

Item Number: 9
Application No: 16/01133/MFUL
Parish: Scampston Parish Council
Appn. Type: Full Application Major
Applicant: Environment Agency (Mr Roger Martin)
Proposal: Works to a 300m section of the River Derwent near Yedingham to undertake river restoration and habitat creation in a flood plain field to the south of the current river course to include lowering of land levels and formation of breaches in the flood bank
Location: Land To East Of Ings Farm Malton Road West Knapton Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 20 October 2016
Overall Expiry Date: 19 September 2016
Case Officer: Helen Bloomer **Ext:** 328

CONSULTATIONS:

Parish Council	No views received to date
Parish Council	No views received to date
Tree & Landscape Officer	No objection
Countryside Officer	No views received to date
Vale Of Pickering Internal Drainage Boards	No objection
Sustainable Places Team (Yorkshire Area)	No objections
Natural England	No objection
Lead Local Flood Authority	No objection - comments made
Archaeology Section	Recommend conditions

Neighbour responses: Professor Dominic Powlesland,

SITE:

The application site is located in an arable field on the southern bank of the River Derwent approximately 600 metres west of the Development Limits of Yedingham. The southern boundary to the site has an existing mature hedgerow.

The site is within Flood Zone 2&3.

PROPOSAL:

Planning permission is sought for works to a 300 metre section of the River Derwent near Yedingham. It is proposed to undertake river restoration and habitat creation in the flood plain field to the south of the current river course to include lowering of land levels and formation of breaches in the flood bank.

Members should note that the application as submitted would ordinarily constitute 'Permitted Development' under Schedule 2 Part 13 Class D of The Town and Country Planning (General Permitted Development) Order 2015. However, as the Environment Agency (the applicant) does not have an 'interest in the land' as defined by Parra 263 of the Town and Country Planning Act 1990, planning permission is required.

HISTORY:

There is no planning history.

This application is brought to Members for determination because the size of the application site means that the development constitutes 'major development'.

POLICY:

Ryedale Plan - Local Plan Strategy

Policy SP12 - Heritage

Policy SP13 - Landscapes

Policy SP14 - Biodiversity

Policy SP17 - Managing Air Quality, Land and Water Resources

Policy SP20 - Generic Development Management Issues

National Planning Policy Framework

National Planning Practice Guidance

APPRAISAL:

The main considerations are:

- i. Impact on Flood Zones 2 & 3
- ii. Impact on archaeology
- iii. Landscape
- iv. Biodiversity

Impact on Flood Zone 2 & 3

The application site is located in Flood Zone 2 & 3. However the proposed development represents infrastructure works being carried out by the Environment Agency. Given the nature of the works proposed by definition, it has to take place within the Flood Zone.

The submitted Flood Risk Assessment has concluded that the proposed development would result in minor localised improvements for the risk of flooding upstream and also through the application site. Down stream the proposed development would not have an effect of flood risk.

The Environment Agency has raised no objection in terms of flood risk, providing that the development is to be carried out strictly in accordance with the submitted Flood Risk Assessment. It is therefore recommended such a condition is applied to an approval if planning permission is granted.

The Vale of Pickering Internal Drainage Board, have confirmed that they have been actively involved in this project. They consider the proposed development would provide a valuable asset to biodiversity research and the IDB raises no objection to the application.

The North Yorkshire County Council SuDs and Development Officer has also raised no objections.

Archaeology

The site is within the prehistoric archaeological landscape of the Vale of Pickering. Policy SP12 seeks to assist in protecting the District's Historic assets and features by working with partners and landowners to encourage sensitive land management in the Vale of Pickering.

North Yorkshire County Council's Archaeologist has confirmed that the proposed development lies within an archaeologically sensitive landscape. There are known sites of interest in close proximity to the development site include Bronze Age and Iron Age burial mounds, enclosures and field systems. The archaeology within the Vale of Pickering is of national significance and includes the internationally important, early Mesolithic wetland landscape at Star Carr.

The development site is of particular interest as it is close to the former course of the River Derwent and it is possible that well-preserved palaeoenvironmental deposits survive, particularly peats and other organic sediments. These serve as an excellent medium for the preservation of not only archaeological remains but also encode information about changes in climate and the local environment.

Whilst the NYCC Archaeologist has raised no objection to the proposed development, a condition is recommended requiring a Written Scheme of Investigation to be submitted prior to the commencement of works on site. The purpose of which is to 'advance our understanding of the archaeology and palaeoenvironment of the area'. This advice is in accordance with the Historic Environment policies within Section 12 of the National Planning Policy Framework 2012 (paragraph 141).

