOI) or not. At this stage, mitigation can be applied to remove adverse effects. If mitigation is unable to rule out adverse effects, then a plan cannot normally be adopted. If this is the case, derogations may be sought but only as a last resort and few local plans would be expected to pass these additional tests.
- 1.12. In reality, experience gained from implementation of the process has encouraged the adoption of an additional exercise at the outset to explore if the plan even needs to be subject to HRA at all. This more pragmatic approach is laid out in Fig 1 where the component steps are given expression. It is the process described in Fig 1 that is followed in this HRA.

⁴ ODPM Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (16 August 2005), to be read in conjunction with the current NPPF, other Government guidance and the current version of the Habitats Regulations.

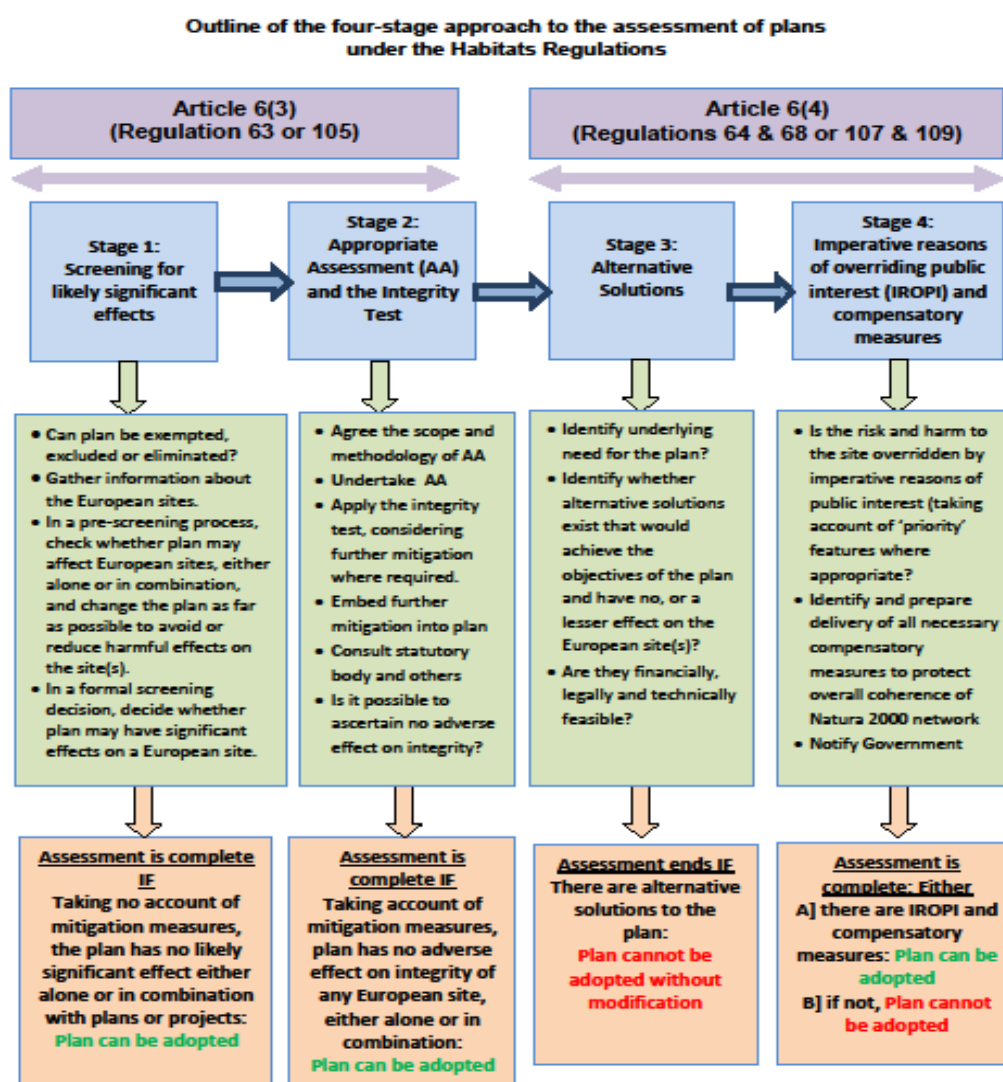
⁵ National Planning Policy Framework (2021). Ministry of Housing, Communities and Local Government

⁶ Planning Practice Guidance <https://www.gov.uk/guidance/appropriate-assessment> (accessed 2 June 2023)

⁷ Habitats regulations assessments: protecting a European site. Defra and Natural England. 24 February 2021. <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site#appropriate-assessment> (accessed 2 June 2023)



Figure 1 The four stage assessment of Local Plans under the Habitats Regulations



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Definitions, the Precautionary Principle and Case Law

Context

- 1.13. The overall approach to screening and appropriate assessment was summarised by Advocate General Sharpston in the Sweetman case⁸.

'47. It follows that the possibility of there being a significant effect on the site will generate the need for an appropriate assessment for the purposes of article 6(3) In para 44⁹, it uses the term "in case of doubt". It is the last of these that seems to me best to express the position. The requirement at this stage that the plan or project be likely to have a significant effect is thus a trigger for the obligation to carry out an appropriate assessment. There is no need to establish such an effect; it is, as Ireland observes, merely necessary to determine that there may be such an effect ...

49. The threshold at the first stage of article 6(3) is thus a very low one. It operates merely as a trigger, in order to determine whether an appropriate assessment must be undertaken of the implications of the plan or project for the conservation objectives of the site. The purpose of that assessment is that the plan or project in question should be considered thoroughly, on the basis of what the court has termed "the best scientific knowledge in the field". ...

50. The test which that expert assessment must determine is whether the plan or project in question has "an adverse effect on the integrity of the site", since that is the basis on which the competent national authorities must reach their decision. The threshold at this (the second) stage is noticeably higher than that laid down at the first stage. That is because the question (to use more simple terminology) is not "should we bother to check?" (the question at the first stage) but rather "what will happen to the site if this plan or project goes ahead; and is that consistent with 'maintaining or restoring the favourable conservation status' of the habitat or species concerned?"

Stage One - Screening

- 1.14. The screening test is defined in Regulation 105(1) which states:

'Where a land use plan ... (a) is likely to have a significant effect on a European 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 ... must ... make an appropriate assessment ... in view of that site's conservation objectives'.

- 1.15. Taking (b) first, this allows plans, where the sole focus is the management for the benefit of the one or more of the qualifying features without detriment to the others, can be excluded from the need for HRA. However, this rarely applies. Where it does not, an HRA is required.
- 1.16. A likely significant effect is described in Waddenzee as follows: *'likely'* is a *'risk'*, *'the occurrence of which cannot be excluded on the basis of objective information'* and *'significant'* as *'any effect that would undermine the conservation objectives'* of a European site¹⁰. It can be seen that where there is any *'doubt'* as to an effect, an appropriate assessment is required.

⁸ C-258/11 Sweetman reference for a preliminary ruling from the Supreme Court of Ireland. Opinion of the Advocate General 22 November 2012

⁹ The CJEU in Landelijke Vereniging tot Behoud van de Waddenzee v Staatssecretaris Van Landbouw, Natuurbeheer en Visserij (C127-02) [2005] 2 CMLR 31 ("the Waddenzee case")

¹⁰ Waddenzee: European Courts C-127/02 Waddenzee 7th September 2004, reference for a preliminary ruling from the Raad van State at paras 44, 47 and 48.



- 1.17. In other words, this means the screening assessment should not be exhaustive, a point candidly described by Advocate General Sharpston in paragraph 49 of the Sweetman case¹¹ when describing the levels of scrutiny to be applied to each test (see paragraph 1.1.3).
- 1.18. This was amplified in the Bagmoor Wind case¹² as follows:
- 'If the absence of risk ... can only be demonstrated after a detailed investigation, or expert opinion, that is an indicator that a risk exists, and the authority must move from preliminary examination to appropriate assessment'.*
- 1.19. However, Boggis¹³ clarifies there should be '*credible evidence that there was a real, rather than a hypothetical, risk*' that the conservation objectives of a European site could be undermined so requiring only the assessment of plausible effects and not the extremely unlikely.

Stage Two – Appropriate Assessment and the Integrity Test

- 1.20. Fundamentally, the HRA process employs the precautionary principle and Regulation 105 ensures that where a plan is '*likely to have a significant effect*', it can only be adopted if *the competent authority* can ascertain (following an *appropriate assessment*) that it '*will not adversely affect the integrity of the European site*'. In simpler terms, it is not for the competent authority to prove harm but for the plan proposer to demonstrate that adverse effects have been avoided. This high threshold was recently emphasised by the Court of Appeal regarding the Wyatt decision¹⁴.
- 1.21. The *integrity* of a European site was described by Government¹⁵ as:
- 'the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was designated'.*
- 1.22. Elsewhere, the Court of Justice of the European Union (CJEU) (Sweetman)¹⁶ defined integrity as:
- 'the lasting preservation of the constitutive characteristics of the site ... whose preservation was the objective justifying the designation of that site'.*
- 1.23. Drawing on this, the European Commission¹⁷ defined it more recently as follows:
- 'The integrity of the site involves its constitutive characteristics and ecological functions. The decision as to whether it is adversely affected should focus on and be limited to the habitats and species for which the site has been designated and the site's conservation objectives'.*
- 1.24. Whilst the Supreme Court (Champion)¹⁸ has found '*appropriate*' is not a technical term and indicates no more than that the assessment should be appropriate to the task in hand, it can be

¹¹ C-258/11 Sweetman reference for a preliminary ruling from the Supreme Court of Ireland. Opinion of the Advocate General 22 November 2012

¹² Bagmoor Wind Limited v The Scottish Ministers Court of Sessions [2012] CSIH 93

¹³ Peter Charles Boggis and Easton Bavants Conservation v Natural England and Waveney District Council, High Court of Justice Court of Appeal case C1/2009/0041/QBACF Citation No [2009] EWCA Civ. 1061 20th October 2009

¹⁴ Wyatt [2022] EWCA Civ 983 (para 9)

¹⁵ Habitats regulations assessments: protecting a European site. Defra and Natural England. 24 February 2021. <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site> (accessed 2 June 2023)

¹⁶ Sweetman EU:C:2013:220 para 39

¹⁷ Managing Natura 2000 sites: The provisions of Article 6 of the Habitats Directive 92/43/EEC", European Union. 2019.

¹⁸ R (on the application of Champion) v. North Norfolk District Council [2015] UKSC 52.



seen that when compared with the test at the screening stage for likely significant effect, the 'appropriate assessment' is more thorough.

Stages Three and Four – The Derogations

- 1.25. If an adverse effect on the integrity of the site can be avoided, the plan can be adopted (Fig 1). If not, derogations would have to be sought to allow the plan to continue; these are regarded as a last resort and considered only in exceptional circumstances. For these to be successful it must be shown that there are no less damaging *alternative solutions*. If there are none, *imperative reasons of overriding public interest* must apply. If they do, compensatory measures must be delivered. These stages are summarised in Stages 3 & 4 of Fig 1.

Overall approach

- 1.26. The HRA of development plans was first made a requirement in the UK following a ruling by the European Court of Justice in EC v UK¹⁹. However, the judgement recognised (paragraph 49 of the Advocate general's opinion²⁰) that any assessment had to reflect the actual stage in the strategic planning process and the level of evidence that might or might not be available. This was given expression in the UK High Court (Feeney²¹) which stated:

'Each ... assessment ... cannot do more than the level of detail of the strategy at that stage permits'.

- 1.27. This is where a way has to be found that whilst mindful of the need for the precautionary principle to be applied, the HRA must strive to identify only those plausible effects and not the extremely unlikely.
- 1.28. Because this is a strategic plan, the 'objective information'²² required by the HRA is typically only available at a strategic or high level, without the detail that might be expected at the planning application stage.

Mitigation and recent case law

- 1.29. The *People Over Wind*²³ in April 2018 the CJEU set out clear guidance as to the role of mitigation measures in an HRA. In taking a different approach from previous decisions in the UK courts, it held that measures embedded within a plan or project specifically to avoid or reduce the magnitude of likely significant effects should not be taken into account at the screening stage but reserved for the appropriate assessment. This HRA therefore restricts consideration of mitigation measures to the appropriate assessment.
- 1.30. The Court also considered the approach to mitigation at the appropriate assessment stage in *Grace & Sweetman*²⁴. Here, it held that:

¹⁹ Case C-6/04: Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland judgment of the Court 20 October 2005.

²⁰ Opinion of advocate general Kokott, 9th June 2005, Case C-6/04. Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland

²¹ Sean Feeney v Oxford City Council and the Secretary of State CLG para 92 of the judgment dated 24 October 2011 Case No CO/3797/2011, Neutral Citation [2011] EWHC 2699 Admin

²² European Court of Justice Case C – 127/02 *Waddenzee* 7 September 2004

²³ *People Over Wind and Sweetman v Coillte Teoranta* (C 323/17) [2018] PTSR 1668

²⁴ *Grace & Sweetman v An Bord Pleanala* (C-164/17) [2019] PTSR 266 at paragraphs 51-53 and 57.



'It is only when it is sufficiently certain that a measure will make an effective contribution to avoiding harm, guaranteeing beyond all reasonable doubt that the project will not adversely affect the integrity of the area, that such a measure may be taken into consideration ...'.

- 1.31. In the *Dutch nitrogen case*²⁵, the CJEU confirmed that an appropriate assessment is not to take into account the future benefits of mitigation measures if those benefits are uncertain, including where the procedures needed to accomplish them have not yet been carried out or because the level of scientific knowledge does not allow them to be identified or quantified with certainty. It is recognised that the ruling also covered the approach to 'autonomous' measures which are not mitigation measures adopted as part of the plan in question, but measures which are taken outside that plan (in that case to reduce nitrogen deposition). The CJEU held that the effect of those measures could not be taken into account either, if their expected benefits are not certain at the time of that assessment²⁶.

Brexit

- 1.32. The requirement for the HRA derives from the EU Habitats Directive and, notwithstanding the UK's withdrawal from the EU, UK law and policy remains currently largely unchanged, and the Conservation of Habitats and Species Regulations 2017 remain in force²⁷, other than to accommodate amendments made by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

Role of the competent authority

- 1.33. Lastly, although this HRA has been prepared to help North Yorkshire Council discharge its duties under the Habitats Regulations, it remains the competent authority and it must decide whether to adopt this report or otherwise a point also emphasised recently in the Wyatt decision.
- 1.34. Further, it should be noted that this HRA has been prepared for the purposes of preparing and examining the Neighbourhood Plan. Individual allocations will need to be reviewed when they become the subject of an individual planning application, to ensure that if further assessment under the Conservation of Habitats and Species Regulations 2017 as amended is necessary²⁸, it is undertaken in accordance with the requirements of appropriate assessment.

²⁵ Coöperatie Mobilisation for the Environment and Vereniging Leefmilieu (C 293/17, C 294/17) [2019] Env. L.R. 27 at paragraph 30

²⁶ See too the Compton Parish Council case, referred to above, at paragraph 207.

²⁷ See the EU (Withdrawal Agreement) Act 2020 Sch. 5(1) para. 1(1) and section 39(1). The amending regulations come into force at the end of the implementation period they generally seek to retain the requirements of the 2017 Regulations but with adjustments for the UK's exit from the EU, for example by amending references to the Natura 2000 network so that they are construed as references to the national site network: see regulation 4, which also confirms that the interpretation of these Regulations as they had effect, or any guidance as it applied, before exit day, shall continue to do so.

²⁸ See *Dutch Nitrogen*, above, at paragraphs 100-104 and 120.



2. THE NEED FOR ASSESSMENT AND IDENTIFYING EUROPEAN SITES AT RISK

Exclusion, Elimination and Exemption from the need for Assessment

- 2.1. Stage 1 of Fig.1 (see F3.2 – F3.4 of the Handbook) encourages review of a plan to explore:
- If it can be 'excluded' from the HRA because '*it is not a plan within the meaning and scope of the Habitats Directive*', or
 - Eliminated from the HRA because it can easily be shown that although '*it is a plan ... it could not have any conceivable effect on any European site*', or
 - Exempted from the HRA because it is '*... directly connected with or necessary to the management of the ... European site*' (ie the first formal stage of the HRA - Fig 1).
- 2.2. Taking these in turn, it is clear the Neighbourhood Plan represents a plan within the meaning and scope of the Habitats Directive with the potential to harm European sites and so can neither be excluded nor eliminated from the HRA. Likewise, the purpose of the Plan is not the nature conservation management of any European sites and so it cannot be made exempt from further assessment. Consequently, the remaining steps in Stage 1 of Fig 1 need to be pursued by identifying which European sites and which features may be vulnerable as follows.

European sites at risk

- 2.3. To encourage a consistent, reliable and repeatable process, the Handbook (Figure F4.4) identifies 16 generic criteria, listed in full in Appendix A that when evaluated generate a precautionary, 'long' list of European sites that could be affected by the Plan²⁹. However, when considered further, using publicly available information, the list of plausible threats can be refined, and the list of potentially vulnerable sites reduced. Albeit a coarse filter, this complies with Boggis by focusing scrutiny only on realistic and credible threats whilst avoiding the hypothetical or exceedingly unlikely.
- 2.4. The search was restricted to those European sites found within 20km of the Neighbourhood Plan boundary as this was considered to be the maximum extent that policies and allocations could seriously be considered to generate measurable effects. This focuses the attention of this HRA on the River Derwent, Lower Derwent Valley, Strensall Common, Ellers Wood and Sand Dale and the North York Moors; only the River Derwent is found within the Plan area.
- 2.5. It is important to note that although the outcomes of this site identification exercise will reflect the type and location of activities proposed within the Plan and/or the ecological characteristics of the European sites, it does not represent the test for likely significant effects (see section 3).
- 2.6. The exercise identified that only three of the 16 criteria, 'aquatic features' (2), 'mobile species' (5a) and recreational pressure (6) represented a credible threat to European sites in the area. For reasons of brevity, only relevant extracts from Appendix A are presented in Table 1 below. None of the remaining 13 criteria were considered to represent a credible threat and are removed from any further scrutiny.

²⁹ This table is taken from the Handbook albeit with changes to the number and titles of Columns appropriate to this HRA.



Table 1: Pre-screening outcomes - Potential mechanisms and the initial list of European sites that could be affected - extract from Appendix A

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
2. Plans that could affect aquatic features	(a) Sites upstream or downstream of the plan area in the case of river or estuary sites	Lower Derwent Valley SPA, SAC, Ramsar River Derwent SAC	<p>Effects considered are those associated with the physical presence of built development and the <i>localised</i> effects on surface/ groundwater resources and quality, resulting from changes in run-off, sedimentation, erosion etc.</p> <p>Given that the Lower Derwent Valley lies around 20km as the crow flies from the plan area, localised effects on aquatic features can be confidently ruled out from any further consideration for this European site.</p> <p>However, given that the River Derwent flows through the Plan area, all features of the River Derwent SAC remain vulnerable to development proposed in the Plan even though the section within the town centres is not designated.</p> <p>Note that the <i>indirect</i> effects of changes to wastewater disposal are assessed separately under '7b'.</p>	River Derwent SAC
5. Plans that could affect mobile species	Sites whose qualifying features include mobile species which may be affected by the plan irrespective of the location of the plan's proposals or whether the species would be in or out of the site when they might be affected	Lower Derwent Valley SPA, SAC, Ramsar River Derwent SAC	<p>This considers direct impacts of plan proposals on mobile species. Although otters can range widely along suitable waterways, given the distance to those which occupy the Lower Derwent Valley 20km to the south can be considered distinct from those which make frequent and regular use of the stretch of the River Derwent in around Malton and Norton. Therefore, impacts on the Lower Derwent Valley SAC can be ruled out.</p> <p>Similarly, impacts on both the breeding and wintering bird populations which use 'functionally-linked land' outside the LDV are highly unlikely given the distances involved and so too can be ruled out.</p> <p>However, given the development proposed in close proximity to the River Derwent as part of the Plan, impacts on the otter, bullhead and lamprey populations of the river cannot be ruled out.</p>	River Derwent SAC



HRA of Malton and Norton 2nd Submission Neighbourhood Plan (June 2023)

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
6. Plans that could increase recreational pressure on European sites potentially vulnerable or sensitive to such pressure	(a) Such European sites in the plan area	River Derwent SAC (within the plan area)	<p>Therefore, these features of the River Derwent will be considered further.</p> <p>The Plan makes provision for unspecified development in a small number of locations in proximity to the River Derwent SAC. Although residential development is not specified, it is not ruled out either. If pursued, this could result in an increase in recreational pressure on the SAC and so this requires further consideration.</p> <p>The plan encourages the development of both horse racing and other tourist attractions but does not allocate land for either and at present these remain aspirations. Even if pursued, it is not anticipated that visitors to those destinations would increase pressure on the River Derwent to which there is only limited access through much of the plan area. Consequently, the impact of these proposals can be discounted.</p> <p>Modest proposals are encouraged on land adjacent to the river in the town centre albeit adjacent to a stretch that isn't designated. Despite this, the potential exists for an increase in recreational pressure from existing residents to harm the qualifying features.</p> <p>Therefore, possible impacts on the River Derwent require further consideration.</p>	River Derwent SAC

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- 2.7. The outputs of the review carried out in Table 1 also rule out the possibility of any credible effects from any aspect of the Plan on the Lower Derwent Valley or, indeed, any other more distant European sites in the area of search: Strensall Common, Ellers Wood and Sand Dale and the North York Moors. These sites and all other European sites are therefore removed from any further scrutiny in this HRA.
- 2.8. In effect, the exercise reduces the number of factors at play and begins to clarify the nature of potential impacts and the features most vulnerable. Importantly, it confirms that the focus of this HRA should be restricted entirely to the River Derwent SAC and the following issues as shown in Table 2:

Table 2: European sites at risk and list of potential threats

European sites	Potential threats
River Derwent SAC	(2a) Aquatic features
River Derwent SAC	(5) Mobile species
River Derwent SAC	(6a) Recreational pressure

- 2.9 The net result, and benefit to the HRA, is that the list of issues and sites potentially affected is reduced, making for a shorter and more focused HRA than would otherwise be the case.
- 2.10 However, as impacts on the River Derwent European site cannot be ruled out, further ecological information needs to be gathered to inform subsequent tests in the HRA. Drawing on the citation³⁰, conservation objectives³¹, supplementary advice³² and site improvement plan³³, the characteristics of the River Derwent SAC are described in Table 3 and are accompanied by observations on their sensitivity to external factors - the latter informed by Table 1. Conservation objectives, qualifying features and threats and pressures extracted from the SIP are provided in full. It is noted that Natural England's supplementary advice for the SAC has been updated from the previous version of this HRA to take account of revised water quality targets provided by the Environment Agency and adopted by Natural England; other sections have been re-arranged. The citation is provided in Appendix B.

³⁰ River Derwent SAC Citation. 14 June 2005

³¹ Conservation Objectives for River Derwent SAC. 27 November 2018. (Version 3)

³² Supplementary advice on conserving and restoring features. River Derwent SAC. 31 October 2022

³³ River Derwent SAC Site Improvement Plan. Natural England. V1.0. 8 October 2014.


Table 3: European site characteristics

Description (including summary of qualifying features)	Conservation objectives	Pressures and threats (P/T)
<p>River Derwent SAC</p> <p>Stretching from Ryemouth in the north to its confluence with the Ouse in the south, the River Derwent is considered to represent one of the best examples in England of a lowland river. Whilst a relatively short length also lies within the Lower Derwent Valley National Nature Reserve, not all of the river is designated, and a small stretch through Malton and Norton-upon-Derwent is excluded, reflecting its urbanised location here.</p> <p>It supports diverse communities of flora, notably floating vegetation dominated by water crowfoot, and fauna, comprising river lamprey, sea lamprey, bullhead and otter. The latter are mobile species with the potential/need to utilise extensive stretches of the river throughout the catchment beyond the boundaries of the SAC, and are critically dependent on the maintenance of favourable hydrological (including physical and chemical) conditions throughout their range. They are therefore vulnerable to pollution events and the creation of physical or chemical barriers; for instance, lamprey migrate to the open sea via the Humber Estuary. In addition, otters also exploit riparian habitats for resting and breeding.</p> <p>The Derwent is meso/eutrophic and carries a high nutrient load providing a degree of resilience against air pollution, and whilst otter can be considered resilient, the floating vegetation communities and fish populations may be vulnerable. Overall though, the site can be considered relatively robust but vulnerable to changes in water quality (especially inputs of phosphate) from wastewater disposal, for instance.</p> <p>Restricted access to the river along much of its length reduces the impact of existing recreational pressure and the simple width of the channel effectively rules out harmful impacts on bullhead, both species of lamprey and the floating vegetation community. However, the otter population remains more vulnerable to disturbance.</p> <p>Natural England has assessed 99.2% of the River Derwent SSSI to be in 'favourable' or 'unfavourable recovering' condition; 0.8% is 'unfavourable no change' but the threat level is considered to be 'high' across a much wider area.</p>	<p>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:</p> <p>The extent and distribution of qualifying natural habitats and habitats of qualifying species;</p> <p>The structure and function (including typical species) of qualifying natural habitat;</p> <p>The structure and function of the habitats of qualifying species;</p> <p>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;</p> <p>The populations of qualifying species, and,</p> <p>The distribution of qualifying species within the site.</p> <p>Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation. (Rivers with floating vegetation often dominated by water-crowfoot) <p>Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Bullhead <i>Cottus gobio</i> <input type="checkbox"/> River lamprey <i>Lampetra fluviatilis</i> <input type="checkbox"/> Otter <i>Lutra lutra</i> <input type="checkbox"/> Sea lamprey <i>Petromyzon marinus</i> 	<ol style="list-style-type: none"> 1. Physical modification (P/T); 2. Water pollution (T); 3. Invasive species (T); 4. Change in land management (T); 5. Water abstraction (T).



- 2.11 The outputs of Table 1 allow this HRA to focus solely on a restricted number of possible impacts on just one European site: the River Derwent SAC. However, by drawing on the additional information provided in Table 3, the HRA is able to further refine the possible impacts to specific features, habitats and species. These, the key issues for the next, formal stage of this screening exercise are presented in Table 4.

Table 4: Refined list of European sites and features at risk

European site	Potential effects	Qualifying features at risk
River Derwent SAC	(2) Impacts on aquatic features	Otter, river and sea lamprey, and bullhead, and Floating vegetation dominated by water crowfoot
	(5) Impacts on mobile species	Otter, river and sea lamprey, and bullhead
	(6) Impacts from recreational pressure	Otter



3 SCREENING - PROCESS AND OUTCOMES

Methodology

- 3.1 Section 2 confirmed that the Neighbourhood Plan could not be excluded, eliminated or exempted from the need for HRA and clarified which European sites and which features might be vulnerable. This section comprises the screening assessment of the Plan. It employs a two-stage process. The first step is highly precautionary but explores if there are clear and obvious reasons why credible risks to the River Derwent can be:
- **Screened out from further scrutiny** (because the individual policies or allocations are considered not likely to have a significant effect on a European site, either alone or in combination with other plans and projects), or
 - **Screened in for further scrutiny** (because likely significant effects either alone or in combination with other plans and projects cannot be ruled out).
- 3.2 The second step concludes the screening assessment by evaluating the latter against the (high-level) conservation objectives for the European site. To achieve the first step all 44 policies (and the Vision statement) are scrutinised in terms of the key issues from Table 4 and allocated to one (or more) broad categories (summarised in Table 5 below).

Table 5: Screening categories

Code	Category	Outcome
A	General statement of policy/general aspiration	Screened out
B	Policy listing general criteria for testing the acceptability/sustainability of the plan	Screened out
C	Proposal referred to but not proposed by the plan	Screened out
D	General plan-wide environmental protection/site safeguarding/threshold policies	Screened out
E	Policies or proposals which steer change in such a way as to protect European sites from adverse effects	Screened out
F	Policy that cannot lead to development or other change	Screened out
G	Policy or proposal that could not have any conceivable effect on a site	Screened out
H	Policy or proposal the (actual or theoretical) effects of which cannot undermine the conservation objectives (either alone or in-combination with other aspects of this or other plans or projects)	Screened out
I	Policy or proposal which may have a likely significant effect on a site alone	Screened in (alone)
J	Policy or proposal with an effect on a site but unlikely to be significant alone, so need to check for likely significant effects in-combination	Screened in (in-combination)
K	Policy or proposal unlikely to have a significant effect either alone or in-combination (screened out after the in-combination test)	Screened out (in-combination)
L	Policy or proposal which might be likely to have a significant effect in-combination (screened in after the in-combination test)	Screened in (in-combination)
M	Bespoke area, site or case-specific policies intended to avoid or reduce harmful effects on a European site. Excluded from formal screening but re-considered in appropriate assessment	Screened out



Code	Category	Outcome
Extract from section F6.3 of <i>The Habitats Regulations Assessment Handbook</i> , www.dtapublications.co.uk		

- 3.3 The outcome of this exercise is provided in full Appendix C. Where policies are ‘screened-out’, it is considered they pose no credible risk to the European site and so they can be removed from any further consideration in this HRA. Those policies where credible risks cannot be ruled out immediately are listed in Table 6. It should be noted that the policies were accompanied by a range of ‘Community Facilities and Actions, and ‘Monitoring, Review and Implementation’ tasks. As these were not considered to represent policies, these were not assessed in this HRA.

Table 6: Features affected and relevant policies

Policy	Potential effect	Features potentially at risk
RC1	Aquatic features	Otter, river and sea lamprey, and bullhead Floating vegetation dominated by water crowfoot
	Mobile species	Otter, river and sea lamprey, and bullhead
	Recreational pressure	Otter
RC2	Aquatic features	Otter, river and sea lamprey, and bullhead Floating vegetation dominated by water crowfoot
	Mobile species	Otter, river and sea lamprey, and bullhead
	Recreational pressure	Otter
CF1	Aquatic features	Otter, river and sea lamprey, and bullhead Floating vegetation dominated by water crowfoot
	Mobile species	Otter, river and sea lamprey, and bullhead
	Recreational pressure	Otter
N1	Aquatic features	Otter, river and sea lamprey, and bullhead Floating vegetation dominated by water crowfoot
	Mobile species	Otter, river and sea lamprey, and bullhead
	Recreational pressure	Otter

- 3.4 These four policies above are then assessed in terms of the conservation objectives of the European sites affected (Table 3) and their vulnerable features (Table 4). The outcomes of this exercise are summarised in Tables 7 and 8. If a credible risk remains, likely significant effects cannot be ruled out and an appropriate assessment of those policies will be required.
- 3.5 Importantly, this exercise complies with the People Over Wind decision and recent Government HRA Planning Guidance³⁴ by distinguishing between the essential features and characteristics of the Plan, and, in Category M, those mitigation measures specifically embedded within the Plan to reduce impacts on European sites, and which would be subject to appropriate assessment.

³⁴ Planning Practice Guidance <https://www.gov.uk/guidance/appropriate-assessment> (accessed 2 June 2023)



Screening - Context

- 3.6 Each potential effect is now described in turn and is followed by a screening opinion for each policy listed above. It should be remembered that case law makes clear that screening is not meant to represent a detailed impact assessment and should only identify if there is a credible risk that the conservation objectives may be undermined. In doing so, this should act as a trigger for more thorough scrutiny in an appropriate assessment.

Aquatic features

- 3.7 This potential effect is concerned with new built development and its localised effects on surface and sub-surface flows both in terms of water quality and water resources resulting from pollution events, and changes in run-off, sedimentation and erosion etc.
- 3.8 Tables 4 and 6 show that all the features of the River Derwent SAC, ie the otter, river and sea lamprey, and bullhead populations, and the floating vegetation community could be at risk.
- 3.9 The Councils propose development at four locations immediately adjacent or in close proximity to the River Derwent SAC (Policies RC1, RC2, CF1 and N1). All encourage at least some form of development and water pollution is identified as a threat in the River Derwent SIP (Table 3).

Mobile species

- 3.10 Mobile species are defined here as those that utilise ('functionally-linked') land or water beyond the European site boundary for some part of their lifecycle be it seasonally, diurnally or even intermittently. It is this aspect in particular which requires consideration of the non-designated stretch of the river that bisects the towns in this HRA.
- 3.11 Again, this is typically associated with new, built development but these species can be vulnerable to a range of both localised and strategic effects away from protected areas. Therefore, in the case of lamprey, bullhead and otter, effects on water quality and resources will have to be considered both up and downstream, and, in terms of otter populations, attention will also have to be paid to land-take, construction or disturbance on potentially wider areas of land.
- 3.12 Tables 4 and 6 show that all the mobile species, otter, river and sea lamprey, and bullhead could be affected and potentially, Policies RC1, RC2, CF1 and N1 could be implicated. However, whilst water pollution is listed as a threat in the SIP for the River Derwent, 'disturbance' is not (Table 3).

Recreational pressure

- 3.13 The most popular destinations can draw in visitors in great numbers from considerable distances. Less popular sites, or those with fewer facilities, have a smaller catchment, fewer visitors and the issue is typically less problematic. Alternatively, sites managed specifically to encourage large numbers of visitors can sometimes tolerate these pressures without causing significant harm.
- 3.14 Excessive recreational pressure typically leads to the disturbance of qualifying species, and a reduction in habitat quality/extent from trampling or other related activities. It can be



particularly problematic on land or water with open or unauthorised access which can subsequently compromise site management.

- 3.15 Of course, each site is different and other key factors will include the fragility of the feature, size of the development, the accessibility of alternative destinations, the availability of footpaths, public transport, car parking and so on.
- 3.16 Tables 4 and 6 show that all four policies, RC1, RC2, CF1 and N1 could be relevant though only the otter population could be affected. However, it is noted that 'disturbance' is not identified as a threat in the River Derwent SIP (Table 3).

Approach

- 3.17 What is clear from Table 3 is that the stretch of the River Derwent in closest proximity to all four proposals is not designated as part of the SAC. However, in terms of this HRA this is considered an irrelevance as the river functions as an unbroken, if highly modified stretch of water with all mobile features able to move from one to the other and so reliant on all. Consequently, all elements of the river are assessed equally in the screening exercise below.
- 3.18 What is also apparent is that there is considerable overlap between the three potential threats and a high degree of commonality between the features affected. This risks repetition and a loss of clarity. By drawing these together, this HRA considers that the Plan presents two main potential threats:
 - the potential impact of disturbance on the otter population; and
 - the potential impact of pollution from any development that may arise on all the remaining qualifying features: floating vegetation, bullhead, both species of lamprey and otter.
- 3.19 A focus on these two issues, disturbance and pollution, will have the effect of simplifying the assessment process without overlooking the impact from any potential threats. Each policy identified in Table 6 is assessed against these two threats and their potential impact on the high-level conservation objectives below.

Screening opinions

RC1 – Malton and Norton River Corridor Development

- 3.20 Although apparently modest in scope, the aspiration behind this policy is to provide low-key recreational activities on a 1.2km stretch of land immediately adjacent to both designated and non-designated stretches of the river.
- 3.21 There are two broad elements to this policy – the provision of open space allied with proposals for a picnic area, seating, interpretation panels and bridle/cycleways, and built development comprising the construction of a café and the unspecified conversion of existing buildings. Importantly, the land is not allocated for this purpose in the Ryedale Local Plan and has not been assessed in its HRA.
- 3.22 Taking these in turn, impacts on the floating vegetation community and all three fish species from disturbance (from recreational pressure) have already been screened out above given their physical separation and, consequently, their relative immunity from these predominantly riparian activities (see Tables 4 & 6).



- 3.23 In contrast, the uncertainty surrounding the scale of the proposals ensures there is a credible risk that the establishment of the proposed recreational area could increase the number of visitors to the riverside from across both towns; public open space, especially in the vicinity of the river, is a scarce resource in both towns. In turn this has the potential to disturb otters when commuting or foraging along the river corridor. Whilst daytime activities should not represent a threat, the degree of lighting, noise and human presence could all be expected to increase were development to be pursued. Therefore, there is a credible risk that the conservation objectives could be undermined.
- 3.24 These potentially significant effects could be exacerbated should new development be required to deliver the 'café/refreshment facilities' specified. Unless of a very minor scale, this could further introduce a credible threat of pollution of the river from construction unless of a very minor scale. In turn this has the potential to impact all qualifying features: floating vegetation, bullhead, both species of lamprey and otters.
- 3.25 Whilst it is not suggested that impacts from this policy could be expected to result in harm across the entire length of the SAC, it is possible that changes could extend across localised but significant areas of the river. This could conflict with the conservation objective for the River Derwent to:
- 'maintain ... the extent and distribution ... the structure and function ... and the supporting processes ... of the qualifying natural habitats'*
- 3.26 Therefore, likely significant effects from disturbance and pollution cannot be ruled out at this stage and an appropriate assessment is required.

Screening test – Policy RC1

There is a credible risk that disturbance and pollution from construction from Policy RC1 could undermine the conservation objectives of the River Derwent SAC and that likely significant effects cannot be ruled out (alone). Consequently, an appropriate assessment is required. This policy is considered capable of resulting in a likely significant effect alone and, therefore, there is no need for an in-combination assessment at this stage.

RC2 – Regeneration of Land North and South of County Bridge

- 3.27 This policy seeks to encourage the loosely defined, development-led regeneration of riverside land along both banks of the River Derwent although none lies directly adjacent to the SAC. As described on the proposals map, this also includes unspecified development on the bridge over the river although this is taken to comprise measures to improve the flow of people and traffic. Importantly, the land is not allocated for this purpose in the Ryedale Local Plan and has not been assessed in its HRA.
- 3.28 For reasons very similar to Policy RC1 above, there is a credible risk that the unspecified development could increase the number of visitors to the riverside given its proximity and the proposed expansion of recreational space in RC1. This could, in turn, increase the disturbance of otter populations. It is noted, however, that residential development is not proposed.
- 3.29 Construction in such close proximity to the river raises additional issues. The river is a fragile habitat, vulnerable to pollution events in particular or any changes in the local surface



or sub-surface hydrological regime. Such changes are often associated with construction, especially in close proximity to wetland or riverine sites. Therefore, there is a credible risk that the conservation objectives could be undermined.

- 3.30 Whilst it is not suggested that impacts from this policy could be expected to result in harm across the entire length of the SAC, it is possible that changes could extend across localised but significant areas of the river. This could conflict with the conservation objective for the River Derwent to:

'maintain ... the extent and distribution ... the structure and function ... and the supporting processes ... of the qualifying natural habitats.'

- 3.31 Therefore, likely significant effects cannot be ruled out at this stage and an appropriate assessment is required.

Screening test – Policy RC2

There is a credible risk that disturbance and pollution from construction from Policy RC2 could undermine the conservation objectives of the River Derwent SAC and that likely significant effects cannot be ruled out (alone). Consequently, and an appropriate assessment is required. This policy is considered capable of resulting in a likely significant effect alone and, therefore, there is no need for an in-combination assessment at this stage.

CF1 – Norton's swimming pool

- 3.32 This policy seeks to encourage the expansion of the size of and facilities available at Norton swimming pool. Although located in relatively close proximity to the River Derwent SAC, it is considered almost inconceivable that expansion of this single facility could result in any harmful effects on the SAC.
- 3.33 However, there is a credible risk that expansion of car park could allow an increase in the number of visitors to the riverside given its proximity and the proposed expansion of recreational space in RC1. This could, in turn, increase the disturbance of otter populations.
- 3.34 Similarly with RC1 and RC2, the remote possibility exists that construction work associated with the expansion of facilities could lead to localised pollution events which could potentially affect all features of the River Derwent. Therefore, there is a credible risk that the conservation objectives could be undermined. Importantly, the land is not allocated for this purpose in Ryedale Local Plan and has not been assessed in its HRA.
- 3.35 Whilst it is not suggested that impacts from this policy could be expected to result in harm across the entire length of the SAC, it is possible that changes could extend across localised but significant areas of the river. This could conflict with the conservation objective for the River Derwent to:
- 'maintain ... the extent and distribution ... the structure and function ... and the supporting processes ... of the qualifying natural habitats.'*
- 3.36 Therefore, likely significant effects cannot be ruled out at this stage and an appropriate assessment is required.



Screening test – Policy CF1

There is a credible risk that disturbance and pollution from construction from Policy CF1 could undermine the conservation objectives of the River Derwent SAC and that likely significant effects cannot be ruled out (alone). Consequently, and an appropriate assessment is required. This policy is considered capable of resulting in a likely significant effect alone and, therefore, there is no need for an in-combination assessment at this stage.

N1 – Land to the Rear of Commercial Street

- 3.37 This policy seeks to encourage the redevelopment of land to the rear of Commercial Street in Norton town centre. The uses described comprise retail, light industrial uses and the development of a car park; residential development is not listed. Although located in close proximity to the undesignated stretch of the River Derwent, it is considered almost inconceivable that development of this type could result in any harmful effects on the SAC. It is noted that residential development is not proposed.
- 3.38 However, the remote possibility exists that a new car park could increase the number of visitors to the riverside (and the level of disturbance) and that construction work associated with the expansion of facilities could lead to localised pollution events which could potentially affect all features of the River Derwent. Therefore, there is a credible risk that the conservation objectives could be undermined. Importantly, the land is not allocated for this purpose in the Ryedale Local Plan and has not been assessed in its HRA.
- 3.39 Whilst it is not suggested that impacts from this policy could be expected to result in harm across the entire length of the SAC, it is possible that changes could extend across localised but significant areas of the river. This could conflict with the conservation objective for the River Derwent to:
- ‘maintain ... the extent and distribution ... the structure and function ... and the supporting processes ... of the qualifying natural habitats.’*
- 3.40 Therefore, likely significant effects cannot be ruled out at this stage and an appropriate assessment is required.
- 3.41 It should be noted that concern regarding pollution events during construction relates to the possible development of the site (perhaps for residential development) beyond the suggested use as a car park. Should the former not be pursued, all potential threats related to pollution would be removed. However, at this stage, it is not possible to make this assumption.

Screening test – Policy N1

There is a credible risk that disturbance and pollution from construction from Policy N1 could undermine the conservation objectives of the River Derwent SAC and that a likely significant effect cannot be ruled out (alone). Consequently, and an appropriate assessment is required. This policy is considered capable of resulting in a likely significant effect alone and, therefore, no residual effects are anticipated and there is no need for an in-combination assessment at this stage.



Summary of the Screening Exercise and Next Steps

- 3.42 The outcomes of this stage of the formal screening assessment are brought together in Table 7 which lists those sites and issues where it has been found that the conservation objectives may be undermined and where likely significant effects cannot be ruled out. Table 8 summarises Appendix C and the assessment carried out in section 3 and presents the outcome in terms of each individual policy of the Plan.



Table 7: Summary of the Screening exercise by policy and feature

European site	Issue	Policies	Feature affected	Conservation objectives*	Undermined alone?	Residual effects?	In-combination effect?	Outcome
River Derwent SAC	Disturbance and Pollution	RC1, RC2, CF1, N1	Floating vegetation communities Otter, river and sea lamprey, and bullhead	Extent and distribution of qualifying habitats and those of qualifying species	Yes	None	None	Likely significant effects cannot be ruled out (alone) Appropriate assessment required No residual effects No in-combination assessment required
				Structure and function (including typical species) of qualifying habitats	Yes	None	None	
				Structure and function of habitats of qualifying species	Yes	None	None	
				Supporting processes on which qualifying natural habitats and the habitats of qualifying species rely	Yes	None	None	
				Populations of qualifying species	Yes	None	None	
				Distribution of qualifying species	Yes	None	None	



3.43 Table 8 summarises the outcome of the screening assessment exercise.

Table 8: Summary of the Screening exercise by category

Screening outcome	Policies
A General statement of policy Screened out	Vision EM1
B General criteria for testing acceptability of proposals Screened out	HD1, HD2, HD3, HD4, HD5, HD6, HD7, HD8, HD9, HD10, HD11 H1
C Proposal referred to but not proposed by the Plan Screened out	None
D Environmental protection policy Screened out	E1, E2, E3, E4, E5
E Policies or proposals which steer change in such a way as to protect European sites Screened out	None
F Policy that cannot lead to development or other change Screened out	None
G No conceivable effect on a European site Screened out	TM1, TM2, TM3, TM4, TM5, TM6, TM7, TM8 E6, E7 CF2 TC2, TC4 HRI1, HRI2, HRI3 M1, M2
H Policy or proposal with unspecified location which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects) Screened out	CF3 TC1, TC3 HRI4 M1, M2
I Likely significant effect alone cannot be ruled out Screened in	RC1, RC2, CF1 N1
J Likely significant effect in combination cannot be ruled out Screened in	None
K	None



Screening outcome	Policies
Policy or proposal with no likely significant effect alone but which lead to in combination effects	
L	None
Policy or proposal considered to have in combination effects	
M	None
Bespoke area, site or case specific policies or proposals intended to avoid or reduce harmful effects on a European site	

Screening conclusion

- 3.44 This exercise found that all but four of the 44 policies (and the Vision) could be screened out of the need for further assessment in this HRA. In other words, it found that the majority would not lead to any likely significant effects on any European sites either within or beyond the Town Councils' boundary. There would be no residual effects and, therefore, no need for an in-combination assessment or, indeed, an appropriate assessment.
- 3.45 However, the screening exercise found it was not possible to screen out likely significant effects alone for Policies RC1, RC2, CF1 and N1 for a range of potential but credible impacts regarding effect on aquatic features and mobile species from construction and other activities, and the effect of recreational pressure affecting the River Derwent.
- 3.46 Consequently, an appropriate assessment is required to explore whether these policies will have an adverse effect on the integrity of the European site. Policies can normally only be adopted if it is certain, beyond reasonable scientific doubt, that adverse effects can be ruled out. Drawing on the recent People Over Wind ruling, this will explore if embedded or additional mitigation measures can avoid a negative outcome. This is presented in Section 4 below.



