

# Malton and Norton on Derwent Neighbourhood Plan Submission (Regulation 15) Strategic Environmental Assessment - Environmental Report November 2021

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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 HRA<sup>1</sup> 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 Regulations<sup>2</sup> as well as Regulation 13 of the SEA Regulations.

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<sup>1</sup> Habitat Regulations Assessment

<sup>2</sup> 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				
<b>SEA 2:</b> 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
<b>SEA 3:</b> 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+	=	=
<b>SEA 4:</b> 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.	=	=	=	=
<b>SEA 5:</b> 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+
<b>SEA 6:</b> 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
<b>SEA 7:</b> 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+
<b>SEA 8:</b> 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
<b>SEA 9:</b> 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 +	=
<b>SEA 10:</b> 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 -
<b>SEA 11:</b> 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?	U +	=	=	U-
	2. Would this policy lead to highway impacts that would require highway mitigation measures?	=	U- AND U+	=	=
	3. Will the policy protect or enhance access to public rights of way?	U+	=	0	=
<b>SEA 12:</b> 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?	=	=	0	=
	2. Does the policy lead to increases in flood risk to people and property in the plan area?	=	=	0	=
<b>SEA 13:</b> To conserve and where appropriate enhance the historical significance <sup>3</sup> of the and cultural environment.	Does the policy conserve or enhance designated heritage asset?	=	U +	= 0	= 0

<sup>3</sup> 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		
<b>SEA 14:</b> 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
<b>SEA 15:</b> 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	+	+	+
<b>SEA 16:</b> 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?
<b>Transport Policies</b>	
1	<p>TM1: Protection and Enhancement of Pedestrian, Cycle and Bridleway Networks</p> <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	<p>TM2: New Pedestrian and Cycle River/Railway Crossing</p> <p>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.</p>
3	<p>TM3: Highway Improvement Scheme</p> <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	<p>TM4: County Bridge Level Crossing</p> <p>Supports development proposals which would deliver specific (a list of 5) highway management improvements at the County Bridge Level Crossing</p>
5	<p>TM5: New Vehicular River/Railway Crossings</p> <p>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.</p>
6	<p>TM6: Development on Non-allocated Sites</p> <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"> <li>• the capacity of existing transport infrastructure is not exceeded</li> <li>• mitigation measures in respect of congestion, highway safety and access to the local road network</li> <li>• no worsening of the air quality in the Malton AQMA</li> <li>• the proposal makes positive provision for sustainable transport modes</li> </ul>
7	<p>TM7: Electric Vehicle Charging Infrastructure</p> <p>A policy setting out requirements with respect to electric vehicle charging infrastructure.</p>
8	<p>TM8: Traffic Management Plans</p> <p>Encourages developers of major development proposals to provide a traffic management plan as part of Construction Management Plan</p>

The River Corridor		
9	RC1: Malton and Norton River Corridor Development	Identifies a list of recreational enhancement works which would be supported in the River Corridor. The list is: <ul style="list-style-type: none"> <li>- A new picnic area</li> <li>- Improved riverside seating</li> <li>- Enhanced footpath, cycleway and bridleway provision</li> <li>- Café/refreshment facilities</li> </ul> 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.
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 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	Specifies that development proposals should not harm the function of existing green infrastructure network comprising six different areas: <ul style="list-style-type: none"> <li>- The Derwent Corridor</li> <li>- The Howardian Hills</li> <li>- The Rye Corridor</li> <li>- The Mill Beck Corridor</li> <li>- The Drifffield-Thirsk Disused Railway Line</li> <li>- Westfield Way, Priorpot Beck</li> </ul>
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	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.

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
<b>Tourism and Culture</b>		
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.
<b>The Horse Racing Industry</b>		
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	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 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.
<b>Heritage and Design</b>		
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
<b>Archaeology</b>		
38	HD11: Archaeology	Policy specifies required survey and evaluation procedures for proposals involving disturbance of existing ground levels
<b>Housing</b>		
39	H1: Housing Mix	A housing mix policy
<b>Employment</b>		
40	EM1: Encouragement of Local Employment Sectors	Supports in principle uses generating new employment.
<b>Malton Specific Policies</b>		
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.
<b>Norton Specific Policies</b>		
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 regulations<sup>4</sup>, 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.***

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<sup>4</sup> The Neighbourhood Planning (General) Regulations 2012 as amended



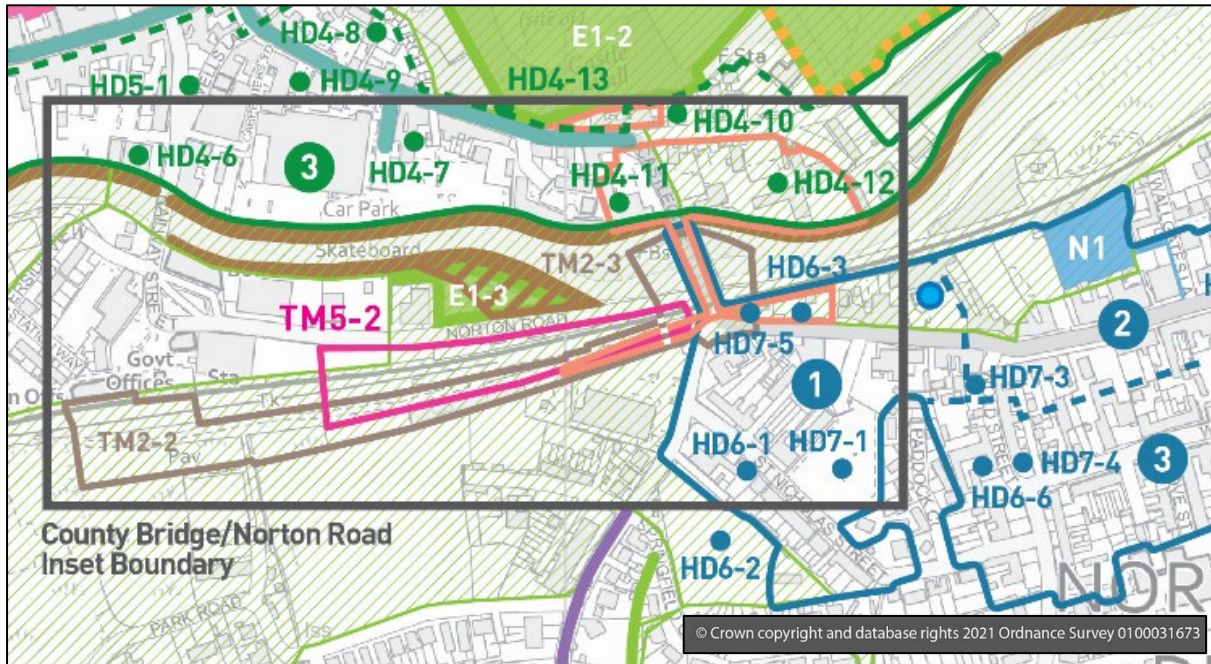
*All proposals for new development which includes provision of parking spaces will be required to meet a minimum standard of provision of electric vehicle charging points. This requires:*

- *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).

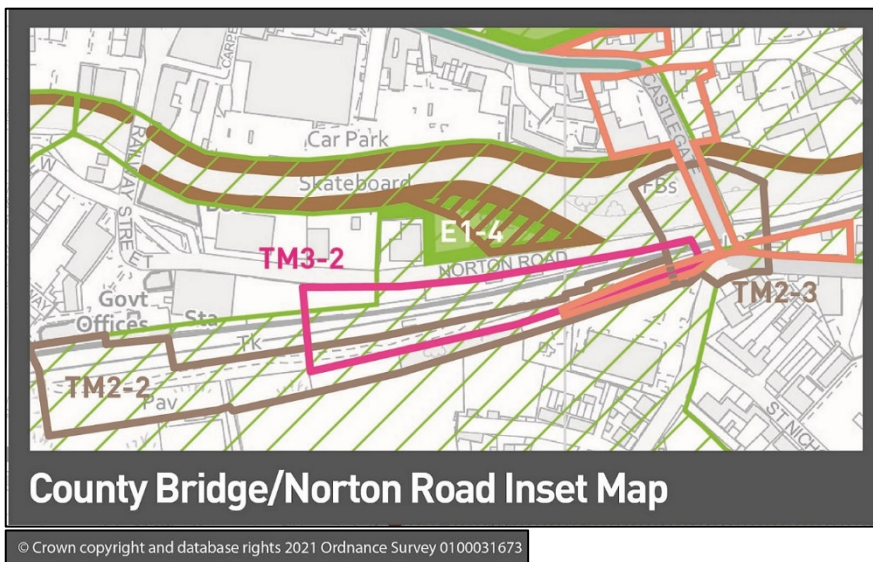
3.8 There is no public footpath on the eastern side of County Bridge.

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)

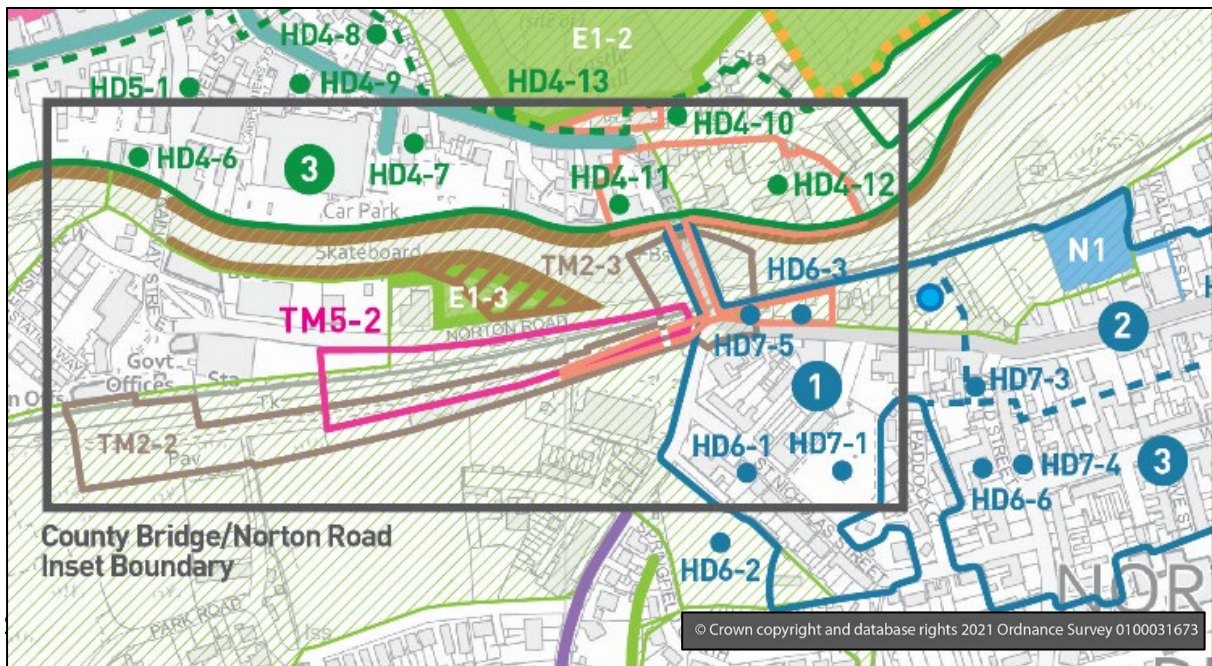
Policy CF1: Norton Swimming Pool:

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.

