



A Bilfinger Real Estate company

## **Environmental Statement (Amended)**

Land off Castle Howard Road, Malton

April 2015

# Environmental Statement



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**ENVIRONMENTAL STATEMENT (Amended)**

**IN SUPPORT OF PLANNING APPLICATION BY FITZWILLIAM MALTON ESTATES**

**For**

**OUTLINE APPLICATION FOR THE DEMOLITION OF OUTBUILDINGS ASSOCIATED WITH AN EXISTING VETERINARY SURGERY AND ERECTION OF A MIXED USE, RESIDENTIAL LED DEVELOPMENT FOR A MAXIMUM OF 500 RESIDENTIAL UNITS (INCLUDING RETIREMENT HOME), EMPLOYMENT (B1), COMMUNITY (D1/D2) AND RETAIL (A1//A3 AND A4) USES, STRUCTURAL PLANTING AND LANDSCAPING, INFORMAL PUBLIC OPEN SPACE, CHILDRENS PLAY AREAS AND SURFACE WATER ATTENUATION**

**AT LAND OFF CASTLE HOWARD ROAD, MALTON**



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Appendix 6	Landscape Visual Impact Assessment





# 1. Introduction

## Background

- 1.1 This amended Environmental Statement (ES) has been prepared and submitted by WYG on behalf of Fitzwilliam Malton Estates to support an outline application on land north of Castle Howard Road, Malton. The planning application (reference: 14/00678/MOUT) was validated on 18 June 2014.
- 1.2 The outline application for the demolition of outbuildings associated with an existing veterinary surgery and erection of a mixed use, residential led development for a maximum of 500 residential units (including retirement home), employment (B1), community (D1/D2) and retail (A1/A3 and A4) uses, Structural planting and landscaping, informal public open space, childrens play areas and surface water attenuation (site area 21.75 ha).
- 1.3 In accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (hereafter referred to as the EIA Regulations) a request for a Screening Opinion was submitted to Ryedale District Council as the local planning authority (the Authority) as to whether the proposed development constitutes EIA development (**Appendix 1**).
- 1.4 The Authority confirmed (Ref. 14/00681/SCR) that the proposal is EIA development as the development proposals fall within paragraph 10(b) of Schedule 2 of the Regulations, is proposed to be carried out in a sensitive location adjacent to the Howardian Hills AONB and is located within the setting of the AONB.
- 1.5 A site location plan is attached as **Appendix 2** and copy of the Authority's formal Screening Opinion is attached as **Appendix 3**.

## Scope of the Environmental Statement

- 1.6 This amended ES is submitted by the applicant in support of the planning application, in light of the Authority's confirmation that the proposal constitutes EIA development. A formal Scoping Opinion of the Authority has not been sought and is not a requirement of the EIA Regulations.
- 1.7 The detailed nature of the Screening Opinion request submitted by the applicant and the accompanying technical information provided the Authority with sufficient information to identify



significant environmental impacts that may potentially result from the development and which therefore need to be considered in this ES.

1.8 The specific nature of the Screening Opinion issued by the Authority reflects this stating:

*"Having taken into account the selection criteria listed above, the Local Planning Authority is of the opinion that because of its nature, size and location, having regard to the environmental sensitivity of the area, the proposed development is EIA development and consequently an Environmental Statement is required to accompany the application. This particularly relates to the fact that it is considered that the proposal is likely to result in a significant effect in terms of landscape character and visual impact and is in a sensitive location adjacent to the Howardian Hills AONB and is located within the setting of the AONB".*

1.9 The applicant appointed the following professionals to provide the specialist assessment and report required in this Statement:

- ADP Landscape Architects as landscape architects to undertake a Landscape and Visual Impact Assessment; and
- Michael Spence, Chartered Landscape Architect and Registered EIA Practitioner to undertake the winter photography and revised photomontages.

1.10 Following receipt of the Screening Opinion a number of meetings were held with the Authority and the AONB Manager to discuss the methodology, agree key viewpoints and highlight any information or studies held by the Authority and AONB Manager relevant to the preparation of the ES. This is in accordance with Part 4 of the EIA Regulations and the procedure to facilitate the preparation of the ES.

1.11 The original ES was submitted to the Authority in November 2014. Both the AONB Manager and Natural England lodged objections to this document and the impact of the proposed development on the AONB. Their comments are appended at **Appendix 4**.

1.12 In addition, the Authority issued their letter of 5<sup>th</sup> January 2015 confirming that the application could be dealt with as a redline outline and withdrawing their Section 4(2) request for additional information (**Appendix 5**). This approach is welcomed by the applicant who has withdrawn the indicative masterplan accordingly.



- 1.13 Nevertheless the Authority and objecting Statutory Consultees have, based on the information previously provided, requested that any approved scheme be limited to no higher than 2 ½ storeys. This restricts the ability to provide a high quality scheme in line with the NPPF and accompanying design guidance (Buildings for Life) and would not enable the applicant to deliver the scheme proposed (as described in the Design and Access Statement).
- 1.14 This amended ES has therefore been produced. It addresses concerns raised by the Authority and Statutory Consultees, providing a more accurate assessment of the visual impact of the proposed on the AONB and the mitigation provided by the structural landscaping. In addition to the revised ES the applicant has submitted:
- a detailed landscape masterplan and management plan for the structural landscaping to be implemented at year 0;
  - a phasing plan;
  - an indicative block layout plan with proposed landscaping shown on internal areas;
  - sections showing landscaping and the proposed buildings;
  - indicative street scenes showing building typologies; and
  - a revised Design and Access statement.
- 1.15 The revised Landscape Visual Impact Assessment is at **Appendix 6**, taken together with this document it forms the ES.
- 1.16 Section 5 of the ES provides a summary of the environmental impacts of the proposed development and their significance, demonstrating why they have been scoped out of the ES. The wider technical assessments carried out across the site and submitted with the planning application include:
- Indicative Masterplan;
  - Detailed Access Plans;
  - Consultation Statement;



- Design and Access Statement;
- Transport Assessment and Travel Plan;
- Phase 1 and 2 Contaminated Land Assessment;
- Flood Risk Assessment and Drainage Strategy;
- Ecological Assessment;
- Archaeology Assessment;
- Arboricultural Assessment;
- Air Quality Management Assessment;
- Agricultural Land Classification; and
- Noise Report.

1.17 These supporting assessments do not form part of the ES but provide detailed assessment of the environmental impact of the proposed, recommending mitigation where appropriate.

### **Content of the ES**

1.18 In accordance with Schedule 4 of the EIA Regulations, which set out the requirements for information for inclusion in Environmental Statements the ES sets out the following information relating to the development and the measures proposed to avoid, reduce and if possible remedy any significant adverse effects. The references to Parts are to Schedule 4 of the EIA Regulations:

- Sources of Information used and difficulties encountered by the applicant – Part 1 (7), Part 2 (3)
- Description of development - Part 1 (1), Part 2 (1)
- Outline of the main alternatives - Part 1 (2), Part 2 (4)



- Environmental effects, including data for and identification and description of significant environmental effects, and the aspects of the environment likely to be significantly affected – Part 1 (3 & 4)
- Proposed mitigation measures – Part 1 (5), Part 2 (2)
- A non-technical summary – Part 1 (6), Part 2 (5)



## **2. Baseline Information/Data**

### **Data required to identify and assess the main effects which development is likely to have on the environment**

- 2.1 The LVIA has been produced in compliance with the Guidelines for Landscape and Visual Impact Assessment (2013) (The Landscape Institute, Institute of Environmental Management & Assessment, Spon Press and the Landscape Character Assessment: Guidance for England and Scotland (2002) (The Countryside Agency and Scottish Natural Heritage).
- 2.2 The photomontages have been produced in compliance with the Landscape Institutes Advice Notes 01/11: Photography and Photomontages in Landscape and Visual Assessment.
- 2.3 Full details of the assessment, including data sources and methodology, are contained in the Landscape Visual Impact Assessment.

### **Difficulties encountered in compiling information**

- 2.4 There were no difficulties encountered in compiling the required information. The local planning authority confirmed in the Screening Opinion what issues were to be addressed and have been supportive of the process, providing baseline information in the form of relevant landscape assessments, meeting with ADP to agree the methodology and providing advice as the assessments progressed. In addition the Howardian Hills AONB Manager has been available at key meetings to agree the viewpoints and discuss his concerns.
- 2.5 No technical difficulties were encountered during preparation of the Landscape and Visual Baseline of the site.





### 3. Description of the Development

#### Description of development with reference to physical characteristics

- 3.1 The application site is located to the west of Malton. It is bounded to the north by Middlecave Road with Castle Howard Road to the south. The A64 runs along the western boundary.
- 3.2 The site is well linked to the existing urban area of Malton, with residential properties bounding the site to the east and Malton School located to the north, off Middlecave Road. The land to the south of the site is Greenfield, sloping down from Castle Howard Road to York Road and the Industrial Estates located here.
- 3.3 Beyond the A64 to the west of the site the character of the area changes from urban to rural with the Howardian Hills Area of Outstanding Natural Beauty (AONB) boundary running through the field immediately to the west of the A64.
- 3.4 The site is largely agricultural land, comprising four fields under Agricultural Holdings (1986) Act tenancies. The tenancies allow for the land to be 'resumed' if the landlord gets consent for non-agricultural development. There is a veterinary surgery located in the north eastern corner of the site with the associated land surrounding split into around 9 smaller enclosures/paddocks plus an outdoor ménage used predominantly for horse grazing and other uses ancillary to the vet's surgery.
- 3.5 The application site is a greenfield site extending 21.4 ha. The Applicant is only proposing to develop approximately 17.7 ha of the site for residential purposes (including greenspaces), whilst the remainder (approx. 3.7 ha) provides a green buffer between the site and the A64 and Castle Howard Road plus another 1.4ha (included within the 18ha developable area) of open space within the site.
- 3.6 The site slopes down towards the A64, with a low point located where the A64 and Castle Howard Road meet. However, it is broadly level with no significant changes in topography.
- 3.7 Existing fields across the site are demarcated by a number of hedgerows, many of which have been closely cropped. There are a number of trees on site and in the surrounding area many of which



are subject to a TPO. As far as is possible trees and hedgerows are to be retained as part of the landscaping scheme for the development.