4 APPROPRIATE ASSESSMENT

Purpose, approach and assessment

- 4.1 Where a plan is likely to have a significant effect, it can only be adopted if the competent authority can ascertain (following an appropriate assessment) that it *will not adversely affect the integrity of the European site*. This is the role of the appropriate assessment and represents the fundamental test of an HRA; competent authorities should not normally consent or adopt proposals unless they are certain that adverse effects can be ruled out.
- 4.2 Where it is not certain that an adverse effect can be avoided, and in line with the People Over Wind ruling, the appropriate assessment also considers whether any incorporated mitigation measures are sufficient to remove all reasonable scientific doubt about the risk of such an effect. Further explanation of the process is provided in section 1.
- 4.3 Mitigation performs a different role to compensation; the former comprises measures intended to avoid, cancel or reduce adverse effects on European sites whereas the latter can only be considered under the derogations - where an adverse effect cannot be avoided. Importantly, Principle C5.1.5 of the Handbook advises that any mitigation measures considered *should be effective, reliable, timely, guaranteed to be delivered and as long terms as they need to be to achieve their objectives*. Any doubt as to any of these criteria would introduce unhelpful uncertainty into the decision-making process.
- 4.4 The Handbook further highlights the meaning of integrity in contemporary planning policy and guidance, both domestic and European before adding that for a plan-making body to conclude the absence of an adverse effect it should be convinced that *no reasonable scientific doubt remains* as expressed in the Waddenzee ruling:
‘That is the case where no reasonable scientific doubt remains as to the absence of such effects (Para 59) and where doubt remains as to the absence of adverse effects ... the competent authority will have to refuse authorisation’ (Para 57).
- 4.5 This should be read in the context of case law that shows this need not be absolute (the Cairngorms case), that reliance on *probabilities and estimates* is sometimes required (Waddenzee, para 97) but, fundamentally it remains thus *‘where doubt remains as to the absence of adverse effects ... the competent authority will have to refuse authorisation’* (Waddenzee, Para 57).
- 4.6 In addressing the burden of proof, the Handbook (F.10.1) states:
‘Because the integrity test incorporates the application of the precautionary principle as a matter of law, and because plan assessments are, by their nature, less precise than project assessments, it is important for the assessment process to eliminate the prospect of adverse effects on site integrity in so far as that is possible at the level of specificity inherent in the nature and purpose of the particular plan.’
- 4.7 Bearing this in mind, each policy where likely significant effects could not be ruled out is taken in turn and each issue dealt with accordingly. The effectiveness of any mitigation embedded in the policies is considered. If an adverse effect on the integrity of the site cannot be removed even when embedded site-specific mitigation measures are considered, the appropriate assessment will consider if other restrictions are available that could secure a positive outcome; this could include the removal of an entire policy, or part of one, if other effective mitigation is not available.



- 4.8 Each concludes with a bespoke statement that represents the integrity test on that site. These individual outcomes are summarised in Table 9. The appropriate assessment concludes with a final statement that confirms the outcome of the HRA. Because of the similarity of the issues at stake, there is some unavoidable repetition.
- 4.9 In accordance with the *Waddenzee* decision, it should be noted that the appropriate assessment also explores if residual effects (as described in Section 1) remain. In this case, this refers to impacts that would allow adverse effects on the integrity of the site to be ruled out alone but, when considered with other residual impacts identified elsewhere in the appropriate assessment, the cumulative impact would not allow adverse effects to be ruled out. If any arise, this could prompt the need for an in-combination assessment.

Policy RC1

- 4.10 Although apparently modest in scope, this policy seeks to provide low-key recreational activities on a 1.2km stretch of land immediately adjacent to both designated and non-designated stretches of the river. There are two broad elements to this policy – the provision of open space allied with proposals for interpretation panels, a picnic area and seating, and built development comprising the construction of a café, and the possible, though unspecified conversion of existing buildings. However, the scale is described as minor in the supporting text.
- 4.11 Taking these in turn, the simple provision of open space alone cannot be expected to result in an adverse effect on the integrity of the site. Indeed, it is almost inconceivable that a green open space providing opportunities for low-key recreation adjacent to the river will pose a major threat to the achievement of the conservation objectives of the SAC. Furthermore, the features are relatively resilient with only otter potentially vulnerable to disturbance and this, only at dawn, dusk and during the night (see Tables 4 and 6).
- 4.12 Otters display very different behaviours at different stages of their life cycle. Adults are known to frequently make use of busy stretches of water in towns in close proximity to large human populations when foraging or commuting within or between territories (which can be extensive). Too much emphasis can be placed on species' ability to habituate to new pressures but in the case of otters, it can be valid. Evidence of this in Malton and Norton is that otters already make frequent use of this stretch of river even though it is exposed to the typical disturbance associated within any urban setting with road bridges, railway lines, industry and people all in close proximity. Given that otters are predominantly nocturnal, and that activities associated with recreational use of this land will be largely restricted to daylight hours, the proposals cannot be considered to appreciably increase disturbance. Therefore, adverse effects on foraging and commuting otters from disturbance associated with this policy can be ruled out.
- 4.13 Contrasting with this resilience to human disturbance when foraging or commuting, resting places and breeding holts are almost always sited far from human disturbance. These settings are of critical importance to the maintenance of otter populations, with adults especially displaying an intolerance of human disturbance around their young. However, it is almost inconceivable that resting places or holts will be found in proximity to RC1 given its location in the centre of the two towns; circumstances that will have been evident since otters recolonised local waterways several decades ago. Therefore, adverse effects on resting places or holts as a consequence of this policy can be ruled out.
- 4.14 It is considered, therefore, that low-key recreational opportunities supported by picnic areas and seating can be considered to be in keeping with the conservation objectives of the SAC.



This statement is made in full knowledge that open space in both towns is restricted and could prove popular with existing residents. An increase in the local population could change this opinion but none is proposed in the Plan. Where increases have been proposed in the Ryedale local plan, these have been assessed elsewhere. Policy RC1 is not considered to affect those conclusions.

- 4.15 Turning to the possible construction of a café or refurbishment of other buildings, the scale of development is described as minor, reflecting its location in the floodplain, the low-key approach to recreation on this site and the adjacent SAC. However, the SAC is fragile and potentially vulnerable to pollution incidents that could arise during any construction such as spillages of oil or cement dust which could, especially the former, result in harmful effects over a considerable distance of the river and affect all the qualifying features: the floating vegetation, bullhead, both species of lamprey and otters.
- 4.16 Mindful of the anticipated scale, all significant development has to comply with a range of pollution control mechanisms laid out in legislation and best practice guidance, including oil and sediment traps, and the storage of materials amongst others to effectively reduce the risk. All are tried and tested and, if implemented correctly, provide effective guarantees that such incidents will either be prevented or, if they do occur, will be controlled before they enter the river.
- 4.17 As these measures would be required by law and best practice to afford wide-ranging environmental safeguards, they can be considered to be reliable, effective in the short and long-terms and their implementation guaranteed. Together, these bring confidence that the threat could be removed from the types of built development proposed.
- 4.18 As these measures would be required with or without the presence of the SAC, they do not represent mitigation in the context of the People Over Wind decision. However, if the competent authority does regard these measures as mitigation, the consideration of these here, in the appropriate assessment would comply with People Over Wind. No further safeguards are considered necessary.
- 4.19 Consequently, it is considered that there would be no conflict with the targets relating to the extent or distribution of the qualifying features, or the structure and function or supporting processes of the river as set out in Natural England's supplementary advice. Therefore, it is also considered that adverse effects from disturbance and pollution on the integrity of the River Derwent SAC can be ruled out, beyond reasonable scientific doubt. There would be no need for mitigation, no residual effects and no need for an in-combination assessment.
- 4.20 It should be noted though, that any development may well require the provision of the necessary information to allow the local planning authority to carry out an HRA of any application.

Integrity test for Policies RC1

It is considered that **the Council will be able to ascertain beyond reasonable scientific doubt that Policy RC1 will have no adverse effect on the integrity of the River Derwent SAC alone.** There would be no need for mitigation, no residual effects, and no need for an in-combination assessment.



Policy RC2

- 4.21 This policy seeks to encourage the loosely defined, development-led regeneration of riverside land along both banks of the River Derwent.
- 4.22 It is anticipated that this will reflect similar commercial uses to that already present. Consequently, employees of commercial premises will have only restricted opportunities to visit the riverbank and the majority will only be present during the day when impacts on otters are less likely and not at night when otters are more likely to be present. In addition, the policy excludes residential development and so prevents any increase in the size of the local population and number of residents that might make use of the new open space along the riverbank promoted in RC1 above. Therefore, increased use of the riverbank and disturbance of otters can effectively be ruled out; further justification regarding the habits of otters is presented for this under RC1 above and is not repeated here.
- 4.23 Construction of any kind in such close proximity to the river does, however, raise additional issues. The SAC is a fragile habitat, vulnerable to pollution events in particular or any changes in the local surface or sub-surface hydrological regime. It is anticipated that construction of the proposed development here, could be prolonged, extending over several months or even years and could comprise substantial earthworks, the installation of drains and the storage of fuel and other potential contaminants, all with the potential to adversely affect the local hydrological regime and water quality. These factors go beyond that anticipated for the café in RC1.
- 4.24 However, whilst the scale may be greater, the management of such risks is governed by the same legislation and best practice guidance as described in RC1. This too is not repeated here but the same, positive outcomes can be assumed, that these bring confidence that the threat could be removed from the types of built development proposed.
- 4.25 Similarly, as these measures would be required with or without the presence of the SAC, they do not represent mitigation in the context of the People Over Wind decision. However, if the competent authority does regard these measures as mitigation, the consideration of these here, in the appropriate assessment would comply with People Over Wind. No further safeguards are considered necessary.
- 4.26 Consequently, it is considered that there would be no conflict with the targets relating to the extent or distribution of the qualifying features, or the structure and function or supporting processes of the river as set out in Natural England's supplementary advice. Therefore, it is also considered that adverse effects from disturbance and pollution on the integrity of the River Derwent SAC can be ruled out, beyond reasonable scientific doubt. There would be no need for mitigation, no residual effects and no need for an in-combination assessment.
- 4.27 It should be noted though, that any development may well require the provision of the necessary information to allow the local planning authority to carry out an HRA of any application.

Integrity test for Policies RC2

The Council will be able to ascertain beyond reasonable scientific doubt that Policy RC2 will have no adverse effect on the integrity of the River Derwent SAC alone.

There would be no need for mitigation, no residual effects, and no need for an in-combination assessment.



Policy CF1

- 4.28 This policy seeks to encourage the expansion of the size of and facilities available at Norton swimming pool. However, despite being located in relatively close proximity to the (undesigned stretch of the) River Derwent, it was not possible to rule out the risk of harm arising from an increase in recreational pressure and from construction.
- 4.29 The scale of the proposals is unknown but is reasonably presumed to be in keeping with the modest extent of the existing facility. Importantly, the policy excludes residential development and so prevents any increase in the size of the local population and number of residents that might make use of the new open space along the riverbank promoted in RC1 above. Similarly, any increase in car parking capacity is likely to be accommodated by the allied expansion of the swimming pool/leisure centre. As a specific 'destination' it is unlikely measurable numbers of visitors will also use the opportunity to visit the new riverside greenspace, especially at night when otters could be considered vulnerable. Therefore, increased use of the riverbank and disturbance of otters can effectively be ruled out.
- 4.30 Similarly, should the facility be expanded, the same threats of pollution from construction as described in policies RC1 and RC2 above also apply here (but are not repeated). As before, though, the management of such pollution risks is governed by the same legislation and best practice guidance as described in RC1 and RC2. This too is not repeated here but the same, positive outcomes can be assumed, that these bring confidence that the threat could be removed from the types of built development proposed. Furthermore, the site is separated from the river by the railway line making any incidents even less likely to arise in the river as it will not only provide a physical barrier, but will bring with it its own drainage infrastructure.
- 4.31 Similarly, as these measures would be required with or without the presence of the SAC, they do not represent mitigation in the context of the People Over Wind decision. However, if the competent authority does regard these measures as mitigation, the consideration of these here, in the appropriate assessment would comply with People Over Wind. No further safeguards are considered necessary.
- 4.32 Consequently, it is considered that there would be no conflict with the targets relating to the extent or distribution of the qualifying features, or the structure and function or supporting processes of the river as set out in Natural England's supplementary advice. Therefore, it is also considered that adverse effects from disturbance and pollution on the integrity of the River Derwent SAC can be ruled out, beyond reasonable scientific doubt. There would be no need for mitigation, no residual effects and no need for an in-combination assessment.
- 4.33 It should be noted though, that any development may well require the provision of the necessary information to allow the local planning authority to carry out an HRA of any application.

Integrity test for Policies CF1

The Council will be able to ascertain beyond reasonable scientific doubt that Policy CF1 will have no adverse effect on the integrity of the River Derwent SAC alone.

There would be no need for mitigation, no residual effects, and no need for an in-combination assessment.



Policy N1

- 4.34 This policy encourages the redevelopment of land to the rear of Commercial Street in Norton town centre. The uses described comprise retail, light industrial uses and the development of a car park; residential development is not proposed. The screening exercise identified that an increase in disturbance could result from an increase in recreational pressure from use of the car park or from employees or shoppers, depending on the type of development.
- 4.35 As with Policy RC2, employees of commercial premises or shoppers will have only restricted opportunities to visit the riverbank and the majority will only be present during the day when impacts on otters are less likely. Likewise, as with Policy CF1, any increase in car parking capacity is likely to be accommodated by the workforce or shoppers and it is considered unlikely measurable numbers of visitors will also use the opportunity to visit the new riverside greenspace, especially at night when otters could be considered vulnerable.
- 4.36 In addition, the policy excludes residential development and so prevents any increase in the size of the local population and number of residents that might make use of the new open space along the riverbank promoted in RC1 above. Therefore, increased use of the riverbank and disturbance of otters can effectively be ruled out; further justification regarding the habits of otters is presented for this under RC1 above and is not repeated here.
- 4.37 Should development be proposed, the same threats of pollution from construction as described in policies RC1, RC2 and CF1 above also apply here (but are not repeated). As before, though, the management of such pollution risks is governed by the same legislation and best practice as described in the same. This too is not repeated here but the same, positive outcomes can be assumed, that these bring confidence that the threat could be removed from the types of built development proposed. Furthermore, the site is separated from the river by the railway line making any incidents even less likely to arise in the river as it will not only provide a physical barrier, but will bring with it its own drainage infrastructure.
- 4.38 Similarly, as these measures would be required with or without the presence of the SAC, they do not represent mitigation in the context of the People Over Wind decision. However, if the competent authority does regard these measures as mitigation, the consideration of these here, in the appropriate assessment would comply with People Over Wind. No further safeguards are considered necessary.
- 4.39 Consequently, it is considered that there would be no conflict with the targets relating to the extent or distribution of the qualifying features, or the structure and function or supporting processes of the river as set out in Natural England's supplementary advice. Therefore, it is also considered that adverse effects from disturbance and pollution on the integrity of the River Derwent SAC can be ruled out, beyond reasonable scientific doubt. There would be no need for mitigation, no residual effects and no need for an in-combination assessment.
- 4.40 Importantly though, that any development may well require the provision of the necessary information to allow the local planning authority to carry out an HRA of any application.

Integrity test for Policies N1

The Council will be able to ascertain beyond reasonable scientific doubt that Policy N1 will have no adverse effect on the integrity of the River Derwent SAC alone.

There would be no need for mitigation, no residual effects, and no need for an in-combination assessment.



Conclusion of the appropriate assessment

- 4.41 The appropriate assessment found that adverse effects on the integrity on the River Derwent SAC could be ruled out alone beyond reasonable scientific doubt for Policies RC1, RC2, CF1 and N1 without the need for mitigation.
- 4.42 Further confidence in this outcome can be drawn from embedded mitigation in each of the above four policies that requires new development to avoid adverse effects on the integrity of the River Derwent SAC. Allied with SP14 of the Ryedale Local plan, there can be confidence that adequate safeguards are provided by the Neighbourhood Plan and Local Plan to rule out inappropriate development.
- 4.43 The Plan cannot preclude speculative or windfall development in the future, but tests have been alluded to that any proposals would have to satisfy. Whilst only indicative, these do not necessarily represent an exhaustive list but could include policies within, respectively, the adopted and emerging Ryedale and North Yorkshire Local Plans and the consenting regimes of both the Environment Agency and Natural England amongst others.



5 INTEGRITY TEST

- 5.1 This HRA 'subjected the Malton and Norton-upon-Derwent Town Councils' Neighbourhood Plan to an appropriate assessment according to the statutory procedures laid out in the Habitats Regulations 2017 as amended, and the methodology laid out in the Habitats Regulations Assessment Handbook. It ascertained that:
- 5.2 Policy RC1: adverse effects on the integrity of the River Derwent SAC could be ruled out alone beyond reasonable scientific doubt. There would be no need for mitigation, no residual effects and, therefore, no need for an in-combination assessment.
- 5.3 Policy RC2: adverse effects on the integrity of the River Derwent SAC could be ruled out alone beyond reasonable scientific doubt. There would be no need for mitigation, no residual effects and, therefore, no need for an in-combination assessment.
- 5.4 Policy CF1: adverse effects on the integrity of the River Derwent SAC could be ruled out alone beyond reasonable scientific doubt. There would be no need for mitigation, no residual effects and, therefore, no need for an in-combination assessment.
- 5.5 Policy N1: adverse effects on the integrity of the River Derwent SAC could be ruled out alone beyond reasonable scientific doubt. There would be no need for mitigation, no residual effects and, therefore, no need for an in-combination assessment.
- 5.6 Likely significant effects were ruled out alone for all other policies. There were no residual effects and, therefore, no need for an appropriate assessment alone or in-combination. There is, therefore, no need for any further scrutiny of the Plan under the Habitats Regulations.
- 5.7 The decision to adopt this HRA or otherwise now lies with the competent authority, North Yorkshire District Council.

Bernard Fleming CEng MCIEEM

Director, Fleming Ecology Ltd

June 2023



APPENDICES

A. Identification of European sites at risk

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
1. All plans (terrestrial, coastal and marine)	Sites within the geographic area covered by or intended to be relevant to the plan	River Derwent SAC	This 'test' simply identifies all the European sites in the Councils' administrative area. All sites present will be included.	River Derwent SAC
2. Plans that could affect aquatic features	(a) Sites upstream or downstream of the plan area in the case of river or estuary sites	Lower Derwent Valley SPA, SAC, Ramsar River Derwent SAC	<p>Effects considered are those associated with the physical presence of built development and the <i>localised</i> effects on surface/groundwater resources and quality, resulting from changes in run-off, sedimentation, erosion etc.</p> <p>Given that the Lower Derwent Valley lies around 20km as the crow flies from the plan area, localised effects on aquatic features can be confidently ruled out from any further consideration for this European site.</p> <p>However, given that the River Derwent flows through the Plan area, all features of the River Derwent SAC remain vulnerable to development proposed in the Plan even though the section within the town centres is not designated.</p> <p>Note that the <i>indirect</i> effects of changes to wastewater disposal are assessed separately under '7b'.</p>	River Derwent SAC
	(b) Open water, peatland, fen, marsh and other wetland sites with relevant hydrological links to land within the plan area, irrespective of distance from the plan area	Ellers Wood and Sand Dale SAC Lower Derwent Valley SPA, SAC, Ramsar North York Moors SPA, SAC	<p>Effects considered are those associated with the physical presence of built development and the <i>localised</i> effects on surface/groundwater resources and quality, resulting from changes in run-off, sedimentation, erosion etc.</p> <p>Given the distances, involved, all the listed sites lie over 15km from the plan area, localised effects on</p>	None



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Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
		Strensall Common SAC	wetland features from the type of development proposed can be confidently ruled out from any further consideration. Note that the <i>indirect</i> effects of changes to wastewater disposal are assessed separately under '7b'.	
3. Plans that could affect the marine environment	Sites that could be affected by changes in water quality, currents or flows; or effects on the inter-tidal or sub-tidal areas or the seabed, or marine species	None	No European sites with marine features are considered vulnerable to development proposed within the plan	None
4. Plans that could affect the coast	Sites in the same coastal 'cell', or part of the same coastal ecosystem, or where there are interrelationships with or between different physical coastal processes	None	No European sites with coastal features are considered vulnerable to development proposed within the plan	None
5. Plans that could affect mobile species	Sites whose qualifying features include mobile species which may be affected by the plan irrespective of the location of the plan's proposals or whether the species would be in or out of the site when they might be affected	Lower Derwent Valley SPA, SAC, Ramsar River Derwent SAC	This considers direct impacts of plan proposals on mobile species. Although otters can range widely along suitable waterways, given the distance to those which occupy the Lower Derwent Valley 20km to the south can be considered distinct from those which make frequent and regular use of the stretch of the River Derwent in around Malton and Norton. Therefore, impacts on the Lower Derwent Valley SAC can be ruled out. Similarly, impacts on both the breeding and wintering bird populations which use 'functionally-linked land' outside the designated site are highly unlikely given the distances involved and so too can be ruled out. However, given the development proposals in close proximity to the River Derwent SAC, impacts on the otter, bullhead and lamprey populations of the river cannot be ruled out. Therefore, these features of the River Derwent will be considered further.	River Derwent SAC



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Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
6. Plans that could increase recreational pressure on European sites potentially vulnerable or sensitive to such pressure	(a) Such European sites in the plan area	River Derwent SAC (within the plan area)	<p>The Plan makes provision for unspecified development in a small number of locations in proximity to the River Derwent SAC. If pursued, this could result in an increase in recreational pressure on the SAC and so this requires further consideration.</p> <p>The plan encourages the development of both horse racing and other tourist attractions but does not allocate land for either and at present these remain aspirations. Even if pursued, it is not anticipated that visitors to those destinations would increase pressure on the River Derwent to which there is only limited access through much of the plan area. Consequently, the impact of these proposals can be discounted.</p> <p>Modest proposals are encouraged on land adjacent to the river in the town centre albeit adjacent to a stretch that isn't designated. Despite this, the potential exists for an increase in recreational pressure from existing residents to harm the qualifying features.</p> <p>Therefore, the River Derwent will be considered further.</p>	River Derwent SAC
	(b) Such European sites within an agreed zone of influence or other reasonable and evidence-based travel distance of the plan area boundaries that may be affected by local recreational or other visitor pressure from within the plan area	River Derwent SAC (upstream and downstream but beyond the plan area)	<p>Given that proposals for recreational facilities (see above) are rather modest, any impacts are likely to be very localised restricting impacts to those stretches of the River Derwent within the plan area. Therefore, impacts on all other, more distant sites can be ruled out.</p> <p>Therefore, only the River Derwent within the plan area will be considered further.</p>	None
	(c) Such European sites within an agreed zone of influence or other evidence-based longer travel distance of the plan area, which are major (regional or national) visitor attractions such as European sites which are National Nature Reserves where public	Peak District SPA, SAC Flamborough Head SPA North York Moors SPA, SAC Yorkshire Dales SPA and SAC	The popular tourist destinations sites of the Peak District, Flamborough Head, North York Moors and Yorkshire Dales are considered too distant to be affected by any credible threats from the type of development proposed and are removed from any further consideration in this HRA.	None



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Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
	visiting is promoted, sites in National Parks, coastal sites and sites in other major tourist or visitor destinations			
7. Plans that would increase the amount of development	(a) Sites in the plan area or beyond that are used for, or could be affected by, water abstraction irrespective of distance from the plan area	Ellers Wood and Sand Dale SAC Lower Derwent Valley SPA, SAC, Ramsar North York Moors SPA, SAC River Derwent SAC Strensall Common SAC	The plan does not promote intensive development and so the need for additional water abstraction does not arise. Furthermore, the HRA of Yorkshire Water's Water Resources Management Plan found that there were unlikely to be any significant effects on European sites from anticipated development in the region anyway, either alone or in combination with other plans or projects ³⁵ . Therefore, all potentially affected sites can therefore be ruled out from further scrutiny.	None
	(b) Sites used for, or could be affected by, discharge of effluent from wastewater treatment works or other waste management streams serving the plan area, irrespective of distance from the plan area	Lower Derwent Valley SAC, Ramsar River Derwent SAC	The plan does not promote intensive development and so the need for additional effluent discharge does not arise. Therefore, all potentially affected sites can be ruled out from further scrutiny.	None
	(c) Sites that could be affected by the provision of new or extended transport or other infrastructure	River Derwent SAC	Although the plan seeks to safeguard land to allow for future transport infrastructure, no actual projects are proposed	None
	(d) Sites that could be affected by increased deposition of air pollutants arising from the proposals, including emissions from significant increases in traffic	Lower Derwent Valley SPA, SAC, Ramsar River Derwent SAC Strensall Common SAC	The plan does not contain proposals that will meaningfully increase road traffic within the plan area or beyond. Therefore, all potentially affected sites can be ruled out from further scrutiny.	None
8 Plans for linear developments or infrastructure	Sites within a specified distance from the centre line of the proposed route (or alternative routes), the distance may be	River Derwent SAC	No such infrastructure proposed	None

³⁵ Water Resource Management Plan 2014 Strategic Environmental Assessment Post Adoption Statement Cascade/Yorkshire Water



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Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
	varied for differing types of site / qualifying features and in the absence of established good practice standards, distance(s) to be agreed by the statutory nature conservation body			
9. Plans that introduce new activities or new uses into the marine, coastal or terrestrial environment	Sites considered to have qualifying features potentially vulnerable or sensitive to the effects of the new activities proposed by the plan	River Derwent SAC	No such activities proposed	None
10. Plans that could change the nature, area, extent, intensity, density, timing or scale of existing activities or uses	Sites considered to have qualifying features potentially vulnerable or sensitive to the effects of the changes to existing activities proposed by the plan	River Derwent SAC	No such activities proposed	None
11. Plans that could change the quantity, quality, timing, treatment or mitigation of emissions or discharges to air, water or soil	Sites considered to have qualifying features potentially vulnerable or sensitive to the changes in emissions or discharges that could arise as a result of the plan	River Derwent SAC	No such activities proposed	None
12. Plans that could change the quantity, volume, timing, rate, or other characteristics	Sites whose qualifying features include the biological resources which the plan may affect, or whose qualifying features depend on the biological resources which the plan may affect, for example	River Derwent SAC	No such activities proposed	None



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Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
of biological resources harvested, extracted or consumed	as prey species or supporting habitat or which may be disturbed by the harvesting, extraction or consumption			
13. Plans that could change the quantity, volume, timing, rate, or other characteristics of physical resources extracted or consumed	Sites whose qualifying features rely on the non-biological resources which the plan may affect, for example, as habitat or a physical environment on which habitat may develop or which may be disturbed by the extraction or consumption	River Derwent SAC	No such activities proposed	None
14. Plans which could introduce or increase, or alter the timing, nature or location of disturbance to species	Sites whose qualifying features are considered to be potentially sensitive to disturbance, for example as a result of noise, activity or movement, or the presence of disturbing features that could be brought about by the plan	Lower Derwent Valley SPA, SAC, Ramsar River Derwent SAC	For the purposes of this HRA, it is considered that the effects of this category will be captured effectively via the application of criteria 5 (mobile species) and/or 6 (recreation). Therefore, this criterion is screened out to avoid duplication and will be removed from further consideration in this HRA.	None
15. Plans which could introduce or increase or change the timing, nature or location of light or noise pollution	Sites whose qualifying features are considered to be potentially sensitive to the effects of changes in light or noise that could be brought about by the plan	River Derwent SAC	For the purposes of this HRA, it is considered that the effects of this category will be captured effectively via the application of criteria 5 (mobile species) and/or 6 (recreation). Therefore, this criterion is screened out to avoid duplication and will be removed from further consideration in this HRA.	None
16. Plans which could introduce or increase a potential cause	Sites whose qualifying features are considered to be potentially sensitive to the source of new or increased	River Derwent SAC	No such activities proposed	None



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Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
of mortality of species	mortality that could be brought about by the plan			
<p>Extract from <i>The Habitats Regulations Assessment Handbook</i>, www.dtapublications.co.uk © DTA Publications Limited (November) 2018 all rights reserved This work is registered with the UK Copyright Service</p>				



B. River Derwent Citation and Qualifying Features

River Derwent SAC	
SAC	EC Directive 92/43 on the Conservation of Natural Habitats and of Wild Fauna and Flora
Citation	Citation for Special Area of Conservation (SAC)
including	Name: River Derwent
qualifying	Unitary Authority/County: East Riding of Yorkshire, North Yorkshire, York
features	SAC status: Designated on 1 April 2005
	Grid reference: SE704474
	SAC EU code: UK0030253
	Area (ha): 411.23
	Component SSSI: River Derwent SSSI
	Site description:
	<p>The Yorkshire Derwent is considered to represent one of the best British examples of the classic river profile. This lowland section, stretching from Ryemouth to the confluence with the Ouse, supports diverse communities of aquatic flora and fauna. Fed from an extensive upland catchment, the lowland course of the Derwent has been considerably diverted and extended as a result of glacial action in the Vale of Pickering.</p>
	<p>The river supports an aquatic flora uncommon in Northern Britain. Several species, including river water-dropwort <i>Oenanthe fluviatilis</i>, flowering rush <i>Butomus umbellatus</i>, shining pondweed <i>Potamogeton lucens</i>, arrowhead <i>Sagittaria sagittifolia</i>, opposite-leaved pondweed <i>Groenlandia densa</i> and narrow-leaved water-parsnip <i>Berula erecta</i> are more typically found in lowland rivers in southern England.</p>
	<p>The Derwent is noted for the diversity of its fish communities, which include river <i>Lampetra fluviatilis</i> and sea lampreys <i>Petromyzon marinus</i> populations that spawn in the lower reaches, as well as bullhead <i>Cottus gobio</i>. The diverse habitats also support otters <i>Lutra lutra</i>.</p>
	Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:
	<input type="checkbox"/> 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)
	Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:
	<input type="checkbox"/> Bullhead <i>Cottus gobio</i>
	<input type="checkbox"/> River lamprey <i>Lampetra fluviatilis</i>
	<input type="checkbox"/> Otter <i>Lutra lutra</i>
	<input type="checkbox"/> Sea lamprey <i>Petromyzon marinus</i>



C. Screening of proposed policies

Policy	Rationale	Screening outcome
Vision	This policy represents a vision or aspirations for the Neighbourhood and provides a series of broad objectives. It does not directly lead to development and cannot have any effect on a European site.	A - Screened out
TM1: Protection and Enhancement of Pedestrian, Cycle and Bridleway Networks	This policy seeks to safeguard the existing pedestrian, cycle and bridleway networks before identifying criteria to evaluate possible future development proposals. It does not directly lead to development and so cannot have any effect on a European site.	G - Screened out
TM2: New Pedestrian and Cycle River/Railway Crossing	This policy seeks to safeguard land from development that would prevent the possible, future construction of a new pedestrian and cycle crossing of the River Derwent (though outside the SAC) and adjacent railway line. It does not directly lead to development (ie construction of a new bridge) and therefore cannot have any effect on a European site.	G - Screened out
TM3: Highway Improvement Schemes	This policy seeks to safeguard land from development that would prevent the possible, future implementation of a number of highway improvements across a range of locations within and around both towns that range from relatively modest changes to junctions to the construction of a new by-pass. It does not directly lead to development (ie construction of the individual projects) and therefore cannot have any effect on a European site.	G - Screened out
TM4: County Bridge Level Crossing	This policy seeks to encourage improvements to the layout and functioning of the existing level crossing that lies almost adjacent to the SAC. Improvements would be provided by developer contributions. However, no specific project is promoted, and this policy cannot directly lead to development and therefore cannot have any effect on a European site. No increase in traffic is promoted and a reduction in standing traffic may reduce nitrogen deposition on the SAC.	G - Screened out
TM5: New Vehicular River/Railway Crossing	This policy seeks to safeguard land from development that would prevent the possible, future construction of a new vehicular crossing of the River Derwent (though outside the SAC) and adjacent railway line. It does not directly lead to development (ie construction of a new bridge) and therefore cannot have any effect on a European site.	G - Screened out
TM6: Development on Unallocated sites	This policy seeks to apply tests to new development above a minimum size to ensure that harmful effects on traffic management in the towns does not arise. It does not directly lead to development and therefore cannot have any effect on a European site.	G - Screened out
TM7: Electric Vehicle Charging Infrastructure	This policy seeks to secure the provision of vehicle chargers with new residential development. It does not directly lead to development therefore cannot have any effect on a European site.	G - Screened out
TM8:	This policy seeks to encourage the production of Traffic Management Plans as part of Construction Environment Management Plans for major development proposals. It	G - Screened out



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Policy	Rationale	Screening outcome
Traffic Management Plans	does not directly lead to development therefore cannot have any effect on a European site.	
RC1: Malton and Norton River Corridor Development	<p>This policy seeks to encourage the development of new open space and so increase recreational use of a 1.2km stretch of both banks of land adjacent to the River Derwent; it occupies land adjacent to both designated and non-designated stretches of the river which provides a direct hydraulic link to the entire European site.</p> <p>Although relatively modest in scope the land is not allocated for this purpose in the Ryedale local plan and the desired effect is to enhance interpretation of the area, increase recreational activities on land adjacent to the river and includes the possible change of use of existing buildings to provide, perhaps, a café.</p> <p>Consequently, harmful effects from construction and recreational pressure on the aquatic and mobile features of the SAC cannot be ruled out and so this policy is carried forward for formal screening.</p>	I - Screened in
RC2: Regeneration of Land North and South of County Bridge	<p>This policy seeks to encourage the loosely defined, development-led regeneration of riverside land either side of the River Derwent in the town centre including County Bridge. Although this lies adjacent to (and across) the undesignated stretch of the river, it remains intimately linked with the rest of the European site both up and downstream; there is no corresponding allocation in the Ryedale Local Plan.</p> <p>Given the lack of detail associated with this policy, harmful effects from construction and, potentially, recreational pressure on the aquatic and mobile features of the SAC cannot be ruled out and so this policy is carried forward for formal screening.</p>	I - screened in
E1: Protection of Local Green Space	This policy seeks to protect existing open space of recreational and/or environmental importance. It provides environmental benefits and cannot result in harmful effects on any European site.	D - Screened out
E2: Enhancement of Local Green Space	This policy seeks to encourage the management of existing open space of recreational and/or environmental importance. It provides environmental benefits and cannot result in harmful effects on any European site.	D - Screened out
E3: Open Space in New Development	This policy seeks to encourage the establishment of new open space of recreational and/or environmental importance within new development. It provides environmental benefits and cannot result in harmful effects on any European site.	D - Screened out
E4: Green and Blue Infrastructure	This policy seeks to protect the existing network of Green and Blue Infrastructure. The policy will provide environmental benefits and cannot result in harmful effects on any European site.	D - Screened out
E5: High Malton Visually Important Undeveloped Area (VIUA)	This policy seeks to identify discrete areas that could be protected from development because of their landscape attributes. It provides environmental benefits and cannot result in harmful effects on any European site.	D - Screened out
E6: Gateways	This policy seeks to protect views of the built and semi-natural heritage. It does not directly lead to development (ie	G - Screened out



HRA of Malton and Norton 2nd Submission Neighbourhood Plan (June 2023)

Policy	Rationale	Screening outcome
	construction of the individual projects) and therefore cannot have any effect on a European site.	
E7: Development Affecting the Malton AQMA	This policy seeks to mitigate the impact of new development on the air quality of the town centres. It does not directly lead to development (ie construction of the individual projects) and therefore cannot have any effect on a European site.	G - Screened out
CF1: Norton's Swimming Pool	This policy seeks to expand the facilities at Norton swimming pool which lies in relatively close proximity to the River Derwent SAC. Consequently, harmful effects from construction and, potentially, recreational pressure on the aquatic and mobile features of the SAC cannot be ruled out and so this policy is carried forward for formal screening.	I - Screened in
CF2: Malton Community Sports Centre	This policy seeks to expand the facilities at Malton Community Sports Centre including the provision of additional car parking. As it is located over 1km from the River Derwent SAC, it is considered almost inconceivable that this could result in any harmful effects on this or any other European site.	G - Screened out
CF3: Medical Centre Development	This policy seeks to promote the construction of a new medical centre at an unspecified location within the two towns and it is conceivable that harmful activities could arise if built in close proximity to the River Derwent SAC without the necessary safeguards. However, there can be confidence that Policy SP14 of the Ryedale Local Plan will apply and that the conservation objectives of the European site will not be undermined, and harmful effects avoided especially when the modest scale of the proposal is also taken into account.	H - screened out
TC1: New Museums and Visitor Facilities	This policy seeks to promote the development of new museum and tourism facilities at unspecified locations within the two towns and it is conceivable that harmful activities could arise if built in close proximity to the River Derwent SAC without the necessary safeguards. However, there can be confidence that Policy SP14 of the Ryedale Local Plan will apply and that the conservation objectives of the European site will not be undermined, and harmful effects avoided especially when the modest scale of the proposals is also taken into account.	H - Screened out
TC2: Orchard Field	This policy seeks to encourage the sympathetic development of visitor facilities on this greenfield site and ancient monument in relatively close proximity to the River Derwent. Given the nature and anticipated scale of the proposed development and that it is separated from the river by industrial development, it is considered almost inconceivable that this could result in any harmful effects on this or any other Europeans site.	G - Screened out
TC3: Hotel Development	This policy seeks to promote the construction of a new hotel of an unknown scale at an unspecified location within or close to the two towns and it is conceivable that harmful activities could arise if built in close proximity to the River Derwent SAC without the necessary safeguards.	H - Screened out



HRA of Malton and Norton 2nd Submission Neighbourhood Plan (June 2023)

Policy	Rationale	Screening outcome
	However, there can be confidence that Policy SP14 of the Ryedale Local Plan will apply and ensure that adverse effects on the integrity of the European are avoided.	
TC4: Wentworth Street	This policy allocates land for the development of a new hotel with public car parking. Although not allocated in the Ryedale Local Plan as it is located several hundred metres from the River Derwent SAC, it is considered almost inconceivable that this could result in any harmful effects on this or any other European site.	G - Screened out
HRI1: Protection of Horse Racing Stables	This policy seeks to safeguard the functioning or similar equine use of existing horse stables and identifies criteria to be applied should different proposals threaten their continued use. It does not directly lead to development and therefore can have no effect on any European site.	G - Screened out
HRI2: Horse Racing Zones and Development	This policy seeks to safeguard the functioning of existing horse stables and identifies criteria to be applied should other proposals threaten their continued use. It does not directly lead to development and therefore cannot have any effect on a European site.	G - Screened out
HRI3: Improved Accessibility to the Horse Racing Industry	This policy seeks to safeguard the functioning of existing horse stables and identifies criteria to be applied should other proposals threaten their continued use. It does not directly lead to development and therefore can have no effect on any European site.	G - Screened out
HRI4: Horse Racing Museum	This policy seeks to promote the construction of a new horse racing museum of an unknown scale at an unspecified location within or close to the two towns and it is conceivable that harmful activities could arise if built in close proximity to the River Derwent SAC without the necessary safeguards. However, there can be confidence that Policy SP14 of the Ryedale Local Plan will apply and ensure that adverse effects on the integrity of the European are avoided	H - Screened out
HD1: Development and Design – Conservation Areas	This policy seeks to promote high quality design for new or infill building within existing conservation areas by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a European site.	B - Screened out
HD2: Development and Design – Area-wide Principles	This policy seeks to promote high quality design for new building across the neighbourhood plan area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a European site.	B - Screened out
HD3: Shop Fronts	This policy seeks to influence the design of shopfronts across the neighbourhood plan area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a European site.	B - Screened out
HD4: Malton Town Centre Conservation Area – Enhancement	This policy seeks to encourage the enhancement of the Malton conservation area and the high-quality design of new development at specific and non-specific locations by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a European site.	B - Screened out
HD5: Public Realm	This policy seeks to encourage improvements to the street scene and public realm within the Malton Town Centre	B - Screened out



HRA of Malton and Norton 2nd Submission Neighbourhood Plan (June 2023)

Policy	Rationale	Screening outcome
Improvements within Malton Town Centre Conservation Area	conservation area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a European site.	
HD6: Norton-on-Derwent Conservation Area – Enhancement	This policy seeks to encourage the enhancement of the Norton-on-Derwent conservation area and the high-quality design of new development at specific and non-specific locations by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a European site.	B - Screened out
HD7: Public Realm Improvements within Norton-on-Derwent Conservation Area	This policy seeks to encourage improvements to the street scene and public realm within the conservation area of Norton-on-Derwent by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a European site.	B - Screened out
HD8: Malton Old Town Conservation Area – Enhancement	This policy seeks to encourage the enhancement of the Malton Old Town conservation area and the high-quality design of new development at specific and non-specific locations by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a European site.	B - Screened out
HD9: Public Realm Improvements within Malton Old Town Conservation Area	This policy seeks to encourage improvements to the street scene and public realm within the Malton Old Town conservation area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a European site.	B - Screened out
HD10: Area-wide Public Realm Improvements	This policy seeks to encourage improvements to the street scene and public realm across the Neighbourhood Plan area by identifying criteria to evaluate proposals. It does not directly lead to development and so cannot have any effect on a European site.	B - Screened out
HD11: Archaeology	This policy seeks to influence development that affects archaeological features by identifying criteria to evaluate proposals including a new 'Visually Important Undeveloped Area' designation. It does not directly lead to development and so cannot have any effects on a European site.	B - Screened out
H1: Housing Mix	This policy seeks to influence the housing mix of future residential development. It does lead directly to development and so cannot have any effects on a European site.	B - Screened out
EM1: Encouragement of Local Employment Sectors	This policy represents a vision or aspirations for the Neighbourhood by providing a single, broad objective. It does not directly lead to development and cannot have any effect on a European site.	A - Screened out
M1: Wentworth Street Car Park	This policy seeks to safeguard Wentworth Street car park from development. It does not directly lead to development and therefore cannot have any effect on a European site. However, this policy also seeks to encourage the possible construction of a new car park of an unknown scale at an unspecified location and it is conceivable that harmful	G & H - Screened out



HRA of Malton and Norton 2nd Submission Neighbourhood Plan (June 2023)

Policy	Rationale	Screening outcome
	<p>activities could arise if built in close proximity to the River Derwent SAC without the necessary safeguards.</p> <p>However, there can be confidence that Policy SP14 of the Ryedale Local Plan will apply and ensure that the conservation objectives of the European site will not be undermined, and harmful effects avoided</p>	
M2: Malton Market Place	<p>This policy seeks to safeguard car parking facilities in Malton Market Place from development. It does not directly lead to development and therefore cannot have any effect on a European site.</p> <p>However, this policy also seeks to encourage the possible construction of a new car park of an unknown scale at an unspecified location and it is conceivable that harmful activities could arise if built in close proximity to the River Derwent SAC without the necessary safeguards.</p> <p>However, there can be confidence that Policy SP14 of the Ryedale Local Plan will apply and ensure that the conservation objectives of the European site will not be undermined, and harmful effects avoided</p>	G & H - Screened out
N1: Land to the Rear of Commercial Street	<p>This policy seeks to encourage the redevelopment of land to the rear of Commercial Street in Norton town centre.</p> <p>The uses described comprise retail, light industrial uses and the development of a car park; residential development is not listed though the land is not allocated for this purpose in the Ryedale local plan.</p> <p>Given the lack of detail associated with this policy, harmful effects from construction and, potentially, recreational pressure on the aquatic and mobile features of the SAC cannot be ruled out and so this policy is carried forward for formal screening.</p>	I - Screened in

APPENDIX 13: SECOND SUBMISSION NEIGHBOURHOOD PLAN REPORT JULY 2023

Malton and Norton on Derwent Neighbourhood Plan
2nd Submission (Regulation 15) version
Strategic Environmental Assessment - Environmental Report
July 2023

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Appendix 3: SEA scoping response from Historic England
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Appendices 5a, 5b, 5c and 5d: Assessment of Reg 15 NP policies against SEA objectives.
Appendix 6: Recommended amendments to Policies RC1, RC2, CF1 and N1, made in SEA environmental report accompanying the 2nd Pre-submission Neighbourhood Plan (January 2023)

References and information sources used in this document:

Policy Documents:

- Ryedale Plan Local Plan Strategy adopted in September 2013
- Ryedale Plan Local Sites Document adopted in June 2019
- Sustainability Appraisals/Strategic Environmental Assessments applicable to the statutory development plan for Ryedale district.
- The HRA of the 2nd Pre-Submission Neighbourhood Plan, December 2022, Fleming Ecology
- Malton and Norton Neighbourhood Plan May 2020 SEA Screening Report
- Malton and Norton Neighbourhood Plan July 2020 SEA Scoping Report

Evidence:

- 2021 Air Quality Annual Status Report (ASR) In fulfilment of Part IV of the Environment Act 1995 Local Air Quality Management June 2021, Ryedale District Council
- Ryedale District Council Infrastructure Delivery Plan 2012
- Ryedale District Council Infrastructure Delivery Plan 2018 update
- Ryedale District Council PPG17 Open Spaces Study
- North Yorkshire County Council Definitive Map of public rights of way. Accessed online at <https://www.northyorks.gov.uk/definitive-map-public-rights-way>
- National Heritage List. Accessed online in September 2020 and October 2020 at <https://historicengland.org.uk/listing/the-list>
- The Scarborough Borough and Ryedale Level 1 Strategic Flood Risk Assessment (2021) https://www.northyorks.gov.uk/sites/default/files/fileroot/planning_migrated/planning_policy/SFRA-REPORT.pdf
- An interactive map focusing on Malton and Norton is available to view here https://www.northyorks.gov.uk/sites/default/files/fileroot/planning_migrated/planning_policy/GeoPDF_Malton-Norton-on-Derwent_Final.pdf

A non-technical summary

Introduction

This document is the environmental report for the draft Malton and Norton on Derwent Neighbourhood Plan (NP). It has been prepared in accordance with Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 (referred to from this point onwards as the SEA Regulations).

The report explains all the steps that have taken place to date for the strategic environmental assessment (SEA) of the draft Malton and Norton on Derwent NP.

What is Strategic Environmental Assessment?

Strategic environmental assessment is a tool used at the plan-making stage to assess the likely effects of the plan on the environment when judged against a baseline. The baseline is the situation without the plan being in place. As part of the assessment, it is also necessary to assess the plan against reasonable alternatives to the plan being proposed (for example the same plan with different policies in it).

What is the Malton and Norton on Derwent Neighbourhood Plan

The Malton and Norton on Derwent NP is a land use document that has been prepared jointly by the two Town Councils of Malton and Norton on Derwent to cover the designated plan area. This is shown in Figure 1. Once made, the NP will sit alongside the Ryedale Local Plan and provide the basis for the determination of planning applications for land that falls in the area shown in Figure 1.

What has happened so far?

The SEA work has so far comprised seven stages:

- a) August 2019: a screening stage (an initial assessment to see if the Neighbourhood Plan (NP) is likely to trigger significant environmental effects)
- b) July 2020: a scoping stage (a mid-way assessment that explains what will be looked at and what information will be used to undertake a full environmental assessment of the draft NP). The Environment Agency, Natural England and Historic England were consulted at this stage as a way of checking that an appropriate approach is being proposed
- c) October 2020: an assessment undertaken of the likely significant effects on the environment of the emerging Malton and Norton on Derwent NP (this was reported in the Interim SEA Environmental Report)
- d) February 2021: following revisions to the NP in light of SEA and HRA findings and the preparation of the 1st Regulation 14 version of the Malton and Norton on Derwent NP, a revised assessment of the likely significant effects on the environment of planning policies.
- e) November 2021: following revisions to the NP in light of consultation responses received during the 1st pre submission consultation (the Regulation 14 consultation referred to in paragraph d) above) and the subsequent preparation of the 1st Regulation 15 version of the Malton and Norton on Derwent NP, the SEA report was updated. However there had been no need to make changes to the environmental assessment found in Chapters 5 and 6 of this report because the affected policies were not materially changed between pre-submission stage and submission stage in the neighbourhood plan process. The most significant changes to the plan between 1st pre-submission consultation stage and previous submission stage

were the addition of two planning policies in the Traffic Management section (TM6: Development on Non-allocated Sites and TM7: Electric Vehicle Charging Infrastructure) and the addition of a Local Green Space under Policy E1: Protection of Local Green Spaces. Other changes included minor amendments to the plan vision, alongside amendments to text supporting the planning policies.

- f) January 2023: The preparation of this revised SEA Environmental Report to accompany the 2nd Pre-Submission NP, following the withdrawal of the previously submitted NP. The affected policies¹ were not materially changed in the preparation of this 2nd Pre-Submission NP. However, the SEA report, including the assessment set out in appendices 5a to 5d, has been updated in order to reflect:
- The publication of the Scarborough Borough and Ryedale Level 2 Strategic Flood Risk Assessment, November 2021
 - The 2021 Air Quality Annual Status Report In fulfilment of Part IV of the Environment Act 1995 Local Air Quality Management June 2021, Ryedale District Council
 - The NPPF 2021 and accompanying planning practice guidance, including updates made in August 2022 relating to flood risk and coastal change
- g) July 2023: The updating of the SEA Environmental Report to accompany the 2nd Submission NP.

How has the SEA influenced the NP to date?

The SEA screening stage resulted in a need to undertake a detailed environmental appraisal of the NP. The reason for this was due to a separate assessment called the Habitats Regulations Assessment that had been undertaken on the NP as well. This is known as the HRA assessment. The HRA Assessment concluded that adverse impacts on the River Derwent could not be ruled out.

At the SEA Scoping stage, a report was prepared and sent to the Environment Agency, Natural England and Historic England. This report concluded that the SEA of the NP should only focus on four policies in the NP. These were:

- RC1: Malton and Norton River Corridor Development
- RC2: Regeneration of Land North and South of County Bridge
- CF1: Norton's Swimming Pool, and
- N1: Land to the Rear of Commercial Street.

These three environmental bodies responded to the consultation. Their responses are included in this report as Appendices 2, 3 and 4. They all agreed with the proposed approach to be taken in this assessment.

A detailed assessment of the four NP policies was undertaken in October 2020 against agreed sustainability criteria. This is detailed in Appendix 1 to this report. The scoring system used is as set out below.

¹ The planning policies, which it has been agreed at the SEA scoping stage, are required to be subjected to environmental assessment under the SEA Regulations.

Scoring system used to assess the NP policies

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither and positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.
U -	Uncertain impact but possibly negative impact.	Uncertain, but the policy may hinder achievement of the objective
U +	Uncertain impact but possibly positive impact	Uncertain, but the policy may be positively consistent with meeting the objective

An overview of the completed assessment at the interim stage is provided in Chapter 6. This assessment resulted in the identification of possible and reasonable alternatives to policy wording. This is indicated in the table provided in Chapter 6 through the use of the abbreviation **ALT** in the last four columns.

The findings were used by the NP group to inform revisions to the previous (early 2021) Regulation 14 version of the NP. These revisions have fed through to both the 2nd Pre-submission Neighbourhood Plan (January 2023) and the 2nd Submission Neighbourhood Plan (July 2023).

The SEA assessment undertaken for the 2nd Regulation 14 NP resulted in further recommendations for wording amendments to Policies RC1, RC2, CF1 and N1. These recommended amendments are set out in the Appendix 6. They were made in light of national policy set out in the NPPF 2021 and national planning practice guidance available at <https://www.gov.uk/guidance/flood-risk-and-coastal-change> relating to flood risk, together with the updated Strategic Flood Risk Assessment for the plan area (namely the Scarborough Borough and Ryedale level 1 SFRA, November 2021, and in particular the flood risk map for Malton and Norton set out in that document.

What are the key findings of the SEA work undertaken for the Regulation 15 version of the NP?

An overview of the completed assessment is provided in the table below. A full more detailed assessment is set out in Appendix 5 to this report.

What can be seen from the overview is that overall, the impacts are, neutral or positive. There is one uncertain significant positive effect identified for Policy RC1 against SEA objective 3. This is due to the potential significant improvements the policy could facilitate in terms of public realm improvements along the River Derwent. But, as with a high number of registered impacts, this impact is uncertain. This is because all four policies being assessed are aspirational in nature

where they are encouraging specific land uses. They are not site allocations as such. Deliverability or viability has not been tested and there is no evidence of any discussions having taken place with land promoters, owners or other stakeholders in terms of the implementation of schemes. The development being encouraged will not come forward without other drivers outside the NP process.

There are a few occasions where potential negative impacts have been identified. These are noted through the symbol - .

The SEA assessment undertaken of the 1st Regulation 14 NP, and applicable to both the 2nd Regulation 14 NP and 2nd Submission Regulation 15 NP, compared to the interim assessment (October 2020) differ in that the previous potential significant negative impacts registered against biodiversity impacts (SEA 9) and flooding objectives (SEA 12) have now been removed. This is because of amendments to the policy wording in light of the recommendations made in 2020 and detailed in appendices 1a – 1d of this report.

An overview of the assessment of the four Regulation 14 policies² against the SEA objectives

Proposed SEA objective	Appraisal prompts	RC1	RC2	CF1	N1
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	1. Does the policy result in the loss of a community facility or poorer access to a community facility?	=	=	+	=
	2. Does the policy result in improved access to a community facility	U +	U +	U+	U +
SEA 2: To provide the opportunity for all people to meet their housing needs.	1. Does the policy deliver homes which will address an identified local need such as affordable homes?	0	0	0	0
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?	0	U+	=	=
	2. Would the policy involve new public realm or enhancements to the public realm?	U++	U+	=	=
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and	=	=	=	=

² Applies to December 2022 version

Proposed SEA objective	Appraisal prompts	RC1	RC2	CF1	N1
	discouraging anti-social behaviour.				
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	U +	U+	U+	U+
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	1. Will the policy protect or enhance the viability and vitality of the town centres?	U+	U+	U+	U+
	2. Will the policy protect or enhance open areas outside the town centre?	0	0	0	0
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors	1. Does the policy protect, employment opportunities in plan area?	=	=	=	=
	2. Does the policy encourage or deliver more employment opportunities in accessible locations?	U +	U+	U+	U+
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	0	U+	U+	U+
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	=	=	=	=
	2. Does the policy protect or enhance protected flora and fauna?	U -	U-	U- U+	U-
	3. Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	=	=	U +	=
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	=	0	U + U -	U + U -

Proposed SEA objective	Appraisal prompts	RC1	RC2	CF1	N1
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	<p>1. Would this policy encourage people to walk and cycle rather than travel by car?</p> <p>2. Would this policy lead to highway impacts that would require highway mitigation measures?</p> <p>3. Will the policy protect or enhance access to public rights of way?</p>	<p>U +</p> <p>=</p> <p>U+</p>	<p>=</p> <p>U- AND U+</p> <p>=</p>	<p>=</p> <p>=</p> <p>0</p>	<p>U-</p> <p>=</p> <p>=</p>
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	<p>1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone?</p> <p>2. Does the policy lead to increases in flood risk to people and property in the plan area?</p>	<p>U-</p> <p>=</p>	<p>U-</p> <p>=</p>	<p>U-</p> <p>=</p>	<p>U-</p> <p>=</p>
SEA 13: To conserve and where appropriate enhance the significance ³ of the historical and cultural environment.	<p>Does the policy conserve or enhance the significance of the designated heritage asset?</p> <p>Does the policy conserve or enhance the significance of the non-designated heritage assets?</p>	<p>=</p> <p>=</p>	<p>U +</p> <p>U</p>	<p>=</p> <p>0</p>	<p>=</p> <p>0</p>
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	0	0	0	0
SEA 15: To make the most efficient use of land	<p>Does the policy focus development towards previously developed land.</p> <p>Does the policy focus on maximising efficient uses of land?</p>	0	+	+	+

³ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

Proposed SEA objective	Appraisal prompts	RC1	RC2	CF1	N1
SEA 16: To maintain a high quality environment in terms of air quality	Does the policy have an adverse impact on the Malton Air Quality Management area?	=	U+ U -	U-	U -

What happened after the consultation on the 2nd Regulation 14 Neighbourhood Plan

The SEA report was published for consultation alongside the NP at Regulation 14 stage. This means that where the SEA report identified any negative environmental effects, these were clear to all stakeholders. It also provided consultees with an opportunity to comment on the content of the SEA assessment itself.

During the Regulation 14 consultation, comments were made by Ryedale District Council, Historic England and Natural England. They comments made indicated they were satisfied with the approach taken in the updated SEA work, although no comments were made on the recommendations made in the SEA report with respect to minor policy wording changes.

Following the Regulation 14 consultation, the NP group considered all consultation responses made to the NP.

The submission NP includes a number of minor changes to the policies which fall outside the scope of the SEA work (TM1, TM3, TM4, TM6, CF2, HD11). It also incorporates one additional planning policy E5: High Malton Visually Important Undeveloped Area. With respect to the policies that fall within the scope of the SEA, the submission NP includes one minor change to Policy RC1 to include additional support for “river history interpretation panels”. The submission NP also incorporates the changes recommended in the SEA environmental report, issued at the 2nd Regulation 14 stage, to Policies RC1, RC2, CF1 and N1 – see Appendix 6.

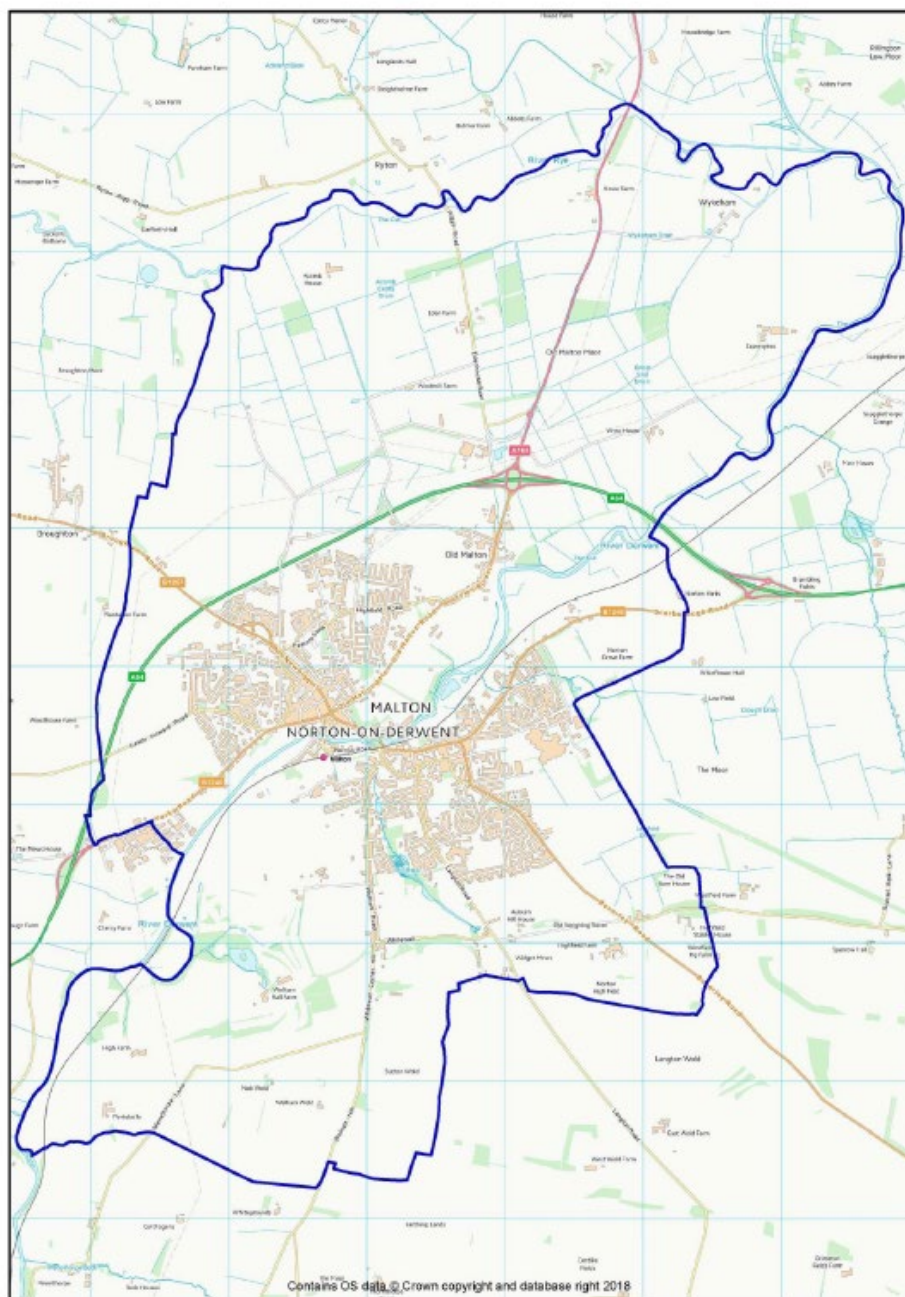
What will happen next?

The SEA environmental report will be submitted alongside the NP under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended). Subject to a successful examination and referendum, the NP will then become part of the statutory development plan and planning applications will be determined in line with it. Under Regulation 17 of the SEA Regulations, any significant environmental effects of the implementation of the NP will then need to be monitored with the purpose of identifying any unforeseen adverse effects and undertaking appropriate remedial action. In this case, monitoring requirements have limited relevance since the SEA has not identified any potentially significant adverse effects. Notwithstanding this, the NP itself will be monitored on an annual basis by the town councils as set out in Chapter 6 of the NP. It is advised attention is paid to Policies RC1, RC2, CF1 and N1 as part of this with a view to identifying environmental effects that differ from those anticipated in this SEA.

1. Introduction to the Malton and Norton on Derwent NP.

- 1.1 Work on the Neighbourhood Plan (NP) initially began in 2011. The plan area was however designated relatively recently on 19 February 2019. The plan boundary is shown in Figure 1.

Figure 1: The Malton and Norton on Derwent Neighbourhood Plan area



- 1.2 The NP covers the year up to 2027.

- 1.3 The NP is made up of the following chapters:

- Chapter 1: Introduction
- Chapter 2: Malton and Norton Yesterday and Today, describes the two towns and key issues
- Chapter 3: Vision and Objectives for the area up to year 2027.

- Chapter 4: Neighbourhood Plan Policies and Proposals 44 Planning Policies divided into eleven key themes
- Chapter 5: Community Facilities and Actions. Non planning policies accompanying the plan policies and proposals
- Chapter 6: Monitoring, Review and Implementation chapter

1.4 The Vision underpinning the plan is as follows:

Malton and Norton boast a rich heritage and culture, from their historical origins and archaeological and architectural legacy to their surviving traditional horse racing and food-based industries. These are the bedrocks on which our future vision for the towns are based.

As such, by the end of the plan period in 2027, our three conservation areas will be better understood, their assets better protected as a result, and their appearance and character enhanced by sensitive improvements in keeping with their key elements and features. This enlightened approach to development and design will also be reflected in the wider Neighbourhood Area.

The local food and horse-racing industries which are so much a part of the towns, and their hinterland will be confirmed in their status and have developed further within a climate of promotion and encouragement.

The tourism which is vital to our towns will have continued to grow powered by the twin engines of heritage and culture.

The River Derwent, separating the two towns and running through the heart of the area is the other jewel in our crown but also the potential thorn in our sides! It is rich ecologically, and acknowledged as such by a European wildlife designation, while providing an important leisure resource for all. Conversely, it carries an ever present flood risk, acts as a barrier to movement between the towns and through the very thing that makes it so special (its wildlife) poses challenges to more productive and positive use. The town councils' vision is of a Derwent that remains ecologically rich but which yields up its potential for sympathetic riverside enhancements and the positive use of under-utilised riverside land, through development which respects and works with the river's natural functions. The hope too is that new river crossings will have been created, allowing for much improved road, cycling and pedestrian links between Malton and Norton and, through them and other highway improvements, the alleviation of traffic congestion and air pollution in our town centres.

At root, we want the people in our towns to be able to freely enjoy an abundance of simple pleasures in a well-supported and fully serviced community. We aspire to culturally rich and vibrant leisure opportunities, including improvement of existing services and the development of new facilities and wellness activities.

We look forward to enjoying two towns which have enjoyed appropriate housing and employment growth and opportunity, within the context of an even higher quality environment, consistent with their status as Ryedale's principal towns.

1.5 Underpinning this vision, the plan defines the following eleven objectives:

- To protect and improve the local environment and particularly the ecological quality of the river corridor.

- To cut congestion and improve air quality.
- To improve connectivity between Malton and Norton.
- To improve access to the river for the community.
- To build upon local distinctiveness in order to enhance the visual quality and appearance of the towns.
- To protect heritage assets.
- To encourage regeneration and redevelopment of vacant plots.
- To capitalise on the history and culture of Malton and Norton to develop the tourism industry.
- To build upon the economic strengths of the towns and address deficiencies in the economy.
- To protect and improve community services and facilities.
- To encourage housing provision that meets local needs.

- 1.6 The NP includes 44 planning policies. These policies are listed in Table 1 below alongside a description as to what each policy does.

Table 1: What each NP planning policy does

Policy Name and Reference		What does this policy do?
	Transport Policies	
1	TM1: Protection and Enhancement of Pedestrian, Cycle and Bridleway Networks	<p>Protects the existing footpath, cycleway and bridleway network and sets out ways in which applicable development can contribute to the network.</p> <p>Seeks improvements to the network and identifies seven locations where improvements would be specifically welcome. The policy clarifies any acceptability of proposals is subject to there being no adverse effects on the integrity of the River Derwent SAC.</p> <p>Seeks contributions to new provision from development likely to increase pedestrian footfall and/or cycle horse rider usage within the network. Policy suggest ways in which developers can enhance the user experience.</p>
2	TM2: New Pedestrian and Cycle River/Railway Crossing	Resists proposals which would prevent the provision of new pedestrian and cycle crossings of the River Derwent and/or the York/Scarborough Railway at three specific locations.
3	TM3: Highway Improvement Scheme	<p>Identifies two locations which present opportunities for highways improvements. Policy resists development which would prevent the improvements from coming forward.</p> <p>Requires developers to make provision of transport infrastructure necessitated through the development proposal.</p>
4	TM4: County Bridge Level Crossing	Supports development proposals which would deliver specific (a list of 5) highway management improvements at the County Bridge Level Crossing
5	TM5: New Vehicular River/Railway Crossings	Resists proposals which would prevent the provision of new road crossings of the River Derwent and/or the York/Scarborough Railway at two specific locations.
6	TM6: Development on Non-allocated Sites	<p>A policy which would apply to developments of 0.4ha and/or 10 dwellings or more and which requires evidence to be provided relating to traffic impacts to demonstrate the following:</p> <ul style="list-style-type: none"> the capacity of existing transport infrastructure is not exceeded mitigation measures in respect of congestion, highway safety and access to the local road network no worsening of the air quality in the Malton AQMA the proposal makes positive provision for sustainable transport modes
7	TM7: Electric Vehicle Charging Infrastructure	A policy setting out requirements with respect to electric vehicle charging infrastructure.

8	TM8: Traffic Management Plans	Encourages developers of major development proposals to provide a traffic management plan as part of Construction Management Plan
The River Corridor		
9	RC1: Malton and Norton River Corridor Development	<p>Identifies a list of recreational enhancement works which would be supported in the River Corridor. The list is:</p> <ul style="list-style-type: none"> - A new picnic area - Improved riverside seating - Enhanced footpath, cycleway and bridleway provision - Café/refreshment facilities <p>The policy highlights the environmental sensitivity of the River Corridor and specifies that the acceptability of any proposal is subject to there being no adverse affects on the integrity of the River Derwent SAC.</p>
10	RC2: Regeneration of Land North and South of County Bridge	Supports development-related regeneration on land to the north and south of County Bridge (site is identified on the Proposals Map). Policy does not designate it for development but provides seven criteria should the site be accepted for development via the Local Plan (or otherwise e.g. via an outline planning application) and subject to any adverse affects on the integrity of the River Derwent SAC being ruled out.
The Environment		
11	E1: Protection of Local Green Space	Identifies nine open spaces as Local Green Spaces (protects them as open spaces).
12	E2: Enhancement of Local Green Space	Supports, in principle, development which would result in 'appropriate enhancements' to the Local Green Spaces subject to compliance with other policies in the plan.
13	E3: Open space in new development	This policy applies to proposals which involve provision of new open space as part of new development. The policy encourages development that creatively addresses the provision of equipped children's play areas and public open space.
14	E4: Green and Blue Infrastructure	<p>Specifies that development proposals should not harm the function of existing green infrastructure network comprising six different areas:</p> <ul style="list-style-type: none"> - The Derwent Corridor - The Howardian Hills - The Rye Corridor - The Mill Beck Corridor - The Driffild-Thirsk Disused Railway Line - Westfield Way, Priorpot Beck
15	E5: High Malton Visually Important Undeveloped Area (VIUA)	A policy that designated an area of land in Malton as a Visually Important Undeveloped Area, an existing Local Plan designation in the Ryedale Plan
16	E6: Gateways	Requires development at the settlement gateways to respect key views
17	E7: Development affecting the Malton AQMA	Requires proposals in the plan area to contribute towards and sustain compliance with relevant limits values or national objectives for pollutants within the Malton AQMA.

		The policy also requires proposals resulting in development that would result in an impact on air quality to demonstrate impact is acceptable and that measures (such as green infrastructure) are in place to mitigate impacts.
	Community Facilities	
18	CF1: Norton's Swimming Pool	Supports in principle the upgrading of Norton Swimming Pool Due to the location of the swimming pool, the policy includes a caveat clarifying the acceptability of any such development is subject to the proposal not adversely affecting the integrity of the River Derwent SAC.
19	CF2: Malton Community Sports Centre	Supports in principle the development of the community sports centre to provide additional capacity or improved leisure facilities.
20	CF3: Medical Centre Development	Supports the development of a new doctor's surgery or medical centre within the built-up area of either Malton or Norton
	Tourism and Culture	
21	TC1: New Museums and Visitor Facilities	Supports in principle new or extended facilities
22	TC2: Orchard Field	Identifies Orchard Field as an opportunity for development of visitor facilities. Specifies a requirement to consider known or potential archaeological remains. Requires the submission of a heritage statement alongside any proposal.
23	TC3: Hotel Development	Supports in principle a new hotel along the A64 close to Malton and Norton or within a central location to the two towns.
24	TC4: Wentworth Street	Encourages the development of a new hotel with public car park at a specific site along Wentworth Street.
	The Horse Racing Industry	
25	HRI1: Protection of Horse Racing Stables	Safeguards existing horse racing stables. Allows for change of use/redevelopment in certain cases.
26	HRI2: Horse Racing Zones and Development	Resists development within a designated horse racing zone (also designated by the plan) which would adversely affect the horse racing zone (e.g in terms of safety of pedestrians, horses etc)
27	HRI3: Improved Accessibility to the Horse Racing Industry	Specifies that development within the vicinity of the racing stables, gallops or horse walking routes, will be expected to contribute to (the network) where the development would affect this footpath, cycleway or bridleway network. Policy lists seven locations where improvements are sought.
28	HRI4: Horse Racing Museum	Supports in principle the development of a horse racing museum.
	Heritage and Design	
29	HD1: Development and Design – Conservation Areas	Provides design principles for proposals coming forward in the three conservation areas (Malton Town Centre, Norton on Derwent and Malton Old Town).
30	HD2: Development and Design – Area Wide Principles	Provides area-wide principles to be complied with.
31	HD3: Shop Fronts	Provides principles for proposals affecting or creating shop fronts

32	HD4: Malton Town Centre Conservation Area – Enhancement	Identifies specific sites in the Malton Town Centre Conservation Area where enhancements are sought.
33	HD5: Public Realm Improvements within Malton Town Centre Conservation Areas	Supports, in principle, proposals which would lead to public realm improvements. Identifies two locations where public realm improvements are particularly welcomed.
34	HD6: Norton-on-Derwent Conservation Area Enhancement	Identifies specific sites in the Norton-on-Derwent Conservation Area where enhancements are sought.
35	HD7: Public Realm Improvements within the Norton-on-Derwent Conservation Area	Supports, in principle, proposals which would lead to public realm improvements. Identifies five locations where public realm improvements are particularly welcomed.
36	HD8: Malton Old Town Conservation Area – Enhancement	Identifies specific sites in the Malton Old Town Centre Conservation Area where enhancements are sought.
37	HD9: Public Realm Improvements within the Malton Old Town Conservation Area	Supports, in principle, proposals which would lead to public realm improvements.
38	HD10: Area-wide public realm Improvements	Supports, in principle, proposals which would lead to public realm improvements
	Archaeology	
39	HD11: Archaeology	Policy specifies required survey and evaluation procedures for proposals involving disturbance of existing ground levels
	Housing	
40	H1: Housing Mix	A housing mix policy
	Employment	
41	EM1: Encouragement of Local Employment Sectors	Supports in principle uses generating new employment.
	Malton Specific Policies	
42	M1: Wentworth Street Car Park	Protects existing car parking provision at Wentworth Street car park.
43	M2: Malton Market Place	Protects existing car parking provision at Malton Market Place.
	Norton Specific Policies	
44	N1: Land to the Rear of Commercial Street	Supports regeneration at land to the rear of Commercial Street (site is identified on the Proposals Map) subject to a proposal having no adverse affects on the integrity of the River Derwent SAC.

2 The Scope of this SEA

- 2.1 An SEA Scoping report was prepared in July 2020. During August and the first half of September 2020, the environmental bodies (Environment Agency, Natural England and Historic England) were consulted on this scoping report. Natural England and Historic England responded stating they agreed with the proposed approach to be taken in this SEA albeit Historic England requested that the SEA objective regarding the conservation and enhancement of heritage assets be amended so that it referred to the significance of the heritage assets. The Environment Agency responded by repeating their earlier response that they didn't think the draft NP triggered the need for an SEA. The responses received from the environmental bodies are appended to this report in Appendix 2, 3 and 4.
- 2.2 The SEA Scoping report proposed that this SEA should be restricted to just four policies in the NP. These are:
- RC1: Malton and Norton River Corridor Development
 - RC2: Regeneration of Land North and South of County Bridge
 - CF1 Norton's Swimming Pool, and
 - N1: Land to the Rear of Commercial Street.
- 2.3 Policies TM6: Development on Non-allocated Sites, TM7: Electric Vehicle Charging Infrastructure and E5: High Malton Visually Important Undeveloped Area (VIUA) were not considered at either SEA screening stage or SEA scoping stage. Policies TM6 and TM7 were introduced in 2000 following the 1st Regulation 14 pre-submission NP. Policy E5: was introduced in 2023 following the 2nd Regulation 14 pre-submission consultation. An assessment as to whether they should be included as part of the environmental assessment is therefore included below:

Policy TM6: Development on Non-allocated Sites

For non-allocated sites of 0.4ha and/or 10 dwellings or more, development will be expected to provide proportionate evidence that it:-

- demonstrates that it does not cause an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would not be severe, factoring in the allocations and/or any recent planning applications at Malton and Norton, and sets out any mitigation measures, in respect of congestion impacts, highway safety and ease of access to the local road network, particularly within Malton and Norton town centres;**
- does not result in any measurable worsening of air quality in or around the Malton AQMA;**
- makes positive provision for sustainable transport modes, including walking, cycling, public transport in respect of access to Malton and Norton town centres, and appropriate provision of electric vehicle charging infrastructure.**

- 2.4 This planning policy will apply if proposals come forward of a certain size. The policy itself does not drive development to come forward. Instead, it is intended to ensure that transport related impacts arising from development proposals over a size threshold are measured, understood and where applicable mitigated against. This policy is not likely to

lead to significant effects on the environment and is therefore screened out for the need for environmental assessment under the SEA Regulations.

Policy TM7: Electric Vehicle Charging Infrastructure:

TM7: Electric Vehicle Charging Infrastructure

All proposals for new development which includes provision of parking spaces will be required to meet a minimum standard of provision of electric vehicle charging points. This requires:

- Residential: 1 charging point per parking space and 1 charging point per 10 visitor spaces.
- Office/Retail/Industrial/Education: charging points for 10% of parking spaces ensuring that electricity infrastructure is sufficient to enable further points to be added at a later stage.
- Petrol Filling Stations: provision of fast charge facilities.

The type of charge point provided, in terms of power/speed, should be appropriate to the parking location (i.e., residential, retail etc.), the length of parking stay typical of that location, and in line with the most up-to-date minimum industry standards.

In respect of proposals for new development in or adjacent to the Malton AQMA, as shown on the Neighbourhood Plan Proposals Map, the provision of charging infrastructure in excess of the minimum standard of provision will be encouraged and supported.

- 2.5 As with Policy TM6, this policy does not drive new development forward. Instead, it sets expectations that where applicable development proposals do come forward, they should be accompanied by electric vehicle charging infrastructure. As with Policy TM6, this policy is not likely to lead to significant effects on the environment and is therefore screened out for the need for environmental assessment under the SEA Regulations.

Policy E5: High Malton Visually Important Undeveloped Area (VIUA)

E5: High Malton Visually Important Undeveloped Area (VIUA)

In addition to the existing VIUAs which are defined on the Ryedale Local Plan Policies Map, High Malton, as identified on the Neighbourhood Plan Policies Map, is designated as VIUA.

Any proposed development at High Malton will be considered in accordance with the requirements of Policy SP16 of the Ryedale Plan – Local Plan Strategy

- 2.6 Proposed new policy E5 is a site-specific policy that recognises an area of land for its special landscape value and seeks to protect it accordingly. The policy will not deliver or trigger any new development and is not likely to lead to significant effects on the environment. The policy is therefore screened out for the need for environmental assessment under the SEA Regulations.

Screened-in Policies

- 2.7 The policies that have been screened in for environmental assessment under the SEA Regulations are all place specific policies. They all relate to land areas in the central part of the settlement along the river corridor. The extent of the policies can be seen from the extract below (Figure 2.1) taken from the Proposals Map in the Regulation 15 version of the NP.
- 2.8 The four policies were subject to an interim SEA assessment in October 2020. This resulted in the production of the SEA Interim Environmental Report the NP group could consider before finalising the 1st version of the Regulation 14 NP. At the same time, the NP had been subject to HRA assessment. The wording of the four policies has changed since July 2020 to take into account the findings of both the SEA and HRA. The Regulation 15 versions of the policies are provided below.

Policy RC1 – Malton & Norton River Corridor Development (Reg 15 version)

The following types of development proposals within the Malton and Norton River Corridor, as identified on the Neighbourhood Plan Proposals Map, will be supported:-

-Recreational enhancement works to include:-

- A new picnic area*
- Improved riverside seating*

-Enhanced footpath, cycleway and bridleway provision along the river frontage

-Café/refreshment facilities

- Provision of river history interpretation panels

The acceptability of any such development is subject to there being no adverse effects on the integrity of the River Derwent Special Area of Conservation.

Development is also subject to:

-The preparation of a flood risk assessment (FRA), where the type of development proposed (e.g. a café/refreshment facility) requires it. The FRA should be informed by flood risk modelling set out in the latest available published Strategic Flood Risk Assessment applicable to the plan area, and should demonstrate that the proposal meets the requirements (including the undertaking of a sequential test) and up to date guidance set out in the NPPF and national planning practice guidance;

-The conservation or enhancement of the significance of heritage assets within the defined river corridor, including their settings, as applicable;

-The maintenance or enhancement of existing landscape quality within the defined river corridor.

Policy RC2: Regeneration of Land North and South of County Bridge (Reg 15 version)

Development-related regeneration on land to the North and South of County Bridge, as shown on the Neighbourhood Plan Proposals Map, will be supported.

In the event that the principle of any such development on this site is accepted via the Local Plan or otherwise, and subject to any adverse effects on the integrity of the River Derwent Special Area of Conservation being ruled out, development of this site will be supported, subject to:

- No residential or other vulnerable use (in terms of flood risk) coming forward on this land*
- The preparation of a flood risk assessment (FRA), where the type of development proposed (e.g. employment- related development such as offices or general industry) requires it. The FRA should be*

informed by flood risk modelling set out in the latest available published Strategic Flood Risk Assessment applicable to the plan area, and should demonstrate that the proposal meets the requirements (including the undertaking of a sequential test) and up to date guidance set out in the NPPF and national planning practice guidance;

- *The preservation and/or enhancement of the character and appearance of the Malton Town Centre and Norton-on- Derwent Conservation Areas within which the site is located;*
- *The conservation or enhancement of the significance of heritage assets, including their setting, as applicable;*
- *The maximisation of opportunities to improve pedestrian, cycle and motorised vehicular access across the River Derwent and the York-Scarborough Railway Line;*
- *The incorporation of low emission measures to ensure that the overall impact on AQMA air quality is mitigated;*
- *The retention/replacement of Yorkshire Water's site access;*
- *The retention/replacement of the on-site public conveniences.*

CF1: Norton's Swimming Pool (Reg 15 version)

Development of Norton Swimming Pool to provide additional capacity or improved leisure facilities for the benefit of the community, including its upgrading, extension or replacement, will be supported.

Consideration should be given to the need for any additional off-road car parking provision to serve any enhanced facility.

The acceptability of any such development is subject to there being no adverse effects on the integrity of the River Derwent Special Area of Conservation.

Depending on the scale and location of the development in relation to the flood risk zones, a Flood Risk Assessment (FRA) may be required. The FRA should be informed by flood risk modelling set out in the latest available published Strategic Flood Risk Assessment applicable to the plan area, and should demonstrate that the proposal meets the requirements (including the undertaking of the sequential test) and up-to-date guidance set out in the NPPF and national planning practice guidance.

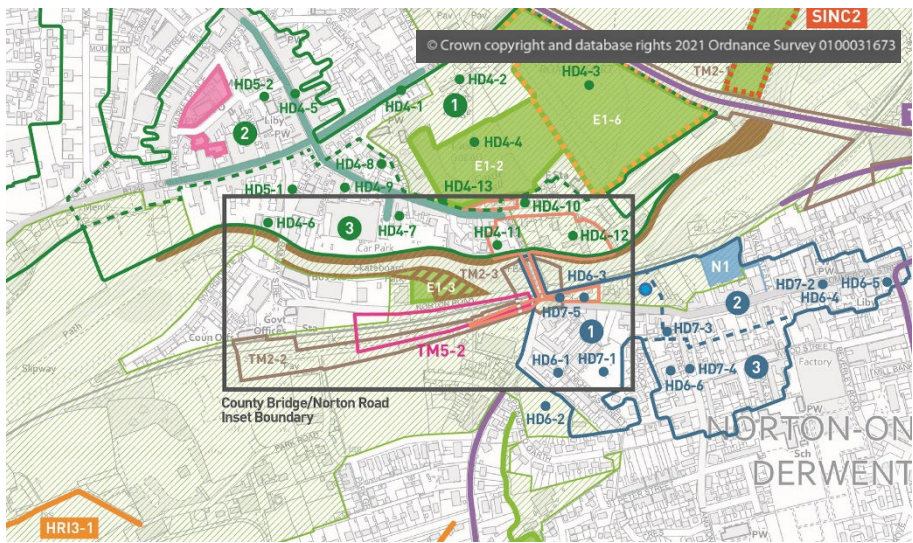
N1: Land to the Rear of Commercial Street (Reg 15 version)

Regeneration of land to the rear of Commercial Street, as identified on the Neighbourhood Plan Proposals Map, including for retail, light industrial uses and the development of a public car park, with associated service access to the rear of commercial properties in Commercial Street, will be supported.

Residential development or other highly or more vulnerable uses will not be supported in this location. Depending on the scale and location of any proposed development in relation to the flood risk zones, a Flood Risk Assessment (FRA), may be required. The FRA should be informed by flood risk modelling set out in the latest available published Strategic Flood Risk Assessment applicable to the plan area, and should demonstrate that the proposal meets the requirements (including the undertaking of the sequential test) and up-to-date guidance set out in the NPPF and national planning practice guidance.

The acceptability of any development supported by this policy is subject to there being no adverse effects on the integrity of the River Derwent Special area of Conservation.

Figure 2.1: Extract taken from Reg 15 Neighbourhood Plan Proposals Map showing the extent of Policies RC1, RC2, CF1 and N1



Selected items from the map key:

- THE RIVER CORRIDOR**
- Malton & Norton River Corridor (ref POLICY RC1)
 - Land North and South of County Brgde Regeneration (ref POLICY RC2)
- COMMUNITY FACILITIES**
- Norton Swimming Pool (ref POLICY CF1)
 - Malton Community Sports Centre (ref POLICY CF2)
- NORTON-SPECIFIC**
- Land to the Rear of Commercial Street (ref POLICY N1)

Environmental topics covered in this SEA

- 2.8 The SEA Regulations requires the environmental report to provide information on the relevant aspects of the current state of the environment. Because this SEA is focused on assessing the impact of four place specific policies, this section of the report focuses on the environmental baseline applicable to the central part of the NP area and on those topics as agreed at the scoping stage of this SEA.
- 2.9 The following topics are therefore covered in current environmental baseline which is described in detail in Chapter 3.
- Exploring places specific characteristics affected by policies RC1, RC2, CF2 and N1
 - Biodiversity, Fauna and Flora – in the central part of the plan area along the River Corridor see Figure 2.1
 - Population
 - Health
 - Air Quality
 - Climatic Factors and
 - Cultural Heritage

Assessing Alternatives

- 2.10 The SEA Regulations require that as part of the assessment an outline of the reasons for selecting the alternatives (e.g. the policies in the agreed Neighbourhood Plan compared to other policies) are provided. In the SEA scoping report, it was proposed that in understanding available alternative approaches or policies to the NP group, consideration should not be given to an alternative NP vision or an alternative set of NP objectives as provided in the draft NP. The reason for this is that there is a high degree of compatibility between the NP vision, the NP objectives and the Local Plan Strategy 2013 objectives. One of the basic conditions which applies to Neighbourhood Plans at its examination stage is that the NP is in broad conformity with the strategic policies of the Local Plan. It therefore would fall outside the scope of this SEA to consider an alternative NP vision or alternative NP objectives to those proposed in the draft NP.
- 2.11 The SEA scoping report therefore reasoned that the reasonable alternatives to the proposed approach in the NP that should be included in the SEA assessment are quite limited in scope and will be focused on looking at alternative ways of realising the NP vision and objectives to the approach taken in the four policies RC1: Malton and Norton River Corridor Development, RC2: Regeneration of Land North and South of County Bridge, CF1 Norton's Swimming Pool and N1: Land to rear of Commercial Street. Alternatives could include:
- removal of some or all of these policies given that it is these policies that have triggered potential impacts on the European sites as part of the initial HRA screening (and it was this, in turn, that triggered a need for an SEA);
 - looking at alternative policy wording and alternative wording in the supporting text; and
 - incorporating the changes proposed by the HRA appropriate assessment

- 2.12 Alternative policy wording including the incorporation of changes identified through the interim SEA assessment (undertaken in October 2020) and the HRA assessment to date has been considered as part of this SEA. The adoption of the policy wording provided in the Regulation 14 and subsequent Regulation 15 NP has resulted in the removal of all potentially (albeit uncertain) significant negative effects.
- 2.13 The removal of the policies RC1, RC2, CF1 and N1 has not been considered as being necessary and has therefore not been the subject of detailed assessment in this SEA. It is however logical to conclude that the removal of the policies would result in removal of both the positive and negative effects set out in appendices 5a, 5b, 5c and 5d (see the non-technical summary for an overview of the effects) as well as the one uncertain but potentially significant positive effect with respect to public realm improvements in the NP area.

3 The Environmental Baseline.

Place specific characteristics applicable to Policies RC1, RC2, CF1 and N1.

RC1: Malton and Norton River Corridor Development

3.1 The policy relates to the area annotated as RC1 in Figure 2.1 above. Policy RC1 stretches along a section of the River Derwent in the central part of the two settlements of Malton and Norton on Derwent as follows:

- the north and south banks of the River Derwent to the west of County Bridge and
- on the northern bank only to the east of County Bridge.

3.2 The River Derwent Special Area of Conservation (SAC) runs along the entirety of the river corridor in the NP area with a small interruption (where there is no SAC designation) in this central part of the River Corridor. Most of Policy RC1 is not also designated as SAC (see Figure 3.4). However, the SAC designation starts at both the east and west end of Policy RC1.

RC1 river corridor to the west of County Bridge:

- 3.3 Currently the southern side of the proposed RC1 designation on the western side of County Bridge is designated as public open space by Policy SP11 in the Local Plan. The northern side of the proposed RC1 designation (on the west side of County Bridge) falls in the southern boundary of the Malton Conservation Area.
- 3.4 There is currently a public footpath 25.70/4/1 which runs along the southern bank of the River Derwent up to the County Bridge – see Figure 3.3
- 3.5 Current land uses along the proposed corridor of Policy RC1 on the southern side of the river include (working from the western extent): public open space (including a playground and public footpath 25.70/4/1) and vegetation along the river corridor. Abutting the extent of RC1 and working from the west are a residential property, the bridge at Railway Street, a series of industrial buildings/business units including the bus depot, a picnic area, and road infrastructure (Norton Road) leading up to the County Bridge at Castlegate.
- 3.6 Current land uses along the proposed corridor of Policy RC1 on the northern side of the river is limited vegetation alongside the river corridor only. Abutting the RC1 corridor is (working from the western extent) car parking serving large retail units including Morrisons supermarket and then residential properties. There is a public right of way (footpath number 25.60/44/1) that leads from Castlegate through the middle of the Morrisons car park to the River Derwent.

RC1 river corridor to the east of County Bridge

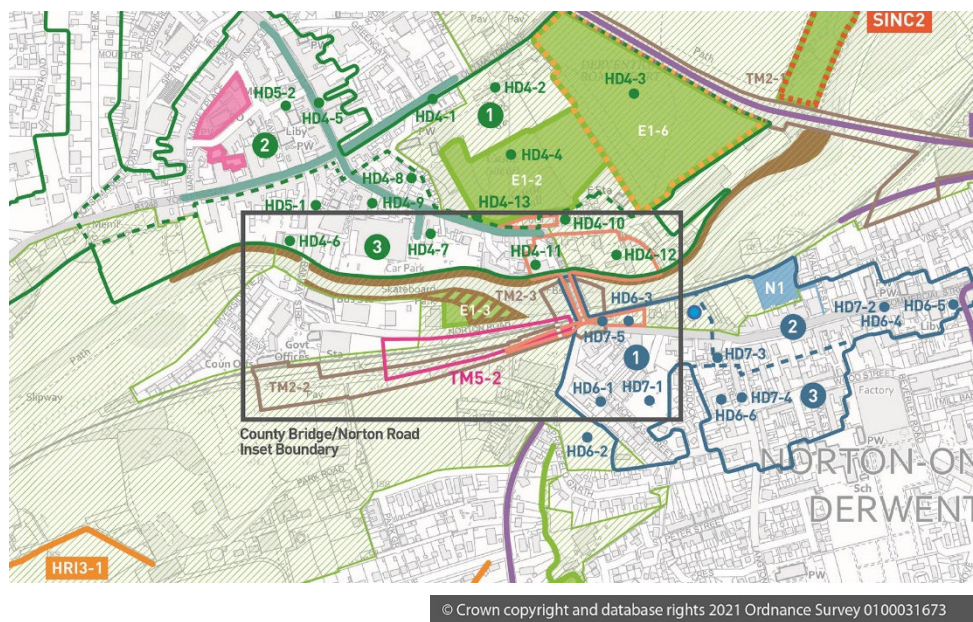
- 3.7 The RC1 designation on the eastern side of County Bridge overlaps partly with the extent of a much larger area designated in the Local Plan as a Visually Important Undeveloped Area (under Policy SP16).
- 3.8 There is no public footpath on the eastern side of County Bridge.

- 3.9 Current land uses along the proposed corridor of Policy RC1 on the northern side of the river again is limited to vegetation alongside the river corridor. Abutting the extent of RC1 and working from the west from Castlegate, there are a series of industrial units followed by undeveloped greenfield land including Willow Woods.

Policy RC2: Regeneration of land north and south of County Bridge:

- 3.10 To assist with understanding this policy, Figure 3.1 below provides a close up view of its extent. This is an extract from the Proposals Map to the Regulation 15 NP. The extent of RC2 is the peach coloured line crossing the County Bridge, together with a long area of land to the south alongside the railway line and a larger area to the north including buildings along Castlegate. The designation falls within the Malton Town Centre conservation area on the northern side of the river and in the Norton on Derwent conservation area on the southern side of the river.

Figure 3.1: Extract taken from Reg 15 Neighbourhood Plan Proposals Map showing the extent of Policy RC1 and RC2



Selected items from Map Key:

- THE RIVER CORRIDOR**
- Malton & Norton River Corridor (ref POLICY RC1)
 - Land North and South of County Bridge Regeneration (ref POLICY RC2)

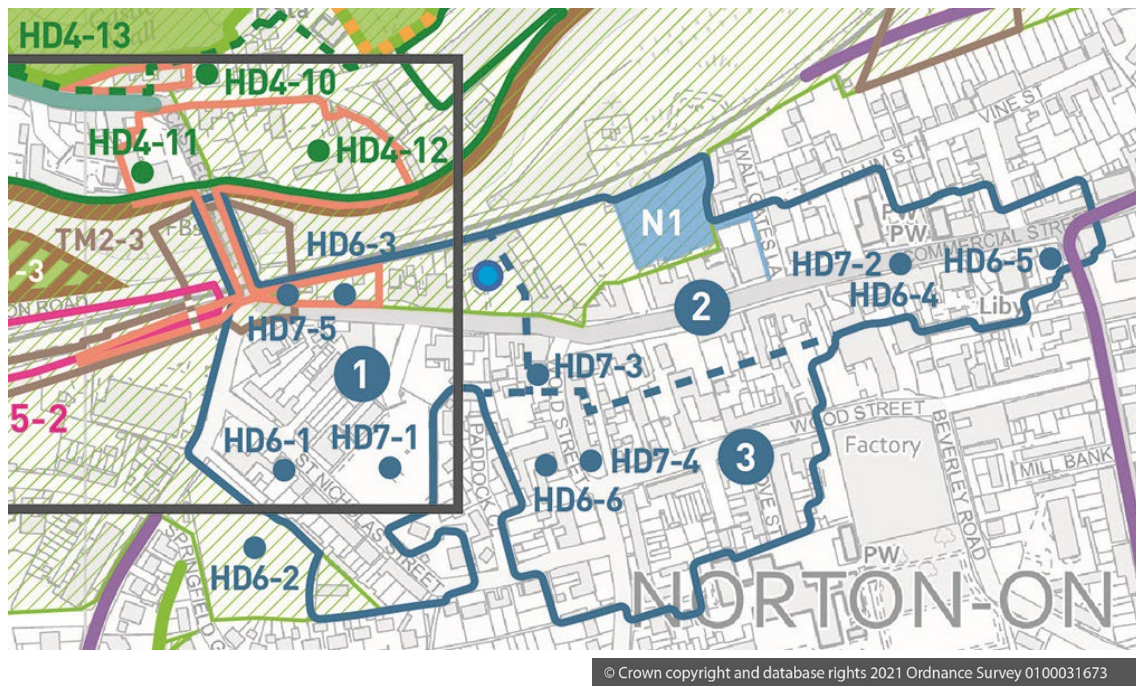
Policy CF1: Norton Swimming Pool:

3.11 CF1 relates to the current site of Derwent Swimming Pool. This is where the blue dot is in the Figure 3.2 Derwent Swimming Pool is located on the southern side of the river on Church Street. The wording of the policy is in italics above.

Policy N1: Land to the Rear of Commercial Street:

3.12 Site specific policy N1 is also located south of the river and further east from the swimming pool. It is shown below in Figure 3.2 (the same as Figure 2.1).

Figure 3.2: NP proposals map showing the extent of N1 and CF1. Extract taken from Reg 15 Proposals Map



Selected items from Map Key:

COMMUNITY FACILITIES

- Norton Swimming Pool (ref POLICY CF1)
- Malton Community Sports Centre (ref POLICY CF2)

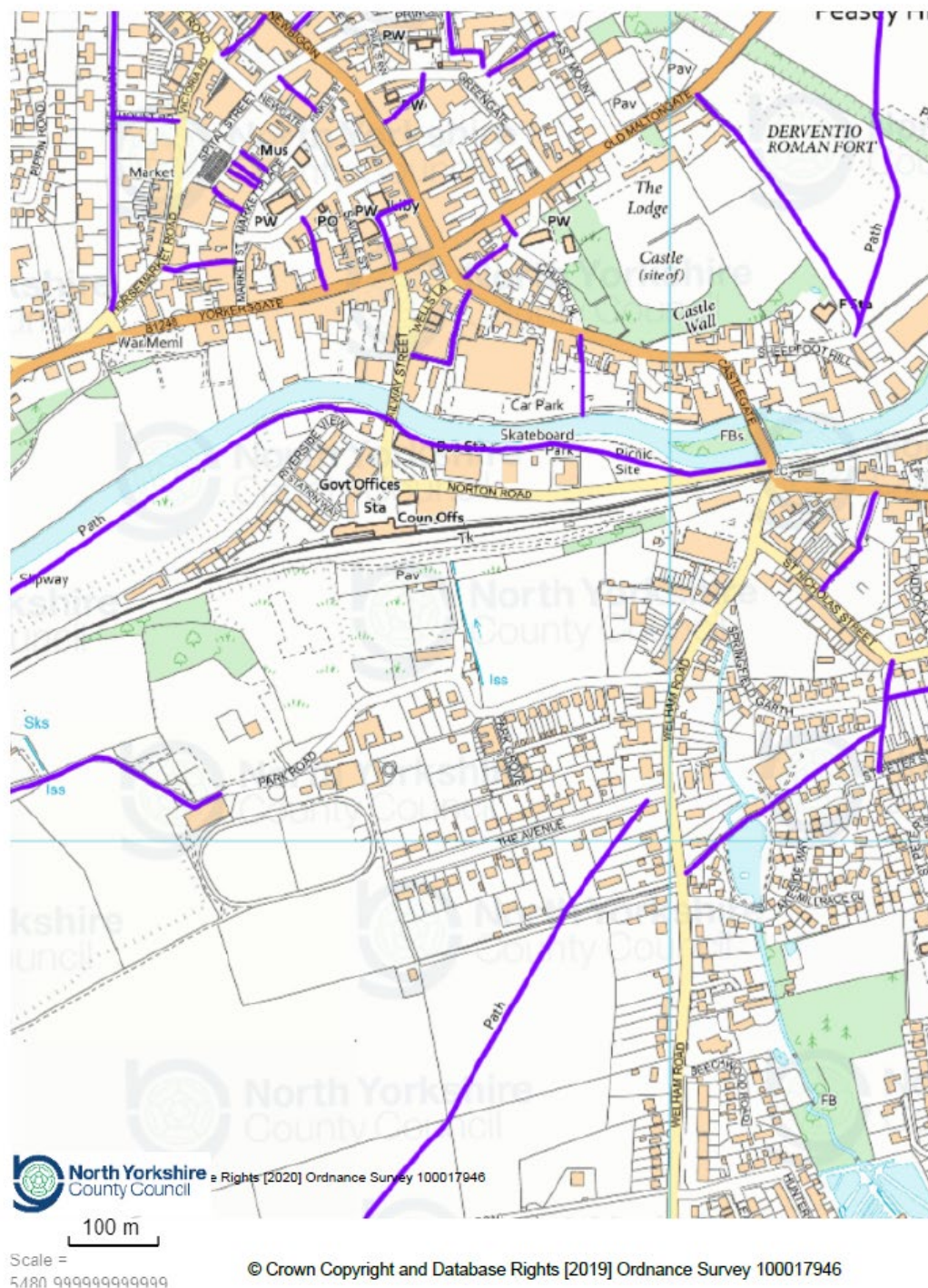
NORTON-SPECIFIC

- Land to the Rear of Commercial Street (ref POLICY N1)

Figure 3.3: Public Rights of way in Malton and Norton town centre/river corridor area.
 Screen shot taken September 2020 from interactive public rights of way map available at <https://www.northyorks.gov.uk/definitive-map-public-rights-way>

1-October-2020

Public Rights of Way in Malton and Norton close to River Derwent



Biodiversity, Fauna and Flora

3.13 There are three very important current environmental designations in the plan area. These are:

1. The River Derwent Special Area of Conservation runs through the plan area; it runs along the boundary between the two civil parishes of Malton and Norton. See Figure 3.4 below.
2. The River Derwent Special Site of Scientific Interest run through the plan area: it runs along the boundary between the two civil parishes of Malton and Norton. See Figure 3.5 below.
3. The Howardian Hills Area of Outstanding Natural Beauty lies adjacent to the NP area, to the west in the neighbouring parish of Broughton.

The River Derwent Special Area of Conservation (SAC)

3.14 A SAC is an area identified by the UK government as being of European level importance for the protection of specific species (220 habitats and approximately 1000 species listed in the European Union Habitats Directive (92/43/EEC). They are therefore protected and the UK government is responsible for ensuring appropriate conservation measures are in place. The River Derwent SAC has been identified because:

- It provides the following important habitat – Water courses of plain to montaine levels with the *Ranuncilion fluitantis* and *Callitricho-Batyrachion* vegetation (Rivers with floating vegetation often dominated by water-crowfoot)
- It hosts the following protected species in Annex II of the European Directive (92/43/EEC) Bulhead **Bullhead** *Cottus gobio*, **River lamprey** *Lampetra fluviatilis*, **Otter** *Lutra lutra* and **Sea lamprey** *Petromyzon marinus*

The River Derwent Special Site of Scientific Interest (SSSI)

3.15 A SSSI is a national designation given to sites by Natural England deemed to have special conservation value. There is a citation published by Natural England which explains the reasons why the River Derwent is so valued. The citation is available to access directly at <https://designatedsites.naturalengland.org.uk/> The citation give the following description for the River Derwent SSSI.

The Yorkshire Derwent is considered to represent one of the best British examples of the classic river profile. This lowland section, stretching from Ryemouth to the confluence with the Ouse, supports diverse communities of aquatic flora and fauna, many elements of which are nationally significant.

Fed from an extensive upland catchment, the lowland course of the Derwent has been considerably diverted and extended as a result of glacial action in the Vale of Pickering.

*In contrast to the upland reaches this section of the river is rich in nutrients and relatively unpolluted and supports an aquatic flora uncommon in Northern Britain. Several species, including river water-dropwort *Oenanthe fluviatilis*, flowering rush *Butomus umbellatus*, shining pondweed *Potamogeton lucens*, arrowhead *Sagittaria sagittifolia*, opposite-leaved pondweed *Groenlandia densa* and narrow-leaved water-parsnip *Berula erecta* are typically found in lowland rivers in southern England, and several occur here near their north-eastern limit in Britain. The*

presence of the unbranched bur-reed Sparganium emersum and yellow water-lily Nuphar lutea add to the floral interest.

The exceptionally rich assemblage of invertebrates reflects their affinities with the communities of the southern slow-flowing rivers. Species of particular interest include the mayflies Baetis buceratus, Heptagenia fusogrisea and Brachycerus harisella, and a stonefly Taeniopteryx nebulosa. Eleven species of dragonfly have been recorded including the banded agrion Agrion splendens at its most north-easterly site in the country.

The river is also noted for its diversity of fish species, which include or have included the bleak, ruffe and burbot. The presence of these European species reflect the Derwent's geographical position at the end of the Ice Age when migration of fish from the Rhine and other European rivers was possible across the North Sea which, at that time, was a fresh-water lake.

The riverine habitat also supports an excellent breeding bird community including common sandpiper, dipper, kingfisher, and yellow and grey wagtails. During the winter the Lower Derwent is vital in maintaining the internationally important population of Bewick's swans association with the adjacent Derwent Ings. The Derwent is also one of the few rivers in lowland Britain which still supports a breeding population of otters.

- 3.16 The condition of SSSIs are assessed by Natural England. There are six reportable condition categories: favourable; unfavourable recovering; unfavourable no change; unfavourable declining; part destroyed and destroyed. The current status (as at December 2022) of the River Derwent SSSI as a whole is 94% unfavourable recovering, 5.6% favourable and 1% unfavourable no change. Unfavourable recovering means that the extent of the SSSI is not yet fully conserved but all the management mechanisms are in place for this to take place. So long as the recover work is sustained the site will be expected to reach a favourable condition.
- 3.17 Without the Malton and Norton on Derwent NP coming forward the River Derwent SSSI can be considered to be in a good position to reach a good conservation status.

The Howardian Hills Area of Outstanding Natural Beauty

- 3.18 It is not considered necessary to examine the condition of the Howardian Hills AONB as part of the environmental baseline for this SEA because the policies in the plan which are triggering the need for an SEA area will have no impact on this area of the plan area.

Figure 3.4: Extract from Magic Map showing the extent of the River Derwent SAC and its path through the plan area.

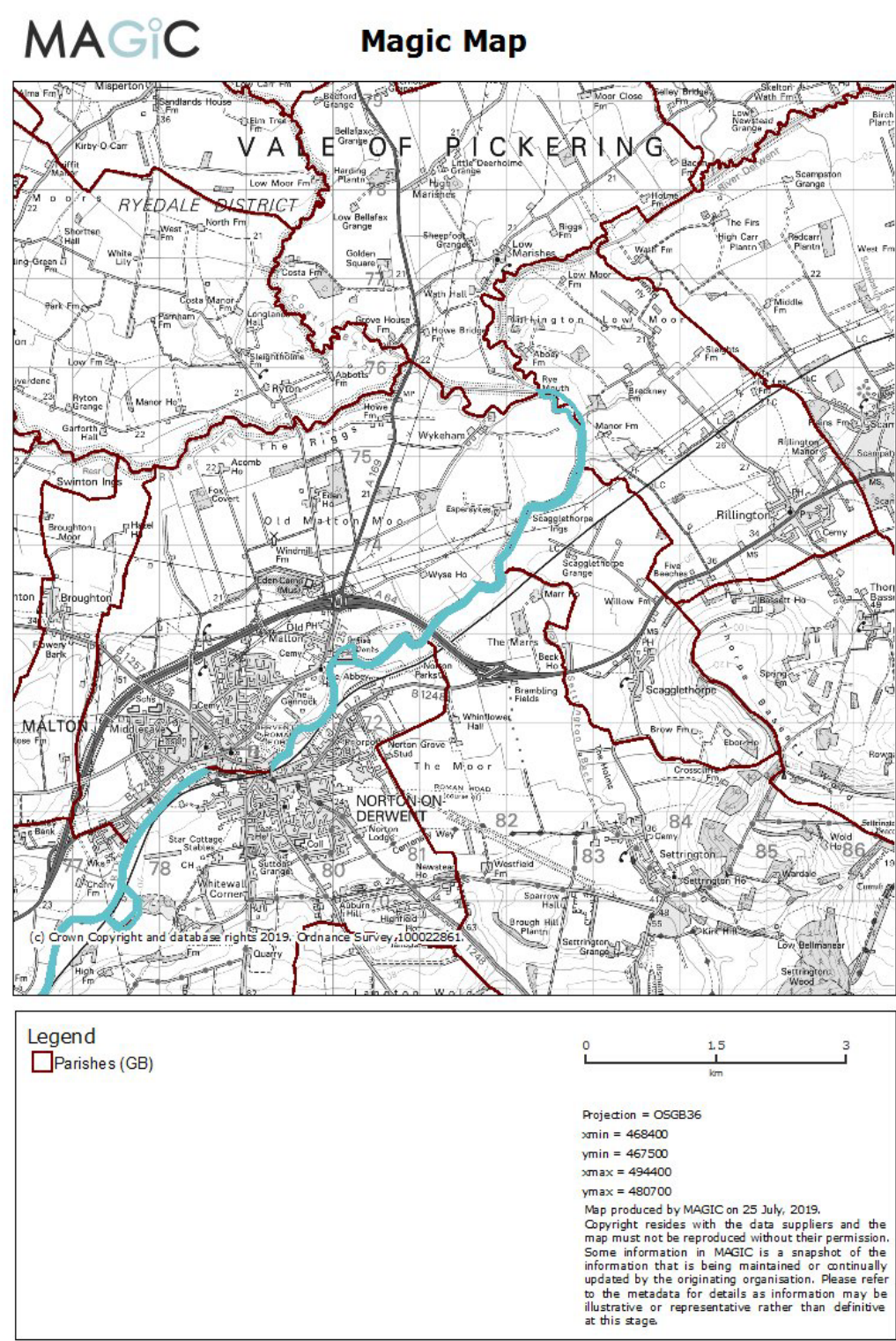
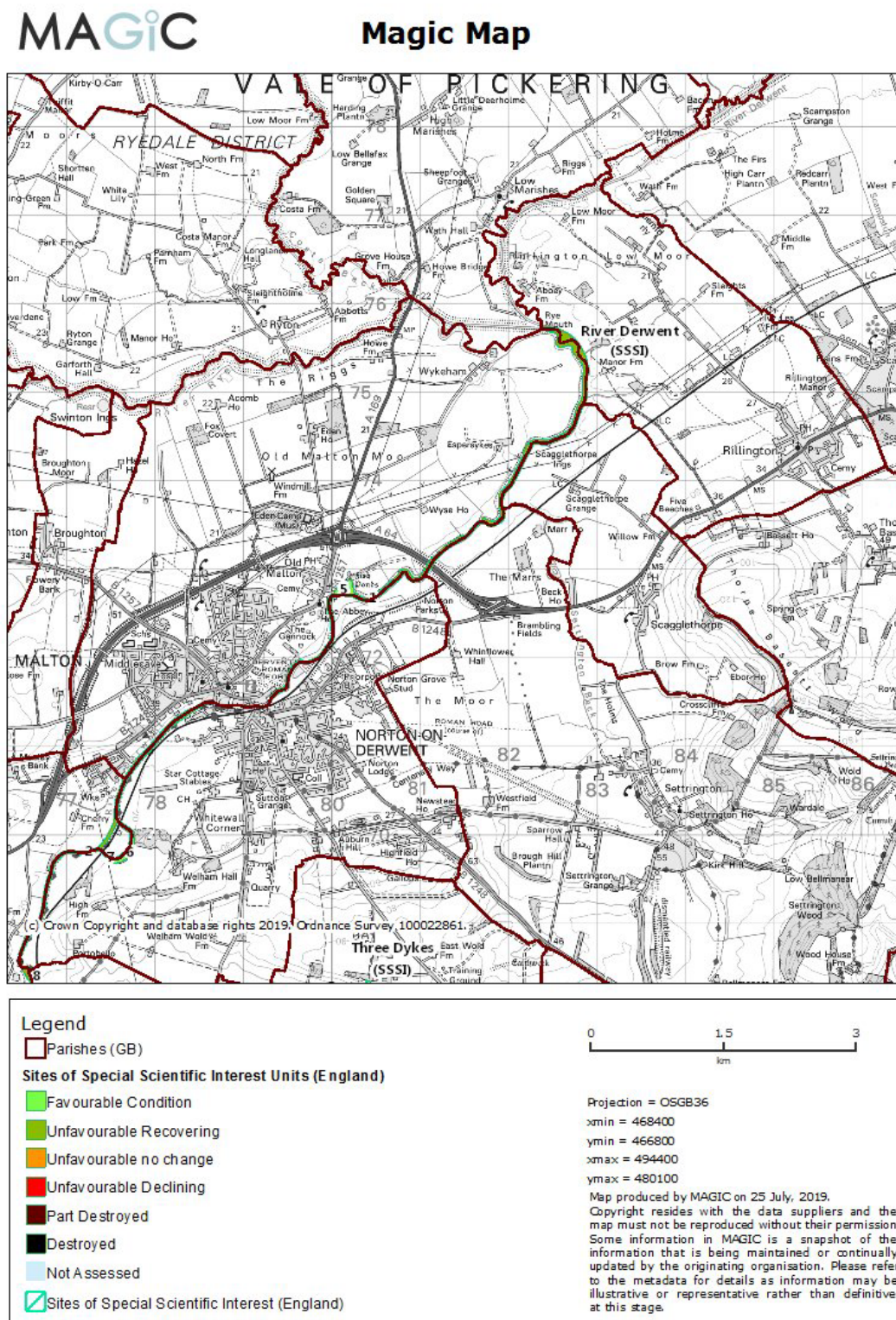


Figure 3.5: Extract from Magic Map showing the extent of the River Derwent SSSI and its path through the plan area.



Other Fauna:

- 3.19 The plan area is known to be host to the following species at magic.gov.uk (Dec 2022): 1) Corn Bunting, Curlew and Lapwing (all priority species for CS Targeting and grassland

assemblage farmland birds) and 2) Grey Partridge, tree sparrow and yellow wagtail (grassland assemblage farmland birds).

- 3.20 Other Flora: recorded at www.magic.gov.uk (Dec 2022), the Civil parish of Malton includes coastal and floodplain grazing marsh along the River Rye on the northern boundary, an area of good quality semi improved grassland in the north east and small area of wood pasture and parkland. The Civil parish of Norton on Derwent includes an area of coastal and floodplain in the north east. Both civil parishes include an area of lowland Fen along the River Derwent SSSI covering a small area in both civil parishes just to the south of Sheepfoot Hill, areas of deciduous woodland, areas of broadleaved woodland and areas of young trees. There are also small areas of traditional orchards.

Key issue to look out for in this SEA

- How will the proposed NP policies impact the River Derwent SAC and River Derwent SSSI?

Population

- 3.21 According to the Census 2011, the population in Norton on Derwent is 7,387 (nomisweb.co.uk) and the population in Malton is 4,888 (nomisweb.co.uk).
- 3.22 The SEA/SA report for the Ryedale Local Sites document published in October 2017 notes the following concerns which are applicable to the population.
- Ability of social and physical infrastructure to cope with additional development due to timing, in particular transport and schools.
 - Traffic congestion through the towns.

Human Health

- 3.23 As part of the Census undertaken in 2011, residents in Malton and Norton parishes were asked to assess whether their health was very good, good, fair, bad or very bad. The outcome of this self-assessment was:

Malton (of 4,888 residents in the parish)

- 41% were in very good health
- 37.1% in good health
- 16.1% in fair health
- 4.6% in bad health and
- 1.2 % in very bad health.

Norton (of 7,387 residents in the parish)

- 46.4% were in very good health
- 35.5% were in good health
- 13.2% were in fair health
- 3.6% were in bad health
- 1.4% were in very bad health

- 3.24 People were also asked if they had a long-term health problem or disability that limits a person's day-to-day activities, and has lasted, or is expected to last, at least 12 months. This includes problems that are related to old age. The outcome of this question was that:

Malton

- 80% of residents were not limited in their day to day activities
- 11.3% had their day to day activities limited a little
- 9% limited a lot.

Norton

- 83.1% of residents were not limited in their day to day activities
- 8.8% had their day to day activities limited a little
- 8.1% limited a lot

- 3.25 Also recorded in the Census 2011 is the number of households that included one person in the household with a long-term health problem or disability.
- In Malton, 27.8 % households in Malton Parish included one person in the household with a long term health problem or disability.
 - In Norton on Derwent, 25.1% of households included one person with a long term problem or disability

Access to Open Space

- 3.26 The Open Spaces, Sport and Recreation Study completed in 2007 for Ryedale District Council is the latest information available on open space provision across the district. This study identified the following deficiencies in the Malton and Norton area:
- In terms of parks and market town amenity space, the Malton and Norton area was found to have good provision at 1.20 hectares per 1,000 population (better than the district average of 0.91 hectares per 1,000 population).
 - In terms of access to natural and semi-natural open space, the Malton and Norton area is served by a 83.6 hectare site at Hildenlay Wood. However, despite this provision, 28% felt there to be insufficient natural and semi natural open space.
 - There is current deficient provision for children and young people in the Malton and Norton area. The Malton and Norton area has both the smallest number of facilities and the lowest level of provision per 1,000 population when compared with other areas in the district. At the time of the study, there were just 0.42 facilities per 1,000 population where as the average provision in the district is 0.79 per 1,000 population and the recommended standard of provision stated in the report is 0.85 facilities per 1,000 population. It is unclear whether since 2007 there has been any new provision (refer below to 2018 Infrastructure Delivery Update).
- 3.27 The 2018 Infrastructure Delivery Update published by Ryedale reports continued quantitative and qualitative deficiencies in some open space typologies with no improvements having been delivered.

Key issue to look out for in this SEA

- How will the proposed NP policies impact on open space provision serving Malton and Norton?

Air quality

- 3.28 An Air Quality Management Area was declared by Ryedale District Council in 2009 to reduce ambient levels of nitrogen dioxide in Malton. The area designated is the junction of Yorkersgate and Castlegate and extends approximately 400 metres along the roads in four directions from this junction. The aim is to reduce annual mean concentrations, so they do not exceed 40 µg/m³.
- 3.29 The poor air quality is traffic related. The Malton Air Quality Management Plan included a commitment to upgrade the junction on the A64 Malton by-pass (referred to as the Brambling Fields Interchange Junction improvements) to allow traffic to avoid driving through the Malton Air Quality Management Area. The junction was delivered in September 2014. Air quality in the area has since been measured and are reported on annually by Ryedale District Council. The most recent report is the 2021 Air Quality Annual Status Report (ASR) and is available to view on the Council's website. This reports that the monitoring of nitrogen dioxide in the district during 2020 has demonstrated that:
- The annual mean NO₂ objective of 40µg/m³ was not exceeded at any monitoring location in 2020 (including all monitoring locations with the current AQMA).
 - Concentrations of NO₂ decreased by 9.1% within the AQMA and by 31.2% outside the AQMA. The highest annualmeanNO₂ concentration measured within the Malton AQMA during 2020 was 26.0 µg/m³ , well below the annual mean objective. The highest concentration measured outside the Malton AQMA was 21.0 g/m³, well below the annual mean objective;
 - Over the last five years there has been a general reduction in annual mean NO₂ concentrations throughout the district. This is most likely due to a combination of vehicle emission improvements and the increased use of the Brambling Fields A64 junction, and due to the COVID-19 in 2020
 - The number of exceedances of the annual mean NO₂ objective in the AQMA has gradually fallen between 2012 – 2020 (seven exceedances in 2012, three in 2013, two in 2014, one in 2015 and no exceedances in 2016, 2017, 2018, 2019 or 2020);
 - Whilst no exceedances of the annual mean NO₂ objective have occurred within the Malton AQMA for the last five years, increases in queuing related congestion at the level crossing are anticipated in line with the proposed doubling of rail services using the York to Scarborough line from May 2022. RDC will continue to keep the AQMA under review until it can be demonstrated that compliant concentrations are stable over a sustained period (once Covid19 associated traffic reductions have ended). Should pollution levels remain well below the objectives from 2021 onwards, parts of the AQMA will be considered for revocation.
- 3.30 The report identifies some additional challenges with respect to air quality improvement measures and the ability of local authorities to meet the air quality objectives in their areas. This includes:

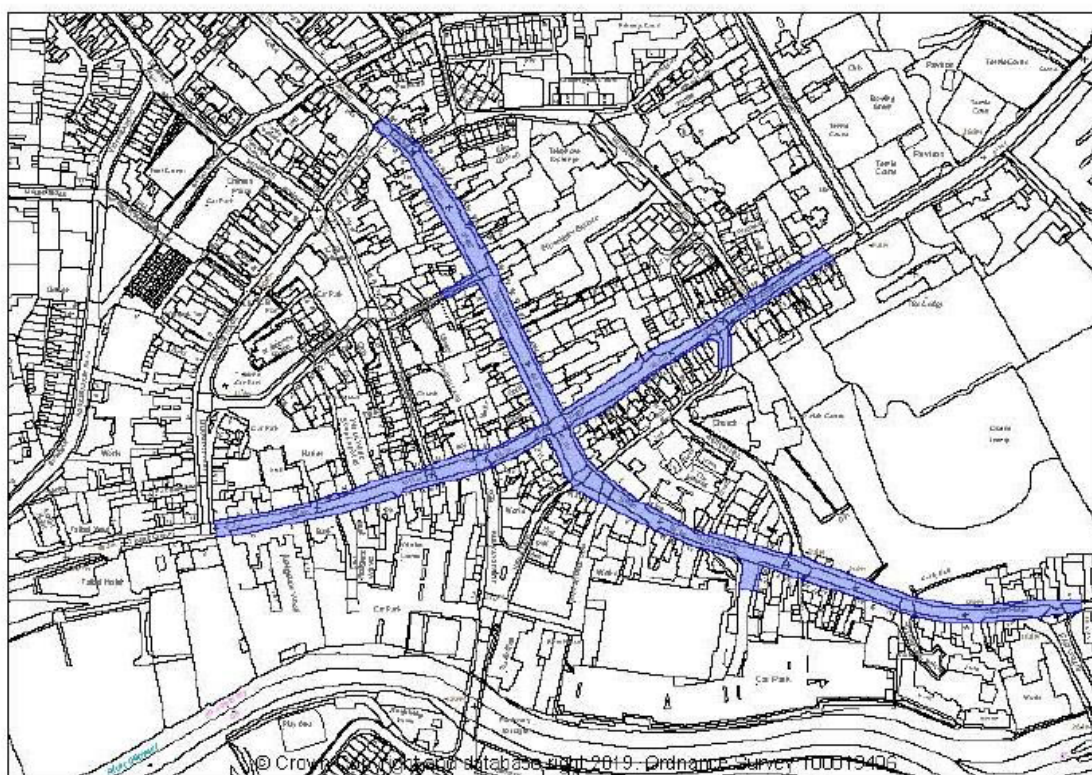
- The failure of current vehicle emission standards to deliver reductions in NOx emissions. There is still considerable uncertainty about the on-road performance of vehicles. If Euro VI vehicles do not perform as expected, the number of UK zones and agglomerations exceeding the limit values in 2021 may be greater than the number currently predicted by central government.
- The cumulative emissions impact of development throughout the district and the resultant impact on local air quality

3.31 To conclude on the issue of air quality, without the NP being in place poor air quality in the area remains a key environmental issue. Whilst the Air Quality Action Plan has resulted in reductions in emissions these reductions need to be monitored until the impact of the railway services is fully understood.

Key issue to look out for in this SEA

- How will the proposed NP policies impact on air quality in the Malton Air Quality Management area?

Figure 3.6: The Malton Air Quality Management Area



Climatic Factors

3.32 The River Derwent corridor and surrounding land falls within fluvial flood zone 3 and fluvial flood zone 2. This applies to corridors of land running south from the River

Derwent in the town of Norton (e.g. Mill Beck Corridor and Priorpot Beck). The Environment Agency have monitoring stations along at the following locations

- River Derwent in Malton
- Mill Beck and Norton Mill Beck Screen
- Priorpot Beck at Norton Priorpot Beck

3.33 Flooding incidents have occurred in the two towns in the past.

3.34 The Scarborough Borough and Ryedale Level 1 Strategic Flood Risk Assessment (2021) provides more detail on the areas of flood risk. An interactive map focusing on Malton and Norton is available to view here
https://www.northyorks.gov.uk/sites/default/files/fileroot/planning_migrated/planning_policy/GeoPDF_Malton-Norton-on-Derwent_Final.pdf

3.35 The SFRA 2021 including modelling for the following:

	Definition used in the SFRA 2021
Flood zone 3b	Functional Floodplain: This zone comprises land where water has to flow or be stored in times of flood. Flood Zone 3b is identified as land which would flood with an annual probability of 1 in 20 years, where detailed hydraulic modelling exists.
Indicative Flood Zone 3b	as above, but where no detailed modelled 20-year flood extent exists, then Flood Zone 3a has been used as a proxy – this is hatched to show the difference. This is conservative and developers would need to refine in a detailed site assessment.
Flood zone 3a	High probability: greater or equal to a 1% chance of river flooding in any given year or greater than a 0.5% chance of sea flooding in any given year.
Flood zone 2	Medium probability: between a 1% and 0.1% chance of river flooding in any given year or 0.5% and 0.1% chance of sea flooding in any given year.
Risk of flooding from Rivers and SEA (EA)	
Very low	Very low risk: each year there is a chance of flooding of less than 1 in 1000 (0.1%)
Low	Low risk: each year there is a chance of flooding of between 1 in 1000 (0.1%) and 1 in 100 (1%).
Medium	Medium risk: each year there is a chance of flooding of between 1 in 100 (1%) and 1 in 30 (3.3%).
High	High risk: each year there is a chance of flooding of greater than 1 in 30 (3.3%).
Risk of flooding from Surface Water:	
RoFSW 3.3% AEP	3.3% - each year the area has a 1 in 30 chance of flooding
RoFSW 1% AEP	1% - each year the area has a 1 in 100 chance of flooding
RoFSW 0.1% AEP	0.1% - each year the area has a 1 in 1000 chance of flooding

Policies RC1, RC2, CF2 and N1 and flood risk

- 3.36 All four policy extents fall within flood zone 3a, although it appears as if part of Norton Swimming Pool may lie outside of it. Parts of RC1 appear to lie within flood zone 3b. In terms of the EA's risk of flooding from rivers and sea, the interactive map for Malton and Norton shows the four policy extents fall within the medium zone with Policy RC1 falling within the high risk zone and Policy C1, appearing to lie outside the area of risk altogether. In terms of risk of flooding from surface water, Policy extents for Policy N1, RC2 and RC1 fall within areas at risk of 1 in 1000 chance of flooding each year.

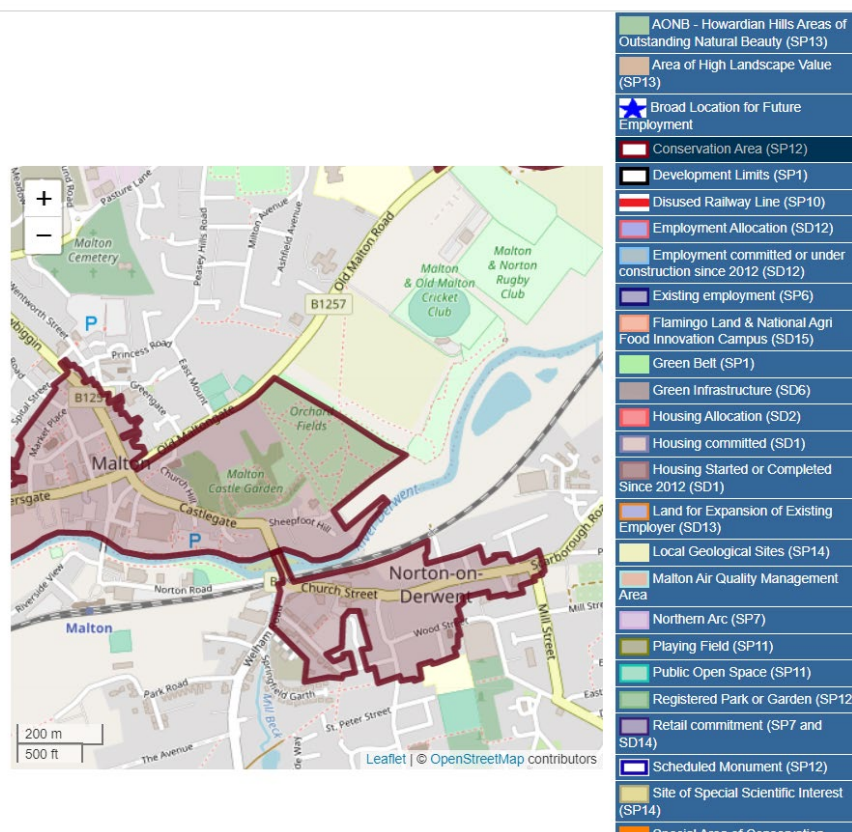
Key issue to look out for in this SEA

- How will the proposed NP policies impact on current fluvial flood risk in the plan area?

Cultural Heritage

3.37 The plan area is very rich in built heritage assets. The plan area includes three conservation areas (Malton Town Centre, Norton-on-Derwent and Malton Old Town). The screen shot below shows the extent of the Malton Town Centre Conservation Area and the Norton-on-Derwent conservation area in the area close to the policies that are the focus of this SEA.

Figure 3.7 Malton and Norton Conservation Areas - Screenshot taken from the Ryedale Interactive Local Plans Map at www.ryedale.gov.uk Sept 2020



Heritage assets in central plan area close to RC1, RC2, CF1 and N1.

- 3.38 This SEA focuses on the central area of Malton and Norton where the site specific designations relating to policies RC1: Malton and Norton River Corridor Development, RC2: Regeneration of Land North and South of County Bridge, CF1 Norton's Swimming Pool, and N1: Land to the Rear of Commercial Street are located.
- 3.39 In this central area, there is a concentration of heritage assets, with the vast majority located on the northern side of the river. The two scheduled monuments and statutorily listed buildings along Yorkersgate, Malton Bridge, Castlegate, Sheepfoot Hill, Well's Lane, Yorkersgate, Owston's Wharf, and Railway Street are listed below.

Scheduled monuments:

- Site of Malton Castle – see Figure 3.9

- Roman Fort – see Figure 3.10

Grade II*

- Forecourt walls, piers, gates and railings to the front of York House (Yorkersgate)
- York House (Yorkersgate)
- Talbot Hotel (Yorkersgate)
- Retaining wall and steps for the main terrace to the west of Talbot Hotel (Yorkersgate)
- Garden walls and gateways to west of Talbot Hotel (Yorkersgate)
- Pedimented archway and wall on north side of Yorkersgate

Grade II listed buildings and structures:

- Malton Bridge

Castlegate (southern)

- 82 and 82A Castlegate
- 76 Castlegate
- 78 Castlegate
- 72 Castlegate
- 68 and 70 Castlegate
- 18 and 20 Castlegate
- 14 and 16 Castlegate
- 10 and 12 Castlegate
- 94 – 96 Castle Gate
- 88 Castle Gate

Castlegate (northern)

- Maltings at Joshua Tetley and Sons Ltd.
- 1, 3 and 5 Castlegate
- 15 and 17 Castlegate
- 19 and 21 Castlegate
- 25 and 27 Castlegate
- Castledykes
- 37 Castlegate
- 45 Castlegate
- 47 Castlegate
- 51 and 52 Castlegate

Sheepfoot Hill

- Sheepfoot Hill Number 104 and attached outbuildings to West
- King's Mill

Wells Lane

- 4 Wells Lane
- 6 Wells Lane
- St Marys Community Centre
- Baptist Church
- Hall
- R Yates and Sons

Yorkersgate (south)

- The New Globe Public House
- 5 and 5a Yorkersgate
- 7 and 7a Yorkersgate

- 9 Yorkersgate
- 11 Yorkersgate
- 13 Yorkersgate
- 15, 17 and 17s Yorkersgate
- The George Public House
- 25 Yorkersgate
- National Westminster Bank
- 29 to 30 Yorkersgate
- Garden steps linking the upper and middle terrace to the rear (south) of York House
- Terrace wall, with garden steps and grotto, between the middle and lower terraces to the rear of York House
- Eastern Garden Wall to York House
- 43 Yorkersgate
- Garden wall extending southwards from the south east corner of the Talbot Hotel
- Garden wall extending south of the Talbot Hotel on the line of Malton's medieval town wall

Yorkersgate (north)

- 46, 48 and 50 Yorkersgate
- 40 and 42 Yorkersgate
- 38 Yorkersgate
- Assembly Rooms, the Milton Rooms
- 34 Yorkersgate
- 32 Yorkersgate
- Number 30 and Railings attached to front steps
- The Gate Public House
- 2 and 4 Yorkersgate

Owston's Wharf

- Warehouse approximately 80 metres south of number 37 on Owston's Wharf

Railway Street

- Brandsby Agricultural Traders' Association
- K6 Telephone Kiosk
- Railway Bridge
- Malton Station

3.40 Further east, on the southern side of the River Derwent and close to the site-specific designations N1 (Land to the rear of Commercial Street) and CF2 (Norton Swimming Pool), there are a further two listed buildings.

Grade II listed

- 3 Scarborough Road
- 49 Commercial Street

There are several more heritage assets south of the river in the civil parish of Norton but they are not listed here as they are not considered to be close (and therefore potentially impacted by) to those NP policies that fall within the scope of this SEA (RC1, RC2, CF2 and N1). As far as this SEA is concerned they are therefore considered to be of limited relevance.

3.41 In addition to the built heritage assets there is also records of extensive archaeological remains from the pre-historic, Romano-British, Medieval and Post-Medieval periods. These can be seen in Appendix 5 to the Neighbourhood Plan.