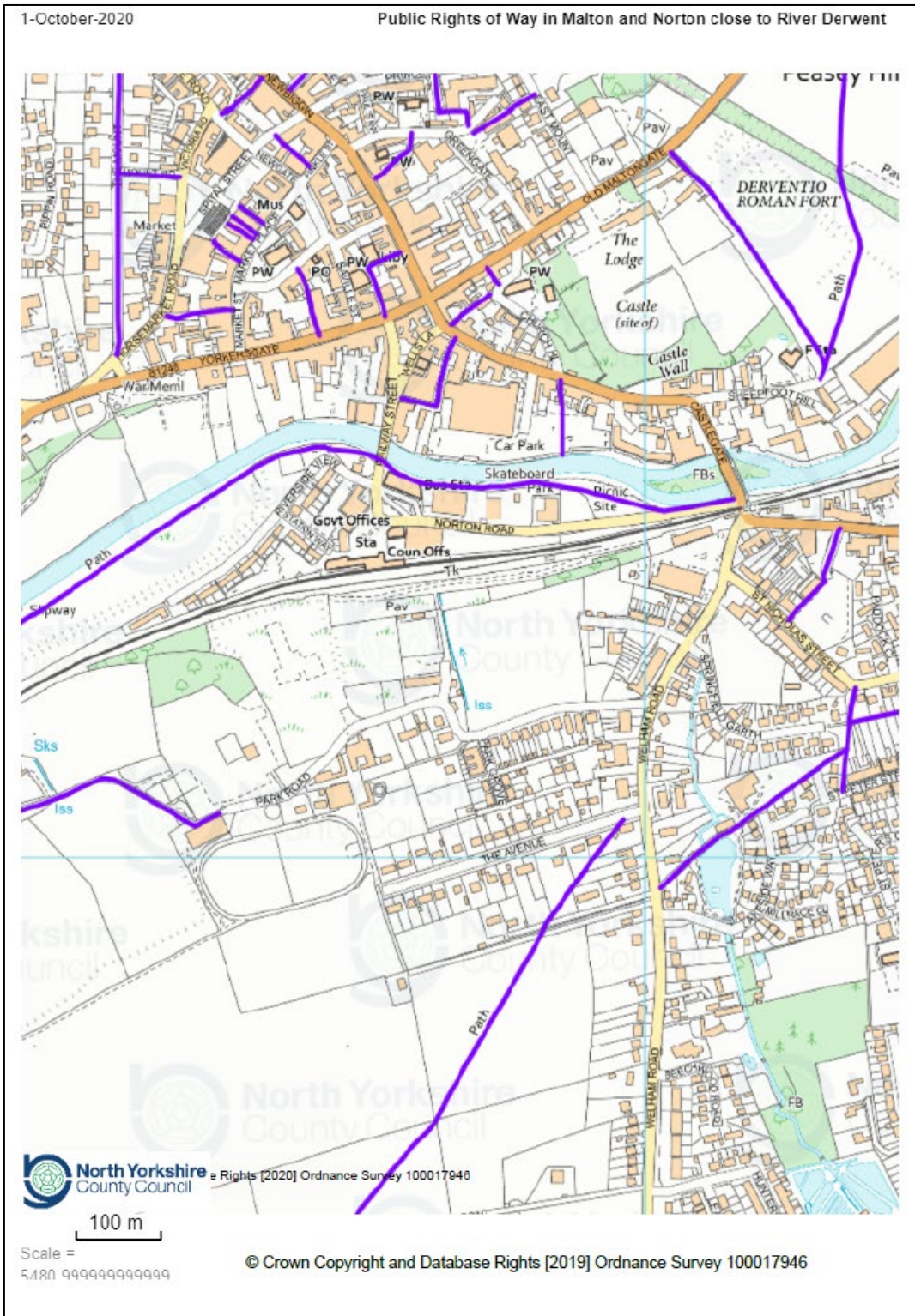


**Selected items from the Map Key:**

- 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.

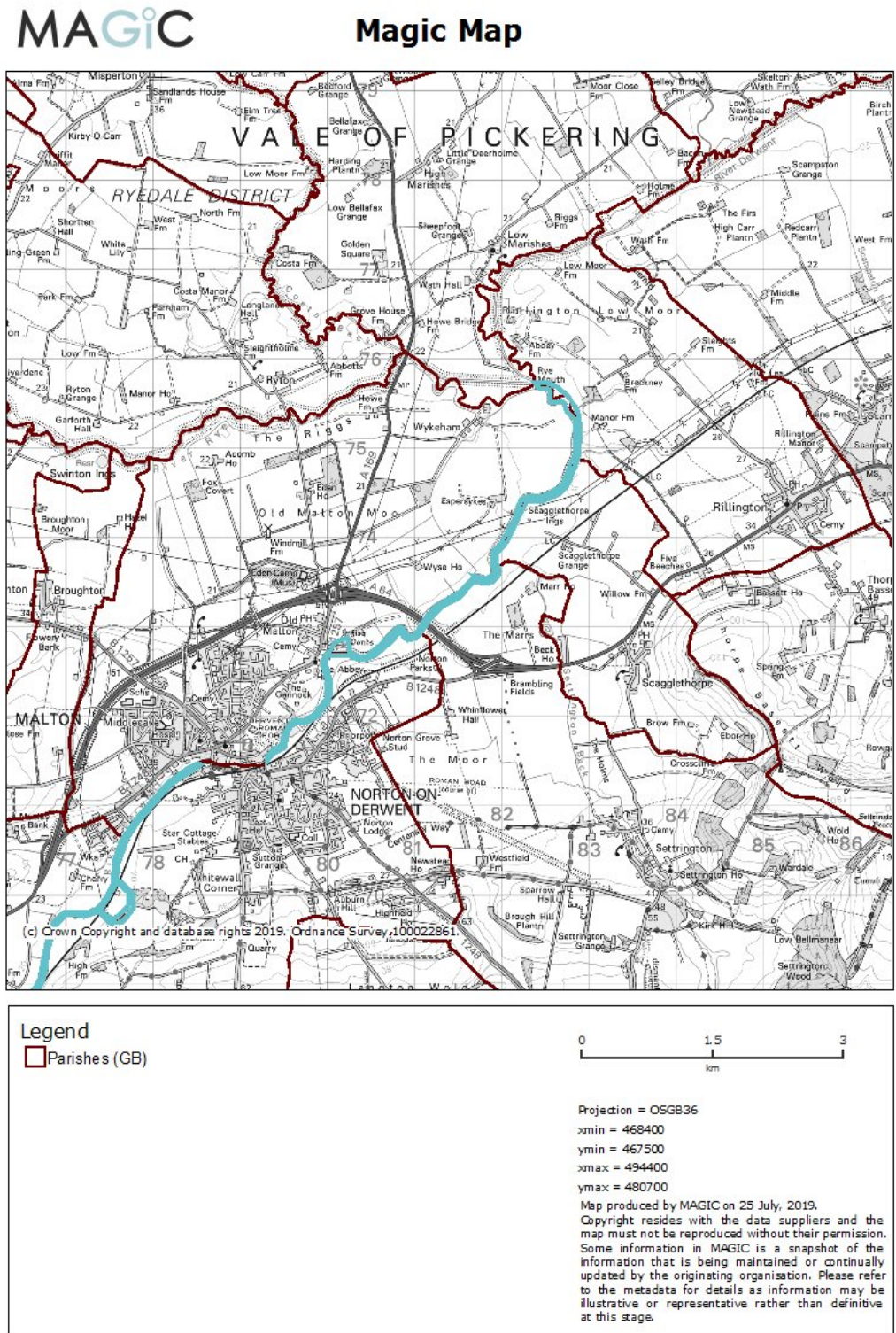
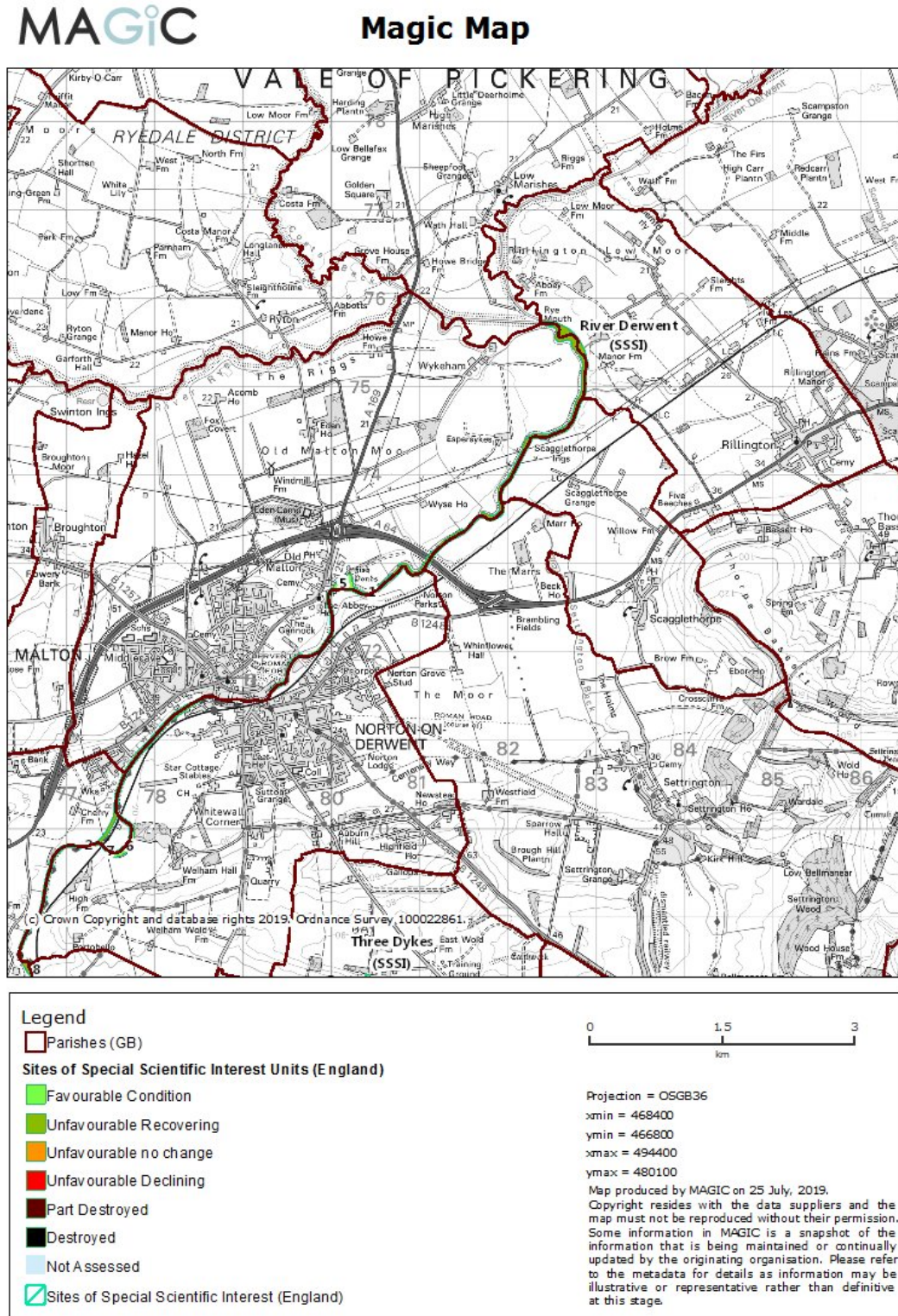


Figure 3.5: Extract from Magic Map showing the extent of the River Derwent SSSI and its path through the plan area.



## Other Fauna:

- 3.19 The plan area is known to be host to the following species at [magic.gov.uk](http://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](http://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](http://nomisweb.co.uk)) and the population in Malton is 4,888 ([nomisweb.co.uk](http://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 on 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/m<sup>3</sup>.
- 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 NO<sub>2</sub> at all monitoring sites within the AQMA have shown a general downward trend since 2012/13
  - The health-based annual mean NO<sub>2</sub> objective of 40µg/m<sup>3</sup> was not exceeded at any monitoring location in 2018 (including all monitoring locations with the current AQMA).
  - The highest annual mean concentration of NO<sub>2</sub> monitored within the Malton AQMA during 2018 was 33µg/m<sup>3</sup> at sites 2 (Wheelgate) and 9 (Yorkersgate). The highest annual mean concentration of NO<sub>2</sub> monitored outside the Malton AQMA Ryedale District Council LAQM Annual Status Report 2019 iii was 24µg/m<sup>3</sup> at site 15 (Sherburn), well below the health based objective of 40µg/m<sup>3</sup>.
  - The number of exceedances of the annual mean NO<sub>2</sub> 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 NO<sub>2</sub> 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.