- 3.8 The proposed development comprises up to 500 residential properties, including a circa 60 units retirement homes (C3), employment (B1), community (D1 & D2) and retail (A1 & A3/4) uses together with significant areas of open space and landscaping. Access is proposed off Middlecave Road and Castle Howard Road.
- 3.9 In addition to the proposed dwellings, the development will provide new areas of publically accessible open space. This runs along the western boundary, providing a buffer with the A64, following along Castle Howard Road to the south and up through the site towards Middlecave Road.
- 3.10 The site is less than 1.6km from Malton Town Centre with the Train Station, Bus Station, shops and services available there.

### **Description of the development with reference to site, design and size of the development**

- 3.11 The proposed development will deliver up to 500 new homes across a range of house types. The aim of the proposal is to increase the choice of housing, support increased opportunity for home ownership and create a sustainable, inclusive and mixed community in accordance with the NPPF.
- 3.12 The total development of the site is 21.4 hectares. A 30m-50m deep woodland boundary is proposed along the western side of the site. This will screen the development from the open fields beyond the A64 by-pass cutting. It will also screen the residents of the proposed development from the road and pylon route.
- 3.13 Approximately 18 hectares has been designated suitable for residential development. Based on the maximum of 500 units the overall density is 28 units per hectare.
- 3.14 The scheme follows New Urbanism principles. New Urbanism references traditional approaches to design, particularly with regards layout and permeability. The proposed scheme is residential led mixed use, designed to promote accessibility and prioritise the role of the pedestrian. Vehicular traffic is not excluded but is better integrated into the environment so as not to dominate. The Design and Access Statement, Indicative Landscape Approach (ref: MP02) (block layout plan) and





Residential Typologies (ref: 137-8) provided with the application provide a detailed understanding of the design approach.

- 3.15 The proposed application is for a maximum of 500 residential units, including 60 retirement apartments. The residential dwellings will be a mix of types including: apartments, bungalows, terraces, detached and semi-detached houses. The precise layouts and mix will be established through the phased reserved matters applications.
- 3.16 Buildings vary in height across the site with some taller buildings. The majority will be residential properties of 2 storeys.
- 3.17 The proposed development also includes a Village Square, Village Green which runs down the length of the development, small scale retail and employment uses.
- 3.18 The applicant has entered into discussions with the Authority regarding the gift of a site for a primary school. Located to the south of the proposed development site it will ensure increased provision for Malton as a whole and contribute to the overall sustainability of the proposed development.
- 3.19 Phasing Plan (ref: PH01 rev B) details the proposed phases of the development which total 13 and include the implementation of the structural landscaping at Phase 1. A detailed Planting Plan is provided for the Structural Planting to be provided at Phase 1 (Phase 1 Planting 1-3 ref: MPO3) along with a detailed Landscape Management Plan at Appendix 1 of the LVIA Chapter.



## **4. Outline of Alternatives**

### **Outline of main alternatives**

- 4.1 The application site chosen is the most logical for the development as it forms a natural extension to the existing town. The applicant owns additional land to the south which has been submitted for consideration through the Development Plan for potential allocation as residential land. However, these fields are more steeply sloping making them unsuited for the development currently proposed. There are no other sites in the Malton and Norton area which are suitable, available and deliverable for the proposed development.



## 5. Environmental Effects

### Initial assessment and identification of potential environmental effects

- 5.1 The site is located at the edge of the existing settlement boundary of Malton with the A64 running along its western boundary. The Ryedale Local Plan Strategy (Policy SP2) identifies small, medium and large extension sites around the towns and within the A64 boundary at Malton as appropriate for residential development. In addition, the Special Qualities Study of Ryedale's Market Towns (2010) identifies it as a Residential Broad Location.
- 5.2 Nevertheless the application site is currently Greenfield and the development proposals of a scale that fall within paragraph 10(b) of Schedule 2 of the Regulations, as such the likely impacts on the environment must be considered and assessed to identify if further assessment through an EIA is required. In recognition of this the applicant instructed a number of technical assessments be completed to identify all environmental impacts of the proposed development at all stages i.e. during construction and once operational.
- 5.3 These reports have been submitted in full as part of the supporting information provided with the planning application. The detailed assessment carried out, impacts identified and mitigation recommended are not repeated here, however, a summary is provided in the following table:

Potential Environmental Effect	Assessment	Environmental Impact
Potential effects on habitats and protected species during construction and operational phases Potential disruption of breeding birds during removal of trees / hedgerows / vegetation Potential disruption of roosting bats during demolition of old farm buildings and through removal of tress / hedgerows / vegetation Adverse impact on wildlife / plant species from potentially contaminated run-of and particularly	Ecological Appraisal and Bat Survey completed by Bowland Ecology	No Significant Impact resulting from the development



the River Derwent SSSI and SAC		
<p>Potential flood risk to nearby off site properties at a lower level from raised ground levels</p> <p>Potential groundwater flood risk dependent on capacity of local drainage systems to cope with increased demand</p> <p>Possible flood risk due to increased surface water runoff associated with new development</p>	<p>Flood Risk Assessment Report completed by ARP Associates</p>	<p>No Significant Impact resulting from the development</p>
<p>Impact of construction traffic</p> <p>Increase in traffic on adjacent highway network, with implications for safety of road users</p> <p>Increases in traffic noise, air pollution and fumes</p> <p>Increased traffic through Butchers Corner and the wider Malton Highway Network</p> <p>Increased instances of traffic diversion through the AONB</p>	<p>Transport Assessment and Framework Travel Plan completed by Bryan G Hall</p> <p>In addition a Technical Note has been produced assessing the potential worst case impact on the AONB (updated October 2014)</p>	<p>No Significant Impact resulting from the development.</p>
<p>Potential dust and particulate releases during building clearance and construction</p> <p>Short/medium term changes in local air quality due to exhaust emissions from site traffic and site plant during site preparation and construction</p> <p>Exhaust emissions from operational traffic on the surrounding area and nearby AQMA</p> <p>Environmental emissions from uses and plant within the development</p>	<p>Air Quality Assessment completed by AECOM</p>	<p>No Significant Impact resulting from the development.</p>
<p>Noise and vibration impact resulting from construction activities</p> <p>Road traffic noise from the A64 impacting on the proposed residential development</p> <p>Road traffic noise associated with operational traffic</p>	<p>Noise Assessment completed by Aecom</p>	<p>No Significant Impact resulting from the development.</p>



Noise and vibration impact resulting from the employment and retail uses		
Potential disturbance and/or loss of archaeology Potential impact on the setting of the nearby Conservation Area and Listed Buildings	Archaeology Evaluation by Trail Trenching completed by MAP Archaeological Practice Ltd  Landscape and Visual impact Assessment completed by Lathams and Andrew Davis Partnership	No Significant Impact resulting from the development.
Demolition and site excavation may expose additional contaminating substances due to previous uses on the site  Potential for pollution incidents associated with construction, plant activities and later during the operational phase  Creation of new contaminant pathways  Alteration of migration pattern of any current mobile contamination including ground gases	Ground Conditions Phase 1 and 2 Assessments completed by ARP	No Significant Impact resulting from the development.
Loss of best and most versatile agricultural land.	Agricultural Land Classification completed by Stephen King	No significant impact resulting from the development.
Impacts upon public views within and adjoining the site during the construction phase  Impact on views from the adjoining AONB, a highly sensitive landscape  Visual impact of construction effects – temporary lighting, fencing, site access, security measures, temporary buildings, intense activity.	Landscape and Visual impact Assessment completed by Lathams and Andrew Davis Partnership	Potential significant impact on the AONB during construction and operation stages.





## 6. Significant Environmental Effects

### **Aspects of the environment likely to be significantly affected by the development**

- 6.1 The first Landscape and Visual Impact Assessment, completed by Lathams and submitted with the planning application did not fully assess the impact of the proposed on the AONB. The Authority therefore deemed it necessary for an ES to be provided with the application to ensure that landscape impacts associated with the proposed development together with mitigation measures are robustly identified in order to inform the decision making process.
- 6.2 The Screening Opinion produced by the Authority states that elements of the proposal are of a substantial height and it is considered that the scale and characteristics of the development is therefore significantly different to the existing use of the site.
- 6.3 The Authority consider that the site together with a triangular shaped field to the west of the A64 form the setting of the AONB and therefore it is a sensitive location in terms of visual impact and landscape character. Furthermore the development has potential visual impacts due to public footpaths which lead into and through parts of the AONB and is visible from some, albeit limited, locations within the AONB.
- 6.4 The applicant agreed early on in the assessment process to mitigate in advance of the proposed development. This is achieved through the provision of a belt of the substantial planting proposed along the A64 boundary and the Castle Howard Road boundary. This allows the new planting time to mature whilst the development is being constructed, reinforcing the existing screening around the site.
- 6.5 In addition the development is being phased over a minimum of 10 years. The landscape and visual impact of the proposed has directly influenced the phasing of the built development on site, notwithstanding the Phase 1 structural planting.
- 6.6 Because the mitigation is in advance and the development is phased, the ES assesses the effects of the proposed over the construction and operation periods allowing for the mitigating effects of the maturing screening planting. This is considered to be the most robust method.