Figure 3.8 Site of Malton Castle Extract taken from interactive mapping at www.historicengland.org.uk

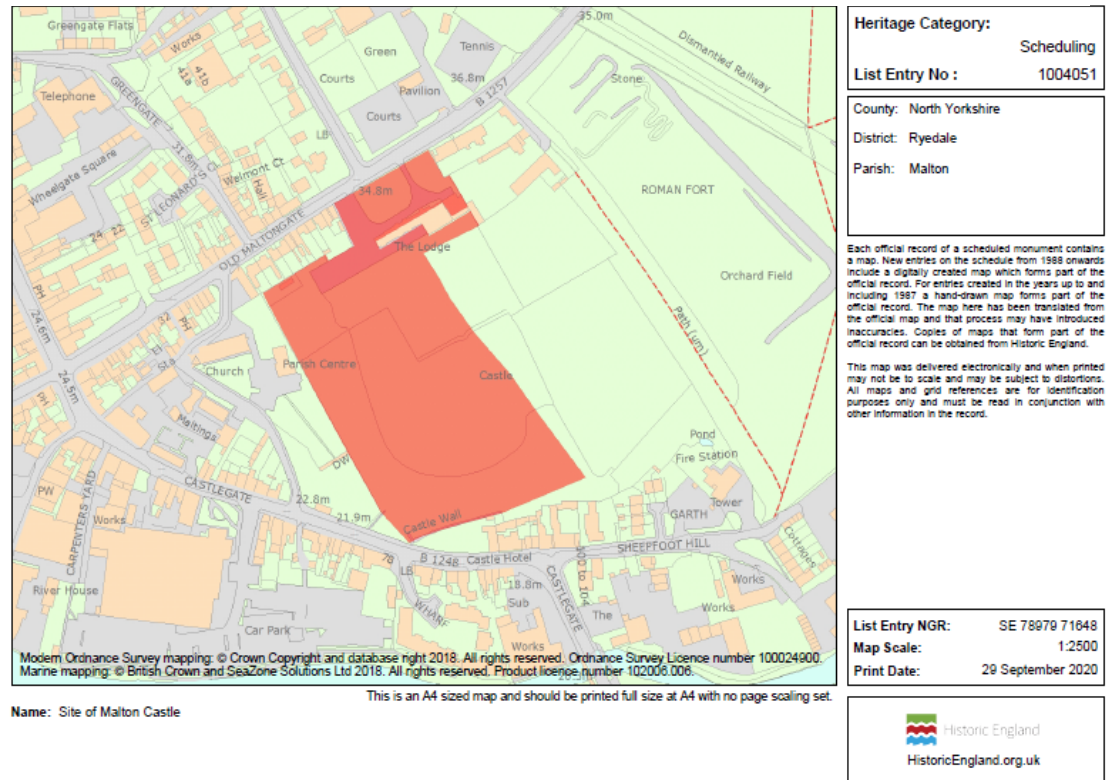


Figure 3.9 Roman Fort - Extract taken from interactive mapping at www.historicengland.org.uk

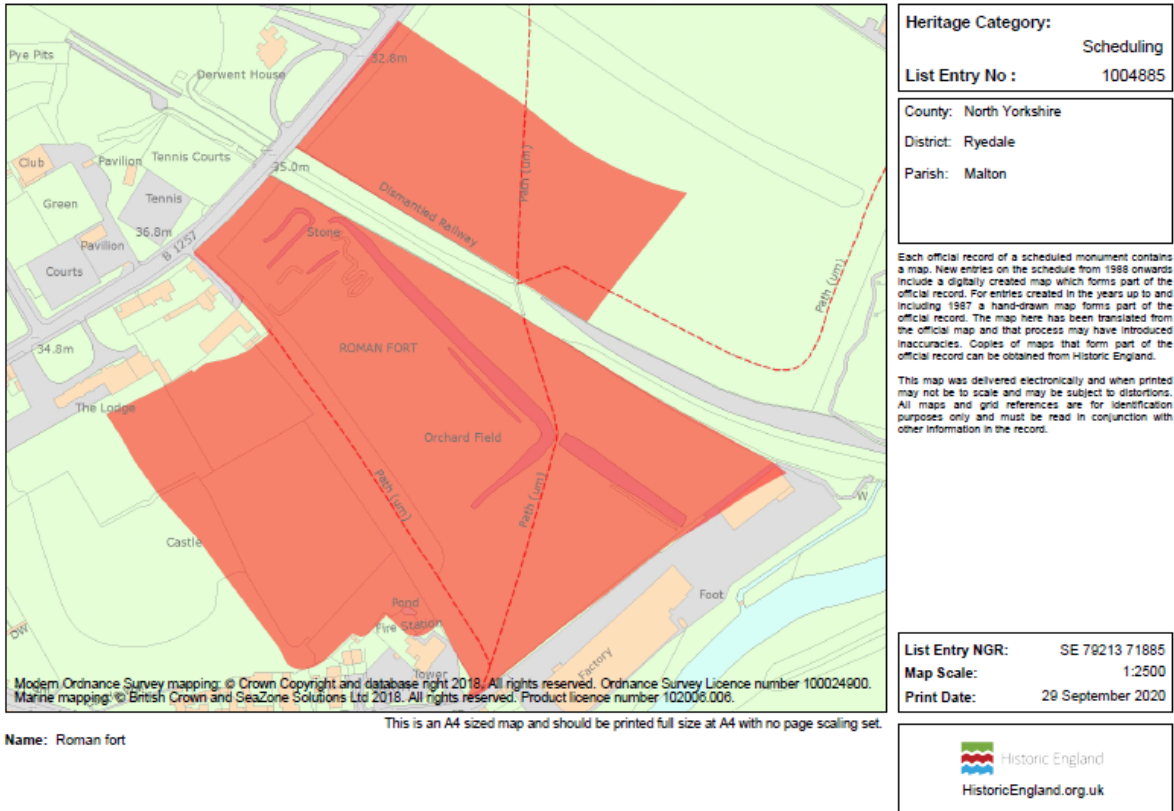
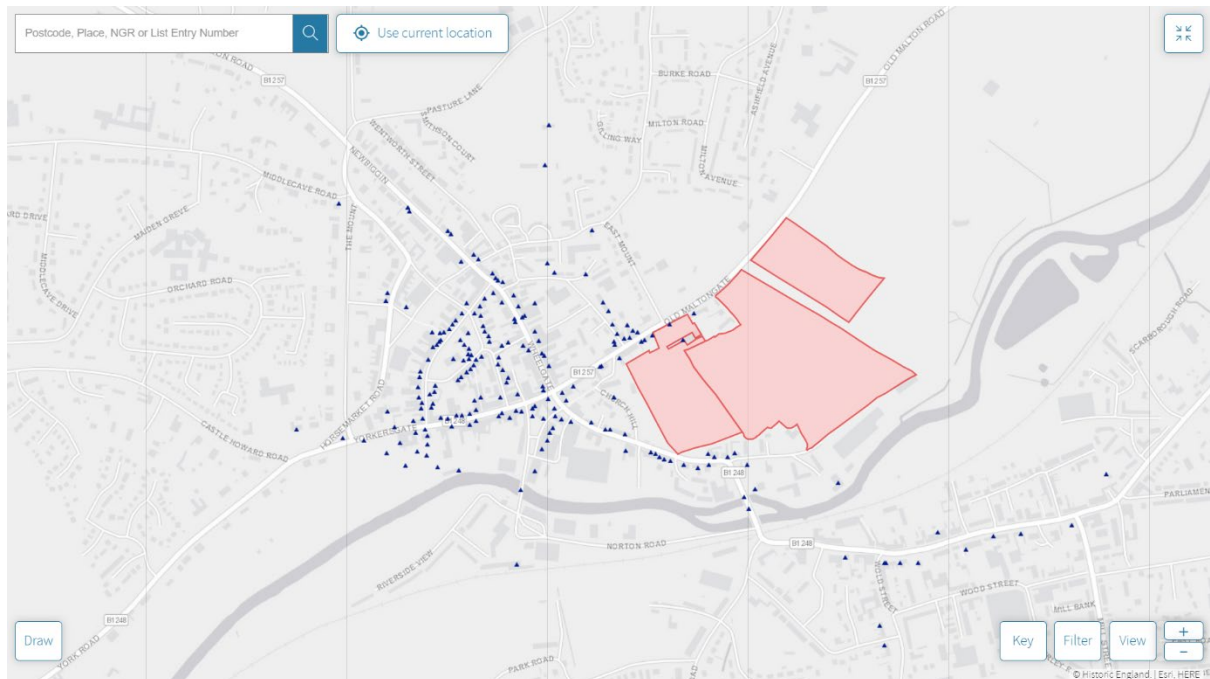


Figure 3.10 Print screen taken on September 2020 from online heritage asset database at <https://historicengland.org.uk/>



Key issue to look out for in this SEA

- How will the proposed NP policies impact on cultural heritage in the plan area?

Landscape

- 3.42 An area adjacent to the plan area in the north west is the Howardian Hills Area of Outstanding Natural Beauty. This area does not abut the settlements in the towns and there are no proposals for development near to this area.
- 3.43 The Ryedale Local Plan Sites Document adopted in June 2019 includes areas of Visually Important Undeveloped Areas in the plan area – see policy SD16. This applies to:
- Land at Folliott Ward Close, Middlecave Road, Malton
 - Land to the north of Peasey Hills,
 - Land between Welham Road and Langton Road, Norton
 - Land north of Westgate Lane, Old Malton
- 3.44 The Local Plan Strategy (adopted 2013) had already designated further Visually Important Undeveloped Area in the plan area. This applies to:
- Land in Norton on Derwent following the River Derwent corridor and up to the settlement boundary of Norton on Derwent (exact extent shown on the Malton and Norton Policies Map).
 - A stretch of Land in Norton on Derwent and Malton all on open land, again following the River Derwent corridor and surrounding open space up to the settlement boundary
- 3.45 The effect of this is applying a designation that exists via the Local Plan Strategy in Policy SP16 (Design) of that document.
- 3.46 These designations are shown in the map extract below. This designation is applicable to the SEA particularly in relationship to the two designated areas along the River Derwent.

Figure 3.11 - Sites designated in the Local Plan as Visually Important Undeveloped Areas in Malton and Norton NP area. Screenshot taken from www.ryedale.gov.uk and the interactive policy map provided by Open Street Map

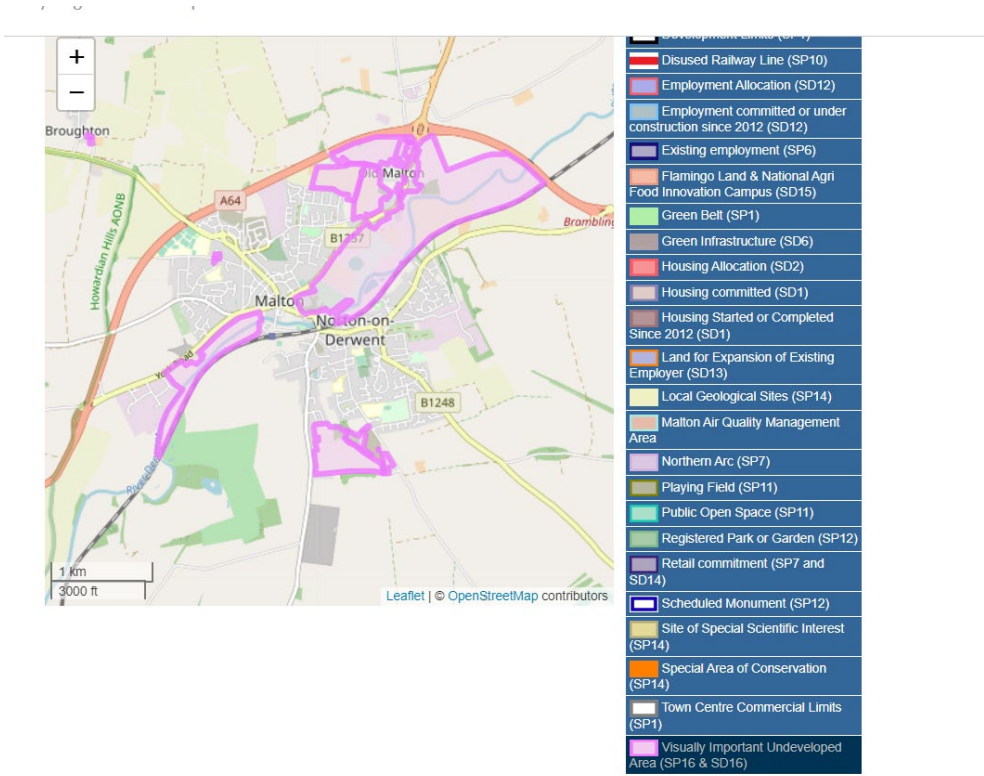
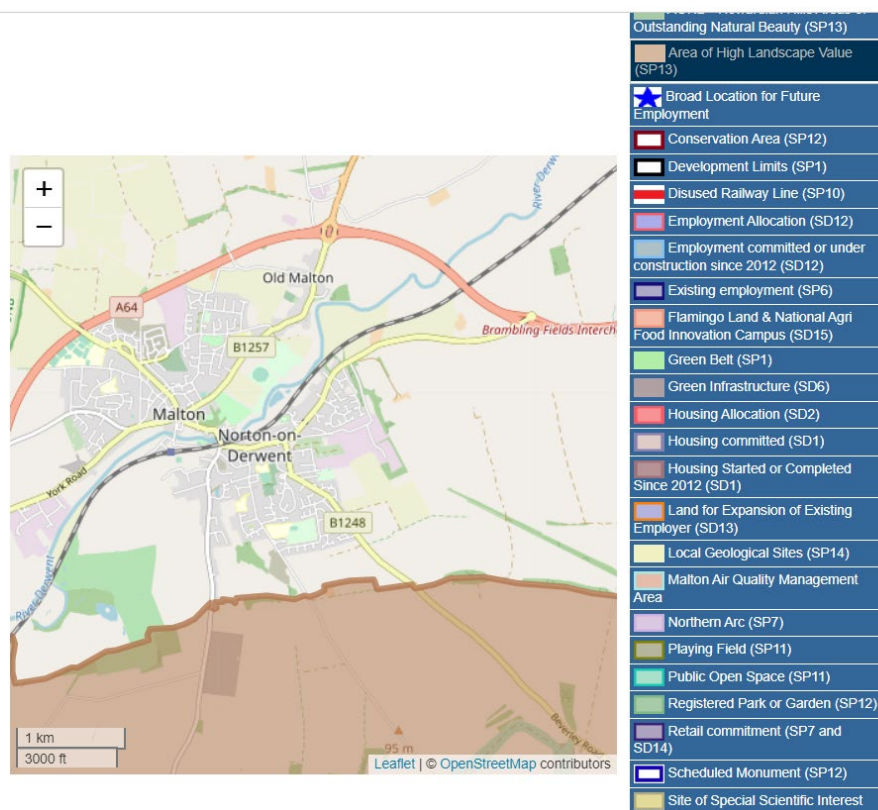


Figure 3.12 – Part of Wolds Area of High Landscape Value. Screenshot taken from www.ryedale.gov.uk and the interactive map provided by Open Street Map



- 3.47 Applicable designations in the Ryedale Local Plan 2002 also still exist: Area of High Landscape Value in the south of Norton on Derwent known as The Wolds Area of High Landscape Value. Part of this extent is shown in Figure 3.11 above. The policies in the NP subject to the scope of this SEA will have no impact on this area due to the location of the Wolds Area of High Landscape Value. So this is given no further consideration in this SEA.

Key issue to look out for in this SEA

- How will the proposed NP policies impact on landscape character and quality?

4. Wider context to the SEA of the Malton and Norton NP.

4.1 There are several documents which provide important context to the SEA of the NP. These are:

- Ryedale Plan Local Plan Strategy adopted in September 2013
- Ryedale Plan Local Sites Document adopted in June 2019
- Sustainability Appraisals/Strategic Environmental Assessments applicable to the statutory development plan for Ryedale district.
- The HRA of the draft Malton and Norton NP.

4.2 The Ryedale Plan Local Plan Strategy 2013 sets out a long-term vision, objectives and strategy to guide development over a 15-year period. The document outlines:

- expected levels of development that will take place in the District up to 2027;
- specific types of new development required to meet Ryedale's needs;
- sorts of changes that will happen in different locations;
- types of projects and investment needed to successfully deliver the strategy and support growth and local communities; and
- provides a framework to assist in the determination of planning applications.

4.3 The Ryedale Plan Local Plan Strategy 2013 has the following objectives:

Objective 1: Plan for growth in Ryedale which is compatible with the principles of sustainable development which address local sustainability issues and which specifically helps to support a more balanced population structure in the longer term.

Objective 2: Enhance the role of the Market Towns as accessible, attractive and vibrant service centres, offering a range of homes, jobs, shops, entertainment, leisure and recreational facilities within a high quality public realm. Emphasise the role and regeneration of Malton and Norton as the District's Principal Town.

Objective 3: Focus development at those settlements where it will enhance accessibility to local services, shops and jobs and which provide sustainable access to major service centres outside of the District by promoting the use of public transport, walking and cycling, while reducing the need to travel by private car.

Objective 4: Protect and, where appropriate, enhance the distinctive character of the District's settlements, landscapes and biodiversity, safeguarding those elements of the historic and natural environment that are recognised as being of local, national or international importance.

Objective 5: Deliver new development alongside the provision of the necessary community, transport and utilities infrastructure and initiatives. Make best use of existing infrastructure and make best use of development to secure investment in improved and new infrastructure. Maximise opportunities to secure Green Infrastructure links between the towns, villages and the open countryside.

Objective 6: Support the delivery of new homes and to substantially increase the delivery of affordable housing; encouraging an appropriate mix and type of housing that will meet local

housing needs and requirements of all in the community, including those of Ryedale's elderly population.

Objective 7: Protect and enhance the provision of community facilities, recognising the particular importance they play in supporting the District's rural and village communities.

Objective 8: Support new and existing businesses with the provision of a range of employment sites and premises, including higher quality purpose built sites, principally at the Market Towns.

Objective 9: Diversify the District's economy and enhance skills by building links with the York economy and science and knowledge sectors: supporting Ryedale's precision/advanced engineering cluster and using the District's strong rural identity and its historic, cultural and landscape assets as economic drivers.

Objective 10: Support the land-based economy through sustainable land management; promoting sustainable rural enterprises and activity that helps to retain traditional land uses such as food production and horse racing, which help to retain land management and traditional building techniques and skills; supporting and facilitating the provision of local weekday and farmer's markets and the retention of a livestock market in the District.

Objective 11: Improve the quality of the environment and environmental systems and require that new development has as low an impact on the environment as possible.

Objective 12: Respond to climate change by reducing green house gas emissions and helping Ryedale to adapt to the impacts of climate change through flood risk minimisation and enhancing Green Infrastructure opportunities.

- 4.4 The Ryedale Plan Local Plan Strategy 2013 intends that Malton and Norton play a more strategic role for the district and in terms of their relationship with York. The plan seeks to rebalance the twin towns by placing a greater focus on locating new development at Malton and releasing greenfield sites around Malton. In addition, the plan identifies as an aspiration to bring forward a large brownfield site the 'Woolgrowers, Yorkshire Fertilisers site' (although this does not appear in the 2019 local sites plan). The Local Plan Strategy also refers to other brownfield sites within the Malton and Norton Rail/River corridor that are currently underused or which are vacant or derelict. The plan states *"they detract from the appearance of the towns and their redevelopment would provide an excellent opportunity to reinforce the physical and visual links between Malton and Norton."*
- 4.5 Policy SP1 'General Location of Development and Settlement Hierarchy' provides a settlement hierarchy where Malton and Norton are the primary focus of the district's growth. Sites are allocated via the later adopted document, the Ryedale Plan Local Sites Document.
- 4.6 Following Policy SP1, the Plan includes a section called 'Guiding Development at the Towns'. In this section, the plan identifies as opportunities for growth. *"Redevelopment of underused Town Centre/ edge of centre sites and rail/river corridor sites subject to flood risk, providing the opportunity to repair and improve the built fabric of the towns including, the Woolgrowers Site, Railway Street/Norton Road areas"*

- 4.7 The Ryedale Plan Local Plan Strategy 2013 refers to the River Derwent SAC in paragraphs 2.21 where it states *"The River Derwent is an internationally important site for wildlife conservation and is designated as a Special Area of Conservation under European legislation primarily for the presence of the River Lamprey. There are also other important species with Otters, Bull Lamprey and a flat fish called a Bullhead."* It is also referred to in paragraph 7.15 where it states *"Stretches of the River Derwent are protected under international law as a Special Area of Conservation and 32 Sites of Special Scientific Interest have been designated as areas of national interest by virtue of their flora, fauna or geological importance."*
- 4.8 This latter paragraph is included in the supporting text to Local Plan Policy SP14 'Biodiversity' which states:
- "In considering proposals for development – Proposals which would have an adverse effect on any site or species protected under international or national legislation will be considered in the context of the statutory protection which is afforded to them."*
- 4.9 Policy SP15 'Green Infrastructure Networks' also refers to the River Derwent. This policy states that, the quality and integrity of the River Derwent, among a number of other important sites, will be protected and enhanced.
- 4.10 The Ryedale Plan Local Plan Strategy 2013 has been subject to a strategic environmental assessment. The work is reported in a document published in May 2012 *The Ryedale Plan Local Plan Strategy Sustainability Report* which is no longer available to view on the district council's website. This document identifies, as a key environmental constraint and issue affecting the district, that *'pollution remains a risk to the River Derwent SAC with part of the river being defined as being at risk of diffuse agricultural pollution.'*

Ryedale Plan Local Sites Document

- 4.11 The Ryedale Plan Local Sites Document was adopted in June 2019 and allocates two sites in the plan area as follows:
- Land to the east of Beverley Road (600 homes on a site of 24.29 hectares). This is in the south east of Norton on Derwent.
 - Land at old Maltongate (60 homes on a 1.44 hectare site). This is in Malton.
- 4.12 The Ryedale Plan Local Sites Document has been subject to a sustainability appraisal (SA) and strategic environmental assessment (SEA). The SA/SEA document is available to view on the Ryedale District Council website.
- 4.13 A HRA screening assessment was initially undertaken on the draft NP in August 2019. Natural England and Ryedale District Council were engaged in this process and a key output of this was a decision that four policies in the draft NP triggered the need for an appropriate assessment under the HRA legislation. These policies were:
- RC1: Malton and Norton River Corridor Development
 - RC2: Regeneration of Land North and South of County Bridge
 - CF1: Norton's Swimming Pool
 - N1: Land to the Rear of Commercial Street

- 4.14 In December 2022, by which time a 2nd Pre-Submission version of the NP had been prepared, the HRA screening assessment was repeated⁴. The HRA screening was repeated again in June 2023 to accompany the 2nd Submission version of the NP.⁵
- 4.15 As with the 1st Pre-Submission NP, the HRA screening assessment process concluded that likely significant effects could not be ruled out for four policies alone: RC1, RC2, CF1 and N1 because of a range of possible effects on the River Derwent SAC.
- 4.16 The HRA appropriate assessment for the 1st Pre-submission NP was undertaken in May 2020. This found that provided mitigation measures were adopted, including the removal of some types of proposed development, adverse effects on the integrity on the River Derwent SAC could be ruled out for Policies RC1, RC2 and N1. Adverse effects from Policy CF1 could be ruled out without the need for mitigation.
- 4.17 Not surprisingly, since the 2nd Submission NP had built in changes to Policies RC1, RC2 and N1 to take on the recommendations from the 2020 HRA, the HRA appropriate assessment for the 2nd Submission NP, undertaken in June 2023, found that Policies RC1, RC2, N1 and CF1 could all be ruled out (in terms of adverse effects on the integrity of the River Derwent SAC) without the need for mitigation, without residual effects and with there being no need for an in-combination assessment.

Sources of evidence used in the strategic environmental assessment

- 4.18 In addition to the HRA for the Neighbourhood Plan and the Local Plan documents, several other reference documents have been used and referred to in this strategic environmental assessment. These are:
- 2021 Air Quality Annual Status Report (ASR) in fulfilment of Part IV of the Environment Act 1995 Local Air Quality Management June 2021, Ryedale District Council
<https://www.ryedale.gov.uk/content/uploads/2021/08/Ryedale-ASR-2021-2.pdf>
 - Ryedale District Council Infrastructure Delivery Plan 2012
 - Ryedale District Council Infrastructure Delivery Plan 2018 update
 - Ryedale District Council PPG17 Open Spaces Study
 - North Yorkshire County Council Definitive Map of public rights of way. Accessed online at <https://www.northyorks.gov.uk/definitive-map-public-rights-way>
 - National Heritage List. Accessed online in September 2020 and October 2020 at <https://historicengland.org.uk/listing/the-list>
 - Scarborough Borough and Ryedale Level 1 Strategic Flood Risk Assessment 2021 – Final Report and Map for Malton and Norton
https://www.northyorks.gov.uk/sites/default/files/fileroot/planning_migrated/planning_policy/SFRA-REPORT.pdf

⁴ As reported in Neighbourhood Plan for Malton and Norton 2020 – 2027, 2nd Pre-submission Neighbourhood Plan HRA, December 2022, Fleming Ecology Limited

⁵ As reported in Neighbourhood Plan for Malton and Norton 2020 – 2027, 2nd Submission Neighbourhood Plan HRA, June 2023, Fleming Ecology Limited.

5. Part 1: Likely Significant effects on the environment

- 5.1 The applicable Regulation 15 NP policies have been assessed using an SEA framework that was drafted and consulted on at the scoping stage of this SEA (see Malton and Norton on Derwent Neighbourhood Plan Strategic Environmental Assessment Scoping report – 27 July 2020).
- 5.2 The SEA framework includes a set of SEA objectives, indicators and proposed tools for measuring impacts.

Table 5.1 Malton and Norton NP SEA objectives

SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.
SEA 2: To provide the opportunity for all people to meet their housing needs.
None proposed
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton
SEA 4: To reduce crime and the fear of crime in Malton and Norton
None proposed.
SEA 5: to maintain and enhance employment opportunities in the NP area.
SEA 6: To maintain and enhance the vitality of the countryside and town centres.
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors
SEA 8: To diversify the local economy
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI
SEA 10: To maintain and enhance the quality and character of the landscape
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere
SEA 13: To conserve and where appropriate enhance the significance ⁶ of the historical and cultural environment.
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton
SEA 15: To make the most efficient use of land
SEA 16: To maintain a high quality environment in terms of air quality

- 5.3 At the SEA scoping stage it was proposed to use the same scoring system which Ryedale District Council have used in the SA and SEA of their Local Sites Plan. This is shown below:

Table 5.2: Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither and positive nor a negative impact upon this objective

⁶ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

Symbol	Score	Definition
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.

5.4 As the assessment progressed, two more categories were added in order to reflect more accurately the nature of the plan and the fact that the impacts of the policies being assessed were very much uncertain due to their aspirational nature.

Symbol	Score	Definition
U -	Uncertain and negative impact	Uncertain, but the policy may hinder achievement of the objective
U +	Uncertain impact but possibly positive impact.	Uncertain, but the policy may be positively consistent with meeting the objective

5.5 Consistent with Schedule 2 to the SEA Regulations, any effects have been considered in terms of short, medium and long term effects, permanent and temporary effects, positive and negative effects, and secondary, cumulative and synergistic effects.

5.6 Table 5.3 below provides further detail on the prompts used to assess the four NP policies.

Table 5.3: Proposed prompts to help assess the NP policies against the SEA objectives.

Proposed SEA objective	Appraisal prompts
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	Does the policy result in the loss of a community facility or poorer access to a community facility? Does the policy result in improved access to community facility
SEA 2: To provide the opportunity for all people to meet their housing needs.	Does the policy deliver homes which will address and identified local need such as affordable homes?
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton? Would the policy involve new public realm or enhancements to the public realm?
SEA 4: To reduce crime and the fear of crime in Malton and Norton	Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.
SEA 5: to maintain and enhance employment opportunities in the NP area.	Will this policy deliver or help to deliver improved employment opportunities?
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	Will the policy protect or enhance the viability and vitality of the town centres?

Proposed SEA objective	Appraisal prompts
	Will the policy protect or enhance open areas outside the town centre?
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors	Does the policy protect, employment opportunities in plan area? Does the policy encourage or deliver more employment opportunities in accessible locations?
SEA 8: To diversify the local economy	Does the policy assist in diversifying the local economy in Malton and Norton?
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	Does the policy protect or enhance the River Derwent SAC and SSSI? Does the policy protect or enhance protected flora and fauna? Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?
SEA 10: To maintain and enhance the quality and character of the landscape	What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	Would this policy encourage people to walk and cycle rather than travel by car? Would this policy lead to highway impacts that would require highway mitigation measures? Will the policy protect or enhance access to public rights of way?
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone? Does the policy lead to increases in flood risk to people and property in the plan area?
SEA 13: To conserve and where appropriate enhance the significance of the historical and cultural environment.	Does the policy conserve or enhance the significance of the designated heritage asset? Does the policy conserve or enhance the significance of the non-designated heritage assets?
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?
SEA 15: To make the most efficient use of land	Does the policy focus development towards previously developed land. Does the policy focus on maximising efficient uses of land?

Proposed SEA objective	Appraisal prompts
SEA 16: To maintain a high quality environment in terms of air quality	Does the policy have an adverse impact on the Malton Air Quality Management area?

- 5.7 Appendices 5a, 5b, 5c and 5d to this report provides the detailed individual assessments of each of the four NP policies against the SEA framework. The assessment is applicable to the 2nd Submission Neighbourhood Plan. The table provided in the non-technical summary (see page 6) provides an overview of the assessment of the four policies against the SEA objectives.
- 5.8 What can be seen from the overview is that overall, the impacts are, neutral or positive. There is one uncertain significant positive effect identified for Policy RC1 against SEA objective 3. This is due to the potential significant improvements the policy could facilitate in terms of public realm improvements along the River Derwent. But, as with a high number of registered impacts, this impact is uncertain. This is because all four policies being assessed are aspirational in nature where they are encouraging specific land uses. They are not site allocations as such. Deliverability or viability has not been tested and there is no evidence of any discussions having taken place with land promoters, owners or other stakeholders in terms of the implementation of schemes. The development being encouraged will not come forward without other drivers outside the NP process.
- 5.9 There are a few occasions where potential negative impacts have been identified. These are noted through the symbol - .

Part 2: How this assessment relates to previous work and feedback provided by environmental bodies and consultees

- 5.10 It should be noted that to date, the environmental assessment has gone through several iterations and the assessment reported in Chapter 5 Part 1, together with appendices 5a, b, c and d, is not too dissimilar to the environmental assessment made available alongside the previous iteration of the Neighbourhood Plan, namely the 2nd Pre-Submission Neighbourhood Plan. Since then, Policy RC1 has been amended to include support for "river history interpretation panels". This change has no impact on the environmental assessment work. In addition, Policies RC1, RC2, CF1 and N1 were amended to take on the recommendations set out in the SEA Environmental Report that accompanied the Regulation 14 NP. For ease of reference, those recommendations can be viewed at Appendix 6 to this report.
- 5.11 Natural England, Historic England and Ryedale District Council provided comments on the SEA of the January 2023 Regulation NP. The comments do not alter the findings of the environmental assessment made at Regulation 14 stage.

Ryedale District Council comments:

"Officers have reviewed the technical reports of the Strategic Environment Assessment (SEA) and the Habitats Regulations assessment (HRA). In relation to the HRA Officers agree with the conclusions that the revisions do not result in changes to the screening assessment, and according the appropriate assessment. Concerning the SEA, Officers note the updated baseline information, which demonstrates a robust approach to the consideration of the evidence base. Officers also note that the policies which have been updated were previously screened

out of the SEA/HRA and officers would agree that the proposed changes have not resulted in these revised policies being now capable of being screened into the SEA/HRA assessment"

Extract from 3 March 2023 letter from Ryedale District Council to Malton and Norton Town Councils concerning Regulation 14 Consultation of the pre-submission draft of the Malton and Norton Neighbourhood Plan.

Historic England comments:

"Thank you for consulting Historic England on the second Strategic Environmental Assessment Scoping Report for the Malton and Norton Neighbourhood Plan.

We note that our responses and advice contained in our letter of 24th August 2020 have been acted upon, and we do not therefore wish to make further comments.

We trust the above advice is clear and look forward to receiving the consultations on the Submission draft of the Malton Neighbourhood Plan, in due course"

Contents of letter dated 20 February 2023 from Historic Places Advisor to Malton and Norton on Derwent Town Councils.

Natural England comments

"Natural England (NE) is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England has considered the above consultation and has no comments to make regarding the updates to the SEA and HRA documents for the Regulation 14 consultation. As no changes have been made to these documents that could impact the advice in our letter dated 20 June 2022 for the Regulation 16 consultation, we have no further comments to make at this stage.

Natural England response to the Malton and Norton Town Councils at 2023 Regulation 14 consultation stage.

6. Identification of Alternatives

- 6.1 Schedule 1 to the SEA Regulations requires the SEA to include an outline for selecting the draft NP policies instead of other reasonable alternatives. Before this can be done, it is important to provide an outline of the options available to the draft Neighbourhood Plan policies. At the scoping stage of the SEA, it was proposed that the SEA should *not* include an alternative NP vision or an alternative set of NP objectives. This is because, as seen in Table 6.1 in the SEA scoping report, there is a high degree of compatibility between the NP objectives and the Local Plan Strategy 2013 objectives. Instead, the SEA should explore alternative ways of realising the NP vision and objectives to the approach taken in the four policies RC1: Malton and Norton River Corridor Development, RC2: Regeneration of Land North and South of County Bridge, CF1 Norton's Swimming Pool and N1: Land to rear of Commercial Street.
- 6.2 In 2020, prior to the 1st Pre Submission Regulation 14 version of the NP being available, there was a previous version of the NP drafted. This is referred to as the 2020 pre-Reg 14 version. This earlier version was subject to both an SEA assessment and a HRA assessment.
- 6.3 The previous versions of the four policies RC1, RC2, CF1 and N1 were as follows:

Policy RC1 – River & Norton River Corridor Development (pre Reg 14 (2020) version)

The following types of development proposals within the Malton and Norton River Corridor, as identified on the Neighbourhood Plan Proposals Map, will be supported:-

- *Recreational enhancement works to include:-*
- *A new picnic area*
- *Improved riverside seating*
- *Fishing platforms/pegs*
- *Boat moorings*
- *A bandstand/facilities to host performances and entertainment*
- *Enhanced footpath, cycleway and bridleway provision along the river frontage*
- *Café/refreshment facilities*
- *The appropriate change of use or redevelopment of existing buildings within the corridor.*

The acceptability of any such development is subject to satisfying the requirements of Local Plan Strategy Policy SP14 in respect of biodiversity sites statutorily protected by international legislation.

Development is also subject to the satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency

Policy RC2: Regeneration of Land North and South of County Bridge (pre Reg 14 (2020) version)

Development-related regeneration on land to the North and South of County Bridge, as shown on the Neighbourhood Plan Proposals Map, will be supported.

In the event that the principle of any such development on this site is accepted via the Local Plan or otherwise, relative to the requirements of Local Plan Strategy Policy SP14 (in respect of biodiversity sites

statutorily protected by international legislation), development of this site should have regard to the following:-

- *The satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency;*
- *Preservation and/or enhancement of the character and appearance of the Malton Town Centre and Norton-on-Derwent Conservation Areas within which the site is located;*
- *The maximisation of opportunities to improve pedestrian, cycle and motorised vehicular access across the River Derwent and the York-Scarborough Railway Line;*
- *The incorporation of low emission measures to ensure that the overall impact on AQMA air quality is mitigated;*
- *The retention/replacement of Yorkshire Water's site access;*
- *The retention/replacement of the on-site public conveniences.*

CF1: Norton's Swimming Pool (pre Reg 14 (2020) version)

Development of Norton Swimming Pool to provide additional capacity or improved leisure facilities for the benefit of the community, including its upgrading, extension or replacement, will in principle be supported.

Consideration should be given to the need for any additional off-road car parking provision to serve any enhanced facility.

N1: Land to the Rear of Commercial Street (pre Reg 14 (2020) version)

Regeneration of land to the rear of Commercial Street, as identified on the Neighbourhood Plan Proposals Map, including the development of a public car park, with associated service access to the rear of commercial properties in Commercial Street, will be supported.

The acceptability of any such regeneration development is subject to satisfying the requirements of Local Plan Strategy Policy SP14 in respect of biodiversity sites statutorily protected under international legislation

6.4 Appendices 1a, 1b, 1c and 1d to this report sets out the individual assessments of each of the four policies, as provided at the earlier stage of plan drafting. The policies that were assessed were those versions made available prior to the HRA work. That assessment resulted in the identification of further reasonable alternatives in terms of policy wording. As follows:

Policy RC1:

- Removing the last bullet point in the first paragraph which allows for "appropriate change of use or redevelopment of existing buildings within the corridor". The SEA notes that the extent of RC1 only includes the functional floodplain and any development in this zone would present a significant risk. There is therefore a potential significant negative impact. However, the SEA has also found that there are no existing buildings within this extent. Therefore, in practice, this element of RC1 could not trigger development in the functional flood plain. Nonetheless, the SEA concludes any potential negative impact could be moved were this sentence to be removed altogether. As it

stands the policy creates ambiguity and confusion with regards to allowing development come forward in the functional flood plain.

- Including a paragraph to require any development to conserve or enhance the setting of heritage assets. The SEA finds that the River Derwent corridor is located very close to a large concentration of statutorily listed buildings. Some stretches of the corridor are likely to fall within the setting of some of these heritage assets. A reasonable alternative therefore is to include a criteria such as *"All proposals coming forward in the defined river corridor will be required to conserve or enhance the significance of heritage assets, including their setting, as applicable"*.
- The assessment also finds that the land covered by RC1 is very close to areas of high landscape value as defined as Visually Important Undeveloped Areas in the Ryedale Local Plan. The SEA identifies as a reasonable alternative to include wording in the policy to ensure all development coming forward in the defined river corridor be required to maintain or enhance existing landscape quality. Example wording would be: *All proposals coming forward in the defined river corridor will be required to maintain or enhance the existing landscape quality"*.
- Amend the wording of Policy RC1 so that it directly states what is required in terms of ensuring no development proposal under the NP will have any adverse effects on the integrity of the River Derwent SAC. The current wording requires proposals to be in line with Local Plan Strategy Policy SP14 but this policy is in turn quite generic (as it applies to a wider range of scenarios) and states *"Proposals which would have an adverse effect on any site or species protected under international or national legislation will be considered in the context of the statutory protection which is afforded to them"*. The SEA considers the NP policy should be clearer and more specific in terms of what is required. Example amendment could be as follows:

The acceptability of any such development is subject to there being no adverse effects on the integrity of the River Derwent Special Area of Conservation, satisfying the requirements of Local Plan Strategy Policy SP14 in respect of biodiversity sites statutorily protected by international legislation.

Policy RC2

- The policy could be strengthened to include reference to the need to conserve or enhance the significance of all built heritage assets and their setting
- As with RC1, the application of Local Plan Policy SP14 would presumably rule out a proposal coming forward under NP Policy RC2 which would impact adversely on the habitats and species in the River Derwent SAC. There is however scope for the current and emerging policy context (provided by NP policy RC2 and Local Plan Policy SP14) to be more explicit about this.

In the event that the principle of any such development on this site is accepted via the Local Plan or otherwise, relative to the requirements of Local Plan Strategy Policy SP14 (in respect of biodiversity sites statutorily protected by international legislation) and subject to any adverse effects on the integrity of the River Derwent SAC being ruled out, development of this site will be supported subject to: should have regard to the following:-

- In light of flood risk on this site, exclude the possibility of residential or other vulnerable uses coming forward on this site and require for all development that sequential and exceptions test to be met. This alternative would result in the removal of a significant adverse impact. The supporting text should be amended to clarify requirements. A suggested amendment to the policy wording is provided below:

~~The satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency; no residential or other vulnerable uses (in terms of flood risk) coming forward on this land and subject to development meeting the sequential test and where applicable the exceptions test in line with national policy.~~

Policy N1

- To reflect the vulnerability of this site to flooding, make clear in the policy wording that residential uses are not supported in this location

6.5 The changes proposed by the HRA appropriate assessment undertaken of the 2020 pre Reg but 1st Regulation 14 version of the plan are as follows:

Policy RC1:

- amend the policy to ensure that time limits are imposed on organised events so that they do not extend beyond dusk
- amend the policy to ensure that the provision of both mooring points and fishing pegs are removed.

Policy RC2:

- to amend the policy to ensure that residential development is excluded from future uses of this land.

6.6 The alternatives to the policies set out in the Reg 14 and subsequent Reg 15 version of the plan are:

- Not to incorporate the changes proposed by the HRA appropriate assessment; and
- Not to include the recommended changes that have resulted from the 2020 SEA assessment work.

6.7 Appendices 1a, 1b, 1c and 1d set out the results of the NP policies were they not to include the recommended changes that resulted from the 2020 SEA assessment work and were they not to incorporate the changes proposed by the HRA appropriate assessment work (see Paragraph 6.4 and 6.5 above).

6.8 The table below provides an overview of these results:

Table 6.1: An overview of the assessment of the four policies (2020 pre 1st Regulation 14 version) against the SEA objectives

Proposed SEA objective	Appraisal prompts	RC1	RC2	CF1	N1
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	1. Does the policy result in the loss of a community facility or poorer access to a community facility? 2. Does the policy result in improved access to community facility	= U +	= U +	= U+	= U +
SEA 2: To provide the opportunity for all people to meet their housing needs.	1. Does the policy deliver homes which will address an identified local need such as affordable homes?	0	0	0	0
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton? 2. Would the policy involve new public realm or enhancements to the public realm?	0 U+	U+ U+	= =	= =
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	=	=	=	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	U +	U+	U+	U+
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	1. Will the policy protect or enhance the viability and vitality of the town centres? 2. Will the policy protect or enhance open areas outside the town centre?	U+ 0	U+ 0	U+ 0	U+ 0
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal	1. Does the policy protect, employment opportunities in plan area?	= U +	= U+	= U+	= U+

Proposed SEA objective	Appraisal prompts	RC1	RC2	CF1	N1
creativity and attractiveness to investors	2. Does the policy encourage or deliver more employment opportunities in accessible locations?				
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	0	U+	=	U+
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	U - ALT	U- ALT	=	=
	1. Does the policy protect or enhance protected flora and fauna?	U -	U-	U- U+	U-
	1. Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	=	=	U	=
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	U - ALT	0	U	U
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	1. Would this policy encourage people to walk and cycle rather than travel by car? 2. Would this policy lead to highway impacts that would require highway mitigation measures? 3. Will the policy protect or enhance access to public rights of way?	U + = U+	= U- U+	= = 0	U- = =
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone? 2. Does the policy lead to increases in flood risk to people and property in the plan area?	U - ALT = 	U - - ALT U - -	0 0	U - - ALT U--

Proposed SEA objective	Appraisal prompts	RC1	RC2	CF1	N1
SEA 13: To conserve and where appropriate enhance the significance of the historical and cultural environment.	Does the policy conserve or enhance the significance of the designated heritage asset? Does the policy conserve or enhance the significance of the non-designated heritage assets?	U – ALT	U + ALT	+ 0	= 0
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	0	0	0	0
SEA 15: To make the most efficient use of land	Does the policy focus development towards previously developed land. Does the policy focus on maximising efficient uses of land?	0	+	+	+
SEA 16: To maintain a high quality environment in terms of air quality	Does the policy have an adverse impact on the Malton Air Quality Management area?	=	U+ U -	U+	U -

- 6.9 The assessment of these alternatives found both potential positive and negative impacts. Overall, the impacts were all uncertain. This is because all four policies being assessed were aspirational in nature where they were encouraging specific land uses. They were not site allocations as such. Deliverability or viability had not been tested and there is no evidence of any discussions having taken place with land promoters, owners or other stakeholders in terms of the implementation of schemes. The development being encouraged would not come forward without other drivers outside the NP process. From this perspective, the assessment of the previous version of the policies was similar to the assessment of both the December 2022 Reg 14 version and July 2023 Reg 15 versions of the policies.
- 6.10 Nonetheless, there were a few occasions where possible significant negative impacts had been identified. These are noted in appendices 1a, 1b, 1c and 1d through the symbols - - . There was an uncertain significant impact registered with Policies RC2 and N1 in relation to flood risk. This is because both site-specific policies involve land in high flood risk areas and they do not adequately rule out vulnerable uses in these sites. It is clear this is not the intention of the policies and in both circumstances, alternative wording in the policies were proposed (since accepted) which would remove the potential significant negative impact.
- 6.11 There were further occasions where other (not significant) potential negative impacts had been identified. These are noted through the symbol - . In some instances, the SEA had

proposed alternatives to help remove these impacts. These are indicated in the table above through the use of the abbreviation **ALT** in the last four columns.

7. Monitoring

- 7.1 Under Regulation 17 of the SEA Regulations, any significant environmental effects of the implementation of a plan are required to be monitored by the responsible authority with the purpose of identifying unforeseen adverse effects at an early stage and being able to undertake appropriate remedial action. These monitoring requirements have limited relevance to the NP since the SEA has not identified any potentially significant adverse effects; this report only identifies on uncertain significant positive effect due to the potential public realm improvements which may come about as a result of Policy RC1. Notwithstanding this, the NP itself will be monitored on an annual basis by the town councils as set out in Chapter 6 of the NP. It is advised attention is paid to Policies RC1, RC2, CF1 and N1 as part of this with a view to identifying environmental effects which differ from those anticipated in this SEA.

8. Conclusions

- 8.1 Chapter 5 in this report highlights both potential positive and negative impacts from the environmental assessment of the draft planning policies in the Neighbourhood Plan. There is one uncertain significant positive effect identified for Policy RC1 against SEA objective 3. This is due to the potentially significant improvements the policy could facilitate in terms of public realm improvements along the River Derwent. But, as with a high number of registered impacts, this impact is uncertain. This is because all four policies being assessed are aspirational in nature where they are encouraging specific land uses. They are not site allocations as such. Deliverability or viability has not been tested and there is no evidence of any discussions having taken place with land promoters, owners or other stakeholders in terms of the implementation of schemes. The development being encouraged will not come forward without other drivers outside the NP process.
- 8.2 Alternative policy wording has been assessed as part of the SEA work. The interim SEA work assessed an earlier version of draft policies (the version that was subject to SEA and HRA screening). This resulted in a set of recommendations changes to the policy wording in order to improve the environmental performance of the drafted policies. As with the previous Regulation 14 Version of the NP, both the December 2022 Regulation 14 NP and the July 2023 Regulation 15 NP policies have performed better against the SEA than the previous 2020 version.
- 8.3 During the period 27 January to 10 March 2023, the NP was subject to a public consultation under Regulation 14 of the Neighbourhood Planning Regulations. The SEA environmental assessment was also made available for comment at the same time. No comments were received which required any changes to be made to the assessment reported in Chapter 5 of this report.

APPENDIX 14: SECOND SUBMISSION NEIGHBOURHOOD PLAN REPORT JULY 2023 APPENDICES

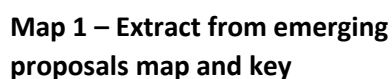
Malton and Norton on Derwent Neighbourhood Plan
2nd Submission (Regulation 15) version
Strategic Environmental Assessment

Appendices to the Environmental Report – July 2023

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The following types of development proposals within the Malton and Norton River Corridor, as identified on the Neighbourhood Plan Proposals Map, will be supported:-

- The acceptability of any such development is subject to satisfying the requirements of Local Plan Strategy Policy SP14 in respect of biodiversity sites statutorily protected by international legislation. Development is also subject to the satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency*



Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither and positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.

December 2022 Update: Please note that the assessment of the alternatives set out in Appendices 1a to 1d remain unchanged from the SEA of the previous version of the Reg 14 NP. These tables therefore refer to previously available evidence including the Northeast Yorkshire Strategic Flood Risk Assessment (SFRA), last updated in 2010 and the 2020 HRA work undertaken for the previous version of the NP.

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	<p>1. Does the policy result in the loss of a community facility or poorer access to a community facility?</p> <p>2. Does the policy result in improved access to community facility</p>	<p>1. No.</p> <p>2. This is an aspirational policy stating that development proposals (which would also need to meet the requirements set out other planning policies set out in the NP and Local Plan) which deliver one of a number of recreational enhancement works would be supported. These recreational enhancement works are all types of community facilities and therefore this registers a positive impact. The delivery of such impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward. The impact is therefore uncertain.</p> <p>The policy also supports proposals delivering enhanced footpath/cycleway and bridleway provision, café/refreshment facilities. These are all types of community facilities so a further positive impact is registered. The delivery of such impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward. The impact is therefore uncertain.</p>	<p>=</p> <p>U +</p> <p>U +</p>
SEA 2: To provide the opportunity for all people to meet their housing needs.	1. Does the policy deliver homes which will address an identified local need such as affordable homes?	1. There is no link registered between this draft NP policy and this SEA objective	0
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	<p>1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?</p> <p>2. Would the policy involve new public</p>	<p>1. No</p> <p>2. There is a possible significant positive impact. Recreational enhancements and enhancements to the public footpath, cycleway and bridleway are all considered to be enhancements to public realm provision. If proposals come forward as a result of this policy there is a possible significant positive impact. The delivery of such impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward. The impact is therefore uncertain.</p>	<p>0</p> <p>U+</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	realm or enhancements to the public realm?		
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	1. Policy RC1 supports proposals which will deliver recreational enhancements along the River Corridor. This would have the potential to address any current issues there may be regarding crime or unsociable behaviour along the River Corridor. However, there is no evidence to indicate there are any existing issues.	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	<p>1. There are a number of different retail and business uses along the River Derwent corridor. These are described in the environmental baseline to the SEA report. However, the extent of the RC1 does not include these and the retail and business uses lie outside of the designation (see Map 1 above). The policy supports 'appropriate' changes of uses along the corridor as identified on the map. However, the only structures identified along the extent of RC1 is the County Bridge itself. No loss of employment uses is therefore likely as a result of this policy.</p> <p>The policy supports public realm enhancements taking place along the river corridor. This could make the area more attractive to business occupiers. There is therefore a potential positive impact registered. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p>	U +
SEA 6: To maintain and enhance the vitality of the	1. Will the policy protect or enhance the viability and	1. By encouraging development that would deliver public realm improvements in this town centre location, the policy registers a positive impact. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is also uncertain.	U+

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
countryside and town centres.	vitality of the town centres? 2. Will the policy protect or enhance open areas outside the town centre?	2. The policy seeks to enhance a corridor along the River Derwent, parts of which are in open land although this is in a location in the town centre not outside. No direct link.	0
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors	1. Does the policy protect, employment opportunities in plan area? 2. Does the policy encourage or deliver more employment opportunities in accessible locations?	1. The policy does not protect employment opportunities. The policy supports 'appropriate' changes of uses along the extent of RC1. However, the proposals map shown above indicates that the extent of RC1 does not include any existing uses for this to apply to. 2. The policy supports public realm enhancements taking place along the river corridor. This could make the area more attractive to business occupiers. There is therefore a potential indirect positive impact registered. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain	= U +
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	1. There is no perceivable link between this objective and Policy RC1	0
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	1. The policy designation RC1 overlaps in some locations with the extent of the River Derwent SAC and the River Derwent SSSI. However, as these protected areas (SAC and SSSI) apply to a flowing river the entirety of the RC1 designation is directly relevant to the SAC and SSSI. The policy is an aspirational policy that seeks recreational enhancements along the River Corridor. There is a potential negative impact from riverside recreational activities on to	U –

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>sensitive environmental receptors along the river. The River Derwent SAC has been designated European status due to the habitat:</p> <ul style="list-style-type: none"> • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation. (Rivers with floating vegetation often dominated by water-crowfoot) <p>And due to the species:</p> <ul style="list-style-type: none"> • Bullhead Cottus gobio • River lamprey Lampetra fluviatilis • Otter Lutra lutra • Sea lamprey Petromyzon marinus <p>The HRA appropriate screening assessment¹ undertaken on the NP states concluded that <i>There is a credible risk that recreational pressure and pollution/erosion etc from Policy RC1 could undermine the conservation objectives of the River Derwent SAC and that a likely significant effect cannot be ruled out (alone). Consequently, an appropriate assessment is required.</i></p> <p>The concern identified in the HRA screening recreational pressure impacts on the otter population and the pollution/erosion issue related to the possible construction activity (supported in the wording on Policy RC1) would have on water quality.</p> <p>At the more detailed assessment stage (the appropriate assessment) the HRA assessment² concluded that increased recreational activity along the river corridor would not impact the otter population if it were restricted to the daytime drawing on the observation that <i>"otters already make frequent use of this stretch of river even though it is exposed to the typical disturbance associated within any busy town with road bridges, railway lines, industry and people all in close proximity"</i>.</p>	

¹ See screening section of the Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan, June 2020, Fleming Ecology Limited.

² See HRA assessment in the Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan, June 2020, Fleming Ecology Limited

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>The HRA then states that the proposals for a bandstand <i>“does suggest that organised activities could take place in the evenings and the associated people, lights and noise could hinder the behaviour of otters. Given their large territories there is the real, if remote possibility that large-scale organised activities at night could disrupt this behaviour and an adverse effect on the integrity of the site may arise.”</i></p> <p>The HRA appropriate assessment also concludes that the inclusion in Policy RC1 of supporting fishing pegs and boat moorings along the River Corridor also has a potential adverse impact on the otter population and identifies potential for fuel spills, pollution and litter. The appropriate assessment concludes that the only way to rule this potential impact out is to amend the policy to remove reference to fishing pegs and boat moorings.</p> <p>The appropriate assessment also considers in more detail the implications of the part of Policy RC1 that allows for <i>The appropriate change of use or redevelopment of existing buildings within the corridor</i>. The assessment however concludes that impacts can be ruled out since, existing flood risk levels in this area implies any acceptable change of use or redevelopment would be very low key. This SEA actually finds that there are no existing uses within the exact extent of RC1 (as shown on the proposals map) that a change of use application could apply to. So for different reasons the SEA finds no impact here.</p> <p>There is a potential link between Policy RC1 and an impact on the otter population However, any impact would depend on the exact recreational activity and the time of day that this takes place.</p> <p>In recognition of the ecology status of the River Derwent, Policy RC1 includes the following requirement: <i>The acceptability of any such development is subject to satisfying the requirements of Local Plan Strategy Policy SP14 in respect of biodiversity sites statutorily protected by international legislation.</i></p>	

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>Local Plan Strategy Policy SP14 doesn't specify how proposals which could harm a SAC would be considered. It does however include the following generic statement: <i>In considering proposals for development – Proposals which would have an adverse effect on any site or species protected under international or national legislation will be considered in the context of the statutory protection which is afforded to them.</i></p> <p>The application of Local Plan Policy SP14 would presumably rule out a proposal coming forward under NP Policy RC1 which would impact adversely on the habitats and species in the River Derwent SAC. There is however scope for the current and emerging policy context (provided by NP policy RC1 and Local Plan Policy SP14) to be more explicit about this.</p> <p>To conclude, Policy RC1 therefore registers a negative impact with respect to impact on the SAC because of the potential disturbance to the otter population caused by increased recreational activity along the river corridor during the evening. This impact is however uncertain. This is because Policy RC1 is not itself delivering or allocating the development. Instead it is an aspirational policy that would facilitate such a proposal were it to come forward.</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows:</p> <ul style="list-style-type: none"> a) Policy wording in line with HRA recommendations b) Amending policy so it directly requires any proposal to maintain integrity of the River Derwent SAC (rather than indirectly via reference to the 2013 Local Plan policy which is worded generically to apply district wide and cover a range of circumstances). 	
	1. Does the policy protect or enhance protected flora and fauna?	1. As discussed above there is a potential but uncertain negative impact between Policy RC1 that would support proposals that deliver recreational activities along the River Derwent corridor and the flora and fauna along the River Derwent Corridor.	U -

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	1. Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	<p>1. Policy RC1 covers a corridor of land on either side of the River Derwent that combines current public rights of way, an open space and vegetated river corridor not accessible to the public. Alongside this extent on either side of the river, there are various land uses including business use and rear retail parking. On the northern part of the River there is a public right of way from Castlegate through the middle of the Morrisons' car park to the River Derwent. Depending on proposals which come forward, this policy could potentially open up opportunities for increased access to green infrastructure corridors but there is no positive impact detected from the current policy wording in terms of improving green infrastructure itself.</p> <p>Policy RC1 allows for appropriate changes of use or redevelopment of existing uses along the corridor. Under this assessment however, there are no current uses found in the extent of RC1 what change of use could be applied to. There is therefore no link detected. Were this policy to apply neighbouring land (the retail, business uses) there could however be some positive links.</p>	=
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	<p>1. Either side of the proposed designation of the NP Policy RC1 are two large areas of land designated in the Ryedale Local Plan as Visually Important Undeveloped Areas. These are shown on the Local Plan Proposals Map.</p> <p>Paragraph 6.1 of the Ryedale Local Sites Plan states that <i>"In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make a significant contribution to the setting of a Town and the role of the setting in influencing and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements."</i></p> <p>The extent of the land covered by RC1 which is currently undeveloped is not open for additional development under the wording of Policy RC1 other than for very minor development (e.g. picnic areas, a café) that would allow for enhanced recreational enhancements. Potential negative impacts could be avoided altogether were the policy to require any such development to maintain or enhance existing landscape quality.</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows:</p>	U –

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		a) Potential negative impacts could be avoided altogether were the policy to require any such development to maintain or enhance existing landscape quality.	
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	<p>1. Would this policy encourage people to walk and cycle rather than travel by car?</p> <p>2. Would this policy lead to highway impacts that would require highway mitigation measures?</p> <p>3. Will the policy protect or enhance access to public rights of way?</p>	<p>1. If this policy succeeds to facilitate improved accessible open space provision there is potential for this policy to result in fewer journeys to areas of open space by car. Likewise, if successful this policy will result in enhancing provision of an existing public right of way.</p> <p>This impact is however uncertain given the fact this policy is aspirational and does not include specific proposals for development.</p> <p>2. No highway impacts identified.</p> <p>3. There is a direct link between this policy and public rights of way since the policy wording itself seeks enhanced footpath, cycleway and bridleway provision along the river frontage. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p>	<p>U +</p> <p>=</p> <p>U+</p>
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone?	1. The Northeast Yorkshire Strategic Flood Risk Assessment (SFRA) was last updated in 2010. Drawing number 10.2 to this SFRA (listed as PPS25 Malton and Norton flood plain delineation zone on the Ryedale website (accessed September 2020 https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html) shows the delineation of flood risk in the centre of Malton and Norton. It shows that the proposed extent of NP policy RC1 is largely in flood zone 3b. This is the functional floodplain. The area borders flood zone 3aiii where 3aiii denotes <i>areas at high risk of flooding which are currently defended to the appropriate minimum standard for existing development as defined by Defra (annual probability of 2% for fluvial flooding and 1 % for flooding from the sea) but are not defended to the appropriate minimum standard for new</i>	U –

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	2. Does the policy lead to increases in flood risk to people and property in the plan area?	<p><i>development as defined by PPS25 (annual probability of 1% for fluvial flooding and 0.5% for flooding from the sea).</i></p> <p>Policy RC1 allows for <i>"The appropriate change of use or redevelopment of existing buildings within the corridor."</i></p> <p>The final paragraph of the policy requires that: <i>Development is also subject to the satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency</i></p> <p>The zones (e.g. 3a and 3b) in the SFRA provide the basis for the application of the sequential test in line with PPG25. The SFRA states that the only development that would be appropriate in zone 3b would be:</p> <ul style="list-style-type: none"> • Water compatible development provided that an appropriate FRA has been submitted • Essential infrastructure development types so long as it can be demonstrated that the proposal meets the requirements of the exception test. <p>The flood risk therefore directly restricts what development could come forward within the extent of NP policy RC1. For example, no residential development could come forward. Nonetheless, as currently worded Policy RC1 could potentially lead to development in Flood Zone 3b.</p> <p>2. Given the type of development envisaged in this policy, it is unlikely this policy would lead to increases in flood risk to people and property. There is therefore a neutral impact registered against this second question. However, it is noted that ambiguity is created with the last bullet point in the first paragraph as it could be interpreted as allowing residential uses. It also creates confusion since there are no buildings located within the extent of RC1.</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows: a) Remove the last bullet point in the first paragraph</p>	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 13: To conserve and where appropriate enhance the significance ³ of the historical and cultural environment.	<p>Does the policy conserve or enhance the significance of the designated heritage asset?</p> <p>Does the policy conserve or enhance the significance of the non-designated heritage assets?</p>	<p>There are many heritage assets close to the extent of the River Derwent corridor. The closest one is the County Bridge itself which is statutorily listed as a Grade II structure.</p> <p>It is possible that Policy extent RC1 could lie within the setting of some of these important heritage assets.</p> <p>Policy RC1 supports development along the river corridor where this would deliver recreational enhancements. National planning policy (provided through NPPF and PPS25, together with the last paragraph which confirms <i>Development is also subject to the satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency</i>, would in practice limit what development could come forward due to the existing site lying in flood zone 3b (see the 2012 Northeast Yorkshire SFRA). Any development coming forward under Policy RC1 is therefore likely to small in scale. Nonetheless, it is noted the policy does not refer to need for development to conserve and enhance the setting of existing heritage assets.</p> <p>A negative impact is therefore recorded. The impact is uncertain since the policy is an aspirational and is not linked with any specific scheme in the development pipeline.</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows:</p> <p>a) Including a paragraph to require any development to conserve or enhance the setting of heritage assets. The SEA finds that the River Derwent corridor is located very close to a large concentration of statutorily listed buildings. Some stretches of the corridor are likely to be fall within the setting of some of these heritage assets.</p>	U –
SEA 14: To encourage the use of renewable	Does the policy facilitate the delivery of	There is no relationship between this policy and this SEA objective. The policy neither encourages or discourages the use of renewable resources and the development of renewable energy sources.	0

³ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

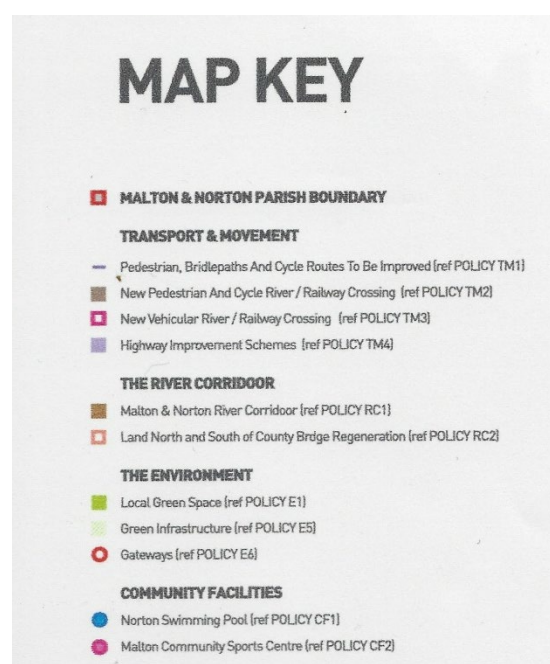
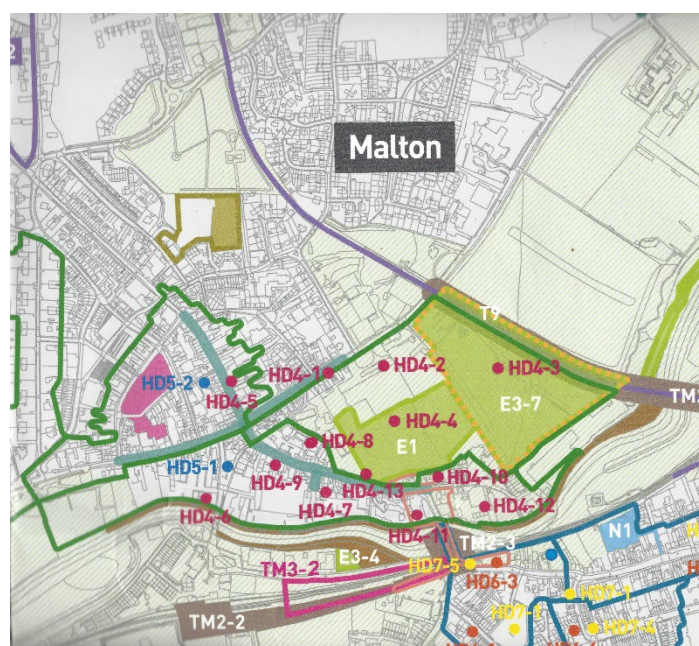
Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
resources and the development of renewable energy sources within Malton and Norton	renewable energy schemes?		
SEA 15: To make the most efficient use of land	<p>Does the policy focus development towards previously developed land.</p> <p>Does the policy focus on maximising efficient uses of land?</p>	The extent of RC1, whilst located adjacent to previously developed land, appears to be limited to the vegetated river corridor only. There is no relationship between this policy and this SEA objective.	0
SEA 16: To maintain a high quality environment in terms of air quality	Does the policy have an adverse impact on the Malton Air Quality Management area?	<p>This policy is an aspirational one which would support proposals which would lead to river corridor recreational enhancements. If this policy leads to the desired development coming forward, access and public use of the river corridor would be increased. This could have the effect of increasing opportunities for pedestrians and cyclists to travel through the plan area whilst avoiding the Malton Air Quality Management Area NO2 where emissions are concentrated. There could in the long run therefore be a positive impact here in terms of providing access to cleaner air. However the link is tenuous and uncertain.</p> <p>A neutral impact is therefore recorded against this objective.</p>	=

RC2: Regeneration of Land North and South of County Bridge

Development-related regeneration on land to the North and South of County Bridge, as shown on the Neighbourhood Plan Proposals Map, will be supported.

In the event that the principle of any such development on this site is accepted via the Local Plan or otherwise, relative to the requirements of Local Plan Strategy Policy SP14 (in respect of biodiversity sites statutorily protected by international legislation), development of this site should have regard to the following:-

- The satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency;
- Preservation and/or enhancement of the character and appearance of the Malton Town Centre and Norton-on- Derwent Conservation Areas within which the site is located;
- The maximisation of opportunities to improve pedestrian, cycle and motorised vehicular access across the River Derwent and the York-Scarborough Railway Line;
- The incorporation of low emission measures to ensure that the overall impact on AQMA air quality is mitigated;
- The retention/replacement of Yorkshire Water's site access;
- The retention/replacement of the on-site public conveniences.



Map 1 – Extract from emerging proposals map and key

Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither and positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.

December 2022 Update: Please note that the assessment of the alternatives set out in Appendices 1a to 1d remain unchanged from the SEA of the previous version of the Reg 14 NP. These tables therefore refer to previously available evidence including the Northeast Yorkshire Strategic Flood Risk Assessment (SFRA), last updated in 2010 and the 2020 HRA work undertaken for the previous version of the NP.

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	<p>1. Does the policy result in the loss of a community facility or poorer access to a community facility?</p> <p>2. Does the policy result in improved access to community facility</p>	<p>1. No.</p> <p>2. This policy is an aspirational policy stating that development proposals (which would also need to meet the requirements set out other planning policies set out in the NP and Local Plan) which deliver development-related regeneration on the land which includes the County Bridge, land to the north and land to the south will be supported. The policy includes specific criteria which are applicable to community facilities. This is the requirement to retain or replace on-site public convenience and a requirement to maximise opportunities to improve pedestrian, cycle and motorised access the River Derwent and the York Scarborough Railway Line. These are all types of community facilities, so a positive impact is registered. The delivery of such impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward. The impact is therefore uncertain.</p>	<p>=</p> <p>U +</p>
SEA 2: To provide the opportunity for all people to meet their housing needs.	<p>1. Does the policy deliver homes which will address an identified local need such as affordable homes?</p>	<p>1. There is no link registered between this draft NP policy and this SEA objective</p>	<p>0</p>
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	<p>1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?</p> <p>2. Would the policy involve new public</p>	<p>1. Policy RC2 covers land in both the Norton on Derwent conservation area and land in the Malton Town Centre conservation area. There are also numerous built heritage assets and archaeological remains in this area. An overview of the built heritage assets in this part of the town is shown in the environmental baseline in the SEA report and the archaeological remains are shown in Appendix 3 to the draft NP. The richness in heritage assets in this location is considered to be a key contributor to social character and distinctiveness. Policy RC2 includes a requirement to preserve or enhance the character and appearance of the Malton Town Centre conservation area and the Norton on Derwent conservation area. The Local Plan (SP12) and the NPPF would require impact of development on</p>	<p>U+</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	realm or enhancements to the public realm?	<p>heritage assets to be fully considered at planning application stage. However, the policy does not refer to built-heritage assets. The policy could be strengthened in this respect.</p> <p>The supporting text to Policy RC2 refers to underused river corridor sites. Whilst the built up area around the County Bridge has heritage value there may be scope for sense of place to be strengthened were development to take place which resulted in both conservation/enhancement of a heritage asset <i>and</i> which resulted in better use of the sites in this location.</p> <p>Whilst the SEA concludes the policy could be strengthened to include reference to the need to conserve or enhance all built heritage assets and their setting, the SEA registers a potential positive impact. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p> <p>2. The policy could also potentially lead to a better public realm if it resulted in increased occupation of currently underutilised sites. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows:</p> <p>a) the policy could be strengthened to include reference to the need to conserve or enhance all built heritage assets and their setting</p>	U+
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging	1. The intention driving Policy RC2 is understood to be a drive to encourage use of currently underused river corridor sites. This would have the potential to address any current issues there may be regarding crime or unsociable behaviour associated with unoccupied building. However, there is no evidence to indicate there are any existing issues.	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	anti-social behaviour.		
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	1. The policy identifies a central location in the NP area as a regeneration opportunity. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation) Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain	U +
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	1. Will the policy protect or enhance the viability and vitality of the town centres? 2. Will the policy protect or enhance open areas outside the town centre?	1. By encouraging development that would deliver regeneration benefits in a town centre location. Yes. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain 2. No direct link.	U+ 0
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors	1. Does the policy protect, employment opportunities in plan area? 2. Does the policy encourage or deliver more employment opportunities in accessible locations?	1. The policy does not protect employment opportunities. 2. The policy identifies a central location in the NP area as a regeneration opportunity. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation). Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	= U +

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	1. The policy identifies a central location in the NP area as a regeneration opportunity. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation). This facilities opportunities for diversifying the local economy. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	U+
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	<p>1. The policy designation RC2 overlaps in some locations with the extent of the River Derwent SAC and the River Derwent SSSI. However, as these protected areas (SAC and SSSI) apply to a flowing river the entirety of the RC2 designation is directly relevant to the SAC and SSSI.</p> <p>The policy is an aspirational policy that seeks the regeneration of the land north and south of the County Bridge. There is a potential negative impact from riverside construction activities on to sensitive environmental receptors along the river. The River Derwent SAC has been designated European status due to the habitat:</p> <ul style="list-style-type: none"> Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation. (Rivers with floating vegetation often dominated by water-crowfoot) <p>And due to the species:</p> <ul style="list-style-type: none"> Bullhead <i>Cottus gobio</i> River lamprey <i>Lampetra fluviatilis</i> Otter <i>Lutra lutra</i> Sea lamprey <i>Petromyzon marinus</i> <p>The HRA appropriate screening assessment⁴ undertaken on the NP also identified a concern relating to possible residential development that could come forward under Policy RC2 and that the provision of additional housing without adequate provision of open space opportunities would increase recreational pressure on the River Derwent SAC and SSSI.</p>	U –

⁴ See screening section of the Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan, June 2020, Fleming Ecology Limited.

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>At the more detailed assessment stage (the appropriate assessment) the HRA assessment⁵ concluded that the only way to avoid increased recreational pressure on the River Derwent SAC and SSSI from Policy RC2 would be for the policy to be amended so as to rule out residential uses. With respect to pollution and disturbance from construction activity the HRA ruled any adverse impacts out on the basis that safeguards to protect the SAC and SSSI during construction would be required by law.</p> <p>In recognition of the ecology status of the River Derwent, Policy RC2 includes the requirement that any proposal is accepted via the Local Plan or otherwise, relative to the requirements of Local Plan Strategy Policy SP14 (in respect of biodiversity sites statutorily protected by international legislation). This goes some way to ensure protection of the SAC. However, Local Plan Strategy Policy SP14 doesn't specify how proposals which could harm a SAC would be considered. Instead it has the following generic statement: <i>In considering proposals for development – Proposals which would have an adverse effect on any site or species protected under international or national legislation will be considered in the context of the statutory protection which is afforded to them.</i></p> <p>The application of Local Plan Policy SP14 would presumably rule out a proposal coming forward under NP Policy RC2 which would impact adversely on the habitats and species in the River Derwent SAC. There is however scope for the current and emerging policy context (provided by NP policy RC2 and Local Plan Policy SP14) to be more explicit about this.</p> <p>To conclude, Policy RC2 therefore registers a negative impact with respect to potential for increased recreational pressure on the SAC. This impact is however uncertain. This is because Policy RC2 is not itself delivering or allocating the development. Instead it is an aspirational policy that would facilitate such a proposal were it to come forward.</p>	

⁵ See HRA assessment in the Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan, June 2020, Fleming Ecology Limited

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		NB: Possible reasonable alternatives are identified as part of this assessment as follows: a) The application of Local Plan Policy SP14 would presumably rule out a proposal coming forward under NP Policy RC2 which would impact adversely on the habitats and species in the River Derwent SAC. There is however scope for the current and emerging policy context (provided by NP policy RC2 and Local Plan Policy SP14) to be more explicit about this.	
	2. Does the policy protect or enhance protected flora and fauna?	2. As discussed above there is a potential but uncertain negative impact between Policy RC2 that would support proposals that deliver recreational activities along the River Derwent corridor and the flora and fauna along the River Derwent Corridor.	U -
	3.Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	No.	=
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	1. There are two large areas of land designated in the Ryedale Local Plan as Visually Important Undeveloped Areas. These are shown on the Local Plan Proposals Map. Paragraph 6.1 of the Ryedale Local Sites Plan states that <i>"In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make a significant contribution to the setting of a Town and the role of the setting in influencing and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements."</i> Policy designation RC2 is some distance away from the VIUAs. Also, the land covered by this policy is already built up and given any proposals would need to conserve or enhance the conservation areas, there is no identified impact on the VIUAs from this policy.	0

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	<p>1. Would this policy encourage people to walk and cycle rather than travel by car?</p> <p>2. Would this policy lead to highway impacts that would require highway mitigation measures?</p> <p>3. Will the policy protect or enhance access to public rights of way?</p>	<p>1. Regeneration at this location could lead to a more attractive and vibrant town centre. This, itself may lead to increased footfall and cycle trips. However this link is indirect and too uncertain for any impact to be registered.</p> <p>2. The third criteria in this policy is for <i>The maximisation of opportunities to improve pedestrian, cycle and motorised vehicular access across the River Derwent and the York-Scarborough Railway Line.</i> Proposals envisaged under this policy could lead to disruption to the highways during the construction phase but the policy could lead to long term improvements overall. The policy therefore registers uncertain positive impact and an uncertain negative impact.</p> <p>3. There is currently a public right of way on the southern side of the River Derwent from This public right of way runs from the west until the County Bridge where it stops. Policy RC2 does not mention protection of the public right of way but equally there is no indication that the policy would lead to the loss of the public right of way. Regeneration of the southern side could allow for enhancement or even extension of this public right of way. But as this is not mentioned, there is a neutral impact registered here.</p>	<p>=</p> <p>U –</p> <p>U +</p>
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	<p>1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone?</p> <p>2. Does the policy lead to increases in flood risk to people</p>	<p>1. The Northeast Yorkshire Strategic Flood Risk Assessment (SFRA) was last updated in 2010. Drawing number 10.2 to this SFRA (listed as PPS25 Malton and Norton flood plain delineation zone on the Ryedale website (accessed September 2020 https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html) shows the delineation of flood risk in the centre of Malton and Norton.</p> <p>Land shown in the Proposals Map as land to the south of County Bridge lies in flood zone 3aiii and 3aii. PPS25 Flood Zone 3a is defined as those areas with a high probability of flooding of greater than 1% for fluvial flooding or 0.5% for tidal flooding and which are not Functional Floodplain. The SFRA has developed sub zones for 3a as follows. 3aiii denotes the area is <i>applicable for those developed areas at high risk of flooding which are currently defended to the appropriate minimum standard for existing development as defined by Defra (annual probability of 2% for fluvial flooding and 1 % for flooding from the sea) but are not</i></p>	U --

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	and property in the plan area?	<p><i>defended to the appropriate minimum standard for new development as defined by PPS25 (annual probability of 1% for fluvial flooding and 0.5% for flooding from the sea). 3a(ii) denotes the area is Applicable for those developed areas at high risk of flooding which are currently defended to the appropriate minimum standard as defined by PPS25 (annual probability of 1% for fluvial flooding and 0.5% for flooding from the sea).</i></p> <p>The zones (e.g. 3a(iii) and 3a(ii) in the SFRA provide the basis for the application of the sequential test in line with PPG25. PPS25 states that Zone 3a(ii) is appropriate for</p> <ul style="list-style-type: none"> • 'Water Compatible' and • 'Less Vulnerable' development types (see Table 7.1). • 'More Vulnerable' and 'Essential Infrastructure' development types are only considered appropriate if the requirements of the Exception Test are passed • 'Highly Vulnerable' development types are not appropriate within this Zone <p>The SFRA states for Zone 3a(iii) that <i>Rapid inundation of an area following the breach or overtopping of a flood defence has the potential to lead to structural damage, injury and/or death.</i> The SFRA states this zone should be treated as if it were a developed site at high risk of flooding without an appropriate standard of flood defence and states also that a sequential approach to the allocation of sites within areas behind flood defences should also be followed, with preference being given to those sites where the lowest consequences of flood defence failure are anticipated.</p> <p>The level of flood risk within the extent of Policy RC2 would therefore restrict (if NPPF policy and guidance in the SFRA were being followed) what land uses could come forward and in all cases the sequential test and exceptions test would need to be met.</p> <p>Policy RC2 currently requires of any scheme: <i>The satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency.</i> As currently worded however the policy does not exclude the possibility of residential and other vulnerable uses from coming forward under this policy. Neither does it explicitly state requirements for the exceptions test to be met. A significant negative impact is therefore registered.</p>	

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>This impact is however uncertain. This is because Policy RC2 is not itself delivering or allocating the development. Instead it is an aspirational policy that would facilitate such a proposal were it to come forward</p> <p>2. If residential development or vulnerable uses came forward as a result of this policy then it would lead to increases in flood risk to people and property in the plan area. A significant negative impact is therefore registered. This impact is however uncertain. This is because Policy RC2 is not itself delivering or allocating the development. Instead it is an aspirational policy that would facilitate such a proposal were it to come forward</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows a) Exclude the possibility of residential or other vulnerable uses coming forward on this site b) Require sequential and exceptions test to be met</p>	U --
SEA 13: To conserve and where appropriate enhance the significance ⁶ of the historical and cultural environment.	<p>1. Does the policy conserve or enhance the significance of the designated heritage asset?</p> <p>2. Does the policy conserve or enhance the significance of the non-designated heritage assets?</p>	<p>1. Policy RC2 covers land which falls in both the Norton on Derwent conservation area and in the Malton Town Centre conservation area. There are also numerous built heritage assets and archaeological remains in this area. The County Bridge itself is a grade II listed building.</p> <p>An overview of the built heritage assets in this part of the town is shown in the environmental baseline in the SEA report and the archaeological remains are shown in Appendix 3 to the draft NP. Policy RC2 includes a requirement to preserve or enhance the character and appearance of the Malton Town Centre conservation area and the Norton on Derwent conservation area. The Local Plan (SP12) and the NPPF would require impact of development on heritage assets to be fully considered at planning application stage. However, the NP policy does not refer to built heritage assets. Given the number of statutorily listed buildings in this area, the policy could be strengthened in this respect.</p>	U +

⁶ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

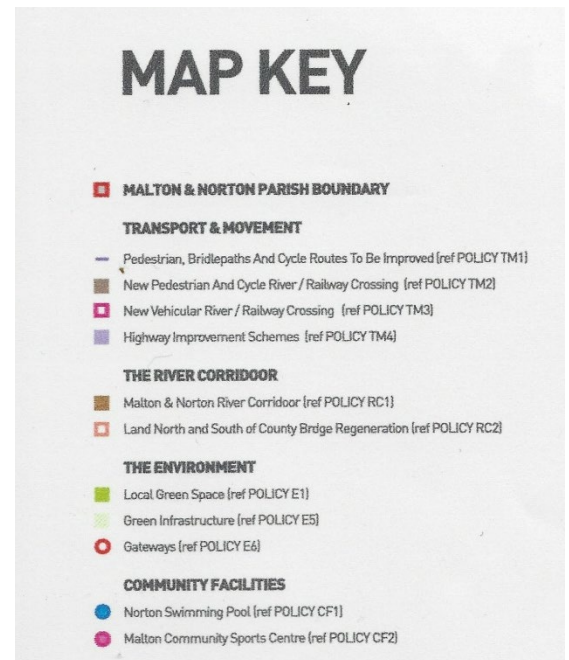
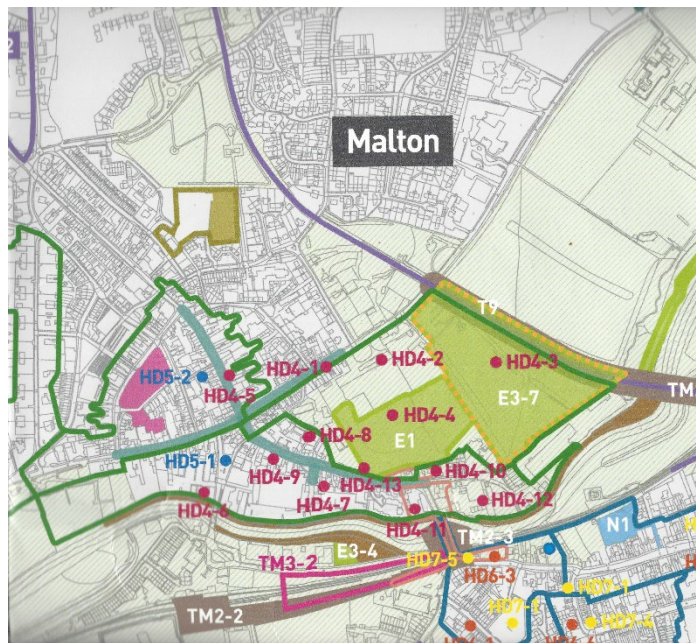
Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>The supporting text to Policy RC2 refers to underused river corridor sites. Whilst the built up area around the County Bridge has heritage value there may be scope for sense of place to be strengthened were development to take place which resulted in both conservation/enhancement of a heritage asset/s <i>and</i> which resulted in better use of the sites in this location.</p> <p>Whilst the SEA concludes the policy could be strengthened to include reference to the need to conserve or enhance all built heritage assets and their setting, the SEA registers a potential positive impact. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p> <p>2. There are no known non-designated heritage assets in this area.</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows a) the SEA concludes the policy could be strengthened to include reference to the need to conserve or enhance all built heritage assets and their setting,</p>	
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	There is no relationship between this policy and this SEA objective. The policy neither encourages or discourages the use of renewable resources and the development of renewable energy sources.	0
SEA 15: To make the most efficient use of land	<p>1. Does the policy focus development towards previously developed land.</p> <p>Does the policy focus on</p>	1. The extent of RC2 is all previously developed land. One of the aspirations in the plan is to facilitate the redevelopment of underused river corridor sites subject (subject to flood risk). The plan considers this an opportunity to improve the built fabric of the towns. A positive impact is registered here as it directs development to previously developed land.	+

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	maximising efficient uses of land?		
SEA 16: To maintain a high quality environment in terms of air quality	Does the policy have an adverse impact on the Malton Air Quality Management area?	<p>This policy identifies a regeneration opportunity on land north and south of County Bridge. The third criteria in this policy is for <i>The maximisation of opportunities to improve pedestrian, cycle and motorised vehicular access across the River Derwent and the York-Scarborough Railway Line.</i></p> <p>Proposals envisaged under this policy could lead to disruption to the highways during the construction phase but the policy could lead to long term improvements overall. Since the emissions in the Malton Air Quality Management Area (which is close to the land at RC2) are traffic related, this policy registers uncertain positive impact and an uncertain negative impact.</p>	U + U-

CF1: Norton's Swimming Pool

Development of Norton Swimming Pool to provide additional capacity or improved leisure facilities for the benefit of the community, including its upgrading, extension or replacement, will in principle be supported.

Consideration should be given to the need for any additional off-road car parking provision to serve any enhanced facility.



Map 1 – Extract from emerging proposals map and key

Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither and positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.

December 2022 Update: Please note that the assessment of the alternatives set out in Appendices 1a to 1d remain unchanged from the SEA of the previous version of the Reg 14 NP. These tables therefore refer to previously available evidence including the Northeast Yorkshire Strategic Flood Risk Assessment (SFRA), last updated in 2010 and the 2020 HRA work undertaken for the previous version of the NP.

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	<p>1. Does the policy result in the loss of a community facility or poorer access to a community facility?</p> <p>2. Does the policy result in improved access to community facility</p>	<p>1. No.</p> <p>2. This policy is an aspirational policy stating that development proposals (which would also need to meet the requirements set out other planning policies set out in the NP and Local Plan) which would provide additional capacity or improved leisure facilities including upgrading, extension or replacement would in principle be support.</p> <p>Ryedale District Council's 2012 Infrastructure Study⁷ reported a quantitative requirement for a swimming pool at Malton and also highlighted that the Derwent Swimming Pool is nearing the end of its operational life and replacement/refurbishment will be required. The emerging NP asserts that both Norton's swimming pool and Malton's Community Sports Centre require extensions and improvements. Policy CF1 is a response to this. A positive impact is registered. The impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward.</p>	<p>=</p> <p>U +</p>
SEA 2: To provide the opportunity for all people to meet their housing needs.	1. Does the policy deliver homes which will address an identified local need such as affordable homes?	1. There is no link registered between this draft NP policy and this SEA objective	0
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?	<p>1. Policy CF2 applies to the existing site of the Derwent Swimming Pool which is in the Norton on Derwent Conservation Area and located on Church Street close to where it changes to Commercial Street. The building is single storey and is set back from the road. The site incorporates a green area of amenity land with mature trees fronting onto Church Street.</p> <p>Whilst the current site does contribute to social character, there is no reason why a replacement facility or refurbishment would not do the same. There is a therefore a neutral impact registered here.</p>	<p>=</p> <p>=</p>

⁷ Infrastructure Delivery Plan, January 2012, Ryedale District Council

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	2. Would the policy involve new public realm or enhancements to the public realm?	2. It is possible any development taking place here could create or enhance public realm but there is nothing in the policy referring to this. A neutral impact is registered here.	
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	1. There is nothing to indicate in this policy alone that development would incorporate the principles of Secure by Design. A neutral impact is therefore registered. This is not to assert that the Local Plan and Neighbourhood Plan as a whole would not do this.	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	1. The policy supports in principle the provision of expanded community facilities. It is expected this would also deliver new employment opportunities. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain	U +
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	1. Will the policy protect or enhance the viability and vitality of the town centres? 2. Will the policy protect or enhance	1. By encouraging development that would deliver enhanced community facilities in a town centre location. Yes. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain 2. No direct link.	U+ 0

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	open areas outside the town centre?		
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors	1. Does the policy protect, employment opportunities in plan area? 2. Does the policy encourage or deliver more employment opportunities in accessible locations?	1. The policy does not protect employment opportunities. 2. The policy identifies a central location in the NP area as an opportunity for enhanced community facilities. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation). Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	= U +
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	1. The policy identifies a central location in the NP area as an opportunity for enhanced community facilities. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation). This facilities opportunities for diversifying the local economy. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	U+
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	1. The site of Derwent Swimming Pool is located south of the River Derwent SAC and SSSI and the railway line separates the building from the river. There is no access from the swimming pool to the river. This would indicate there is little relationship between Policy CF2 and the ecological sensitivity of the River Derwent SAC and SSSI. The HRA screening ⁸ however concludes: <i>There is a credible risk that pollution from construction from Policy CF1 could undermine the conservation objectives of the River Derwent SAC and that a likely significant effect cannot be ruled out (alone). Consequently, and an appropriate</i>	=

⁸ See screening section of Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p><i>assessment is required.</i></p> <p>At the more detailed assessment stage (the appropriate assessment) the HRA assessment⁹ concluded that any adverse effects can be avoided altogether taking into account the following:</p> <ul style="list-style-type: none"> the limited range of activities required to construct the facility would be unlikely to present a threat of any magnitude to groundwater resources and any fuel spills can be confidently expected to be accommodated by existing drainage infrastructure it is separated from the river by the railway line making any incidents even less likely to arise in the river as it will not only provide a physical barrier, but will bring with it its own drainage infrastructure. any development of this scale will be required (through other legislation) to be accompanied by comprehensive construction techniques to effectively rule out any threat from pollution etc. As these measures would be required by law and best practice to afford wide-ranging environmental safeguards and would not be required specifically for the SAC, they can be considered to be reliable, effective and their implementation guaranteed <p>A neutral impact is therefore recorded here.</p>	
	2. Does the policy protect or enhance protected flora and fauna?	<p>2. There are existing mature trees on the site. Assuming existing national, Local Plan and emerging NP relating to biodiversity impacts and development are applied, potential impacts during construction and on completion of any potential development would be appropriately managed. Indeed there is potential positive impacts in the long run if development is required to achieve a net gain in biodiversity.</p> <p>Both an uncertain positive impact is registered to reflect the operation stage and an uncertain negative impact to reflect potential impact on the existing trees. The impacts are uncertain since the policy is an aspirational one and is dependent on a development</p>	U – U +

⁹ See HRA assessment in the Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan, June 2020, Fleming Ecology Limited

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		scheme coming forward. There is no indication in the NP that such a scheme is in the pipeline.	
	3.Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	The site has a green corridor along the railway line and green infrastructure in front. There is potential for green infrastructure to be improved, for example through the provision of green roofs or an enhanced open space. However, delivery information is not sufficiently advanced for any conclusions to be drawn on this. An uncertain impact is registered.	U
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	<p>1. The site is located on the opposite side of the River Derwent to a large area designated in the Ryedale Local Plan as Visually Important Undeveloped Area.</p> <p>Paragraph 6.1 of the Ryedale Local Sites Plan states that <i>"In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make a significant contribution to the setting of a Town and the role of the setting in influencing and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements."</i></p> <p>There is potential for a new scheme on this site to have either a negative or positive impact on the VIUA. However, delivery information is not sufficiently advanced for any conclusions to be drawn on this. An uncertain impact is registered</p>	U
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	<p>1. Would this policy encourage people to walk and cycle rather than travel by car?</p> <p>2. Would this policy lead to highway impacts that would</p>	<p>1. The policy presents and aspiration for expanded community facilities in this accessible town centre location. Any scheme, if implemented, will help to encourage people to walk and cycle to the leisure facility. It is noted the policy also includes a proviso that consideration should be given to the need for additional off-street car parking to serve an expanded facility.</p> <p>A neutral impact is registered to reflect the potential mixed impacts in this regard.</p>	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	<p>require highway mitigation measures?</p> <p>3. Will the policy protect or enhance access to public rights of way?</p>	<p>2. It is not known what the highway impacts of any scheme would be. The policy lacks sufficient detail for any conclusion to be drawn on this. No such impacts are therefore registered.</p> <p>3. There are not public rights of way in this location.</p>	0
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	<p>1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone?</p> <p>2. Does the policy lead to increases in flood risk to people and property in the plan area?</p>	<p>1. The Northeast Yorkshire Strategic Flood Risk Assessment (SFRA) was last updated in 2010. Drawing number 10.2 to this SFRA (listed as PPS25 Malton and Norton flood plain delineation zone on the Ryedale website (accessed September 2020 https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html) shows the delineation of flood risk in the centre of Malton and Norton.</p> <p>According to this map, the site of the swimming pool is in one of the few river corridor sties that is not in the flood zone.</p> <p>2. No.</p>	0
SEA 13: To conserve and where appropriate enhance the significance ¹⁰ of the historical and	1. Does the policy conserve or enhance the significance of the designated heritage asset?	1. Policy CF2 applies to the existing site of the Derwent Swimming Pool which is in the Norton on Derwent Conservation Area and located on Church Street close to where it changes to Commercial Street. The conservation area itself is a heritage asset. There are no other heritage assets in this location. The building is single storey and is set back from the road. There is no reason why a replacement facility or refurbishment would not	=

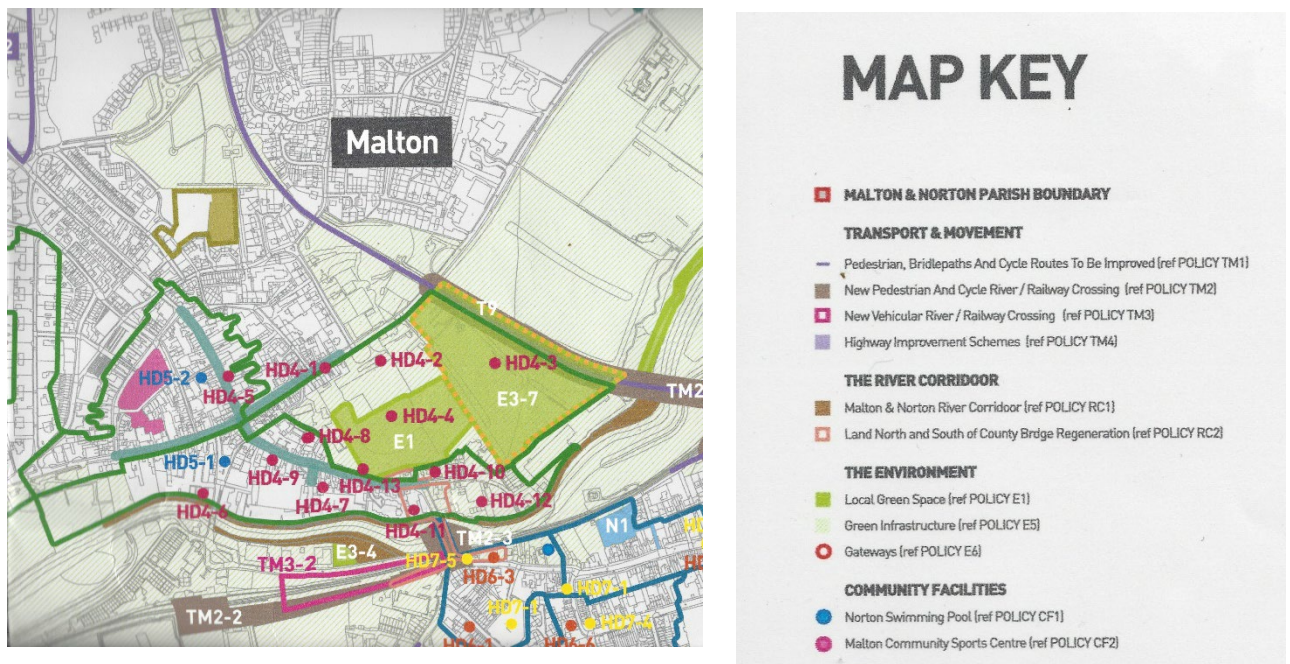
¹⁰ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
cultural environment.	2. Does the policy conserve or enhance the significance non-designated heritage assets?	conserve or enhance the conservation area, given other planning policies that would apply. There is a therefore a neutral impact registered here. 2. There are no known non-designated heritage assets in this area.	0
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	There is no relationship between this policy and this SEA objective. The policy neither encourages or discourages the use of renewable resources and the development of renewable energy sources.	0
SEA 15: To make the most efficient use of land	1. Does the policy focus development towards previously developed land. Does the policy focus on maximising efficient uses of land?	1. The extent of CF1 is all previously developed land. A positive impact is registered here as it directs development to previously developed land.	+
SEA 16: To maintain a high quality environment in terms of air quality	1. Does the policy have an adverse impact on the Malton Air Quality Management area?	1. The Malton Air Quality Management area is located on the northern side of the River Derwent. Increased community facilities at this town centre location could result in increased traffic movements to the town. This could in turn impact negatively on the air quality management area. The impact however is uncertain given the policy is aspirational and depending on a scheme to come forward.	U-

N1: Land to the Rear of Commercial Street

Regeneration of land to the rear of Commercial Street, as identified on the Neighbourhood Plan Proposals Map, including the development of a public car park, with associated service access to the rear of commercial properties in Commercial Street, will be supported.

The acceptability of any such regeneration development is subject to satisfying the requirements of Local Plan Strategy Policy SP14 in respect of biodiversity sites statutorily protected under international legislation.



Map 1 – Extract from emerging proposals map and key

Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither and positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.

December 2022 Update: Please note that the assessment of the alternatives set out in Appendices 1a to 1d remain unchanged from the SEA of the previous version of the Reg 14 NP. These tables therefore refer to previously available evidence including the Northeast Yorkshire Strategic Flood Risk Assessment (SFRA), last updated in 2010 and the 2020 HRA work undertaken for the previous version of the NP.

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	<p>1. Does the policy result in the loss of a community facility or poorer access to a community facility?</p> <p>2. Does the policy result in improved access to community facility</p>	<p>1. No.</p> <p>2. This policy highlights the site shown as N1 on the NP proposals map as an opportunity for regeneration including the development of a public car park. The NP identifies shortage of car parking spaces as presenting an issue for people visiting the town centre. On the basis that improved car parking provision will increase access to shops and services including community facilities (e.g. the swimming pool), a positive impact is registered.</p> <p>The impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward.</p>	<p>=</p> <p>U +</p>
SEA 2: To provide the opportunity for all people to meet their housing needs.	1. Does the policy deliver homes which will address an identified local need such as affordable homes?	1. There is no link registered between this draft NP policy and this SEA objective	0
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	<p>1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?</p> <p>2. Would the policy involve new public realm or enhancements to the public realm?</p>	<p>1. No.</p> <p>.</p> <p>2. It is possible any development taking place here could create or enhance public realm but there is nothing in the policy referring to this. A neutral impact is registered here.</p>	<p>=</p> <p>=</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	1. There is nothing to indicate in this policy alone that development would incorporate the principles of Secure by Design. A neutral impact is therefore registered. This is not to assert that the Local Plan and Neighbourhood Plan as a whole would not do this.	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	1. The policy identifies this site as suitable for regeneration which could include new commercial uses which could help to deliver improved employment opportunities. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	U+
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	1. Will the policy protect or enhance the viability and vitality of the town centres? 2. Will the policy protect or enhance open areas outside the town centre?	1. By encouraging development that would deliver enhanced access to shops, services and community facilities in a town centre location. Yes. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain 2. No direct link.	U+ 0
SEA 7: To retain and enhance the factors which are conducive to	1. Does the policy protect, employment	1. The policy does not protect employment opportunities. 2. The policy identifies this site as suitable for regeneration which could include new commercial uses which could help to deliver improved employment opportunities in this	= U +

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
wealth creation, including personal creativity and attractiveness to investors	opportunities in plan area? 2. Does the policy encourage or deliver more employment opportunities in accessible locations?	town centre location. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	1. The policy identifies a central location in the NP area as an opportunity for regeneration. This, if implemented, would deliver employment opportunities in the short and medium term (construction) and the long term (occupation). This facilitates opportunities for diversifying the local economy. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	U+
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	<p>1. The land identified as NI is located south of the River Derwent SAC and SSSI and the railway line separates the building from the river. There is no access from this site to the river. This would indicate there is little relationship between Policy N1 and the ecological sensitivity of the River Derwent SAC and SSSI.</p> <p>The HRA screening¹¹ however concludes: <i>There is a credible risk that pollution from construction from Policy CF1 could undermine the conservation objectives of the River Derwent SAC and that a likely significant effect cannot be ruled out (alone). Consequently, and an appropriate assessment is required.</i></p> <p>At the more detailed assessment stage (the appropriate assessment) the HRA assessment¹² found that <i>"Providing development is limited to construction and use of a car</i></p>	=

¹¹ See screening section of Habitats Regulations Assessment of the Malton and Norton Neighbourhood Development Plan

¹² See HRA assessment in the Habitats Regulations Assessment of the Malton and Norton

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p><i>park, it is almost inconceivable that adverse effects on the integrity of the River Derwent could arise. This is because the limited range of activities required to construct the facility would be unlikely to present a threat of any magnitude to groundwater resources and any fuel spills can be confidently expected to be accommodated by the existing drainage infrastructure. Furthermore, it is separated from the river by the railway line making any incidents even less likely to arise in the river."</i></p> <p>The HRA however could not rule out adverse effects if residential development were to come forward at this location as a result of this policy. This is on the basis that residential development would result in increased recreational activity near to a sensitive ecological site.</p> <p>The policy wording of N1 does not currently rule out residential development. However, it is clear in the supporting text to the policy that residential development in this location is not the intention on the basis that the flood risk zone would make residential development inappropriate. The supporting text states:</p> <p><i>"The land is within an area of flood risk which limits any development potential, certain types of development, such as residential, being considered inappropriate due to their particular vulnerability to flooding. The town councils would, nonetheless, like to see the land put to better use. The land is considered to be situated in a convenient location to the shops along Commercial Street which are currently served by a restricted number of on-street car parking spaces. The land therefore provides an opportunity for additional parking spaces to support the existing shops, both in terms of parking and servicing/deliveries. Other regeneration uses may also be appropriate."</i></p> <p>The SEA does not register negative impacts against this SEA criteria. This is on the basis that it is clear that the policy is not intended to allow residential uses in this site. It is however agreed the policy wording could be made clear with regards to this.</p>	

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>NB: Possible reasonable alternatives are identified as part of this assessment as follows:</p> <ul style="list-style-type: none"> - To reflect the vulnerability of this site to flooding, make clear in the policy wording that residential uses are not supported in this location 	
	2. Does the policy protect or enhance protected flora and fauna?	2. There is existing vegetation and mature trees on the site. Assuming existing national, Local Plan and emerging NP relating to biodiversity impacts and development are applied, potential impacts during construction and on completion of any potential development would be appropriately managed. Due to largely undeveloped and vegetated nature of the current site an uncertain negative impact is registered. The impacts are uncertain since the policy is an aspirational one and is dependent on a development scheme coming forward. There is no indication in the NP that such a scheme is in the pipeline.	U –
	3.Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	The site is largely undeveloped and vegetated. It already links with the green corridor along the railway line. It is difficult to see how development could provide increased opportunities. There is therefore a neutral impact registered.	=
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	<p>1. The site is located on the opposite side of the River Derwent to a large area designated in the Ryedale Local Plan as Visually Important Undeveloped Area.</p> <p>Paragraph 6.1 of the Ryedale Local Sites Plan states that <i>“In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make a significant contribution to the setting of a Town and the role of the setting in influencing and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements.”</i></p>	U

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		There is potential for a new scheme on this site to have either a negative or positive impact on the VIUA. However, delivery information is not sufficiently advanced for any conclusions to be drawn on this. An uncertain impact is registered	
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	<p>1. Would this policy encourage people to walk and cycle rather than travel by car?</p> <p>2. Would this policy lead to highway impacts that would require highway mitigation measures?</p> <p>3. Will the policy protect or enhance access to public rights of way?</p>	<p>1. The policy presents an aspiration for regeneration including a town centre car parking facility in this accessible town centre location. Alone, the policy potentially would discourage walking and cycling to the town centre. A negative impact is registered to reflect the potential mixed impacts in this regard. The impacts are uncertain since the policy is an aspirational one and is dependent on a development scheme coming forward. There is no indication in the NP that such a scheme is in the pipeline</p> <p>2. It is not known what the highway impacts of any scheme would be. The policy lacks sufficient detail for any conclusion to be drawn on this. There is however existing access to this site from the highway. A neutral impact is registered.</p> <p>3. There are no public rights of way in this location.</p>	<p>U-</p> <p>=</p> <p>=</p>
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone?	<p>1. The Northeast Yorkshire Strategic Flood Risk Assessment (SFRA) was last updated in 2010. Drawing number 10.2 to this SFRA (listed as PPS25 Malton and Norton flood plain delineation zone on the Ryedale website (accessed September 2020 https://www.ryedale.gov.uk/planning/planning-policy/evidence-base/environmental.html) shows the delineation of flood risk in the centre of Malton and Norton.</p> <p>According to this map, the site is partly located in Flood Zone 3a) 3a. PPS25 Flood Zone 3a is defined as those areas with a high probability of flooding of greater than 1% for fluvial flooding or 0.5% for tidal flooding and which are not Functional Floodplain. The SFRA has developed sub zones for 3a as follows. 3a) denotes the area <i>is Applicable for those developed areas at high risk of flooding which are currently defended to the appropriate</i></p>	<p>U --</p> <p>U--</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	2. Does the policy lead to increases in flood risk to people and property in the plan area?	<p><i>minimum standard as defined by PPS25 (annual probability of 1% for fluvial flooding and 0.5% for flooding from the sea).</i></p> <p>The zones (e.g. 3aiii and 3aii) in the SFRA provide the basis for the application of the sequential test in line with PPG25. PPS25 states that Zone 3a(ii) is appropriate for</p> <ul style="list-style-type: none"> • 'Water Compatible' and • 'Less Vulnerable' development types (see Table 7.1). • 'More Vulnerable' and 'Essential Infrastructure' development types are only considered appropriate if the requirements of the Exception Test are passed • 'Highly Vulnerable' development types are not appropriate within this Zone <p>As currently worded however the policy does not exclude the possibility of residential and other vulnerable uses from coming forward under this policy. Neither does it explicitly state requirements in relation to new development and flood risk management. A significant negative impact is therefore registered. This impact is however uncertain. This is because Policy N1 is not itself delivering or allocating the development. Instead it is an aspirational policy that would facilitate such a proposal were it to come forward</p> <p>2. If residential development or vulnerable uses came forward as a result of this policy then it would lead to increases in flood risk to people and property in the plan area. A significant negative impact is therefore registered. This impact is however uncertain. This is because Policy N1 is not itself delivering or allocating the development. Instead it is an aspirational policy that would facilitate such a proposal were it to come forward</p> <p>NB: Possible reasonable alternatives are identified as part of this assessment as follows:</p> <ul style="list-style-type: none"> - To reflect the vulnerability of this site to flooding, make clear in the policy wording that residential uses are not supported in this location 	
SEA 13: To conserve and	1. Does the policy conserve or	1. The site covered by Policy N1 lies in the Norton on Derwent conservation area. However there are no statutorily listed buildings in this area. The conservation area itself is a	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
where appropriate enhance the significance ¹³ of the historical and cultural environment.	enhance the significance of the designated heritage asset? 2. Does the policy conserve or enhance the significance of the non-designated heritage assets?	heritage asset. The current site includes vegetated open land and an area of hardcore. There is no reason why a regeneration scheme envisaged under this policy would not conserve or enhance the conservation area, given other planning policies that would apply. There is a therefore a neutral impact registered here 2. There are no known non-designated heritage assets in this area.	0
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	There is no relationship between this policy and this SEA objective. The policy neither encourages or discourages the use of renewable resources and the development of renewable energy sources.	0
SEA 15: To make the most efficient use of land	1. Does the policy focus development towards previously developed land. Does the policy focus on maximising efficient uses of land?	1. N1 is partly previously developed land. A positive impact is registered here as it directs development to previously developed land.	+

¹³ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 16: To maintain a high quality environment in terms of air quality	1. Does the policy have an adverse impact on the Malton Air Quality Management area?	1. The Malton Air Quality Management area is located on the northern side of the River Derwent. Increased car parking or commercial uses at this town centre location could result in increased traffic movements to the town. This could in turn impact negatively on the air quality management area. The impact however is uncertain given the policy is aspirational and depending on a scheme to come forward.	U-

Appendix 2: SEA scoping response from Natural England.

Date: 11 September 2020
Our ref: 323624



Tim Hicks
Deputy Town Clerk to Malton and Norton Town Councils
Norton On Derwent Town Council
The Old Courthouse
84b Commercial Street
Norton
YO17 9ES

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
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CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Mr Hicks

Planning consultation: SEA of the Malton and Norton Neighbourhood Plan: Scoping consultation

Thank you for your consultation on the above which was received by Natural England on 28 July 2020

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Provided the SEA covers all environmental effects identified in the HRA then Natural England does not wish to make any further comments over and above our advice on the HRA of the Neighbourhood Plan. We are responding separately the HRA consultation that has been sent to Natural England.

In answer to the specific questions posed please see below:

Q1: Do you agree with the proposed scope of the SEA in particular that the SEA of the NP will be limited to assessing the impact of Policies RC1, RC2, CF2 and N1? See section 7 and section 8 of this report for a detailed explanation of this. Yes.

Q2: Do you agree with the proposed SEA objectives (Table 10.1) which will be used in assessing the environmental effects of the NP? See Table 10.3 of this report. Yes.

Q3: Do you agree with the proposed approach to assessing alternatives (see section 8 of this report) to the draft Policies RC1, RC2, CF2 and NI where this approach will focus on looking at alternative ways of realising the NP vision and objectives to the approach taken in the four policies and where these alternatives could include: Yes.

- Removal of these policies;
- Looking at alternative policy wording and alternative wording in the supporting text
- Incorporating the changes proposed by the HRA appropriate assessment

Q4: Do you consider anything to be missing from the environmental baseline and environmental issues? See section 9 of this report. No.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Kate Wheeler on 07769918711. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Kate Wheeler
Yorkshire and Northern Lincolnshire Area

Appendix 3: SEA scoping response from Historic England



Historic England

YORKSHIRE

Mr. Tim Hicks,
Deputy Town Clerk,
Malton and Norton On Derwent Town Councils,
The Old Courthouse,
84b Commercial Street,
Norton,
YO17 9ES

Our ref: PL00708702
Your ref:

Telephone 01904 601 879
Mobile 0755 719 0988

24 August 2020

Dear Mr. Hicks,

Malton and Norton Neighbourhood Plan

Strategic Environmental Assessment Scoping Report Consultation Response

Thank you for consulting Historic England on the Strategic Environmental Assessment Scoping Report for the Malton and Norton Neighbourhood Plan.

The Malton and Norton Neighbourhood Plan Area contains a large number of designated and undesignated heritage assets, although our assessment of the draft Neighbourhood Plan concluded that there would be no adverse environmental effect upon them, arising from the making of the Neighbourhood Plan (letter of 30 September 2019).

Your e-mail invited us to respond to the four specific questions set out in Paragraph 1.3 of the report, which we do so below, on the understanding that our responses are confined to the impact of the Neighbourhood Plan on Malton and Norton's cultural heritage.

Consultation Questions & Responses

Q1: Do you agree with the proposed scope of the SEA in particular that the SEA of the NP will be limited to assessing the impact of Policies RC1, RC2, CF2 and N1?

We agree with the proposed scope of the SEA should be limited to assessing the impact of Policies RC1, RC2, CF2 and N1

Q2: Do you agree with the proposed SEA objectives (Table 10.1) which will be used in assessing the environmental effects of the NP?

We agree with the proposed SEA Objectives as set out in Table 10.1 of the Scoping report. However we would advise that the text SEA Objective 13 should be re-worded in Table 10.1 & 10.3 as follows:

“To conserve and where appropriate enhance the significance of the historical and cultural environment.”*

Additionally, the Appraisal Prompts text in relation to SEA 13 require re-wording as follows:

“Does the policy conserve or enhance the significance of designated heritage asset?”*

“Does the policy conserve or enhance the significance of non-designated heritage assets?”*

**Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.” (National Planning Policy Framework Glossary)*

Q3: Do you agree with the proposed approach to assessing alternatives to the draft Policies RC1, RC2, CF2 and NI where this approach will focus on looking at alternative ways of realising the NP vision and objectives to the approach taken in the four policies and where these alternatives could include:

- Removal of these policies;
- Looking at alternative policy wording and alternative wording in the supporting text
- Incorporating the changes proposed by the HRA appropriate assessment

We agree with the proposed approach to assessing alternatives to the draft Policies RC1, RC2, CF2 and NI.

Q4: Do you consider anything to be missing from the environmental baseline and environmental issues?

We do not consider that any other matters need to be added the environmental baseline and environmental issues.

We trust the above advice is clear, and look forward to receiving the consultations on the Submission draft of the Malton Neighbourhood Plan, in due course.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Craig Broadwith', is written over a faint, repeating watermark of the word 'electronic'.

Craig Broadwith

Historic Places Adviser

E-mail: Craig.Broadwith@HistoricEngland.org.uk

Appendix 4: SEA scoping response from the Environment Agency

Malton and Norton on Derwent Neighbourhood Plan

Strategic Environmental Assessment Environmental Report

October 2020 – Appendix 4 Scoping report responses

Responses from the Environment Agency:

Received from the Environment Agency, 28 September 2020 by email.

Thank you for consulting the Environment Agency regarding the above mentioned proposed draft plan. We have reviewed the information submitted and we wish to make the following comments

Strategic Environmental Assessment

We note that the Council has a responsibility to advise the Parish Council if there is a need for formal Strategic Environmental Assessment of the draft Neighbourhood Plan. You are seeking our views in order to inform the Council's decision on this matter.

We have considered the draft plan and its policies against those environmental characteristics of the area that fall within our remit and area of interest.

Having considered the nature of the policies in the Plan, we consider that it is **unlikely that significant negative** impacts on environmental characteristics that fall within our remit and interest will result through the implementation of the plan.

Kind Regards

RC1: Malton and Norton River Corridor Development

The following types of development proposals within the Malton and Norton River Corridor, as identified on the Neighbourhood Plan Proposals Map, will be supported:-

-Recreational enhancement works to include:-

- A new picnic area
- Improved riverside seating

-Enhanced footpath, cycleway and bridleway provision along the river frontage

-Café/refreshment facilities

- Provision of river history interpretation panels

The acceptability of any such development is subject to there being no adverse effects on the integrity of the River Derwent Special Area of Conservation.

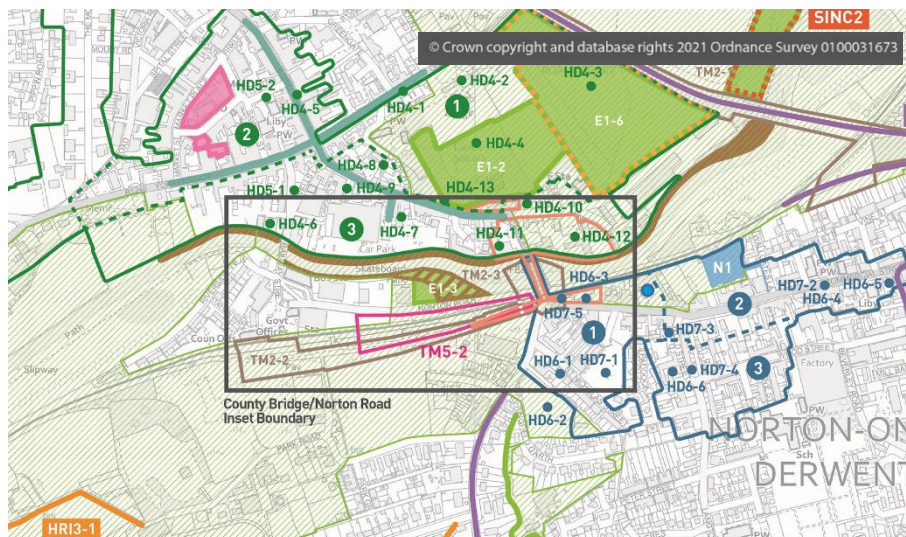
Development is also subject to:

-The preparation of a flood risk assessment (FRA), where the type of development proposed (e.g. a café/refreshment facility) requires it. The FRA should be informed by flood risk modelling set out in the latest available published Strategic Flood Risk Assessment applicable to the plan area, and should demonstrate that the proposal meets the requirements (including the undertaking of a sequential test) and up to date guidance set out in the NPPF and national planning practice guidance;

-The conservation or enhancement of the significance of heritage assets within the defined river corridor, including their settings, as applicable;

-The maintenance or enhancement of existing landscape quality within the defined river corridor

Extract taken from Reg 15 Neighbourhood Plan Proposals Map showing the extent of Policy RC1 and RC2



Selected items from Map Key:

- THE RIVER CORRIDOR**
- Malton & Norton River Corridor (ref POLICY RC1)
 - Land North and South of County Bridge Regeneration (ref POLICY RC2)

Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither a positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.
U -	Uncertain and negative impact	Uncertain, but the policy may hinder achievement of the objective
U +	Uncertain impact but possibly positive impact.	Uncertain, but the policy may be positively consistent with meeting the objective

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	<p>1. Does the policy result in the loss of a community facility or poorer access to a community facility?</p> <p>2. Does the policy result in improved access to community facility</p>	<p>1. No.</p> <p>2. This is an aspirational policy stating that development proposals (which would also need to meet the requirements set out other planning policies set out in the NP and Local Plan) which deliver one of a number of recreational enhancement works would be supported. These recreational enhancement works are all types of community facilities and therefore this registers a positive impact. The delivery of such impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward. The impact is therefore uncertain.</p> <p>The policy also supports proposals delivering enhanced footpath/cycleway and bridleway provision, café/refreshment facilities. These are all types of community facilities, so a further positive impact is registered. The delivery of such impact is uncertain since the policy itself won't deliver the improvements, instead it will facilitate it if a proposal comes forward. The impact is therefore uncertain.</p>	<p>=</p> <p>U +</p>
SEA 2: To provide the opportunity for all people to meet their housing needs.	1. Does the policy deliver homes which will address an identified local need such as affordable homes?	1. There is no link registered between this draft NP policy and this SEA objective	0
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	<p>1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?</p> <p>2. Would the policy involve new public realm or</p>	<p>1. No</p> <p>2. There is a possible significant positive impact. Recreational enhancements and enhancements to the public footpath, cycleway and bridleway are all considered to be enhancements to public realm provision. If proposals come forward as a result of this policy there is a possible significant positive impact. The delivery of such impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward. The impact is therefore uncertain.</p>	<p>0</p> <p>U++</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	enhancements to the public realm?		
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	1. Policy RC1 supports proposals which will deliver recreational enhancements along the River Corridor. This would have the potential to address any current issues there may be regarding crime or unsociable behaviour along the River Corridor. However, there is no evidence to indicate there are any existing issues.	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	<p>1. There are a number of different retail and business uses along the River Derwent corridor. These are described in the environmental baseline to the SEA report. However, the extent of the RC1 does not include these and the retail and business uses lie outside of the designation (see Map above). No loss of employment uses is therefore likely as a result of this policy.</p> <p>The policy supports public realm enhancements taking place along the river corridor. This could make the area more attractive to business occupiers. There is therefore a potential positive impact registered. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p>	U +
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	<p>1. Will the policy protect or enhance the viability and vitality of the town centres?</p> <p>2. Will the policy protect or enhance open areas outside the town centre?</p>	<p>1. By encouraging development that would deliver public realm improvements in this town centre location, the policy registers a positive impact. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is also uncertain.</p> <p>2. The policy seeks to enhance a corridor along the River Derwent, parts of which are in open land although this is in a location in the town centre not outside. No direct link.</p>	<p>U+</p> <p>0</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors	<p>1. Does the policy protect, employment opportunities in plan area?</p> <p>2. Does the policy encourage or deliver more employment opportunities in accessible locations?</p>	<p>1. The policy does not protect employment opportunities. However, the proposals map shown above indicates that the extent of RC1 does not include any existing uses for this to apply to.</p> <p>2. The policy supports public realm enhancements taking place along the river corridor. This could make the area more attractive to business occupiers. There is therefore a potential indirect positive impact registered. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p>	<p>=</p> <p>U +</p>
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	1. There is no perceivable link between this objective and Policy RC1	0
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	<p>1. The policy designation RC1 overlaps in some locations with the extent of the River Derwent SAC and the River Derwent SSSI. However, as these protected areas (SAC and SSSI) apply to a flowing river the entirety of the RC1 designation is directly relevant to the SAC and SSSI.</p> <p>The policy is an aspirational policy that seeks recreational enhancements along the River Corridor. There is a potential negative impact from riverside recreational activities on to sensitive environmental receptors along the river. The River Derwent SAC has been designated European status due to the habitat:</p> <ul style="list-style-type: none"> Water courses of plain to montane levels with the Ranunculus fluitantis and Callitriche-Batrachion vegetation. (Rivers with floating vegetation often dominated by water-crowfoot) <p>And due to the species:</p> <ul style="list-style-type: none"> Bullhead Cottus gobio River lamprey Lampetra fluviatilis Otter Lutra lutra 	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<ul style="list-style-type: none"> Sea lamprey <i>Petromyzon marinus</i> <p>The HRA appropriate screening assessment¹⁴ undertaken on the 2nd Pre-Submission Neighbourhood Plan (December 2022) concluded that <i>There is a credible risk that disturbance and pollution from construction from Policy RC1 could undermine the conservation objectives of the River Derwent SAC and that likely significant effects cannot be ruled out (alone). Consequently, an appropriate assessment is required.</i></p> <p>Following this, the policy was subject to a detailed appropriate assessment which then concluded:</p> <p><i>It is considered that the Council will be able to ascertain beyond reasonable scientific doubt that Policy RC1 will have no adverse effect on the integrity of the River Derwent SAC alone. There would be no need for mitigation, no residual effects, and no need for an in-combination assessment.</i></p> <p>This finding is unsurprising given that the 2nd Pre-submission NP already embeds mitigation from previous HRA work.</p> <p>In recognition of the ecology status of the River Derwent, Policy RC1 includes the following requirement to ensure that where any implications do exist they would be ruled out at the planning application stage.</p> <p><i>The acceptability of any such development is subject to there being no adverse effects on the integrity of the River Derwent Special Area of Conservation.</i></p> <p>To conclude, Policy RC1 therefore registers a neutral impact with respect to impact on the SAC because of the policy wording that has been included.</p>	
	2. Does the policy protect or enhance protected flora and fauna?	As discussed above adverse impacts on the integrity of the River Derwent SAC has been ruled out. However, there is nonetheless a sensitive site and there is a potential but uncertain negative impact between Policy RC1 that	U -

¹⁴ See screening section of the 2022 Habitats Regulations Assessment of the Malton and Norton 2nd Pre-submission Neighbourhood Plan
Neighbourhood Development Plan, June 2020, Fleming Ecology Limited.

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		would support proposals that deliver recreational activities which may impact the flora and fauna along the River Derwent Corridor.	
	3. Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	1. Policy RC1 covers a corridor of land on either side of the River Derwent that combines current public rights of way, an open space and vegetated river corridor not accessible to the public. Alongside this extent on either side of the river, there are various land uses including business use and rear retail parking. On the northern part of the River there is a public right of way from Castlegate through the middle of the Morrisons' car park to the River Derwent. Depending on proposals which come forward, this policy could potentially open up opportunities for increased access to green infrastructure corridors but there is no positive impact detected from the current policy wording in terms of improving green infrastructure itself.	=
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	<p>1. Either side of the proposed designation of the NP Policy RC1 are two large areas of land designated in the Ryedale Local Plan as Visually Important Undeveloped Areas. These are shown on the Local Plan Proposals Map.</p> <p>Paragraph 6.1 of the Ryedale Local Sites Plan states that <i>"In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make a significant contribution to the setting of a Town and the role of the setting in influencing and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements."</i></p> <p>The extent of the land covered by RC1 which is currently undeveloped is not open for additional development under the wording of Policy RC1 other than for very minor development (e.g. picnic areas, a café) that would allow for enhanced recreational enhancements. Potential negative impacts are avoided due to the inclusion of policy wording which requires development to maintain or enhance existing landscape quality.</p>	=
SEA 11: Reduce long distance commuting and	1. Would this policy encourage people to walk	1. If this policy succeeds to facilitate improved accessible open space provision there is potential for this policy to result in fewer journeys to areas	U +

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
congestion by reducing the need to travel.	<p>and cycle rather than travel by car?</p> <p>2. Would this policy lead to highway impacts that would require highway mitigation measures?</p> <p>3. Will the policy protect or enhance access to public rights of way?</p>	<p>of open space by car. Likewise, if successful this policy will result in enhancing provision of an existing public right of way.</p> <p>This impact is however uncertain given the fact this policy is aspirational and does not include specific proposals for development.</p> <p>2. No highway impacts identified.</p> <p>3. There is a direct link between this policy and public rights of way since the policy wording itself seeks enhanced footpath, cycleway and bridleway provision along the river frontage. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p>	<p>=</p> <p>U+</p>
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	<p>1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone?</p> <p>2. Does the policy lead to increases in flood risk to people and property in the plan area?</p>	<p>The Scarborough Borough and Ryedale Level 1 Strategic Flood Risk Assessment (2021) provides detail on the areas of flood risk. An interactive map focusing on Malton and Norton is available to view here https://www.ryedale.gov.uk/resources/strategic-flood-risk-assessment-2021-map-for-malton-and-norton/</p> <p>According to this map, Riverside corridor denoted through Policy RC1 is located in flood zone 3b (functional flood plain) and 3a (High probability: greater or equal to a 1% chance of river flooding in any given year or greater than a 0.5% chance of sea flooding in any given year.) In terms of the EA's risk of flooding from rivers and sea, the interactive map for Malton and Norton shows that site RC1 falls within the high risk zone (High risk: each year there is a chance of flooding of greater than 1 in 30 (3.3%.)) and within the medium risk zone (Medium risk: each year there is a chance of flooding of between 1 in 100 (1%) and 1 in 30 (3.3%.)) In terms of risk of flooding from surface water, the policy extents for Policy RC1, falls within three different areas at risk (1 in 1000 chance of flooding each year and 1 in 100 chance of flooding each year and 1 in 30 chance of flooding each year.</p>	<p>U-</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>Policy RC1 supports recreational enhancement works, enhanced footpath, cycleway and bridleway provision and café/refreshment facilities. Locating a café/refreshment facilities in areas at risk of flooding could lead to flood risk to property. An uncertain negative impact is therefore registered here.</p> <p>Annex 3 to the NPPF 2021 classifies amenity open space as water-compatible development and cafes and hot food takeaways as less vulnerable uses. Any proposal to locate a café/refreshment facility would need to be accompanied by a Flood Risk Assessment that satisfies national flood risk requirements following the undertaking of the sequential test. According to Table 2: Flood risk vulnerability and flood zone 'incompatibility' in paragraph 079 reference ID: 7-079-20220825 of national planning practice guidance, the exceptions test is not required for less vulnerable uses in the zone 3a.</p> <p>2. The NPPF 2021 clarifies that a Flood Risk Assessment should be provided for all development in Flood Zones 2 and 3 and that <i>"Development should only be allowed in areas at risk of flooding where, in light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:</i></p> <p><i>(a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;</i></p> <p><i>(b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;</i></p> <p><i>(c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;</i></p> <p><i>(d) any residual risk can be safely managed; and</i></p> <p><i>(e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan."</i></p>	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>National planning practice guidance relating to flood risk was last updated in August 2022.</p> <p>The policy, requires the preparation of a flood risk assessment, where the development proposed requires it. The policy is also clear that the FRA should be informed by flood risk modelling set out in the latest available Strategic Flood Risk Assessment and should demonstrate the proposed meets the requirements and up to date guidance set out in the NPPF and national planning practice guidance. A neutral impact is therefore registered.</p>	
SEA 13: To conserve and where appropriate enhance the significance ¹⁵ of the historical and cultural environment.	<p>Does the policy conserve or enhance the significance of the designated heritage asset?</p> <p>Does the policy conserve or enhance the significance of the non-designated heritage assets?</p>	<p>There are many heritage assets close to the extent of the River Derwent corridor. The closest one is the County Bridge itself which is statutorily listed as a Grade II structure.</p> <p>It is possible that Policy extent RC1 could lie within the setting of some of these important heritage assets.</p> <p>Policy RC1 supports development along the river corridor where this would deliver recreational enhancements. National planning policy (NPPF 2021) and national practice guidance available at https://www.gov.uk/guidance/flood-risk-and-coastal-change together with the last paragraph which confirms <i>Development is also subject to the satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency</i> (note SEA recommendations to amend this wording), would in practice limit what development could come forward due to the existing site lying in flood zone 3b and 3a (see the Scarborough Borough and Ryedale Level 1 Strategic Flood Risk Assessment (November 2021)). Any</p>	<p>=</p> <p>=</p>

¹⁵ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>development coming forward under Policy RC1 is therefore likely to small in scale.</p> <p>It is also noted the policy refers to the need for development to conserve and enhance the setting of existing heritage assets.</p> <p>A neutral impact is therefore registered.</p>	
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	There is no relationship between this policy and this SEA objective. The policy neither encourages or discourages the use of renewable resources and the development of renewable energy sources.	0
SEA 15: To make the most efficient use of land	<p>Does the policy focus development towards previously developed land.</p> <p>Does the policy focus on maximising efficient uses of land?</p>	The extent of RC1, whilst located adjacent to previously developed land, appears to be limited to the vegetated river corridor only. There is no relationship between this policy and this SEA objective.	0
SEA 16: To maintain a high quality environment in terms of air quality	Does the policy have an adverse impact on the Malton Air Quality Management area?	<p>This policy is an aspirational one which would support proposals which would lead to river corridor recreational enhancements. If this policy leads to the desired development coming forward, access and public use of the river corridor would be increased. This could have the effect of increasing opportunities for pedestrians and cyclists to travel through the plan area whilst avoiding the Malton Air Quality Management Area NO2 where emissions are concentrated. There could in the long run therefore be a positive impact here in terms of providing access to cleaner air. However the link is tenuous and uncertain.</p> <p>A neutral impact is therefore recorded against this objective.</p>	=

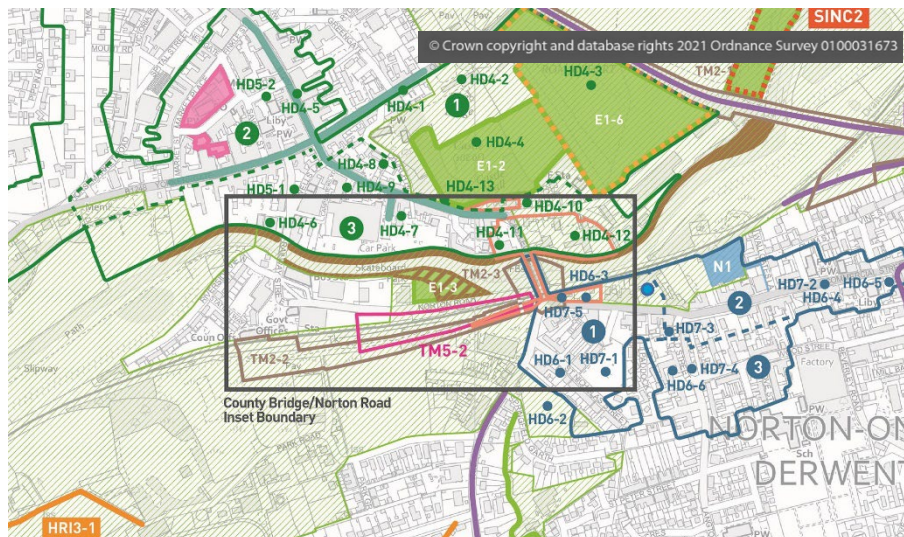
RC2: Regeneration of Land North and South of County Bridge

Development-related regeneration on land to the North and South of County Bridge, as shown on the Neighbourhood Plan Proposals Map, will be supported.

In the event that the principle of any such development on this site is accepted via the Local Plan or otherwise, and subject to any adverse effects on the integrity of the River Derwent Special Area of Conservation being ruled out, development of this site will be supported, subject to:

- No residential or other vulnerable use (in terms of flood risk) coming forward on this land
- The preparation of a flood risk assessment (FRA), where the type of development proposed (e.g. employment related development such as offices or general industry) requires it. The FRA should be informed by flood risk modelling set out in the latest available published Strategic Flood Risk Assessment applicable to the plan area, and should demonstrate that the proposal meets the requirements (including the undertaking of a sequential test) and up to date guidance set out in the NPPF and national planning practice guidance;
- The preservation and/or enhancement of the character and appearance of the Malton Town Centre and Norton-on- Derwent Conservation Areas within which the site is located;
- The conservation or enhancement of the significance of heritage assets, including their setting, as applicable;
- The maximisation of opportunities to improve pedestrian, cycle and motorised vehicular access across the River Derwent and the York-Scarborough Railway Line;
- The incorporation of low emission measures to ensure that the overall impact on AQMA air quality is mitigated;
- The retention/replacement of Yorkshire Water's site access;
- The retention/replacement of the on-site public conveniences.

Extract taken from Reg 15 Neighbourhood Plan Proposals Map showing the extent of Policy RC1 and RC2



Selected items from Map Key:

THE RIVER CORRIDOR

- Malton & Norton River Corridor (ref POLICY RC1)
- Land North and South of County Bridge Regeneration (ref POLICY RC2)

Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither a positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.
U -	Uncertain and negative impact	Uncertain, but the policy may hinder achievement of the objective
U +	Uncertain impact but possibly positive impact.	Uncertain, but the policy may be positively consistent with meeting the objective

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	<p>1. Does the policy result in the loss of a community facility or poorer access to a community facility?</p> <p>2. Does the policy result in improved access to community facility</p>	<p>1. No.</p> <p>2. This policy is an aspirational policy stating that development proposals (which would also need to meet the requirements set out other planning policies set out in the NP and Local Plan) which deliver development-related regeneration on the land which includes the County Bridge, land to the north and land to the south will be supported. The policy includes specific criteria which are applicable to community facilities. This is the requirement to retain or replace on-site public convenience and a requirement to maximise opportunities to improve pedestrian, cycle and motorised access the River Derwent and the York Scarborough Railway Line. These are all types of community facilities, so a positive impact is registered. The delivery of such impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward. The impact is therefore uncertain.</p>	<p>=</p> <p>U +</p>
SEA 2: To provide the opportunity for all people to meet their housing needs.	<p>1. Does the policy deliver homes which will address an identified local need such as affordable homes?</p>	<p>1. There is no link registered between this draft NP policy and this SEA objective</p>	<p>0</p>
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	<p>1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?</p> <p>2. Would the policy involve new public</p>	<p>1. Policy RC2 covers land in both the Norton on Derwent conservation area and land in the Malton Town Centre conservation area. There are also numerous built heritage assets and archaeological remains in this area. An overview of the built heritage assets in this part of the town is shown in the environmental baseline in the SEA report and the archaeological remains are shown in Appendix 4 to the draft NP. The richness in heritage assets in this location is considered to be a key contributor to social character and distinctiveness. Policy RC2 includes a requirement to preserve or enhance the character and appearance of the Malton Town Centre conservation area and the Norton on Derwent conservation area. The policy also includes a requirement to conserve or enhance the significance of heritage assets including their setting.</p>	<p>U+</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	realm or enhancements to the public realm?	<p>2. The supporting text to Policy RC2 refers to underused river corridor sites. Whilst the built up area around the County Bridge has heritage value there may be scope for sense of place to be strengthened were development to take place which resulted in both conservation/enhancement of a heritage asset <i>and</i> which resulted in better use of the sites in this location.</p> <p>The SEA registers a potential positive impact. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p> <p>The policy could also potentially lead to a better public realm if it resulted in increased occupation of currently underutilised sites. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p>	U+
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	1. The intention driving Policy RC2 is understood to be a drive to encourage use of currently underused river corridor sites. This would have the potential to address any current issues there may be regarding crime or unsociable behaviour associated with unoccupied building. However, there is no evidence to indicate there are any existing issues.	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	<p>1. The policy identifies a central location in the NP area as a regeneration opportunity. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation)</p> <p>Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p>	U +

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	<p>1. Will the policy protect or enhance the viability and vitality of the town centres?</p> <p>2. Will the policy protect or enhance open areas outside the town centre?</p>	<p>1. By encouraging development that would deliver regeneration benefits in a town centre location. Yes. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain</p> <p>2. No direct link.</p>	<p>U+</p> <p>0</p>
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors	<p>1. Does the policy protect, employment opportunities in plan area?</p> <p>2. Does the policy encourage or deliver more employment opportunities in accessible locations?</p>	<p>1. The policy does not protect employment opportunities.</p> <p>2. The policy identifies a central location in the NP area as a regeneration opportunity. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation). Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain</p>	<p>=</p> <p>U +</p>
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	1. The policy identifies a central location in the NP area as a regeneration opportunity. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation). This facilities opportunities for diversifying the local economy. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	U+
SEA 9: To protect and enhance biodiversity in the	1. Does the policy protect or enhance	1. The policy designation RC2 overlaps in some locations with the extent of the River Derwent SAC and the River Derwent SSSI. However, as these protected areas (SAC and	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
River Derwent SAC and SSSI	the River Derwent SAC and SSSI?	<p>SSSI) apply to a flowing river the entirety of the RC2 designation is directly relevant to the SAC and SSSI.</p> <p>The policy is an aspirational policy that seeks the regeneration of the land north and south of the County Bridge. There is a potential negative impact from riverside construction activities on to sensitive environmental receptors along the river. The River Derwent SAC has been designated European status due to the habitat:</p> <ul style="list-style-type: none"> • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation. (Rivers with floating vegetation often dominated by water-crowfoot) <p>And due to the species:</p> <ul style="list-style-type: none"> • Bullhead Cottus gobio • River lamprey Lampetra fluviatilis • Otter Lutra lutra • Sea lamprey Petromyzon marinus <p>The HRA appropriate screening assessment¹⁶ undertaken on the NP also identified a concern relating to possible development that could come forward under Policy RC2 that could increase the number of visitors to the riverside given the proximity and the proposed expansion of recreational space in RC1 and that this could in turn increase disturbance of otter populations. The screening states: <i>"There is a credible risk that disturbance and pollution from construction from Policy RC2 could undermine the conservation objectives of the River Derwent SAC and that likely significant effects cannot be ruled out (alone). Consequently, and an appropriate assessment is required."</i></p> <p>At the more detailed assessment stage (the appropriate assessment) the HRA assessment¹⁷ concluded that <i>"The Council will be able to ascertain beyond reasonable scientific doubt that Policy RC2 will have no adverse effect on the integrity of the River Derwent"</i></p>	

¹⁶ See screening section of the Habitats Regulations Assessment of the Malton and Norton 2nd Pre-submission Neighbourhood Plan, December 2022, Fleming Ecology Limited.

¹⁷ See HRA assessment in the Habitats Regulations Assessment of the Malton and Norton 2nd Pre-submission Neighbourhood Plan, June 2022, Fleming Ecology Limited

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p><i>SAC alone. There would be no need for mitigation, no residual effects and no need for an in-combination assessment."</i></p> <p>This finding is unsurprising given that the 2nd Pre-submission NP already embeds mitigation from previous HRA work.</p> <p>The wording of Policy RC2 rules out residential development. This removes a risk of recreational pressure on the River Derwent SAC and SSSI arising from additional residential development in this area.</p> <p>In recognition of the ecology status of the River Derwent, Policy RC2 includes the requirement that any proposal is accepted via the Local Plan or otherwise, and subject to proposals not adversely affecting the integrity of the River Derwent SAC. This will ensure protection of the SAC.</p> <p>To conclude, whilst this is a sensitive location in which development may be supported, the policy wording ensures that residential uses are ruled out and that no proposal could come forward that would adversely affect the integrity of the River Derwent SAC. There is therefore a neutral impact registered.</p>	
	2. Does the policy protect or enhance protected flora and fauna?	2. As discussed above adverse impacts on the integrity of the River Derwent SAC has been ruled out. However, there is nonetheless a sensitive site and there is a potential but uncertain negative impact between Policy RC2 that would support proposals that deliver recreational activities which may impact the flora and fauna along the River Derwent Corridor.	U -
	3.Does the policy provide opportunities for provision of green infrastructure including linking in	No.	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	with existing green infrastructure?		
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	<p>1. There are two large areas of land designated in the Ryedale Local Plan as Visually Important Undeveloped Areas. These are shown on the Local Plan Proposals Map. Paragraph 6.1 of the Ryedale Local Sites Plan states that <i>"In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make a significant contribution to the setting of a Town and the role of the setting in influencing and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements."</i></p> <p>Policy designation RC2 is some distance away from the VIUAs. Also, the land covered by this policy is already built up and given any proposals would need to conserve or enhance the conservation areas, there is no identified impact on the VIUAs from this policy.</p>	0
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	<p>1. Would this policy encourage people to walk and cycle rather than travel by car?</p> <p>2. Would this policy lead to highway impacts that would require highway mitigation measures?</p> <p>3. Will the policy protect or enhance access to public rights of way?</p>	<p>1. Regeneration at this location could lead to a more attractive and vibrant town centre. This, itself may lead to increased footfall and cycle trips. However this link is indirect and too uncertain for any impact to be registered.</p> <p>2. The third criteria in this policy is for <i>The maximisation of opportunities to improve pedestrian, cycle and motorised vehicular access across the River Derwent and the York-Scarborough Railway Line.</i> Proposals envisaged under this policy could lead to disruption to the highways during the construction phase but the policy could lead to long term improvements overall. The policy therefore registers uncertain positive impact and an uncertain negative impact.</p> <p>3. There is currently a public right of way on the southern side of the River Derwent from This public right of way runs from the west until the County Bridge where it stops. Policy RC2 does not mention protection of the public right of way but equally there is no indication that the policy would lead to the loss of the public right of way. Regeneration of the southern side could allow for enhancement or even extension of this public right of way. But as this is not mentioned, there is a neutral impact registered here.</p>	<p>=</p> <p>U –</p> <p>U +</p> <p>=</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	<p>1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone?</p> <p>2. Does the policy lead to increases in flood risk to people and property in the plan area?</p>	<p>1. The Scarborough Borough and Ryedale Level 1 Strategic Flood Risk Assessment (2021) provides detail on the areas of flood risk. An interactive map focusing on Malton and Norton is available to view here https://www.ryedale.gov.uk/resources/strategic-flood-risk-assessment-2021-map-for-malton-and-norton/</p> <p>According to this map, the extent for Policy RC2 is located in flood zone 3a (High probability: greater or equal to a 1% chance of river flooding in any given year or greater than a 0.5% chance of sea flooding in any given year.) In terms of the EA's risk of flooding from rivers and sea, the interactive map for Malton and Norton shows that site RC2 falls within the high risk zone (High risk: each year there is a chance of flooding of greater than 1 in 30 (3.3%.)) and within the medium risk zone (Medium risk: each year there is a chance of flooding of between 1 in 100 (1%) and 1 in 30 (3.3%.)) In terms of risk of flooding from surface water, the policy extents for Policy RC2, falls within three different areas at risk (1 in 1000 chance of flooding each year and 1 in 100 chance of flooding each year and 1 in 30 chance of flooding each year.</p> <p>The policy states that no residential or other vulnerable use (in terms of flood risk) can come forward on this land. Annex 3 to the NPPF 2021 categorises development into five categories for flood risk purposes: essential infrastructure, highly vulnerable, more vulnerable, less vulnerable and water compatible development. It is assumed the intention of Policy RC2 is to allow for uses falling into the less vulnerable category. This includes <i>Buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the 'more vulnerable' class; and assembly and leisure.</i></p> <p>Policy RC2 supports, in principle, development (albeit less vulnerable types of development) in Flood Zone 3. An uncertain negative impact is therefore registered here.</p> <p>According to Table 2: Flood risk vulnerability and flood zone 'incompatibility' in paragraph 079 reference ID: 7-079-20220825 of national planning practice guidance, less vulnerable uses are compatible in Flood Zone 3a. It also clarifies that the exception test is not required for such land uses in zone 3a.</p>	U-

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>The NPPF 2021 clarifies that a Flood Risk Assessment should be provided for all development in Flood Zones 2 and 3 and that <i>“Development should only be allowed in areas at risk of flooding where, in light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:</i></p> <p><i>(a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;</i></p> <p><i>(b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;</i></p> <p><i>(c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;</i></p> <p><i>(d) any residual risk can be safely managed; and</i></p> <p><i>(e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”</i></p> <p>National planning practice guidance relating to flood risk was last updated in August 2022.</p> <p>2. Policy RC2 excludes the possibility of residential and other vulnerable uses from coming forward under this policy. The policy also requires the sequential test and where applicable the exceptions test should be applied. A neutral impact is therefore registered.</p>	=
SEA 13: To conserve and where appropriate enhance the significance ¹⁸ of	1. Does the policy conserve or enhance the significance of the	1. Policy RC2 covers land which falls in both the Norton on Derwent conservation area and in the Malton Town Centre conservation area. There are also numerous built heritage assets and archaeological remains in this area. The County Bridge itself is a grade II listed building.	U +

¹⁸ Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
the historical and cultural environment.	designated heritage asset? 2. Does the policy conserve or enhance the significance of the non-designated heritage assets?	<p>An overview of the built heritage assets in this part of the town is shown in the environmental baseline in the SEA report and the archaeological remains are shown in Appendix 3 to the draft NP. Policy RC2 includes a requirement to preserve or enhance the character and appearance of the Malton Town Centre conservation area and the Norton on Derwent conservation area. The Local Plan (SP12) and the NPPF would require impact of development on heritage assets to be fully considered at planning application stage. The NP policy also requires the conservation or enhancement of the significance of all heritage assets. This is important given the number of statutorily listed buildings in this area, the policy could be strengthened in this respect.</p> <p>The supporting text to Policy RC2 refers to underused river corridor sites. Whilst the built up area around the County Bridge has heritage value there may be scope for sense of place to be strengthened were development to take place which resulted in both conservation/enhancement of a heritage asset/s <i>and</i> which resulted in better use of the sites in this location.</p> <p>The SEA registers a potential positive impact. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain</p> <p>2. There are no known non-designated heritage assets in this area.</p>	U
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	There is no relationship between this policy and this SEA objective. The policy neither encourages or discourages the use of renewable resources and the development of renewable energy sources.	0
SEA 15: To make the most efficient use of land	1. Does the policy focus development	1. The extent of RC2 is all previously developed land. One of the aspirations in the plan is to facilitate the redevelopment of underused river corridor sites subject (subject to flood	+

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	<p>towards previously developed land.</p> <p>Does the policy focus on maximising efficient uses of land?</p>	<p>risk). The plan considers this an opportunity to improve the built fabric of the towns. A positive impact is registered here as it directs development to previously developed land.</p>	
SEA 16: To maintain a high quality environment in terms of air quality	Does the policy have an adverse impact on the Malton Air Quality Management area?	<p>This policy identifies a regeneration opportunity on land north and south of County Bridge. The fourth criteria in the third paragraph of the policy is for <i>The maximisation of opportunities to improve pedestrian, cycle and motorised vehicular access across the River Derwent and the York-Scarborough Railway Line.</i></p> <p>Proposals envisaged under this policy could lead to disruption to the highways during the construction phase but the policy could lead to long term improvements overall. Since the emissions in the Malton Air Quality Management Area (which is close to the land at RC2) are traffic related, this policy registers uncertain positive impact and an uncertain negative impact.</p>	U + U-

CF1: Norton's Swimming Pool

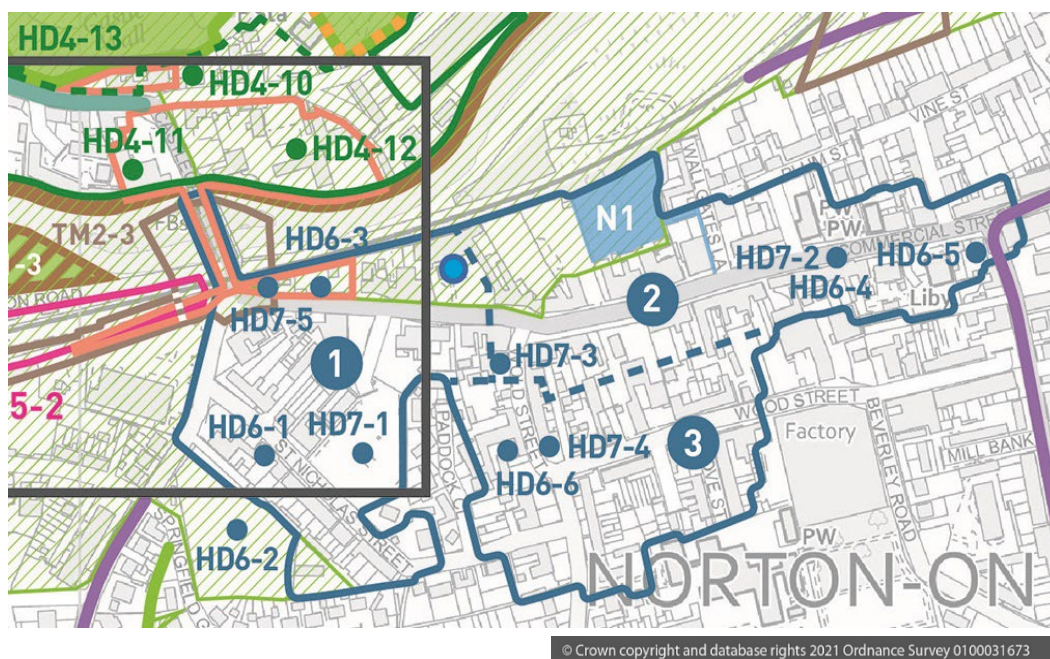
Development of Norton Swimming Pool to provide additional capacity or improved leisure facilities for the benefit of the community, including its upgrading, extension or replacement, will be supported.

Consideration should be given to the need for any additional off-road car parking provision to serve any enhanced facility.

The acceptability of any such development is subject to there being no adverse effects on the integrity of the River Derwent Special Area of Conservation.

Depending on the scale and location of the development in relation to the flood risk zones, a Flood Risk Assessment (FRA) may be required. The FRA should be informed by flood risk modelling set out in the latest available published Strategic Flood Risk Assessment applicable to the plan area, and should demonstrate that the proposal meets the requirements (including the undertaking of the sequential test) and up-to-date guidance set out in the NPPF and national planning practice guidance.

NP proposals map showing the extent of N1 and CF1. Extract taken from Reg 15 Proposals Map



Selected items from Map Key

COMMUNITY FACILITIES

- Norton Swimming Pool (ref POLICY CF1)
- Malton Community Sports Centre (ref POLICY CF2)

NORTON-SPECIFIC

- Land to the Rear of Commercial Street (ref POLICY N1)

Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither a positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.
U -	Uncertain and negative impact	Uncertain, but the policy may hinder achievement of the objective
U +	Uncertain impact but possibly positive impact.	Uncertain, but the policy may be positively consistent with meeting the objective

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	<p>1. Does the policy result in the loss of a community facility or poorer access to a community facility?</p> <p>2. Does the policy result in improved access to community facility</p>	<p>1. No.</p> <p>2. This policy is an aspirational policy stating that development proposals (which would also need to meet the requirements set out other planning policies set out in the NP and Local Plan) which would provide additional capacity or improved leisure facilities including upgrading, extension or replacement would in principle be support.</p> <p>Ryedale District Council's 2012 Infrastructure Study¹⁹ reported a quantitative requirement for a swimming pool at Malton and also highlighted that the Derwent Swimming Pool is nearing the end of its operational life and replacement/refurbishment will be required. The emerging NP asserts that both Norton's swimming pool and Malton's Community Sports Centre require extensions and improvements. Policy CF1 is a response to this. A positive impact is registered. The impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward.</p>	<p>+</p> <p>U +</p>
SEA 2: To provide the opportunity for all people to meet their housing needs.	1. Does the policy deliver homes which will address an identified local need such as affordable homes?	1. There is no link registered between this draft NP policy and this SEA objective	0
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?	<p>1. Policy CF1 applies to the existing site of the Derwent Swimming Pool which is in the Norton on Derwent Conservation Area and located on Church Street close to where it changes to Commercial Street. The building is single storey and is set back from the road. The site incorporates a green area of amenity land with mature trees fronting onto Church Street.</p> <p>Whilst the current site does contribute to social character, there is no reason why a replacement facility or refurbishment would not do the same. There is a therefore a neutral impact registered here.</p>	<p>=</p> <p>=</p>

¹⁹ Infrastructure Delivery Plan, January 2012, Ryedale District Council

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	2. Would the policy involve new public realm or enhancements to the public realm?	2. It is possible any development taking place here could create or enhance public realm but there is nothing in the policy referring to this. A neutral impact is registered here.	
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	1. There is nothing to indicate in this policy alone that development would incorporate the principles of Secure by Design. A neutral impact is therefore registered. This is not to assert that the Local Plan and Neighbourhood Plan as a whole would not do this.	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	1. The policy supports in principle the provision of expanded community facilities. It is expected this would also deliver new employment opportunities. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery. This impact is uncertain	U +
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	1. Will the policy protect or enhance the viability and vitality of the town centres? 2. Will the policy protect or enhance	1. By encouraging development that would deliver enhanced community facilities in a town centre location. Yes. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain 2. No direct link.	U+ 0

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	open areas outside the town centre?		
SEA 7: To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors	1. Does the policy protect, employment opportunities in plan area? 2. Does the policy encourage or deliver more employment opportunities in accessible locations?	1. The policy does not protect employment opportunities. 2. The policy identifies a central location in the NP area as an opportunity for enhanced community facilities. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation). Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	= U +
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	1. The policy identifies a central location in the NP area as an opportunity for enhanced community facilities. This, if implemented, would delivery employment opportunities in the short and medium term (construction) and the long term (occupation). This facilities opportunities for diversifying the local economy. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	U+
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	1. The site of Derwent Swimming Pool is located south of the River Derwent SAC and SSSI and the railway line separates the building from the river. There is no access from the swimming pool to the river. This would indicate there is little relationship between Policy CF1 and the ecological sensitivity of the River Derwent SAC and SSSI. The HRA screening ²⁰ however concludes: <i>There is a credible risk that pollution from construction from Policy CF1 could undermine the conservation objectives of the River Derwent SAC and that likely significant effects cannot be ruled out (alone). Consequently, an appropriate assessment is required.</i>	=

²⁰ See screening section of Habitats Regulations Assessment of the Malton and Norton 2nd Pre-submission Neighbourhood Plan December 2022

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>At the more detailed assessment stage (the appropriate assessment) the HRA assessment²¹ concluded</p> <p><i>"The Council will be able to ascertain beyond reasonable scientific doubt that Policy CF1 will have no adverse effect on the integrity of the River Derwent SAC alone. There would be no need for mitigation, no residual effects, and no need for an in-combination assessment."</i></p> <p>Furthermore, the policy includes the wording <i>The acceptability of any such development is subject to there being no adverse effects on the integrity of the River Derwent Special Area of Conservation.</i> A neutral impact is therefore recorded here.</p>	
	2. Does the policy protect or enhance protected flora and fauna?	<p>2. There are existing mature trees on the site. Assuming existing national, Local Plan and emerging NP relating to biodiversity impacts and development are applied, potential impacts during construction and on completion of any potential development would be appropriately managed. Indeed there is potential positive impacts in the long run if development is required to achieve a net gain in biodiversity.</p> <p>Both an uncertain positive impact is registered to reflect the operation stage and an uncertain negative impact to reflect potential impact on the existing trees. The impacts are uncertain since the policy is an aspirational one and is dependent on a development scheme coming forward. There is no indication in the NP that such a scheme is in the pipeline.</p>	U – U +
	3. Does the policy provide opportunities for provision of green infrastructure including linking in	<p>The site has a green corridor along the railway line and green infrastructure in front. There is potential for green infrastructure to be improved, for example through the provision of green roofs or an enhanced open space. However, delivery information is not sufficiently advanced for any conclusions to be drawn on this. An uncertain impact is registered.</p>	U +

²¹ See HRA assessment in the Habitats Regulations Assessment of the Malton and Norton
^{2nd} Pre-Submission Neighbourhood Plan, December 2022, Fleming Ecology Limited

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	with existing green infrastructure?		
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	<p>1. The site is located on the opposite side of the River Derwent to a large area designated in the Ryedale Local Plan as Visually Important Undeveloped Area. Paragraph 6.1 of the Ryedale Local Sites Plan states that <i>"In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make a significant contribution to the setting of a Town and the role of the setting in influencing and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements."</i></p> <p>There is potential for a new scheme on this site to have either a negative or positive impact on the VIUA. However, delivery information is not sufficiently advanced for any conclusions to be drawn on this. An uncertain impact is registered</p>	U – U +
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	<p>1. Would this policy encourage people to walk and cycle rather than travel by car?</p> <p>2. Would this policy lead to highway impacts that would require highway mitigation measures?</p> <p>3. Will the policy protect or enhance access to public rights of way?</p>	<p>1. The policy presents an aspiration for expanded community facilities in this accessible town centre location. Any scheme, if implemented, will help to encourage people to walk and cycle to the leisure facility. It is noted the policy also includes a proviso that consideration should be given to the need for additional off-street car parking to serve an expanded facility. A neutral impact is registered to reflect the potential mixed impacts in this regard.</p> <p>2. It is not known what the highway impacts of any scheme would be. The policy lacks sufficient detail for any conclusion to be drawn on this. No such impacts are therefore registered.</p> <p>3. There are not public rights of way in this location.</p>	= = 0

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
<p>SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere</p>	<p>1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone?</p> <p>2. Does the policy lead to increases in flood risk to people and property in the plan area?</p>	<p>1. The Scarborough Borough and Ryedale Level 1 Strategic Flood Risk Assessment (2021) provides detail on the areas of flood risk. An interactive map focusing on Malton and Norton is available to view here https://www.ryedale.gov.uk/resources/strategic-flood-risk-assessment-2021-map-for-malton-and-norton/</p> <p>According to this map, the extent for Policy CF1 is located on the edge of flood zone 3a (High probability: greater or equal to a 1% chance of river flooding in any given year or greater than a 0.5% chance of sea flooding in any given year) and on the edge of flood zone 2 (Medium probability: between a 1% and 0.1% chance of river flooding in any given year or 0.5% and 0.1% chance of sea flooding in any given year.) In terms of the EA's risk of flooding from rivers and sea, the interactive map for Malton and Norton shows that site CF1 falls within the medium risk zone (Medium risk: each year there is a chance of flooding of between 1 in 100 (1%) and 1 in 30 (3.3%).) In terms of risk of flooding from surface water, the policy extents for Policy CF1 does not appear to fall in any of the zones.</p> <p>There is an existing swimming pool/leisure facility on the site. Policy CF1 supports proposals which provide additional capacity/improved leisure facilities and requires proposals to give consideration to the need for any additional off-road parking provision.</p> <p>It is possible this policy will lead to development within the Flood Zone 3a. An uncertain negative impact is therefore registered.</p> <p>2. Annex 3 to the NPPF 2021 places buildings used for leisure in the less vulnerable category in terms of flood risk.</p> <p>According to Table 2: Flood risk vulnerability and flood zone 'incompatibility' in paragraph 079 reference ID: 7-079-20220825 of national planning practice guidance, less vulnerable uses are compatible in Flood Zone 3a. It also clarifies that the exception test is not required for such land uses in zone 3a.</p>	<p>U -</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p>The NPPF 2021 clarifies that a Flood Risk Assessment should be provided for all development in Flood Zones 2 and 3 and that <i>“Development should only be allowed in areas at risk of flooding where, in light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:</i></p> <p><i>(a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;</i></p> <p><i>(b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;</i></p> <p><i>(c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;</i></p> <p><i>(d) any residual risk can be safely managed; and</i></p> <p><i>(e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”</i></p> <p>2. National planning practice guidance relating to flood risk was last updated in August 2022.</p> <p>Depending on the scale and location of any development coming forward under Policy CF1, national policy may require the proposal to be accompanied by a flood risk assessment. If completed in line with national policy and guidance, this will avoid any adverse impacts on flood risk to property and people. A neutral impact is therefore registered.</p>	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 13: To conserve and where appropriate enhance the significance ²² of the historical and cultural environment.	<p>1. Does the policy conserve or enhance the significance of the designated heritage asset?</p> <p>2. Does the policy conserve or enhance the significance non-designated heritage assets?</p>	<p>1. Policy CF2 applies to the existing site of the Derwent Swimming Pool which is in the Norton on Derwent Conservation Area and located on Church Street close to where it changes to Commercial Street. The conservation area itself is a heritage asset. There are no other heritage assets in this location. The building is single storey and is set back from the road. There is no reason why a replacement facility or refurbishment would not conserve or enhance the conservation area, given other planning policies that would apply. There is a therefore a neutral impact registered here.</p> <p>2. There are no known non-designated heritage assets in this area.</p>	<p>=</p> <p>0</p>
SEA 14: To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton	Does the policy facilitate the delivery of renewable energy schemes?	There is no relationship between this policy and this SEA objective. The policy neither encourages or discourages the use of renewable resources and the development of renewable energy sources.	0
SEA 15: To make the most efficient use of land	<p>1. Does the policy focus development towards previously developed land.</p> <p>Does the policy focus on</p>	1. The extent of CF1 is all previously developed land. A positive impact is registered here as it directs development to previously developed land.	+

²² Significance being defined as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary)

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	maximising efficient uses of land?		
SEA 16: To maintain a high quality environment in terms of air quality	1. Does the policy have an adverse impact on the Malton Air Quality Management area?	1. The Malton Air Quality Management area is located on the northern side of the River Derwent. Increased community facilities at this town centre location could result in increased traffic movements to the town. This could in turn impact negatively on the air quality management area. The impact however is uncertain given the policy is aspirational and depending on a scheme to come forward.	U-

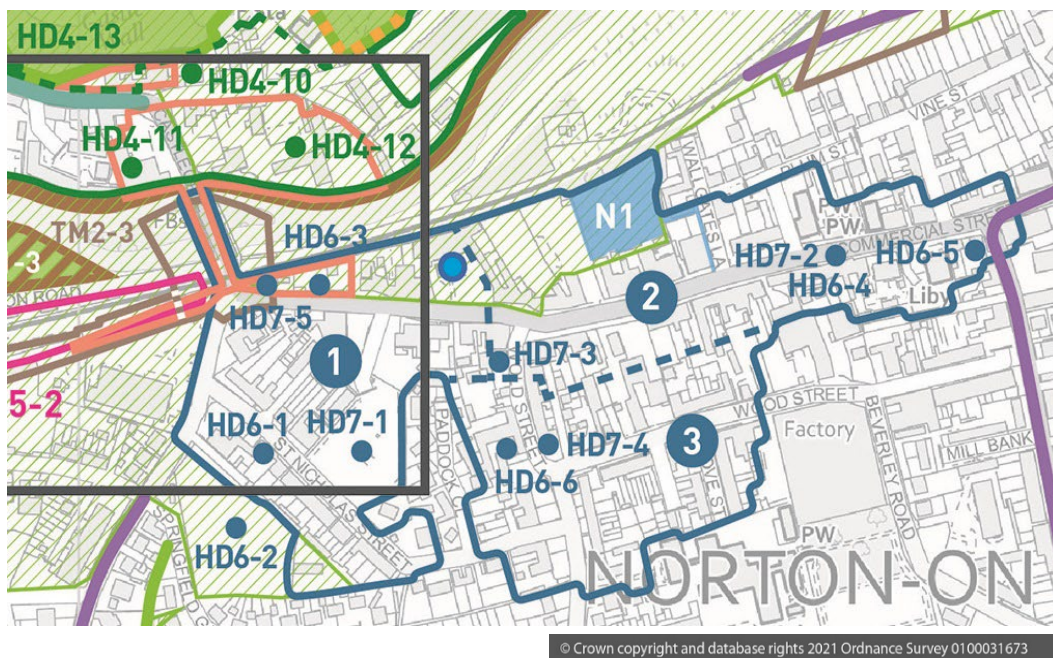
N1: Land to the Rear of Commercial Street

Regeneration of land to the rear of Commercial Street, as identified on the Neighbourhood Plan Proposals Map, including the development of a public car park, with associated service access to the rear of commercial properties in Commercial Street, will be supported.

Residential development or other highly or more vulnerable uses will not be supported in this location. Depending on the scale and location of any proposed development in relation to the flood risk zones, a Flood Risk Assessment (FRA), may be required. The FRA should be informed by flood risk modelling set out in the latest available published Strategic Flood Risk Assessment applicable to the plan area, and should demonstrate that the proposal meets the requirements (including the undertaking of the sequential test) and up-to-date guidance set out in the NPPF and national planning practice guidance.

The acceptability of any development supported by this policy is subject to there being no adverse effects on the integrity of the River Derwent Special area of Conservation.

NP proposals map showing the extent of N1 and CF1. Extract taken from Reg 15 Proposals Map



Selected items from key:

COMMUNITY FACILITIES

- Norton Swimming Pool (ref POLICY CF1)
- Malton Community Sports Centre (ref POLICY CF2)

NORTON-SPECIFIC

- Land to the Rear of Commercial Street (ref POLICY N1)

Proposed scoring system for the SEA of the NP

Symbol	Score	Definition
++	Strongly positive impact	Positively influencing change in accordance with the objective
+	Positive impact	The policy is consistent with meeting the objective
=	Neutral impact	The policy will have neither and positive nor a negative impact upon this objective
-	Negative impact	This policy may hinder achievement of this objective
--	Negative impact	This policy would hinder achievement of this objective
U	Uncertain impact	The policy may hinder achievement of this objective, but may have no negative impact. This will depend on implementation.
O	No direct link	There is no direct link between the nature of the policy and the nature of this objective.
U -	Uncertain and negative impact	Uncertain, but the policy may hinder achievement of the objective
U +	Uncertain impact but possibly positive impact.	Uncertain, but the policy may be positively consistent with meeting the objective

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 1: To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.	<p>1. Does the policy result in the loss of a community facility or poorer access to a community facility?</p> <p>2. Does the policy result in improved access to community facility</p>	<p>1. No.</p> <p>2. This policy highlights the site shown as N1 on the NP proposals map as an opportunity for regeneration including the development of a public car park. The NP identifies shortage of car parking spaces as presenting an issue for people visiting the town centre. On the basis that improved car parking provision will increase access to shops and services including community facilities (e.g. the swimming pool), a positive impact is registered.</p> <p>The impact is uncertain since the policy itself won't deliver the improvements, instead it would facilitate it if a proposal comes forward.</p>	<p>=</p> <p>U +</p>
SEA 2: To provide the opportunity for all people to meet their housing needs.	1. Does the policy deliver homes which will address an identified local need such as affordable homes?	1. There is no link registered between this draft NP policy and this SEA objective	0
SEA 3: To maintain and promote the distinctiveness of communities within Malton and Norton	<p>1. Would the policy lead to loss of an existing use which contributes to the social character and distinctiveness of Malton and Norton?</p> <p>2. Would the policy involve new public realm or enhancements to the public realm?</p>	<p>1. No.</p> <p>2. It is possible any development taking place here could create or enhance public realm but there is nothing in the policy referring to this. A neutral impact is registered here.</p>	<p>=</p> <p>=</p>

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
SEA 4: To reduce crime and the fear of crime in Malton and Norton	1. Would the policy deliver development that would incorporate the principles of Secure by Design, reducing the potential for crime and discouraging anti-social behaviour.	1. There is nothing to indicate in this policy alone that development would incorporate the principles of Secure by Design. A neutral impact is therefore registered. This is not to assert that the Local Plan and Neighbourhood Plan as a whole would not do this.	=
SEA 5: to maintain and enhance employment opportunities in the NP area.	1. Will this policy deliver or help to deliver improved employment opportunities?	1. The policy identifies this site as suitable for regeneration which could include new commercial uses which could help to deliver improved employment opportunities. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain.	U+
SEA 6: To maintain and enhance the vitality of the countryside and town centres.	1. Will the policy protect or enhance the viability and vitality of the town centres? 2. Will the policy protect or enhance open areas outside the town centre?	1. By encouraging development that would deliver enhanced access to shops, services and community facilities in a town centre location. Yes. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain 2. No direct link.	U+ 0
SEA 7: To retain and enhance the factors which are conducive to	1. Does the policy protect, employment	1. The policy does not protect employment opportunities. 2. The policy identifies this site as suitable for regeneration which could include new commercial uses which could help to deliver improved employment opportunities in this	= U +

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
wealth creation, including personal creativity and attractiveness to investors	opportunities in plan area? 2. Does the policy encourage or deliver more employment opportunities in accessible locations?	town centre location. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	
SEA 8: To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	1. The policy identifies a central location in the NP area as an opportunity for regeneration. This, if implemented, would deliver employment opportunities in the short and medium term (construction) and the long term (occupation). This facilitates opportunities for diversifying the local economy. Since the policy is an aspirational one and is dependent on a proposal for the actual delivery, this impact is uncertain	U+
SEA 9: To protect and enhance biodiversity in the River Derwent SAC and SSSI	1. Does the policy protect or enhance the River Derwent SAC and SSSI?	<p>1. The land identified as NI is located south of the River Derwent SAC and SSSI and the railway line separates the building from the river. There is no access from this site to the river. This would indicate there is little relationship between Policy N1 and the ecological sensitivity of the River Derwent SAC and SSSI.</p> <p>The HRA screening²³ however concludes: <i>"There is a credible risk that disturbance and pollution from construction from Policy N1 could undermine the conservation objectives of the River Derwent SAC and that a likely significant effect cannot be ruled out (alone). Consequently, and an appropriate assessment is required."</i></p> <p>At the more detailed assessment stage (the appropriate assessment) the HRA assessment²⁴ found that <i>"The Council will be able to ascertain beyond reasonable doubt that Policy N1 will have no adverse effect on the integrity of the River Derwent SAC alone. There</i></p>	=

²³ See screening section of Habitats Regulations Assessment of the Malton and Norton 2nd Pre-submission Neighbourhood Plan December 2022, Fleming Ecology Limited

²⁴ See HRA assessment in the Habitats Regulations Assessment of the Malton and Norton 2nd Pre Submission Neighbourhood Plan December 2022, Fleming Ecology Limited

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		<p><i>would be no need for mitigation, no residual effects, and no need for an in-combination assessment.</i></p> <p>Policy N1 does not allow for residential development and also clarifies that any development supported by this policy is subject to there being no adverse effects on the integrity of the River Derwent SAC.</p> <p>A neutral impact is therefore registered.</p>	
	2. Does the policy protect or enhance protected flora and fauna?	2. There is existing vegetation and mature trees on the site. Assuming existing national, Local Plan and emerging NP relating to biodiversity impacts and development are applied, potential impacts during construction and on completion of any potential development would be appropriately managed. Due to largely undeveloped and vegetated nature of the current site an uncertain negative impact is registered. The impacts are uncertain since the policy is an aspirational one and is dependent on a development scheme coming forward. There is no indication in the NP that such a scheme is in the pipeline.	U –
	3.Does the policy provide opportunities for provision of green infrastructure including linking in with existing green infrastructure?	The site is largely undeveloped and vegetated. It already links with the green corridor along the railway line. It is difficult to see how development could provide increased opportunities. There is therefore a neutral impact registered.	=
SEA 10: To maintain and enhance the quality and character of the landscape	1. What impact would this policy have on the Visually Important Undeveloped Areas in the plan area?	<p>1. The site is located on the opposite side of the River Derwent to a large area designated in the Ryedale Local Plan as Visually Important Undeveloped Area.</p> <p>Paragraph 6.1 of the Ryedale Local Sites Plan states that <i>"In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make a significant contribution to the setting of a Town and the role of the setting in influencing and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements."</i></p>	U + U –

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
		There is potential for a new scheme on this site to have either a negative or positive impact on the VIUA. However, delivery information is not sufficiently advanced for any conclusions to be drawn on this. An uncertain impact is registered	
SEA 11: Reduce long distance commuting and congestion by reducing the need to travel.	<p>1. Would this policy encourage people to walk and cycle rather than travel by car?</p> <p>2. Would this policy lead to highway impacts that would require highway mitigation measures?</p> <p>3. Will the policy protect or enhance access to public rights of way?</p>	<p>1. The policy presents an aspiration for regeneration including a town centre car parking facility in this accessible town centre location. Alone, the policy potentially would discourage walking and cycling to the town centre. A negative impact is registered to reflect the potential mixed impacts in this regard. The impacts are uncertain since the policy is an aspirational one and is dependent on a development scheme coming forward. There is no indication in the NP that such a scheme is in the pipeline</p> <p>2. It is not known what the highway impacts of any scheme would be. The policy lacks sufficient detail for any conclusion to be drawn on this. There is however existing access to this site from the highway. A neutral impact is registered.</p> <p>3. There are no public rights of way in this location.</p>	<p>U-</p> <p>=</p> <p>=</p>
SEA 12: To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere	1. Does the policy lead to development in areas at risk of flooding e.g. within the Flood Zone 3 or b or within the rapid inundation zone?	<p>The Scarborough Borough and Ryedale Level 1 Strategic Flood Risk Assessment (2021) provides detail on the areas of flood risk. An interactive map focusing on Malton and Norton is available to view here https://www.ryedale.gov.uk/resources/strategic-flood-risk-assessment-2021-map-for-malton-and-norton/</p> <p>According to this map, the site is partly located in flood zone 3a (High probability: greater or equal to a 1% chance of river flooding in any given year or greater than a 0.5% chance of sea flooding in any given year.) In terms of the EA's risk of flooding from rivers and sea, the interactive map for Malton and Norton shows that site N1 falls within the medium zone (Medium risk: each year there is a chance of flooding of between 1 in 100 (1%) and 1</p>	U-

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
	2. Does the policy lead to increases in flood risk to people and property in the plan area?	<p>in 30 (3.3%).) In terms of risk of flooding from surface water, the policy extents for Policy N1, falls within areas at risk of 1 in 1000 chance of flooding each year.</p> <p>The site is currently developed with employment related uses. Policy N1 supports proposals that could regenerate the sites through new retail or light industrial uses and the development of a public car park.</p> <p>It is possible this policy will lead to development within the Flood Zone 3a. An uncertain negative impact is therefore registered.</p> <p>2. Annex 3 to the NPPF 2021 places buildings used for offices, shops and general industry in the less vulnerable category in terms of flood risk.</p> <p>According to Table 2: Flood risk vulnerability and flood zone 'incompatibility' in paragraph 079 reference ID: 7-079-20220825 of national planning practice guidance, less vulnerable uses are compatible in Flood Zone 3a. It also clarifies that the exception test is not required for such land uses in zone 3a. A neutral impact is therefore registered.</p> <p>The NPPF 2021 clarifies that a Flood Risk Assessment should be provided for all development in Flood Zones 2 and 3 and that <i>"Development should only be allowed in areas at risk of flooding where, in light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:</i></p> <p><i>(a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;</i></p> <p><i>(b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;</i></p> <p><i>(c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;</i></p> <p><i>(d) any residual risk can be safely managed; and</i></p>	=

Proposed SEA objective	Appraisal prompts	Impact - Description	Impact - Symbol
sources within Malton and Norton			
SEA 15: To make the most efficient use of land	<p>1. Does the policy focus development towards previously developed land.</p> <p>Does the policy focus on maximising efficient uses of land?</p>	1. N1 is partly previously developed land. A positive impact is registered here as it directs development to previously developed land.	+
SEA 16: To maintain a high quality environment in terms of air quality	1. Does the policy have an adverse impact on the Malton Air Quality Management area?	1. The Malton Air Quality Management area is located on the northern side of the River Derwent. Increased car parking or commercial uses at this town centre location could result in increased traffic movements to the town. This could in turn impact negatively on the air quality management area. The impact however is uncertain given the policy is aspirational and depending on a scheme to come forward.	U-

Policy RC1: Malton and Norton River Corridor Development

Annex 3 to the NPPF 2021 classifies amenity open space as water-compatible development and cafes and hot food takeaways as less vulnerable uses. Any proposal to locate a café/refreshment facility would need to be accompanied by a Flood Risk Assessment that satisfies national flood risk requirements following the undertaking of the sequential test. According to Table 2: Flood risk vulnerability and flood zone 'incompatibility' in paragraph 079 reference ID: 7-079-20220825 of national planning practice guidance, the exception

s test is not required for less vulnerable uses in the zone 3a.

2. The NPPF 2021 clarifies that a Flood Risk Assessment should be provided for all development in Flood Zones 2 and 3 and paragraph 167 states that *"Development should only be allowed in areas at risk of flooding where, in light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

(a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

(b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

(c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

(d) any residual risk can be safely managed; and

(e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan."

National planning practice guidance relating to flood risk was last updated in August 2022.

It is recommended Policy RC1 is amended to reflect up to date national policy set out in the NPPF 2021 and national practice guidance available at <https://www.gov.uk/guidance/flood-risk-and-coastal-change> relating to flood risk. Development proposals should also be informed by the Scarborough Borough and Ryedale Level 1 Strategic Flood Risk Assessment (November 2021) when considering potential future flood risks to development and land use.

Suggestion is to amend the first bullet in the fourth paragraph to reflect up to date policy and guidance and latest available SFRA. For example, as follows:

The preparation of a flood risk assessment (FRA), where the development (e.g. a café/refreshment facility) that is proposed requires it. The FRA should be informed by flood risk modelling set out in the latest available published Strategic Flood Risk Assessment applicable to the plan area and should demonstrate the proposal meets the requirements (including the undertaking of the sequential test) and up to date guidance set out in the NPPF and national planning practice guidance. The satisfaction of flood risk requirements, including sequential testing, as directed by the Environment Agency

Policy RC2: Regeneration of Land North and South of County Bridge

The policy states that no residential or other vulnerable use (in terms of flood risk) can come forward on this land. Annex 3 to the NPPF 2021 categorises development into five categories for flood risk purposes: essential infrastructure, highly vulnerable, more vulnerable, less vulnerable and water compatible development. It is assumed the intention of Policy RC2 is to allow for uses falling into the less vulnerable category. This includes *Buildings used for shops; financial, professional and other*

services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the 'more vulnerable' class; and assembly and leisure.

Policy RC2 supports, in principle, development (albeit less vulnerable types of development) in Flood Zone 3. An uncertain negative impact is therefore registered here.

According to Table 2: Flood risk vulnerability and flood zone 'incompatibility' in paragraph 079 reference ID: 7-079-20220825 of national planning practice guidance, less vulnerable uses are compatible in Flood Zone 3a. It also clarifies that the exception test is not required for such land uses in zone 3a.

The NPPF 2021 clarifies that a Flood Risk Assessment should be provided for all development in Flood Zones 2 and 3 and paragraph 167 (provided above against RC1) how decisions should be made in light of that assessment.

National planning practice guidance relating to flood risk was last updated in August 2022.

Policy RC2 excludes the possibility of residential and other vulnerable uses from coming forward under this policy. The policy also requires the sequential test and where applicable the exceptions test should be applied. A neutral impact is therefore registered.

However, it is recommended Policy RC2 is amended to reflect up to date national policy set out in the NPPF 2021 and national practice guidance available at <https://www.gov.uk/guidance/flood-risk-and-coastal-change> relating to flood risk. Development proposals should also be informed by the Scarborough Borough and Ryedale Level 1 Strategic Flood Risk Assessment (November 2021) when considering potential future flood risks to development and land use.

Suggested alternative wording is to amend the first bullet in the third paragraph to reflect up to date policy and guidance and latest available SFRA. For example, as follows

Residential development or other highly or more vulnerable uses (in terms of flood risk) will not be supported in this location. The preparation of a flood risk assessment (FRA), where the development (e.g. employment related development such as offices, general industry) that is proposed requires it. The FRA should be informed by flood risk modelling set out in the latest available published Strategic Flood Risk Assessment applicable to the plan area and should demonstrate the proposal meets the requirements (including the undertaking of the sequential test) and up to date guidance set out in the NPPF and national planning practice guidance. No residential or other vulnerable use (in terms of flood risk) coming forward on this land and subject to development meeting the sequential test and where applicable the exceptions test in line with national policy.

Policy CF1: Norton's Swimming Pool

The Scarborough Borough and Ryedale Level 1 Strategic Flood Risk Assessment (2021) provides detail on the areas of flood risk. An interactive map focusing on Malton and Norton is available to view here <https://www.ryedale.gov.uk/resources/strategic-flood-risk-assessment-2021-map-for-malton-and-norton/>

According to this map, the extent for Policy CF1 is located on the edge of flood zone 3a (High probability: greater or equal to a 1% chance of river flooding in any given year or greater than a 0.5% chance of sea flooding in any given year) and on the edge of flood zone 2 (Medium probability: between a 1% and 0.1% chance of river flooding in any given year or 0.5% and 0.1% chance of sea flooding in any given year.) In terms of the EA's risk of flooding from rivers and sea, the interactive

map for Malton and Norton shows that site CF1 falls within the medium risk zone (Medium risk: each year there is a chance of flooding of between 1 in 100 (1%) and 1 in 30 (3.3%).) In terms of risk of flooding from surface water, the policy extents for Policy CF1 does not appear to fall in any of the zones.

There is an existing swimming pool/leisure facility on the site. Policy CF1 supports proposals which provide additional capacity/improved leisure facilities and requires proposals to give consideration to the need for any additional off-road parking provision.

It is possible this policy will lead to development within the Flood Zone 3a. An uncertain negative impact is therefore registered.

2. Annex 3 to the NPPF 2021 places buildings used for leisure in the less vulnerable category in terms of flood risk.

According to Table 2: Flood risk vulnerability and flood zone 'incompatibility' in paragraph 079 reference ID: 7-079-20220825 of national planning practice guidance, less vulnerable uses are compatible in Flood Zone 3a. It also clarifies that the exception test is not required for such land uses in zone 3a.

The NPPF 2021 clarifies that a Flood Risk Assessment should be provided for all development in Flood Zones 2 and 3 and paragraph 167 (provided above against RC1) how decisions should be made in light of that assessment.

2. National planning practice guidance relating to flood risk was last updated in August 2022. Depending on the scale and location of any development coming forward under Policy CF1, national policy may require the proposal to be accompanied by a flood risk assessment. If completed in line with national policy and guidance, this will avoid any adverse impacts on flood risk to property and people. A neutral impact is therefore registered.

However, to reflect national policy requirements, it is recommended Policy CF1 is amended to reflect up to date national policy set out in the NPPF 2021 and national practice guidance available at <https://www.gov.uk/guidance/flood-risk-and-coastal-change> relating to flood risk. Development proposals should also be informed by the Scarborough Borough and Ryedale Level 1 Strategic Flood Risk Assessment (November 2021) when considering potential future flood risks to development and land use. Suggested additional wording to include in the policy is to provide text to reflect up to date policy and guidance on flooding and latest available SFRA. For example, the following paragraph:

Depending on the scale and location of the development in relation to the flood risk zones, a flood risk assessment (FRA), may be required. The FRA should be informed by flood risk modelling set out in the latest available published Strategic Flood Risk Assessment applicable to the plan area and should demonstrate the proposal meets the requirements (including the undertaking of the sequential test) and up to date guidance set out in the NPPF and national planning practice guidance

Policy N1: Land to the Rear of Commercial Street:

The Scarborough Borough and Ryedale Level 1 Strategic Flood Risk Assessment (2021) provides detail on the areas of flood risk. An interactive map focusing on Malton and Norton is available to view here <https://www.ryedale.gov.uk/resources/strategic-flood-risk-assessment-2021-map-for-malton-and-norton/>

According to this map, the site is partly located in flood zone 3a (High probability: greater or equal to a 1% chance of river flooding in any given year or greater than a 0.5% chance of sea flooding in any given year.) In terms of the EA's risk of flooding from rivers and sea, the interactive map for Malton and Norton shows that site N1 falls within the medium zone (Medium risk: each year there is a chance of flooding of between 1 in 100 (1%) and 1 in 30 (3.3%).) In terms of risk of flooding from surface water, the policy extents for Policy N1, falls within areas at risk of 1 in 1000 chance of flooding each year.

The site is currently developed with employment related uses. Policy N1 supports proposals that could regenerate the sites through new retail or light industrial uses and the development of a public car park.

It is possible this policy will lead to development within the Flood Zone 3a. An uncertain negative impact is therefore registered.

2. Annex 3 to the NPPF 2021 places buildings used for offices, shops and general industry in the less vulnerable category in terms of flood risk.

According to Table 2: Flood risk vulnerability and flood zone 'incompatibility' in paragraph 079 reference ID: 7-079-20220825 of national planning practice guidance, less vulnerable uses are compatible in Flood Zone 3a. It also clarifies that the exception test is not required for such land uses in zone 3a. A neutral impact is therefore registered.

The NPPF 2021 clarifies that a Flood Risk Assessment should be provided for all development in Flood Zones 2 and 3 and paragraph 167 (provided above against RC1) how decisions should be made in light of that assessment.

National planning practice guidance relating to flood risk was last updated in August 2022. Depending on the scale and location of any development coming forward under Policy N1, national policy may require the proposal to be accompanied by a flood risk assessment. If completed in line with national policy and guidance, this will avoid any adverse impacts on flood risk to property and people. A neutral impact is therefore registered.

However, to reflect national policy requirements, it is recommended Policy N1 is amended to reflect up to date national policy set out in the NPPF 2021 and national practice guidance available at <https://www.gov.uk/guidance/flood-risk-and-coastal-change> relating to flood risk. Development proposals should also be informed by the Scarborough Borough and Ryedale Level 1 Strategic Flood Risk Assessment (November 2021) when considering potential future flood risks to development and land use.

Suggested additional wording to include in the policy is to amend the second paragraph to reflect to up to date policy and guidance on flooding and latest available SFRA. For example as follows:
Residential development or other highly or more vulnerable uses will not be supported in this location. Depending on the scale and location of the development in relation to the flood risk zones, a flood risk assessment (FRA), may be required. The FRA should be informed by flood risk modelling set out in the latest available published Strategic Flood Risk Assessment applicable to the plan area and should demonstrate the proposal meets the requirements (including the undertaking of the sequential test) and up to date guidance set out in the NPPF and national planning practice guidance