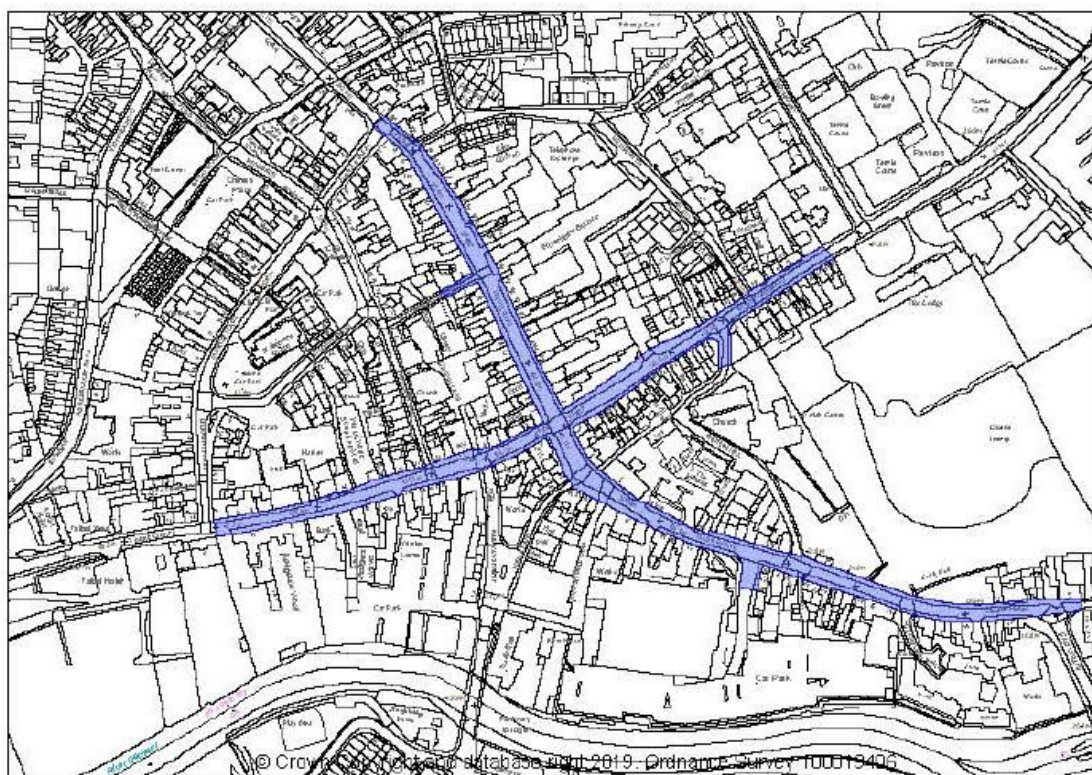


- 3.32 The 2019 ASR reports that the completion of the Brambling Fields Interchange Junction has contributed significantly to the reduction in emission rates. The Air Quality Action Plan however includes a range of further measures. This includes:
- an experimental 18-month HGV ban (which has since been made permanent) on the level crossing between Malton and Norton which came into effect from 13th April 2018 (anticipated to reduce emissions of NOx 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*

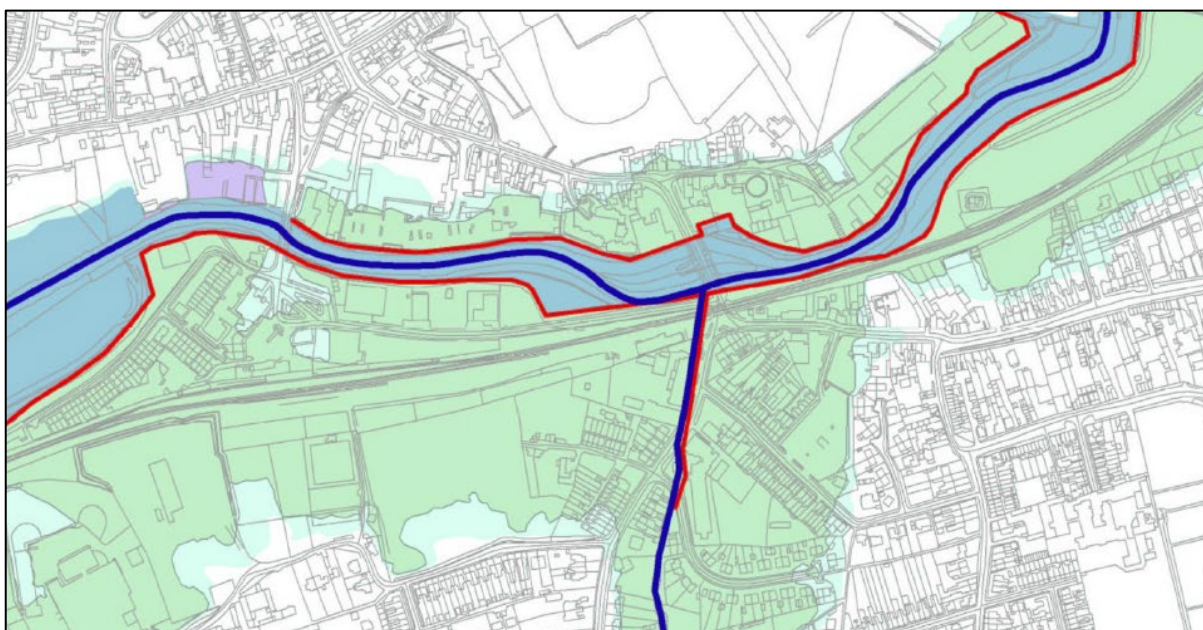
- How will the proposed NP policies impact on air quality in the Malton Air Quality Management area?

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.

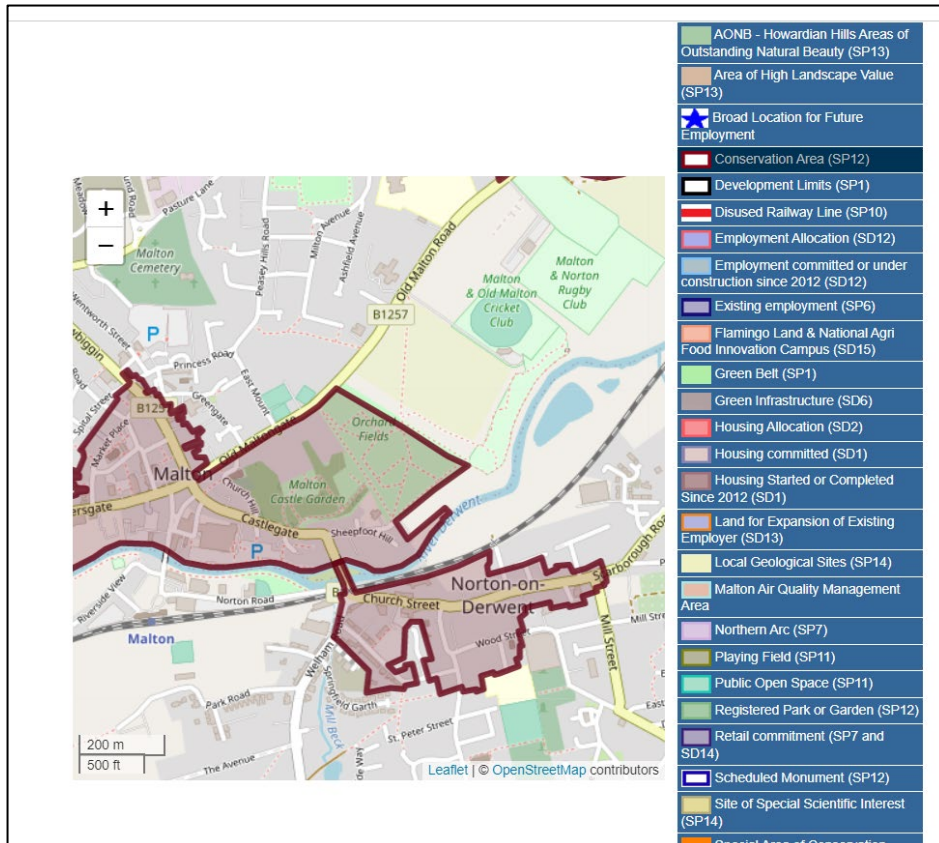
*Key issue to look out for in this SEA*

- 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](http://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](http://www.historicengland.org.uk)

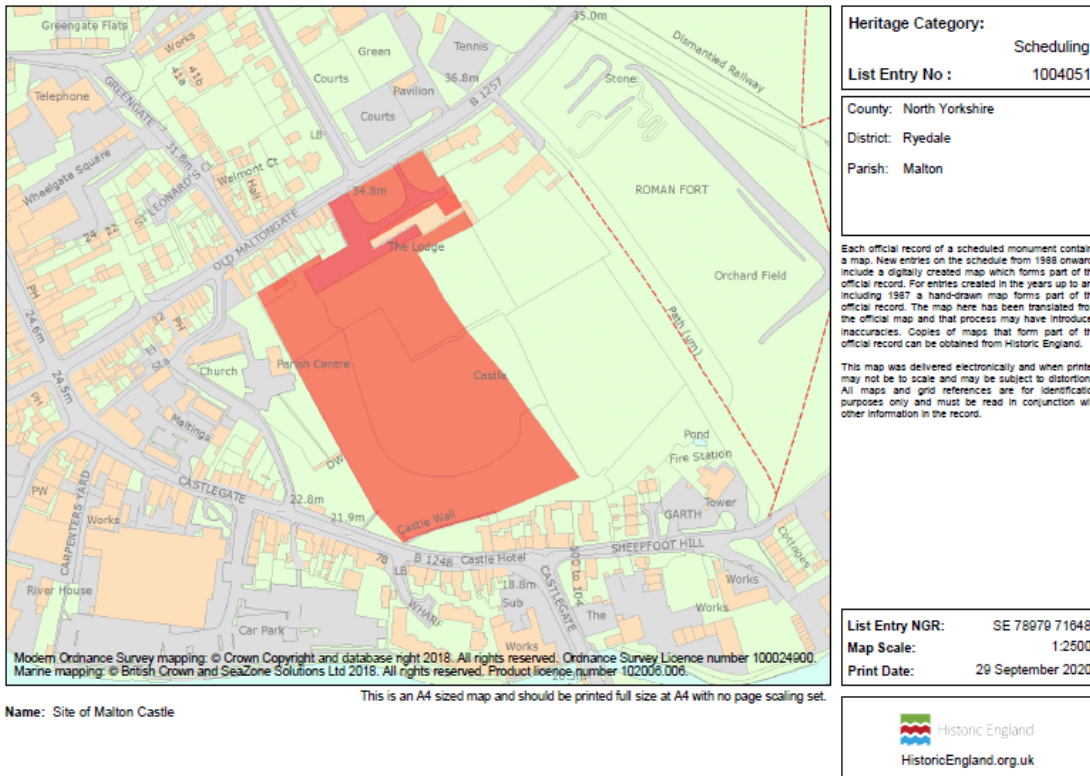
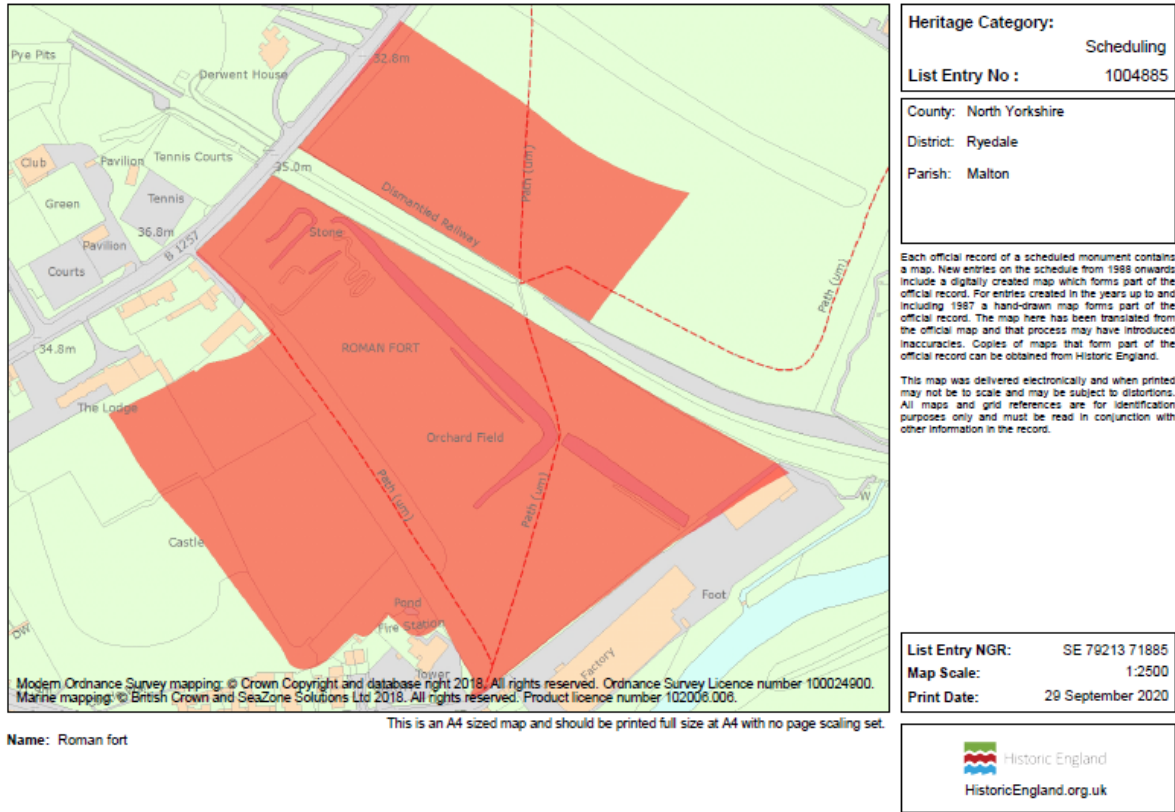
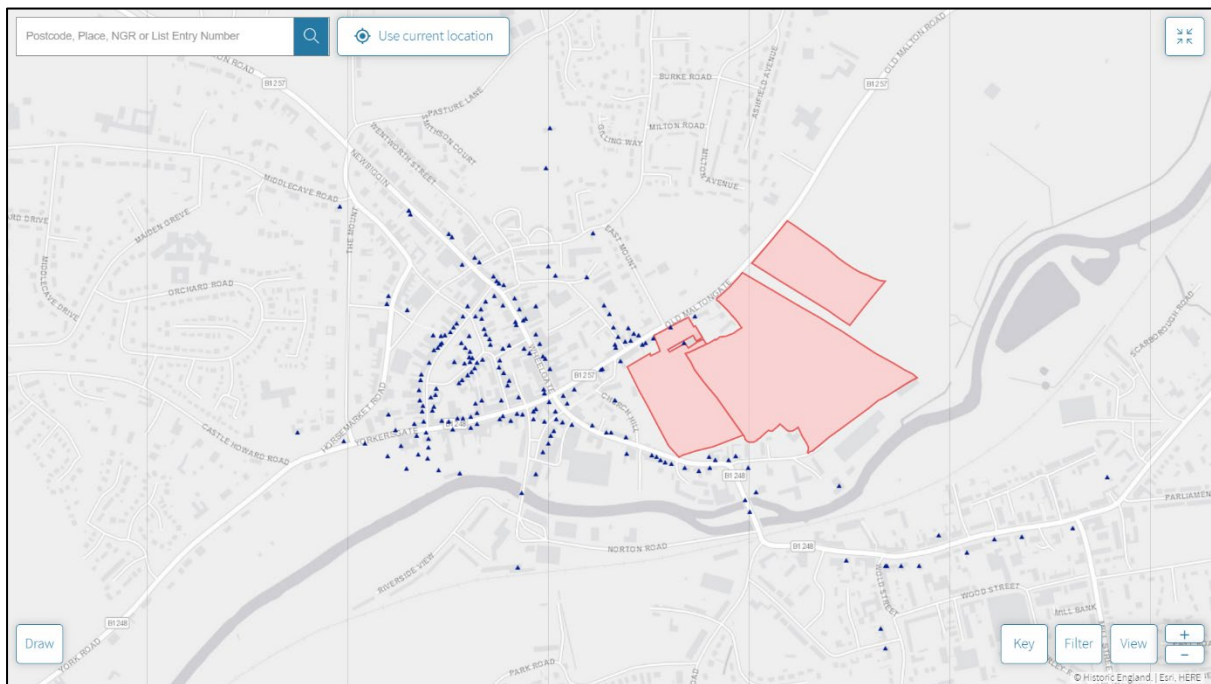


Figure 3.10: Roman Fort - Extract taken from interactive mapping at www.historicengland.org.uk





**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 Folliot 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](http://www.ryedale.gov.uk) and the interactive policy map provided by Open Street Map

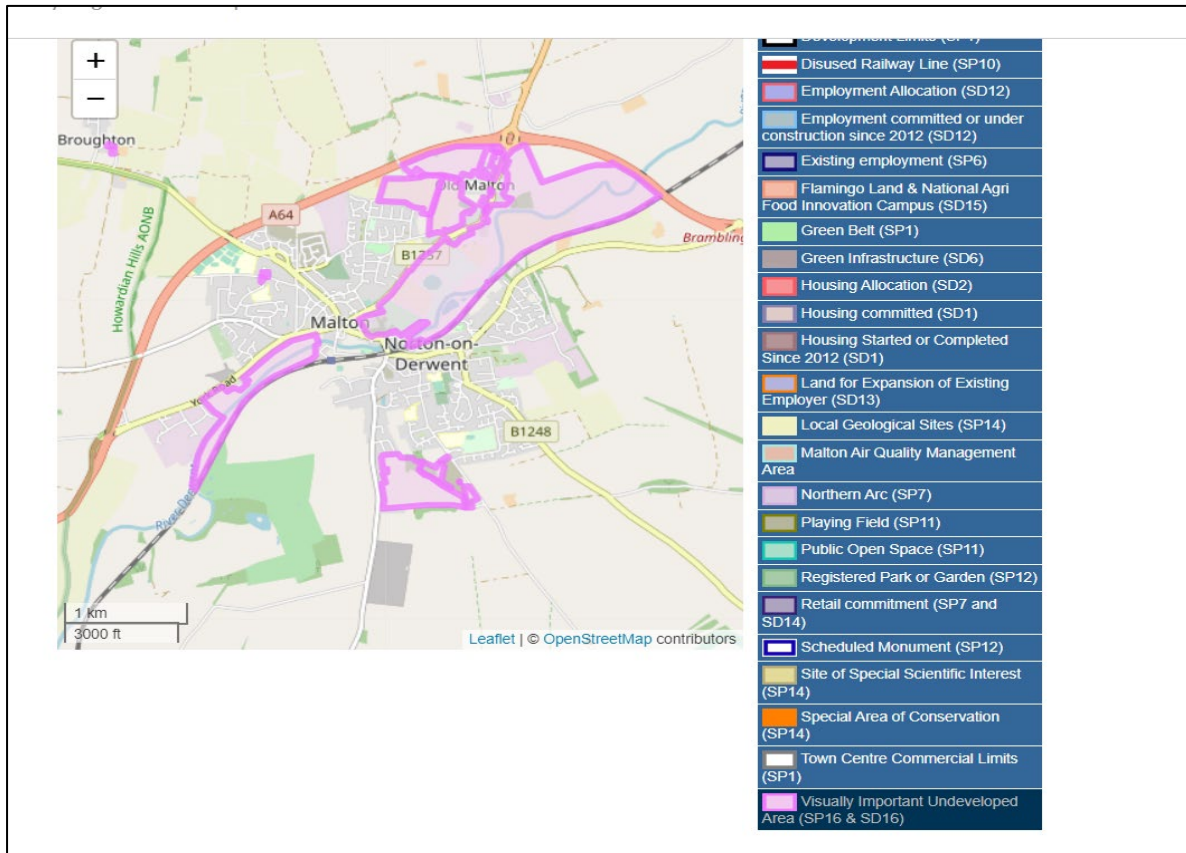
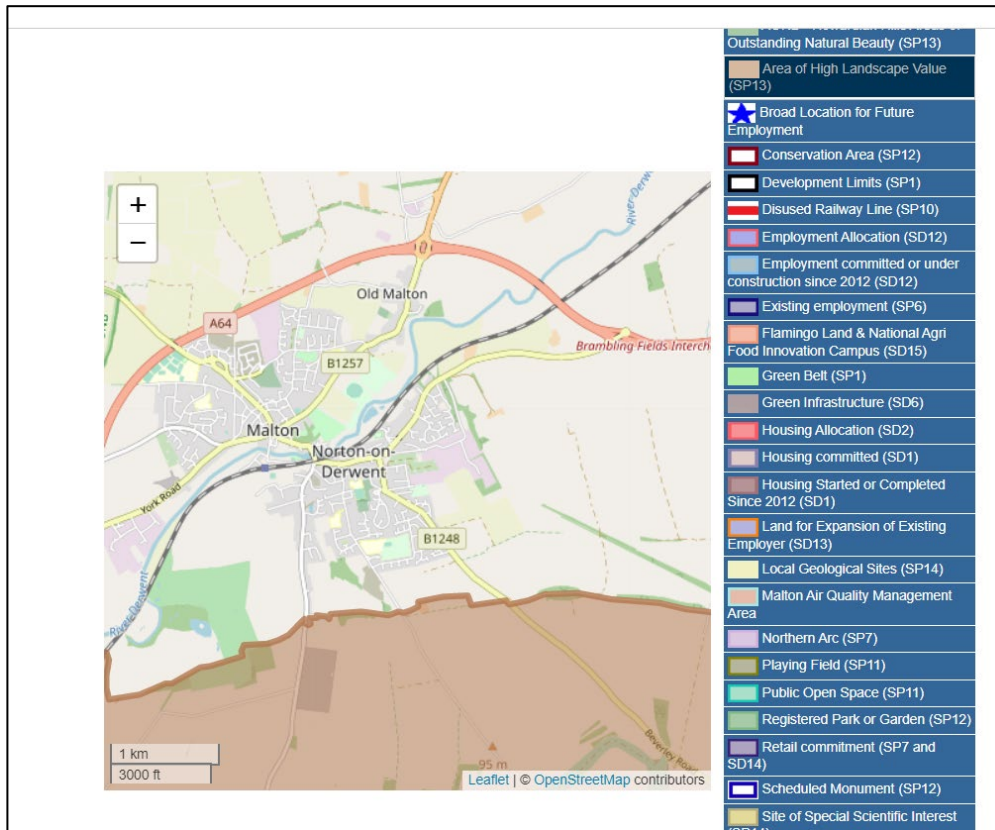


Figure 3.13 – Part of Wolds Area of High Landscape Value. Screenshot taken from [www.ryedale.gov.uk](http://www.ryedale.gov.uk) and the interactive map provided by Open Street Map



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**

<b>SEA 1:</b> To ensure the Malton and Norton local population have access to health, education, leisure and recreation services that are required.
<b>SEA 2:</b> To provide the opportunity for all people to meet their housing needs.
<b>SEA 3:</b> To maintain and promote the distinctiveness of communities within Malton and Norton
<b>SEA 4:</b> To reduce crime and the fear of crime in Malton and Norton
<b>SEA 5:</b> to maintain and enhance employment opportunities in the NP area.
<b>SEA 6:</b> To maintain and enhance the vitality of the countryside and town centres.
<b>SEA 7:</b> To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors
<b>SEA 8:</b> To diversify the local economy
<b>SEA 9:</b> To protect and enhance biodiversity in the River Derwent SAC and SSSI
<b>SEA 10:</b> To maintain and enhance the quality and character of the landscape
<b>SEA 11:</b> Reduce long distance commuting and congestion by reducing the need to travel.
<b>SEA 12:</b> 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
<b>SEA 13:</b> To conserve and where appropriate enhance the significance <sup>5</sup> of the historical and cultural environment.
<b>SEA 14:</b> To encourage the use of renewable resources and the development of renewable energy sources within Malton and Norton
<b>SEA 15:</b> To make the most efficient use of land
<b>SEA 16:</b> 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
--	Negative impact	This policy would hinder achievement of this objective

<sup>5</sup> 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
<b>SEA 1:</b> 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
<b>SEA 2:</b> 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?
<b>SEA 3:</b> 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?
<b>SEA 4:</b> 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.
<b>SEA 5:</b> to maintain and enhance employment opportunities in the NP area.	Will this policy deliver or help to deliver improved employment opportunities?
<b>SEA 6:</b> 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?
<b>SEA 7:</b> 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?
<b>SEA 8:</b> To diversify the local economy	Does the policy assist in diversifying the local economy in Malton and Norton?
<b>SEA 9:</b> 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?
<b>SEA 10:</b> 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?
<b>SEA 11:</b> 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?
<b>SEA 12:</b> 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?
<b>SEA 13:</b> 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?
<b>SEA 14:</b> 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?
<b>SEA 15:</b> 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
<b>SEA 1:</b> 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 +
<b>SEA 2:</b> 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
<b>SEA 3:</b> 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+	=	=
<b>SEA 4:</b> 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.	=	=	=	=
<b>SEA 5:</b> 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+
<b>SEA 6:</b> 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?				
<b>SEA 7:</b> 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+
<b>SEA 8:</b> To diversify the local economy	1. Does the policy assist in diversifying the local economy in Malton and Norton?	0	U+	=	U+
<b>SEA 9:</b> 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	=
<b>SEA 10:</b> 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
<b>SEA 11:</b> 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- = =
<b>SEA 12:</b> 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--
<b>SEA 13:</b> 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
<b>SEA 14:</b> 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
<b>SEA 15:</b> 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	+	+	+
<b>SEA 16:</b> 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 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.
- 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.