## **Description of the likely significant effects of the development on the environment**

- 6.7 The likely effects of the development on the visual quality of the area have been assessed by means of the amended Landscape Visual Impact Assessment (LVIA) prepared by Andrew Davis Partnership (ADP) and Michael Spence (MS Environmental) which is submitted as Appendix 7, part of this ES. The methodology for the assessment and key viewpoints has been agreed with the Authority and AONB Manager. The full report is submitted as part of this ES and the two should be read in conjunction.

### **On Site - Landscape Impact**

- 6.8 As outlined in the LVIA chapter, the principal landscape type within the application site is arable farmland as the majority of the site is cereal crop which represents the majority of the fields within the area. There will be a net loss in the principal landscape type of arable land which will be replaced by buildings, hard standing and infrastructure planting. However, the landscape resource of is of low value, important only at local level and is adequately represented throughout the area. Therefore its loss is not significant.
- 6.9 The landscape resource which is of high value is the boundary vegetation which is important as a physical boundary in landscape pattern and for wildlife movement and the mature trees on site. All the boundary hedgerows and protected trees will be retained and strengthened with native planting reinforcing their position in the landscape.
- 6.10 The internal clipped hedgerows are available as a landscape resource for similar reasons but they are less species rich and with fewer trees than the boundary vegetation. The development will result in a loss of internal hedgerows and arable land replaced by development but this loss will be offset by a substantial increase in native planting, which has amenity and wildlife benefits. As a result this loss is not assessed as significant.

### **Off Site – Landscape Character**

- 6.11 The LVIA chapter identifies a number of potential impacts on the landscape character of the AONB and other landscape designations affected by the proposed development including a number of opportunities for the development to reinforce key characteristics including:



- Creating, extending and linking woodlands;
- Restoring hedgerows, hedgerow trees and infield trees;
- Managing existing woodland and expanding tree cover;
- Screening existing development and future settlement-edge development with woodland;
- Maintain the contrast between wooded scarp slope and open dip slope, reinforce the framework of hedges and encourage sensitive woodland management;
- Locally restore and enhance wetlands;
- Identify opportunities for enhancing the A64 corridor (through landscape assessment)

6.12 The proposed landscaping, particularly the structural landscaping implemented at phase 1 not only mitigates the impact of the development but will introduce a key characteristic of the AONB (woodland) to the site which forms part of the AONB's setting.

#### **Off Site - Visual Impact**

6.13 The LVIA has identified principal views of the site from the north west and south. Existing vegetation controls the views towards the site from these locations whilst existing housing controls views from the east. There are three principal receptor groups that will be affected as a result of development, pedestrians along public rights of way, motorists and homeowners. The sensitivity of these receptors differs, for example, motorists are less sensitive being transient receptors and home owners are more sensitive being static.

6.14 There are views from properties on the eastern boundary, however these are restricted to upper storey bedroom/bathroom windows and are limited due to existing vegetation. Similarly the views of motorists and pedestrians are limited due to topography and existing vegetation and are largely glimpsed views as they move through the landscape.

6.15 The most sensitive views identified are those from within the AONB which is a sensitive area in landscape visual terms. The topography of the area controls these views, limiting the extent of the visual envelope identified (Plan 7). This limits any lasting impact on the wider landscape setting of the AONB and surrounding landscape character areas.





- 6.16 Views are limited by the existing and proposed vegetation, reducing the overall magnitude of the impact. Those viewpoints that have been identified are largely restricted to pedestrians using footpaths, with some visible to motorists. Views of the site from these viewpoints are glimpsed views, by less sensitive, transient receptors. The existing edge of Malton is already clearly visible from many of these view points and the A64 is audible with high sided vehicles visible.
- 6.17 Full details of the identification and assessment of each viewpoint with the accompanying plans, mapping, photographs and photomontages is in the LVIA and is summarised in the Table below:

View Point	Nature	Magnitude	Overall Significance
1	Adverse	Low	<b>Moderate</b>
2	Adverse	Moderate	<b>Moderate</b>
3	Adverse	Very Low	<b>Minor</b>
4	Adverse	Moderate	<b>Minor</b>
5	Adverse	Moderate	<b>Minor</b>
6	Adverse	Moderate	<b>Minor</b>
7	Adverse	Low	<b>Moderate</b>
8	Adverse	Very Low	<b>Neutral</b>
9	Adverse	Very Low	<b>Neutral</b>
10	Adverse	High	<b>Moderate</b>
11	Adverse	High	<b>Moderate</b>
12	Adverse	High	<b>Moderate</b>
13	Adverse	High	<b>Moderate</b>



14	Adverse	High	<b>Moderate</b>
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6.18 The assessment concludes that although there are predominantly adverse and moderate impacts during the construction phases the residual impacts are significantly reduced by careful phasing, the high quality design of the proposed and incorporation of substantial landscape infrastructure planting. The **residual impact** of the development is found to be **Minor adverse**.



## 7. Mitigation

### **Measures envisaged to prevent, reduce and where possible, offset any significant adverse effects on the environment**

7.1 The LVIA splits the mitigation measures into Primary and Secondary mitigation measures. The primary mitigation measures have been incorporated into the landscape masterplan and include the following:

- Retention and enhancement of all existing boundary tree belts and hedgerows;
- Incorporation of significant areas of internal infrastructure landscape to integrate 'built' element into the valley side;
- Implementation of phase 1 infrastructure landscaping to the Western and Southern boundary to include advance stock trees in particular adjacent to the A64 and spine roads;
- Implementation of feathered trees within native structure planting areas to create a naturalistic appearance in the short term but to maximise the chances of successful establishment in the operational phase;
- The quality and mix of architectural elements create a mosaic of built-form with landscaping rather than one homogenous mass.

7.2 A secondary mitigation measure is a willingness to agree the scope of a 5-year landscape management plan, to ensure the longevity of the existing and proposed landscape infrastructure and maintain landscape quality (included at Appendix 1 of the LVIA chapter).

### **Description of the measures envisaged to avoid, reduce and/or remedy significant adverse effects**

7.3 The structural planting provided at Phase 1 and detailed in the Phase 1 Planting Plans 1-3 (ref:MP03) along with the Indicative Landscape Masterplan and (MP01) and Indicative Landscape



approach (MP02) demonstrate the impacts of the proposed are minimised in the first instance and mitigated where necessary.

- 7.4 The Phasing Plan (ref:PH01) and Phase 1 Planting Plans 1-3 (ref:MP03) also provide a mechanism for those elements of the landscaping required for mitigation to be conditioned.
- 7.5 The retention of mature hedgerows and trees on and around the site has been identified through the LVIA and other environmental assessments as necessary both to minimise the impact of the development on the environment (e.g. removal of habitat and resultant impact on biodiversity) and as part of the mitigation required to screen the development.
- 7.6 The perimeter infrastructure planting provides screening both in relation to noise from the development and the adjacent A64 and the visual impact of the development on surrounding views. This is particularly in relation to the AONB but also along Castle Howard Road. The LVIA recommends that a belt of this planting be implemented at year 0 to ensure that the screening planting has time to mature as the development progresses.
- 7.7 In addition, the scale and nature of the perimeter infrastructure planting areas allow for the creation for significant new habitats, including an attenuation pond, which is a benefit against which the impact of the proposed can be offset.
- 7.8 The Indicative Landscape Masterplan (ref: MP01) allows for significant greenspace across the site and along with the Indicative Landscape Approach (ref: MP02) provides a clear framework for the future detailed landscaping scheme and management plan to be drawn up for the wider site as part of the detailed planning application process.
- 7.9 The open space proposed to the east of the site and running along the spine road will largely act as amenity space for the community, providing benefits in relation to health and wellbeing. In addition, the retention of mature trees and careful choice of planting here can ensure this space maximises biodiversity as well as minimising the impact of views into the site at this location.
- 7.10 Wider amenity planting within the development also has the potential to soften the appearance of the development and provide foraging opportunities for wildlife.



- 7.11 Additional mitigation of the environmental effects can be achieved at the reserved matters application stage when detailed appearance, scale, layout and internal landscaping can be agreed and additional assessment of key views can be provided.
- 7.12 These mitigation measures can all be secured through condition and will ensure that the residual impact of the proposed development is **minor** adverse.



## 8. Non-technical summary

### Land Use & Site Context

- 8.1 The application site is located to the west of Malton and is bounded to the north by Middlecave Road with Castle Howard Road to the south. The A64 runs along the western boundary.
- 8.2 The application site extends to approximately 21.4 ha and is largely agricultural land, comprising four fields. There is a veterinary surgery located in the north eastern corner of the site with the associated land surrounding split into around 9 smaller enclosures / paddocks plus an outdoor ménage used predominately for horse grazing and other uses ancillary to the vet's surgery.
- 8.3 The site slopes down towards the A64, with a low point located where the A64 and Castle Howard Road meet. However, it is broadly level with no significant changes in level.
- 8.4 Existing fields across the site are demarcated by a number of hedgerows, many of which have been closely cropped. There are a number of trees on site and in the surrounding area. The only trees subject to a TPO are located outside of the site along the edge of Castle Howard Road.

### Description of Development

- 8.5 The proposed development is for up to 500 residential properties, including a 60 units retirement homes, employment, community and retail uses together with open space and landscaping. Access is a reserved matter but will be off Middlecave Road and Castle Howard Road.
- 8.6 The development will provide new areas of publically accessible open space. This runs along the western boundary, providing a buffer with the A64, following along Castle Howard Road to the south and up through the site towards Middlecave Road.
- 8.7 The residential dwellings include apartments, bungalows, terraces, detached and semi-detached houses. A mix of tenures will also be proposed. The precise layouts and mix will be established through the phased reserved matters applications.





## **Alternatives**

- 8.8 The development site chosen is the most logical for the development as it forms a natural extension to the existing town. The applicant owns additional land to the south which has been submitted for consideration through the development plan for potential allocation as residential land. However, these fields are more steeply sloping making them unsuited for the development currently proposed. There are no other sites in the Malton and Norton area which are suitable, available and deliverable for the proposed development.

## **Scope of Assessment**

- 8.9 The Screening Opinion issued by the Authority considers that the proposal is likely to result in a significant effect in terms of landscape character and visual impact and is in a sensitive location adjacent to the Howardian Hills AONB and is located within the setting of the AONB.
- 8.10 To address this we instructed a new professional landscape architect to undertake a Landscape and Visual Impact Assessment.

## **Assessment of Impact & Conclusions**

- 8.11 There will be a net loss in the principal landscape type of arable land, however the landscape resource is of low value, important only at local level and is adequately represented throughout the area. Therefore, the loss is not significant.
- 8.12 The landscape resource which is of high value is the boundary vegetation which will be retained and strengthened with native planting reinforcing its position in the landscape.
- 8.13 The LVIA has identified principle views of the site from the north west and south. There are three principal receptor groups that will be affected as a result of development, pedestrians along public rights of way, motorists and homeowners.
- 8.14 There are views from upper storey bedroom/bathroom windows of the properties on the eastern boundary will be limited due to existing vegetation. Similarly, views of motorists and pedestrians are limited due to topography and existing vegetation and are largely glimpse views as they move through the landscape.



- 8.15 Only limited views of the site are identified from within the AONB limiting the lasting impact on the wider landscape setting of the AONB and surrounding landscape character areas.
- 8.16 The most sensitive views identified are those from within the AONB which is a sensitive environment. Those viewpoints that have been identified are largely restricted to pedestrians using footpaths with some visible to motorists. These views are glimpsed views, existing development along the edge of Malton is already visible and views are limited by the existing vegetation reducing the overall magnitude of the impact.
- 8.17 The LVIA splits the mitigation measures into Primary and Secondary mitigation measures. The primary mitigation measures include retention and enhancement of all existing boundary tree belts and hedgerows, internal infrastructure landscaping, advance tree planting to A64 and castle Howard Road and implementation of feathered trees within native structure planting areas.
- 8.18 A secondary mitigation measure is the willingness to agree the scope of a 5-year landscape management plan, to ensure the longevity of the existing and proposed landscape infrastructure and maintain landscape quality.
- 8.19 Finally additional mitigation can be secured through the detailed planning stage where the scale, appearance and location of buildings can be agreed. The proposed high quality design of the scheme, mix of architectural elements and materials will create a mosaic of built form with landscaping rather than a homogeneous mass.
- 8.20 These mitigation measures can all be secured through condition and the Reserved Matters process and will ensure that the residential impact of the proposed is **minor** adverse.





## Appendix 1



Our Ref: 05B308081

12<sup>th</sup> June 2014

Development Management  
Ryedale District Council  
Ryedale House  
Malton  
YO17 7HH

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Hannah.andrew@gva.co.uk

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND) REGULATIONS 2011: REQUEST FOR SCREENING OPINION PURSUANT TO REGULATION 5 DEVELOPMENT PROPOSAL- LAND OFF CASTLE HOWARD ROAD, MALTON, NORTH YORKSHIRE**

We write on behalf of our client the Fitzwilliam Malton Estate, to formally request the adoption of a Screening Opinion pursuant to Regulation 5 of the above Regulations, in relation to the following proposed development on land off Castle Howard Road, Malton.

The proposals for the site are currently the subject of an outline application with detailed access (all other matters reserved) lodged with Ryedale District Council. The description of development is:

*Residential development (500 units) including a 60 unit Retirement Home plus ancillary Employment (B1, B1c), Community (D1/D2) and Retail (A1/A3/A4) Uses at land off Castle Howard Road, Malton.*

It is our view that the site does not constitute an EIA development for which an Environmental Statement would be required. This request for screening should be read in conjunction with the following submitted documents:

- Location Plan;
- Site Plan with detailed access;
- Planning Statement;
- Consultation Statement;
- Design and Access Statement;
- Transport Assessment and Travel Plan;
- Phase 1 and 2 Contaminated Land Assessment;
- Flood Risk Assessment and Drainage Strategy;
- Ecological Assessment;
- Archaeology Assessment;
- Arboreal Assessment;

- Air Quality Management Assessment;
- Noise Report; and
- Landscape and Visual Impact Assessment.

### **The site**

The application site is located to the west of Malton. It is bounded to the north by Middlecave Road with Castle Howard Road to the south. The A64 runs along the western boundary.

The site extends 21.4ha and is largely agricultural land, comprising four fields under Agricultural Holdings (1986) Act tenancies. The tenancies allow for the land to be 'resumed' if the landlord gets consent for non-agricultural development. There is a veterinary surgery located in the north eastern corner of the site with the associated land surrounding split into around 9 smaller enclosures/paddocks plus an outdoor ménage used predominantly for horse grazing and other uses ancillary to the vet's surgery.

The site slopes down towards the A64, with a low point located where the A64 and Castle Howard Road meet. However, it is broadly level with no significant changes in level. Existing fields across the site are demarcated by a number of hedgerows, many of which have been closely cropped. There are a number of trees on site and in the surrounding area. The only trees subject to a TPO are located outside of the site along the edge of Castle Howard Road.

There is a public right of way along the western edge of the site, linking Middlecave Road and Castle Howard Road. The EA's online Flood Risk Map shows the site to be located in Flood Zone 1 and so it is not considered to be at risk from flooding.

The site is well linked to the existing urban area of Malton, with residential properties bounding the site to the east and Malton School located to the north, off Middlecave Road. The land to the south of the site is Greenfield, sloping down from Castle Howard Road to York Road and the Industrial Estates located here.

Beyond the A64 to the west of the site the character of the area changes from urban to rural with the Howardian Hills Area of Outstanding Natural Beauty (AONB) boundary running through the field immediately to the west of the A64.

### **Determining whether an Environmental Impact Assessment is required**

The determination of whether EIA is required rests in the consideration of whether the development is:

- Schedule 1 development – in which case EIA is necessary; or
- Schedule 2 development – in which case EIA is necessary only if the development is likely to have significant environmental effects as referenced in Schedule 3 of the Regulations.

The proposed development does not meet any of the categories of development in Schedule 1 of the Regulations for which EIA is mandatory. However, it could be considered to fall within one of the categories of development set out in Schedule 2 of the Regulations, namely Category 10b 'urban development project'.

Whilst the Regulations note that urban development projects may include shopping centres and car parks, the list is not exhaustive and the EU Directive 85/337/EEC Interpretation of definitions of certain project categories of annex I and II of the EIA Directive states that housing development should also be considered to fall within the 'urban development project' category within category 10 Infrastructure projects.

Accordingly it is necessary to consider whether the development would be located in a 'sensitive area' as defined in the Regulations and whether it would meet the relevant thresholds and criteria contained in Schedule 2 of the Regulations. If it does, the development would be deemed 'Schedule 2' for the purposes of the Regulations and it would then be necessary to consider whether it would be likely to have 'significant' environmental effects.

### **Sensitive area**

The Regulations define sensitive areas as being:

- Sites of Special Scientific Interest (including the consultation areas);
- Land to which Nature Conservation Orders apply;
- International conservation sites;
- National Parks;
- Areas of Outstanding Natural Beauty;
- World Heritage Sites;
- Scheduled Monuments.

The site is not located within a 'sensitive area' and no Nature Conservation Order applies to the site. However, the site is acknowledged to be located in close proximity to the Howardian Hills Area of Outstanding Natural Beauty and regard must be had to the impact of the proposed on this area. A Landscape and Visual Impacts Assessment has been provided on this basis.

The River Derwent SSSI and SAC lie approximately 750m to the south of the site. The impact of the proposed on this area has been assessed in the Ecology Survey and Flood Risk Assessment.

Initial searches indicate that the site contains Historic Environment Records (HER), though this is not unusual within this area. An initial field evaluation has taken place to explore the matter further and the planning application is accompanied by an Archaeological and Heritage Assessment which demonstrates no significant environmental effect.



The site's location in close proximity to a sensitive area as defined by the Regulations, requires a robust assessment of the potential effects which could arise from any development. Therefore we go on to consider the potential impacts of the proposal in more detail, with regards to the relevant thresholds and criteria of Schedule 2.

### **Schedule 2 Thresholds and Criteria**

Relevant thresholds and criteria for categories of development listed in Schedule 2 are contained in the second column of the Schedule. The 'urban development projects' category has a threshold of 0.5 hectares. In this case 0.5 hectares is exceeded and this prompts consideration of the potential significance of any environmental effects.

A level of judgement needs to be applied to determining whether significant effects from a development are likely. In considering whether EIA is required, regard should be had to the following criteria set out in Schedule 3 of the Regulations:

- The characteristics of the development – with particular regard to the size of the development, cumulation with other developments, the use of natural resources, production of waste pollution and nuisances and the risk of accidents;
- the location of a development - the more environmentally sensitive the location, the lower the threshold at which significant effects will be likely; or
- the characteristics of the potential impact – the greater the magnitude and complexity of the impact the more significant it will be.

### **Significant Environmental Effects**

What may constitute a 'significant' effect must be assessed on the basis of the individual quantifiable facts and evidence base available relative to a particular development proposal. Given the sensitivity of the nearby AONB and River Derwent SAC and SSI, this screening opinion is based on detailed assessment of the impacts of the proposed development.

In considering the selection criteria set out in Schedule 3 of the Regulations, a rational view must be taken on the likelihood of effects arising. In our view, EIA is more likely to be required where a development is:

- a significant development of more than local importance;
- has significant impacts on an environmentally sensitive or vulnerable location; or
- a development with unusually complex or potentially hazardous environmental effects.

It is relevant to note that the basic test for the need for environmental assessment in a particular case is the likelihood of 'significant' effects on the environment.

## **Characteristics of the development**

The indicative scheme masterplan shows a proposed development of 500 dwellings, plus ancillary Employment (B1, B1c), Community (D1/D2) and Retail (A1/A3/A4) uses across the 21.4ha site. This equates to a density of 28 dwellings per hectare. This density is commensurate with the existing residential area and is considered to be appropriate based on the edge-of-urban location of the site.

A parameters plan has been produced showing maximum heights across the site. These reflect the topography of the site and sensitivity of the surrounding area. The majority of the site is 2 storey with some taller buildings located to the east of the site, providing key points of interest which enable users of the site to orientate themselves.

### *Cumulative impact alongside other development*

We have conducted a search of the site context, focusing on an area within 1km from the site. We have identified one major committed development and one major potential development scheme to the north of the site, off Broughton Road and one major potential development scheme on The Showfield, Malton.

The committed Broughton Road scheme includes 262 residential dwellings with associated garages, public open space and substation. Development has commenced on this site and is on-going at the time of submission. When the application for this development was considered by the Council it was not found to have any significant environmental impacts and an EIA was not required.

The assessments provided in support of this application and Screening Opinion have taken account of the approved development on Broughton Road. Given the scale of impacts identified and appropriateness of residential use within the context of the site, it is not considered that the proposal would give rise to any significant impacts, either on its own or cumulative with other approved developments which would give rise to significant environmental effects such as would justify an EIA.

A further application has been submitted for an additional 83 dwellings on the former allotments, located within this wider site off Broughton Road and Outgang Lane. In addition, the proposed development on The Showfield comprises 227 residential dwellings with associated infrastructure. Both applications are pending consideration. As these sites do not benefit from planning permission it is not considered that there will be a cumulative impact in relation to the subject proposals in the present circumstances.

The Council should give due consideration to any other scheme(s) that may be considered relevant to the present proposals, for the purposes of cumulative impacts in EIA terms.

### *Use of natural resources and the production of waste*

The development will not result in a significant use of natural resources. Resource use will be confined to construction materials and on-going running costs such as power and water. The proposed development would not be a high user of natural resources during the construction or operational stages.

### **Location of development**

The site does not form nor is it located within an area of environmental sensitivity as defined in the Regulations. The existing land use has limited inherent value in terms of natural resources and the environment.

The site is located adjacent to the Howardian Hills AONB, an area of environmental sensitivity. The assessments provided demonstrate that the proposed will only have a visual impact on this area and that this will not be significant. Those impacts which do arise are mitigated by the significant quantity and quality of the landscaping proposed.

The developable area of the site is not within an area at risk of flooding, according to the Environment Agency's online mapping tool; nevertheless, a Flood Risk Assessment has been prepared and is submitted with the application and Screening. This demonstrates no impact from the proposed on the River Derwent SAC and SSSI, which is located sufficiently far enough away to be unaffected by runoff associated with the development.

The ecology assessment of the proposed development similarly identifies no impact on the River Derwent SAC and SSSI.

As a result of the above, the location of development is not considered likely to give rise to significant environmental effects sufficient to warrant an EIA.

### ***Characteristics of the potential impact***

The characteristics of the effects envisaged from the development are not considered to create any distinct or unusual potential effects. The following matters are considered to be the relevant environmental considerations in line with the criteria of Schedule 3 (3). There are not considered to be any trans-frontier impacts, although where we consider an impact to be reversible / irreversible, permanent or temporary, direct or indirect we set this out below.

### ***Traffic and Transportation***

The application is accompanied by a full Transport Assessment. The transport analysis demonstrates that the proposed access arrangements are deliverable and do not give rise to issues of highway safety or air quality.



The residential development will be served by a new access from Castle Howard Road with some limited access off Middlecave Road. The access points provide a suitable highways environment in terms of safety and capacity. The Transport Assessment demonstrates capacity of the road network is not impacted significantly by increased demand and provides mitigation where necessary.

The proposals will include provision of sufficient car parking in line with planning policy. A Framework Travel Plan has been provided which will encourage the use of sustainable modes of transport. The proposals will include sufficient provision of cycle parking, with reference to planning policy.

It is not considered likely that there will be any significant transport impacts that cannot be mitigated satisfactorily and fully considered through the normal planning process. The scale of the development is not significant in the context of the road and transportation infrastructure within the vicinity of the site, nor the wider context.

It is considered that the development is in accordance with the relevant policy guidance and that the transport demand generated by the proposed land uses can be successfully accommodated by the local highway, public transport, walking and cycling networks. Any impacts will be of a local and manageable nature, which can be fully considered via the planning process and addressed through tried and tested mitigation measures which are known to be effective.

#### *Air Quality*

The proposed development will not result in any significant effects on air quality during the operation phase, given that the proposed use is residential.

The effects from the construction phase have the potential to be high, relating to dust soiling during the construction phase, based on a very much worst case scenario. However, these are not considered likely to be significant when taking account of the mitigation measures proposed and particularly as there are effective controls available to the local authority to ensure nuisance effects do not occur to surrounding receptors.

#### *Noise and Vibration*

A Noise Assessment has been carried out assessing both the impact of the proposed on existing Noise Sensitive Receptors and the impact of existing noise from the A64 on the proposed development. Noise impacts associated with changes in road traffic noise as a result of the proposed development are shown to be minor or negligible and in some cases there will be an improvement as a result of the proposed. A number of recommendations are made to mitigate the impact of noise from the A64 on the proposed.



Noise and vibration as a result of demolition and construction will be adequately controlled with tried and tested methods (such as controlled working hours) and these effects will be temporary in nature.

#### *Socio-Economic*

The proposals will result in the introduction of residential floorspace, which is appropriate to the area and will help to meet housing need and demand. The residential floorspace will include a mix of private units and affordable housing provision. The proposals will also provide construction jobs and related economic benefits.

The proposal is not of a size or development type that would give rise to significant socio-economic effects in terms of the provisions of the Regulations. Any impacts from the development can be satisfactorily assessed and mitigated, where relevant, at a local level through tried and tested means that are known to be effective.

#### *Daylight and Sunlight*

No significant impact is envisaged on the daylight and sunlight of light sensitive neighbours given the scale of the proposals and distance to neighbouring properties of the proposed buildings. Any impacts would in any case be local and insufficient to result in a requirement for an EIA.

#### *Ecology*

A Phase 1 Habitat Survey Report has been prepared in support of the application and Screening. The survey results demonstrate that overall the ecological value of the site is limited, consistent with the agricultural use. A number of trees and hedges within the site provide habitat and foraging potential and are recommended for retention where possible or replacement through the detailed landscaping design.

There is potential for the Vets Surgery and associated buildings to support bats, and a survey of this area is underway. No other additional surveys are recommended, however, a number of recommendations are made in relation to protecting wildlife during construction and mitigating against any loss of habitat within the development site.

The above investigations notwithstanding, there is noted as being no insurmountable ecological barrier to development on this site.

Overall, the site has limited ecological value and no substantial impacts are anticipated. Any impacts will be manageable with recognised and accepted mitigation, where relevant, and are unlikely to be of any more than local importance or of significance with regards to the provisions of the EIA Regulations.

The site does not include any trees that are subject to Tree Preservation Orders although there are mature trees within the main area of the site. An arboricultural survey has been

undertaken and recommendations made regarding the retention of some trees and hedges within the site. It is recognised that the significant quantum of greenspace proposed across the site provides opportunities to bring about an ecological improvement to the site, secured through a suitably worded condition. Any impacts from the development can be satisfactorily assessed and mitigated, where relevant, at a local level through tried and tested means that are known to be effective.

#### *Landscape and Visual Impact (including built heritage)*

A Landscape and Visual Impact Assessment (LVIA) was commissioned to assess the impact of the proposed, based on the indicative design of the scheme, on the wider landscape. The site location, in close proximity to the Howardian Hills AONB required this additional assessment to be undertaken. The impact on the nearby Conservation Area and Listed Buildings has also been considered.

The LVIA identifies key views of the site, in consultation with Ryedale District Council and English Heritage and assesses the impact of the proposed on these, concluding that the proposed is not highly visible due to the topography and existing landscaping. Where the development is visible, the high quality design and significant landscaping proposed will mitigate sufficiently. As such there are no issues of significance with regards to the EIA Regulations.