Subject to the recommended conditions it is considered that the proposed development would comply with the aims of Policy SP12 of the Ryedale Plan - Local Plan Strategy and Section 12 of the NPPF.

Landscape

Policy SP13 (Landscapes) requires that development proposals should contribute to the protection and enhancement of distinctive elements of landscape character. This includes the pattern and presence of distinctive landscape features and natural elements including woodland, habitat types, landforms, topography and watercourses.

The proposed lowering of land levels and formation of breaches in the flood bank would be virtually hidden from public vantage points. However, where views onto the site can be obtained it is considered that due to the design and nature of the proposed development, would sit well in terms of the existing land forms and landscape features.

The Council's Tree and Landscape Officer considers that:

the development is screened from public views by hedges and prevailing land forms. The proposed alteration in land form also appears to retain most of the existing trees and scrub therefore I have no objections to this proposal.

Biodiversity

Policy SP14 supports investment in the conservation, restoration and enhancement of biodiversity in Ryedale, including the Vale of Pickering.

The application site is in close proximity to a European designated site and it is functionally connected to the Humber Estuary Special Area of Conservation (SAC) and the River Derwent SAC.

Regulation 61 and 62 of the Habitats Regulations requires that a Habitats Regulations Assessment (HRA) must be carried out to ascertain whether the development proposed has the possibility of having a significant effect on the designated site.

In assisting the Local Planning Authority Natural England has carried out its own assessment, in which they conclude:

The proposal is not necessary for the management of the European site; and furthermore

That the proposal is unlikely to have a significant effect on any European site and can therefore be screened out from any requirement for further assessment

Natural England in reaching these conclusions with regard to the likelihood of 'significant effect' conclude:

This stretch of the river has been identified as unsuitable for spawning lamprey;

The works include a check on removed sediment to ensure any lamprey ammocoetes, transformers or spawn is returned to the river.

Natural England also conclude that in relation to the Wildlife and Countryside Act 1981(as amended) despite the close proximity of the site to the River Derwent SSSI, *this does not represent a constraint in determining this application.*

Consequently Natural England has raised no objections to the proposed development.

The Councils Countryside Officer has completed a HRA. *The District Council, as a competent authority under the relevant legislation has considered information provided by the applicant and has concluded that the proposed development (alone and in combination with other new development) will not have a significant effect on the River Derwent SAC. Furthermore the integrity of the River Derwent SAC would not be adversely effected.*

The Council's Countryside officer has raised no objection to the proposed development subject to the recommended conditions.

At the time of writing no written representation has been received from the Parish Council.

A consultation response has been received from The Landscape Research Centre (LRC). Whilst the full version of their response can be viewed on the public access a summary has been provided. The LRC wish to draw attention to the fact that the site is situated within an archaeologically sensitive landscape and as such, they consider a condition is necessary in relation to a watching brief.

In light of the above assessment, the recommendation is one of approval.

RECOMMENDATION: Approval

1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

- Drawing Number 1, received by the Local Planning Authority on the 21 July 2016
- Drawing Number 2, received by the Local Planning Authority on the 21 July 2016
- Drawing Number 3, received by the Local Planning Authority on the 21 July 2016
- Drawing Number 4, received by the Local Planning Authority on the 21 July 2016
- Drawing Number 5, received by the Local Planning Authority on the 21 July 2016
- Drawing Number 6, received by the Local Planning Authority on the 21 July 2016
- Drawing Number 7, received by the Local Planning Authority on the 21 July 2016
- Drawing Number 8, received by the Local Planning Authority on the 21 July 2016
- Drawing Number 9, received by the Local Planning Authority on the 21 July 2016
- Drawing Number 10, received by the Local Planning Authority on the 21 July 2016

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

- 4 No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 03 .

Reason: This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

- 5 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 03 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

- 6 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessments (FRA) received by the Local Planning Authority on the 21 July 2016.

Reason: In order to reduce the potential risk of flooding.

- 7 No removal of hedgerows, trees or shrubs shall take place between 1st of March and 16th of August inclusive, unless a competent ecologists has undertaken a careful, detailed check of vegetation for active birds nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority and a follow up breeding bird survey 12 months after the completion of the works should be undertaken and submitted to the Local Authority.

INFORMATIVE:

- 1 any resulting reports from the archaeology fieldwork should be forwarded to the Historic Environment Record Officer at North Yorkshire County Council for inclusion in the North Yorkshire Historic Environment Record.

Background Papers:

Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties