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Lockington Hall  
 Lockington  
 Derby DE74 2RH

Tel: 01509 672772  
 Fax: 01509 674565  
 mail@fpcr.co.uk  
 www.fpcr.co.uk

Our ref: 6038

Gary Housden  
 Ryedale District Council  
 Ryedale House  
 Malton  
 North Yorkshire  
 YO17 7HH

15<sup>th</sup> July 2014

Dear Gary

**Your Ref: 14/00426/(7&8)MOUTE: Housing and Industrial Developments in Malton**

I am in receipt of Natural England's letter to you (9<sup>th</sup> June 2014) noting an Objection/further information in respect effects of the proposed development and in particular the Pasture Lane site, on an internationally designated site (the River Derwent SAC) and the nationally designated River Derwent SSSI.

I subsequently spoke with James Walsh, Land Use Operations on 10<sup>th</sup> July to discuss his comments. James' main concerns appeared to be around two things - the commitment to using SuDS at this stage and potential effects on the SAC/SSSI. His other concern was around potential effects on otters using the SAC/SSSI as a result of increased recreation. James appeared satisfied that further information regarding both of these to provide some additional clarity and confirmation would be satisfactory for his needs, the other matters being noted and for information, rather than requiring additional information. I have therefore provided further information as requested below with respect to the proposed effects on the SAC/SSSI.

**SuDS**

The Flood Risk Assessment (Flood Risk and Drainage Strategy – Showfield (Pasture Lane); JPG; March 2014) for the Pasture Lane site states that surface water discharge for the site shall be using infiltration methods into the ground via soakaway, and at paragraph 6.5, that:

*Sustainable Urban Drainage System (SUDS) may also be used in conjunction with conventional drainage systems to improve water quality as well as manage surface water discharge. This should be considered at the detailed drainage design stage.*

At this stage, whilst the exact form and nature of the SuDS for the site cannot be determined (this will depend upon the detailed site layout and drainage design forming a part of any future full or reserved matters application for the site), an audit of SuDS suitability indicates the following types of SuDS can be used at the site, which will feed into detailed design proposals:

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Directors: Paul Roth, BA, B Phil LD, CML; Tony Pearson, BA, B Arch, RIBA;  
 Gary Housden, BA H Phil LD, CML; Stephen Mansfield, PhD, MICE, CML; Tim Jackson, BA (Hons), Dip LA, CML;  
 Senior Practitioner: Brett Coles, BA (Hons) Dip TP, Dip LA, MRTP; Kate Rollins, BA (Hons) BSc, MICE, Finance Associate: Stephen Conner, BA (Hons)  
 Associate: Phil Key, BSc (Hons) MICE, Elizabeth Fry, BA (Hons) MA CML; James Gordon, BSc (Hons) Dip LA CML; Sarah Smart, BA (Hons) Dip LA CML;  
 Andrew Edwards, BSc (Hons) Dip LA CML; Keith Nye, BA (Hons) Dip LA CML; Karl Cookman, BSc (Hons) MSc MICE; James Eales, BSc, Hugh Darwood, BSc (Hons) MSc MICE

DRAINAGE METHOD	DESCRIPTION / SUITABILITY	PROPOSAL / FEASIBILITY
1. Infiltration.	Preliminary soakaway tests indicate this method may be suitable	Applicable.
2. Ponds and wetlands.	Not appropriate for residential developments (safety issues)	Not applicable.
3. Infiltration Basins.	Not appropriate for residential developments (safety issues)	Not applicable.
4. Detention Basins.	Not appropriate for residential developments (safety issues)	Not applicable.
5. Swale.	Preliminary soakaway tests indicate this method may be suitable for infiltration and also may be utilised to convey water.	Applicable.
6. French drain.	Preliminary soakaway tests indicate this method may be suitable for infiltration and also may be utilised to convey water.	Applicable.
7. Pervious/Permeable Pavement.	Preliminary soakaway tests indicate this method may be suitable	Applicable.
8. Geocellular Systems/Tank systems.	Preliminary soakaway tests indicate this method may be suitable for infiltration. Suitable for surface water attenuation	Applicable
9. Oversized pipes.	Suitable for surface water attenuation	Applicable
10. Box culverts.	Suitable for surface water attenuation	Applicable
11. Purpose designed tanks.	Suitable for surface water attenuation	Applicable

In addition the FRA notes the following at section 6.8 with respect to surface water drainage:

*The proposed on site drainage system shall be designed in accordance with the requirements of Sewers for Adoption and shall demonstrate that:*

- *No surcharge of pipes occurs in the 1 in 2 year rainfall event.*
- *No surface flooding occurs in 1 in 30 year rainfall event.*
- *No flooding to buildings and adjacent properties occurs in 1 in 100 year rainfall event (including an allowance of 30% for the effects of future climate change), as defined in NPPF Technical Guidance.*

There would not be expected to be any significant effects on the SAC/SSSI as a result of adverse water quality and/or changes in surface water run-off arising from the proposed development.

#### Otters

The decline in otter populations from the 1950's has in part been attributed to the increases in anthropogenic disturbance. Recent evidence now indicates that otters are less sensitive to human disturbance than previously thought (Ecology of the European Otter, Conserving Natura 2000 Rivers, Ecology Series No. 10, Paul Chanin, 2003). This publication highlights research which indicates that otters do in fact habituate to increased human activity, as seen through their increasing recent colonisation of a number of urban river systems and from their response to disturbance. This response was noted to typically involve the otter diving below water to move up to 50 metres away from the disturbance, before resting on a quiet bank until the disturbance has passed.

The most recent national survey of otters (Fifth Otter Survey of England 2009-2010; The Environment Agency) shows that since the initial survey in 1977-79, there has been a steady and considerable increase in the number of otters using the River Derwent, which are now found throughout the catchment.

We consider that there will be no significant effects on otters using the SAC/SSSI (otters being a qualifying feature of the SAC) from increased disturbance by walkers and specifically dog-walkers for the following reasons:

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- Recent evidence indicating that otters are less sensitive to disturbance than once thought and the evidence that otters have successfully re-colonised the River Derwent catchment in the last 20 years, including more urban areas.
- The relative distance (750m) of the site from the River, separated from it by the Town itself, with no direct public pathways leading to the river from the development and no designated parking at the river which will limit the extent to which this area is used by the new community and therefore reduce the potential for disturbance.
- Only one public pathway follows the river, The Centenary Way (a national trail created in 1989), along the southern river bank, which leads downstream. Therefore sections of the river have no accessibility to the public and will continue to provide quiet habitats for otters.
- The proposed development is served by an existing public pathway along Outgang Lane to which there will be direct access from the development. This pathway leads immediately into the open countryside north of the A64, where a considerable network of public footpaths is present in much greater proximity and with easier direct access and therefore likely to be of greater interest to the majority of new dog-walkers at Pasture Lane.
- New public pathway signage will be installed at the access point along Outgang Lane from the development onto this pathway to promote its use.

As stated within the ES chapter, when considered in combination with the other residential developments proposed, it is considered that the smaller scale of these and the combination of the presence of more accessible footpaths also from these other developments also will not lead to any greater effects on otter disturbance at the River Derwent. There will be no significant cumulative effects on the SAC/SSSI as a result of these developments.

I trust the above is helpful to you. If you require any further information please do not hesitate to contact me.

Yours sincerely

**Jude Dorward**  
Associate  
FPCR Environment and Design Ltd

[jude.dorward@fpcr.co.uk](mailto:jude.dorward@fpcr.co.uk)