#### *Archaeology*

An Archaeological Evaluation by Trial Trenching was prepared in December 2013. The report concluded that the deep ploughing activity associated with the agricultural use of the site has adversely affected and removed any archaeology of value from the site. No further archaeological work is recommended.

#### *Ground Conditions*

A Phase 1 and Phase 2 Geotechnical Survey have been carried out on site. The reports identify no significant likely ground contamination and confirm the site is suitable for the use of soakaways as part of a wider drainage strategy. Groundwater contamination risk is considered to be very low. No site remediation measures are identified as necessary.

Any waste materials generated by the ground works would be classified and segregated by material type to minimise disposal costs. Any contamination found will be fully mitigated using tried and tested methods that are known to be effective. There are therefore unlikely to be any significant effects.

#### *Sustainability and Energy*

The sustainable design and energy efficiency of the proposed buildings will be addressed locally through assessment against relevant planning policies and using recognised assessment methodologies. Given the limited scale of the development, with regards to

the provisions of the Regulations, these issues can be fully addressed through the planning process and there is no need for an EIA therefore.

#### *Surface Water and Flood Risk*

Under the proposals, a significant amount shared open space, permeable paving and private garden spaces will allow for sufficient surface water infiltration. The detailed proposals will be designed to ensure that run-off levels are appropriate and in accordance with the overall drainage strategy for the site.

The developable area of the site is not within an area at risk of flooding, according to the Environment Agency's online flood risk map.

#### **Conclusions**

Given the nature of the development and lack of sensitivity of the site in EIA terms, it is concluded that any effects of the development will be local to the site and its immediate surroundings and no 'significant environmental effects' are likely to arise.

For the reasons set out above, these effects are not considered significant or of an unusually complex nature. Any effects will be of local importance and, as a result, the likely effects are capable of being properly considered as part of the normal planning application process and do not warrant an EIA.

As such, it is our view that the proposed development does not comprise EIA development and that no Environmental Statement should be required to accompany the planning application.

We therefore kindly request that the local planning authority adopts a Screening Opinion to confirm that no Environmental Statement will be required for the proposal. In accordance with Regulation 5(5) we look forward to hearing from you within the statutory 21 day period.

Please do not hesitate to contact me if you wish to discuss anything further.

Yours sincerely,

**Hannah Andrew MRIP**  
**Principal Planner**  
**For and on behalf of GVA**



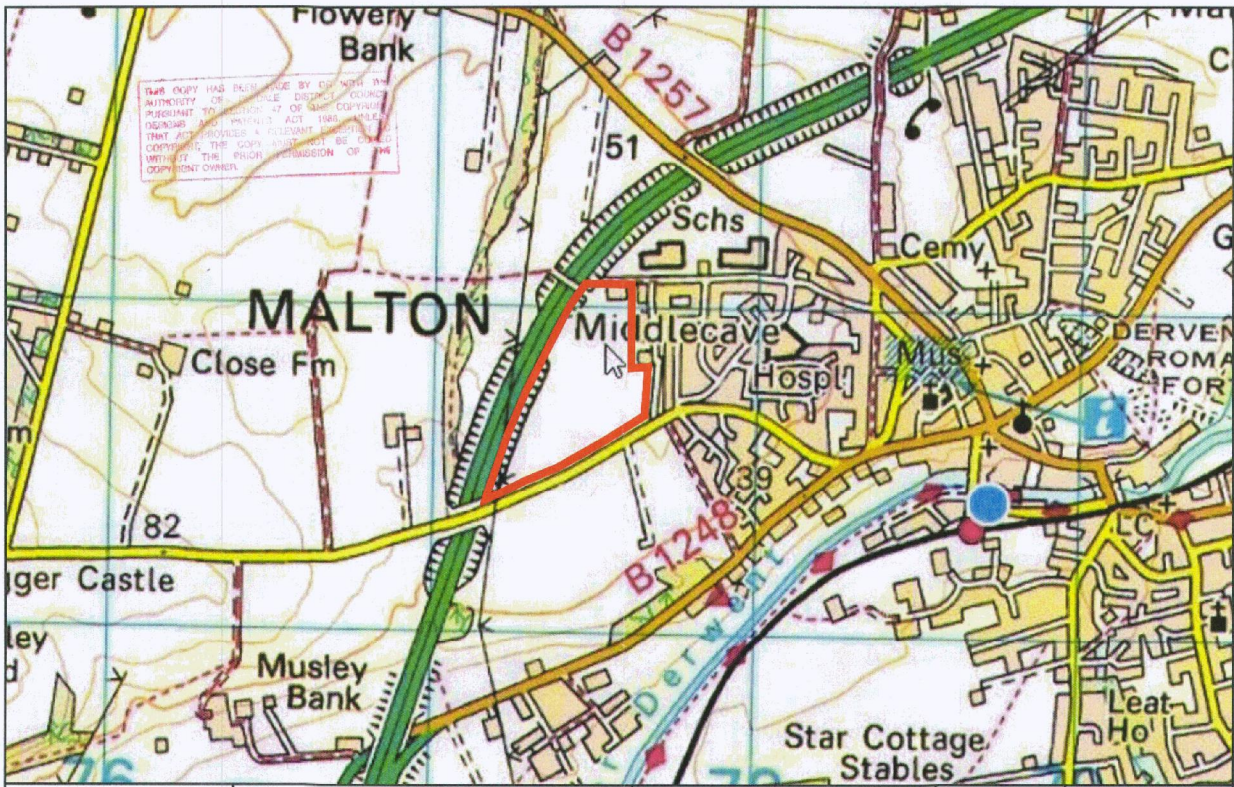
## Appendix 2



Jan Maciag Architects 21 Commerce Road Lynch Wood Peterborough PE2 6LR (01733) 391953	Project High Malton	Drawing Title Red Line Plan on existing	Date May 2014	DRAWING NUMBER 137-5a
			Scale 1:1000	

ALL WORK HAS BEEN MADE BY OR FOR THE  
 ARCHITECT TO THE BEST OF HIS KNOWLEDGE  
 AND BELIEF AND TO THE BEST OF HIS  
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NOTES:

Client  
 The Fitzwilliam Malton Estate  
 Job Title  
 Castle Howard Road, Malton, North Yorkshire

Scale @ A3  
 1:10000  
 Drawn by IAC  
 Date Oct 2013

Drawing Title	
Location Plan 2	
Drw.No.	Rev.
8757-LP-2	



## Appendix 3





Ms Hannah Andrew  
GVA  
First Floor  
City Point  
29 King Street  
Leeds  
LS1 2HL

25 July 2014

Dear Ms Andrew

**APPLICATION NO:** 14/00681/SCR

**DESCRIPTION:** Screening opinion for residential development of 500 units

**LOCATION:** Land North Of Castle Howard Road Malton North Yorkshire

With reference to your letter dated 12 June 2014 requesting a formal screening opinion of the Local Planning Authority under the above regulations and in respect of the above proposal.

This screening opinion is made under Section 5 of the Regulations and is informed by the information that you have provided to the Local Planning Authority to date.

Having reviewed the application details and information and the screening request details submitted to the Local Planning Authority, I can confirm that under the provisions of the legislation, the proposal is not a Schedule 1 development as it is not one of the projects listed in the legislation as Schedule 1 development.

It is the opinion of the Local Planning Authority that the proposal is Schedule 2 development, being an urban development project which exceeds 0.5 ha in area. As such the proposal must be screened in accordance with Schedule 3 of the Regulations which requires the consideration of three matters:

- Characteristics of development
- Location of development
- Characteristics of the potential impact

Having taken into account the selection criteria listed above, the Local Planning Authority is of the opinion that because of its nature, size and location, having regard to the environmental sensitivity of the area, the proposed development is EIA development and consequently an Environmental Statement is required to accompany the application. This particularly relates to the fact that it is considered that the proposal is likely to result in a significant effect in terms of landscape character and visual impact and is in a sensitive location adjacent to the Howardian Hills AONB and is located within the setting of the AONB.

The site area is 21.75 ha and is of a scale which is significantly above the 0.5 ha threshold in the 2011 regulations. The site is currently largely in agricultural use and the character will be altered by the proposal. Elements of the proposal are of a substantial height and it is considered that the scale and characteristics of the development is therefore significantly different to the existing use of the site.

The site lies in close proximity to the boundary of the Howardian Hills Area of Outstanding Natural Beauty. It comprises gently undulating fields which provide a soft rural edge to the Town. Through a combination of landform, tree cover and hedging there is very little visual evidence to suggest that the site actually abuts the existing built up area of a Town. The site together with a triangular shaped field to the west of the A64 form the setting of the AONB and the Local Planning Authority consider it to be a sensitive location in terms visual impact and landscape character. The development will be visible from Public Rights of Way which lead into and through parts of the AONB and is visible from some, albeit limited locations within the AONB.

The Landscape and Visual Impact Assessment prepared to support the proposal concludes that at one location( which whilst outside of the AONB is on a route used by users of the AONB) the impact associated with some elements of the development ( the lower structures) to be major adverse/ moderate adverse in the short to medium term. Within this location, this is considered to be significant in EIA terms. Moreover, the LVIA provides little evidence to demonstrate that the effect of taller structures on the development will not result in a significant effect in terms of visual impact in this sensitive location in the long term.

The requirement for an Environmental Statement to be provided with the application will ensure that landscape impacts associated with the proposed development together with mitigation measures are robustly identified in order to inform the decision making process.

Yours Sincerely

Gary Housden  
Head of Planning and Housing



## Appendix 4

Date: 20 January 2015  
Our ref: 139337  
Your ref: 14/00678/MOUT



Jill Thompson  
Ryedale District Council  
Ryedale House  
Malton  
North Yorkshire  
YO17 7HH

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

**BY EMAIL ONLY**

T 0300 060 3900

Dear Jill

**Planning consultation:** Additional information: Outline application for the demolition of outbuildings and erection of mixed use residential-led development

**Location:** Castle Howard Road, Malton

Thank you for your consultation on the above dated 05 December 2014.

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

#### **Landscape advice - Howardian Hills AONB - Objection**

Natural England has assessed this application and has identified a likely significant impact on the purposes of designation of the Howardian Hills AONB. We therefore object to this development. The photomontages for Viewpoints 7 and 10 demonstrate a significant adverse impact on views from the AONB, even after 10 years' growth of landscape planting, both with and without the towers. There will therefore be a significant impact on landscape character in the setting of the AONB, with the view towards Malton becoming dominated by the urban edge, and the landscape planting itself also foreshortening the view from the AONB.

Whilst we consider that the LVIA has been carried out to a satisfactory methodology in accordance with the Guidelines for Landscape and Visual Impact Assessment<sup>1</sup>, there are a number of locations both along Broughton Lane (between viewpoints 7 and 9), and on the footpath running between Broughton Lane and Middleclave Road (between viewpoints 4 and 7 on Plan 7 of the LVIA), where views of the site can be obtained from within the AONB but which have not been included in the assessment. Views from the latter would appear to be particularly significant as footpath users heading east would be directly facing the site. Viewpoint 9 also does not appear to have been included in the plates; the photograph labelled viewpoint 9 in Plate 6 appears to be taken from the corner of Braygate Street and Swinton Lane (marked as Viewpoint 8).

We do not agree with the arguments made in the ES Addendum that receptors at Viewpoint 10 are less sensitive, either due to the location on a footpath, or because the view itself does not include the AONB. The view will be experienced intermittently through gaps in the trees when using the footpath running along the AONB boundary, with a number of larger gaps of which Viewpoint 10 is one example. This view of the AONB setting would be changed from a largely rural landscape to one

<sup>1</sup> Guidelines for Landscape and Visual Impact Assessment, 3<sup>rd</sup> Edition. Landscape Institute / Institute for Environmental Management & Assessment, 2013.

dominated by urban edge. We do not agree with the conclusion that the overall significance of the impact on the AONB will reduce to minor after 3 to 5 years. The LVIA and the ES Addendum also fail to recognise that the impact of the built form will be more apparent during winter, when the trees are not in leaf.

We note that the application is currently at outline stage. Whilst we welcome the proposal to provide publicly accessible open space on the site, we advise that further mitigation measures are put in place as part of the site masterplan in order to reduce the adverse impact on views from the AONB. This may include reducing the height of the buildings to be more in keeping with the existing character of the setting of the AONB, and to enable them to be more easily screened by landscape planting.

As previously advised, we are satisfied that sufficient information has now been submitted to demonstrate that the proposal is not likely to have a significant effect on the River Derwent Special Area of Conservation, either alone or in combination with other plans and projects.

We would be happy to comment further should the need arise but if in the meantime you have any queries, please contact James Walsh on 0300 060 1832. For any new consultations or issues, please contact [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

James Walsh  
Yorkshire & Northern Lincolnshire Team



# Howardian Hills

Area of Outstanding Natural Beauty

The Mews, Wath Court  
Hovingham, York, YO62 4NN

T. 08450 349 495  
E. [info@howardianhills.org.uk](mailto:info@howardianhills.org.uk)  
W. [www.howardianhills.org.uk](http://www.howardianhills.org.uk)

A joint partnership funded by Defra, North Yorkshire County Council (Host Authority), Ryedale District Council and Hambleton District Council; also involving Ryedale and Hambleton Parish Councils, Natural England, Country Land and Business Association, National Farmers Union, Ramblers and Forestry Commission

Development Management  
Ryedale District Council  
Ryedale House  
Malton  
North Yorks  
YO17 7HH

Contact: Paul Jackson

My Reference:

Date: 4 March 2015

Dear Sirs

## 14/00678/MOUT: Outline application for the demolition of outbuildings and erection of mixed use residential-led development; Castle Howard Road, Malton

In response to the letter submitted by GVA, dated 13<sup>th</sup> February, I have the following observations to make:

- I apologise if my comments have caused offence to anyone, but I'm afraid that many years of dealing with sub-standard or apparently 'selective' documents have made me somewhat cynical. It should also be borne in mind that I scrutinised the photomontages in the context of the erroneous first draft of Viewpoint 7 which was presented to Ryedale DC in September 2014. As I pointed out, this had translocated the development to a different site over half a kilometre away, in a field west of the A64 and north of the Middlecave Road footpath. This was a fundamental error that had clearly been missed during the preparation and checking stage, which of course meant that I was bound to examine any subsequent work very carefully in order to test its veracity and plausibility. In relation specifically to Viewpoint 7, I stand by my original comments that, using the known fixed points on the base plan, I believe that the orientation tower ought to be further to the north in the photomontage than is currently shown.
- Upon re-reading paragraph 2.18 of the Planning Statement Addendum I see now that the context relates only to the Middlecave Road footpath in so far as it extends to The Plantations at the edge of the AONB. I had interpreted it as continuing on towards Viewpoint 7, and hence into the AONB, which is what it actually does on the ground. In the context of the footpath stopping at the 'crossroads' at the edge of the AONB then my statement indeed becomes incorrect.
- I'm afraid that the rebuttal of my observation about a skyline of housing units of more than 2 storeys being visible from Viewpoint 10 misses the point that I was making. Whilst the *numerical* majority of the proposed units may indeed be two storeys or less, the *distribution* of units of more than 2 storeys across the *whole* development site means that there are very few east/west 'transects' that do not have a unit of higher than 2 storeys somewhere on their length. This creates the visual effect of a nearly continuous skyline of buildings higher than 2 storeys.

Cont'd...



As somewhat of an aside, but nonetheless important in a debate about accuracy, I noticed in the course of re-examining my previous hypotheses that the 2 storey employment block in the very south west tip of the site appears to have been missed off the photomontage. Due to the separation distance from the remainder of the development this would appear from Viewpoint 10 as an isolated building sky-lined on its own.

- The apparent differences in interpretation about the location of the orientation feature in the photomontage from Viewpoint 7 and the skyline of 2 storeys or more as seen from Viewpoint 10 could I feel be resolved by discussion at a meeting. I note however that further LVIA work is planned and it may be more appropriate to wait until this has been finished. On the other hand, any further work needs to progress from a mutually agreed consensus and it might seem sensible to resolve the points of contention before any further photomontages are prepared?

Yours sincerely

P B JACKSON  
AONB MANAGER



## Appendix 5



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5 January 2015

Dear Mrs Andrew

**Planning Application Ref: 14/00678/MOUTE**

Thank you for the Environmental Statement, Planning Statement addendum and the new Landscape and Visual Impact Assessment that you have provided as part of the above application. I will take the opportunity in this letter to provide you with my initial response to this work as well as to outline the implications for the way forward as I see them and finally, to take stock of outstanding information now that the Council has received the ES and is in a position to resume consideration of the application.

**Environmental Statement and LVIA**

I have two concerns about the ES and LVIA. I do not share the conclusions that the overall impact of the development amounts to a minor adverse effect. Although the LVIA contains a limited suite of photomontages, the development of the site would result in a significant adverse visual impact from at least one viewpoint - the photomontage from viewpoint 10 is a good example. I appreciate that the ES recognises the visual impact of the development from this viewpoint but I do not share the conclusion that this results in an overall moderate impact. Clearly this is a matter of judgment but it is important that you are aware that I do not share all of the conclusions of this work.

Secondly, I have some concerns about the methodology used for the LVIA. Some of the documentation provided indicates that RDC and the AONB officer agreed the methodology used. This is correct but only insofar as viewpoints were agreed. The methodology used to draw conclusions on the significance of the visual impact is not something either myself or the AONB officer have previously endorsed. Indeed, I have to say that I am struggling to understand how the conclusions of the overall significance of impact have been made. This is not clear in the LVIA or ES. Your client is aware that the LPA is seeking an independent view on this work which we expect to receive in mid-January. Once this is received I will forward it to you in order for you to provide a response.

It is my informal opinion that the development as illustrated in the DAS and indicative plan is not acceptable to this authority. The visual impact of the illustrative scheme in this sensitive location is not acceptable and I am of the view that the mitigation measures suggested in the ES are insufficiently holistic to mitigate the visual impact of the scheme and to reduce harm to the visual amenity of users of the Rights of Way into and within the AONB. I am also concerned that the suggested scale and proportions of the buildings in



and around the 'village centre' which appear to be of town centre scale proportions does not reflect the site's context and its relationship between its surroundings and the existing townscape.

The contributory factors to these concerns are the suggested scale and height of buildings and structures and the layout and orientation of buildings. Consequently, I cannot support:

- The indicative layout plan
- The storey height parameters included within the indicative layout plan which range as high as 5 storeys
- Some of the principles included within the DAS

The District Council is a positive and proactive planning authority. However, in determining an application for EIA development, the Authority must be confident that all mitigation measures have been or are capable of being employed to avoid or mitigate any harm which arises as a result of a scheme before it then proceeds to balance the planning benefits of a proposal and determines whether it considers development to be acceptable in principle. I am confident that the impact of development on the site is capable of being mitigated through measures which include a phased landscaping scheme, a significant reduction in the height of taller elements of the scheme and through the location and orientation of development on the site.

I am mindful that your clients application is in outline and that your client is keen for it to remain in outline. I have previously indicated that if building height parameters could be agreed so as to mitigate their visual impact then this represents a potential way forward. I would add (following receipt of photomontage of viewpoint 10) that this would also demand revision to the indicative layout plan to help to mitigate the visual impact associated with the scheme from the west. It is however, clear from the recently submitted information that this is not something that your client believes to be necessary. I would urge you to reconsider this as a way forward.

Alternatively, the only remaining way in which I can respond positively and proactively to your clients application in outline will be to advise the Planning Committee of my concerns and to recommend that they consider the application purely as a 'red line' outline scheme and on the basis of the description of the development applied for. If the committee resolve to approve the application on this basis, it is likely that this will be on the condition that it would not confer approval of any of the illustrative material. It is important that you are aware of this as this will have implications for any subsequent application for reserved matters and the timing of the submission of all layout, scale and landscaping details. Given that this presents a way forward and that the application material now recognises the fact that the site is clearly visible from the AONB and is EIA development, I can confirm that the Council will withdraw the Section 4(2) letter issued last July.

#### **Outstanding Information and the draft Section 106 clauses**

I would also like to take the opportunity of this letter to clarify the information which I believe to be currently outstanding and to provide you with some initial feedback on the draft Section 106 clauses which you have provided.



You indicated in September that your client intends to submit a viability assessment. I would be grateful if you could confirm when this is likely to be received. The Council will need to commission support to consider the viability assessment in detail and therefore an indication of when this information is likely to be submitted would be very helpful. I am mindful that the revised decision date for this application is 26 March 2015 and therefore it is important that this information is made available soon.

It is my understanding that revisions to the Transport Assessment will be finalised once outstanding information is considered by NYCC. I understand that progress has been made on this and that NYCC are now only awaiting information in terms of future years traffic analysis. I also understand that further detailed site access drawings and the proposed arrangements for the York Road junction have been submitted to NYCC for their consideration. I would be grateful if you could ensure that BGH provide me with a copy of these drawings so that I am able to keep track of progress on these matters. We have previously discussed that fact that revisions to the TA may have implications for the Air Quality report and we have discussed the need for a meeting with Environmental Health officers to discuss their comments in relation to noise and air quality matters.

I have previously sought clarification of the heights of buildings associated with each of the different story height parameters and used as a basis for the sketch up model in the LVIA. I apologise if this information is included in the supporting documentation and if I have overlooked it but I would like my report to Members to contain accurate information. If your client does not wish to confirm these details I would be grateful if you could confirm that the following is an accurate interpretation of the information provided.

Plan 3 of the latest LVIA provides information relating to maximum ridge heights across the different blocks. The LVIA also notes that the site generally sits on the 60 m contour. Using this information I have taken this information to mean that:

- the 5 story tower on the Middlecave Road side of the site is approximately 17 m in height
- In addition to the 30m orientation tower, the tower at the Castle Howard Road end of the site is approximately 27m in height.
- The maximum ridge height of buildings will be approximately 14m in Block D; 14.3m in Block F and 15.8m in Block J.

The text on Plan 3 is very difficult to read and I would appreciate it if you could confirm whether I have misread or misinterpreted any of this information. The Planning Statement addendum on the other hand makes reference to the towers terminating approximately 10m above the general roofscape. This would imply that the general roofscape is between 17-20m at ridge height, which appears to be different to the information/figures in the LVIA. Again it would be helpful if you could clarify this matter.

I have also previously sought reassurance that affordable housing contributions are capable of being delivered by Registered Providers. I have expressed some concern that Registered Providers may not wish to acquire properties if it is your client's intention to apply service charges and restrictive covenants across the site. You were going to confirm whether or not Registered Providers are interested in the scheme and I would be grateful if you could update me of the current position in this respect and the basis on which



discussions with RP's have progressed. You will appreciate that I do need to be confident that affordable housing contributions are capable of being delivered and I do need your written confirmation that there is interest from Registered Providers that are willing to take the affordable properties on if service charges and covenants are to be imposed.

I have also asked if you are able to confirm the agricultural land classification of the site. Our records show that it is Grade 3 but are not broken down further. It would be helpful if you could confirm the classification if this is information that your client holds.

The Planning Statement Addendum makes reference to the provision of land for a potential school. I am heartened that this reflects the discussions that we have had in relation to the contributions that are required to mitigate the impact of the proposal on primary education provision. However, I would be grateful if you could confirm the location and extent of this land and the basis on which your client is prepared to make this contribution. I will then be in a position to confirm whether this is in turn, acceptable to the education authority. I have made the point that the location of land for a new school could have implications for the access to the application site at Castle Howard Road – the proposed elongated roundabout. The position of the elongated roundabout and any Stage 1 safety audit will need to consider the need to ensure that access to the site can be successfully achieved in a way which ensures that safe access to a new school on foot and by car can be achieved in principle.

The level and type of open space provision on the site also requires confirmation. I do acknowledge the fact that you are confident that open space requirements can be easily achieved within the site and that supporting information indicates that the scheme would provide informal recreational greenspace, childrens playspace, allotment provision and a community hall. In terms of the Council's policy, the only open space typology that the site does not directly contribute to is formal sport provision.

I share your confidence that the scheme can meet on-site requirements for informal amenity greenspace (this will equate to approximately 1.50 ha using our standard). The supporting information refers to amounts of greenspace which include structural landscaped areas. Whilst these areas may be capable of some recreational use, including informal play and walking, the landscaped areas will not be suitable areas to provide level and open space for ball games etc. It would assist my understanding of the proposal if you could confirm the approximate size of the village greenspace as a separate figure from the structural landscaped areas. I am of the view that the village green space has the potential to provide a significant strategic amenity space. This is a significant benefit of the scheme although it is important that it is available for ball games and informal play as well as catering for passive recreational activity.

Additionally, the scheme would generate a requirement for a minimum activity zone area of approximately 0.36 ha of land to be made available for formal children's play in the form of a NEAP, LEAP and LAP's. I would be happy to discuss how formal play equipment may be best accommodated into the scheme as I am of the view that the site provides exciting potential to design sympathetic and creative children's play space.

Your client intends to make land available for a school which will include an area of playing field. If the community hall is capable of providing some form of indoor formal sport (carpet





bowls, badminton etc) and areas of the landscaping are designed to provide jogging or trim trail routes, this would ensure, in my informal opinion that the scheme does provide for formal recreational/ sport activity.

A strategy for the provision and use of open space on the site will be a condition of any approval of the scheme and I think that as well as confirming the level of provision, there is benefit in discussing how the open spaces may be used at this stage.

Please let me know if there is any further information which I have overlooked and which you believe to be outstanding.

Thank you for the draft Section 106 agreement. Clearly you will not be able to confirm the details of the quantum of most contributions until the viability assessment and the work on which it depends is complete. However, consideration of the draft S.106 clauses at this stage is helpful in identifying issues which may affect the deliverability of the contributions and the progress in completing the agreement should Members be minded to grant permission for the proposal. I have forwarded the draft Section 106 agreement to the Council's legal team and to colleagues in housing for their consideration and I will be in touch with you after Christmas. In the meantime, I have a number of initial comments which I would like to raise with you.

The Highway contribution clauses appear to refer to a traffic regulation order at a bridge. I think that these clauses may have been included inadvertently. Clauses will need to be inserted to secure financial contributions to Brambling Fields.

I have also noted that definitions of the Public Open Space in the draft Section 106 appear to restrict play equipment from being sited on Public Open Space. I have mentioned that I believe that the nature of the use and level of open space provision does need to be confirmed. Notwithstanding this, it is this Council's policy to ensure that formal and informal children's playspace is secured on sites of this size as part of open space provision. Information supporting the application indicates that this is what is proposed but the definition in the draft Section 106 appears to contradict this. I would be grateful if you could confirm if the definition has been drafted in error and that your client intends to ensure that formal play equipment is to be sited within the scheme.

I have also noticed that the open space clause makes reference to the preparation of a specification for the public use of the open space on the site. I would make the point that a specification for the public open space would be secured by way of a condition of any approval of the scheme rather than through the Section 106, notwithstanding this, it is important that I understand what this is intended to mean. I would appreciate it if you could make me aware of any restrictions your client intends to impose on the public use of these spaces. I should point out that the LPA will expect public open space on the site to be available for public use, including wider members of the community and not be restricted to residents of the scheme. Similarly, the LPA would not expect play or ball games to be restricted on public open space within the site.



The Section 106 agreement would need to include clauses relating to the transfer/timing of the transfer of land for educational purposes should planning permission be granted for the application. The education clauses also need to cover the financial contribution for secondary school provision.

Finally, the draft Section 106 includes a number of clauses which are intended to protect your client in the event that the Community Infrastructure Levy is introduced. Whilst I fully understand your client's position and concerns in relation to this matter, I am of the view that these clauses are not something that the Council can agree to. If the Section 106 agreement is completed prior to the introduction of CIL then the development will not be liable for CIL. I hope that this clarifies this point but if I have misunderstood the intent of these draft clauses, please let me know.

I would be grateful if you could share this letter with your client and provide me with the information and written clarification on the matters that I have raised. I think that it would be very helpful if we could then arrange to meet to discuss progress.

Yours Sincerely

*Jthompson*

Mrs Jill Thompson

Forward Planning Manager



## Appendix 6