

Murton Parish

Neighbourhood



**Habitats Regulation Assessment
Screening Report**

Submitted Version

**(Regulation 16)
July 2024**

Plan

2024-2044



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1. Introduction

- 1.1 This Habitats Regulation Assessment Screening Report has been prepared by the Murton Parish Council in conjunction with the City of York Council (CYC) in accordance with the Neighbourhood Planning (General) Regulation 2012 and Habitats Directive to support the Murton Parish Neighbourhood Plan (MPNP).
- 1.2 The aim of this Screening Report is to assess whether there are likely to be significant effects on the qualifying features of European Designated Sites as a result of the emerging policies set out in the submission draft Neighbourhood Plan that would make necessary the production of a full Habitats Regulations Assessment.
- 1.3 This report assesses, as far as practical, whether there are likely to be any significant effects on European Designated Sites within or relatively proximate to the approved Murton Neighbourhood Plan area.

Legislative Basis

1.4 Article 6(3) of the EU Habitats Directive states that:

“Any plan or project not directly connected with, or necessary to, the management of the [European] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”

1.5 The purpose of the Habitats Regulations Assessment (HRA) is therefore to ensure the protection of European Designated Sites (Natura 2000¹) wherever practicable.

1.6 European Designated Sites (Natura 2000) include **Special Protection Areas** (SPAs) and **Special Areas for Conservation** (SAC). As a matter of policy, the government also expects authorities to treat **Ramsar sites, candidate Special Areas of Conservation** (cSAC) and **proposed Special Protection Areas** (pSPA) as if they are European Designated Sites for the purpose of considering development proposals that may affect them.

1.7 Definitions (taken from the DEFRA- Joint Nature Conservation Committee):

1.8 **Special Protection Areas** (SPAs) are strictly protected sites classified in accordance with Article 4 of the EC Birds Directive, which came into force in April 1979. They are classified for rare and vulnerable birds and for regularly occurring migratory species.

1.9 **Special Areas of Conservation** (SACs) are strictly protected sites designated under the EC Habitats Directive. Article 3 of the Habitats Directive requires the establishment of a European network of important high-quality conservation sites that will make a significant contribution to conserving the 189 habitat types and 788 species. The listed habitat types and species are those considered to be most in need of conservation at a European level (excluding birds).

1.10 **Ramsar sites** are wetlands of international importance designated under the Ramsar Convention².

1.11 There are four main stages to consider in the Habitat Regulation Assessment

¹ **Natura 2000** is a network of core breeding and resting **sites** for rare and threatened species, and some rare natural habitat types which are protected in their own right. It stretches across all EU countries, both on land and at sea.

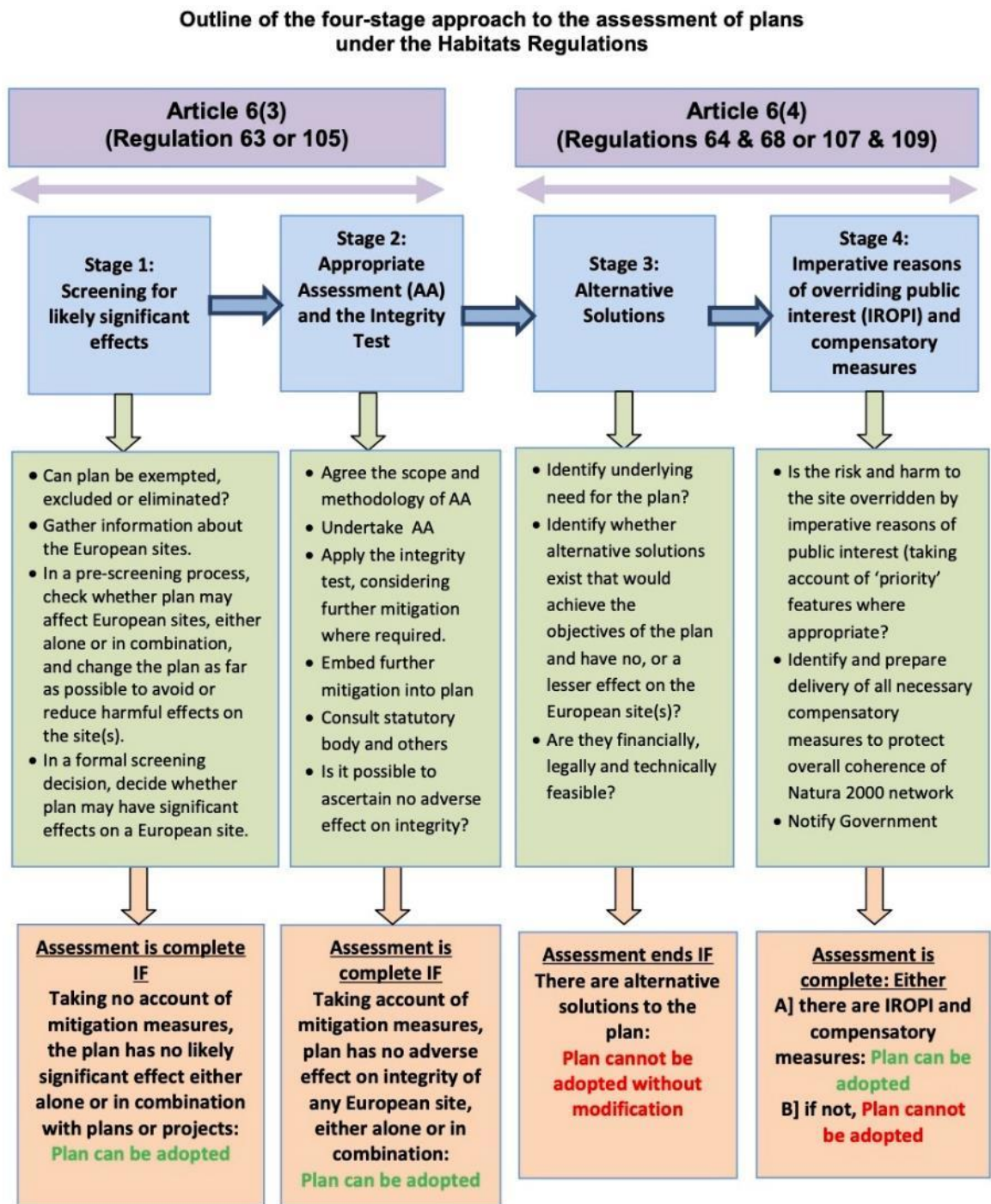
² The **Ramsar Convention** is an international treaty signed by 170 countries to protect wetlands. These 170 countries together designated over 2,300 **Ramsar** wetlands that they promise to protect and manage in a sustainable way. Together these **sites** cover about 2.5 million km² of wetlands.

process. Figure HRA1 outlines the key stages. This report represents stage 1 outlined in the diagram, the screening stage.

- 1.12 In April 2018, a notable judgment by the European Court of Justice gave its ruling on the *People Over Wind*³ case which provided a new interpretation of when and how mitigation measures should be considered in an HRA. In departing from previous decisions, it clearly identifies that measures designed specifically to avoid or reduce likely significant effects should not be evaluated at the screening stage but reserved for the appropriate assessment. The implications of this recent judgment are still to be fully understood in those circumstances where the Plan itself includes policies which provide for mitigation. For the avoidance of doubt this HRA Screening Report takes full account of this ruling.

³ [Case C/323-17 People Over Wind](#), Court of Justice of the European Union

Figure 1: Four stages of Habitat Regulation Assessment



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Planning Context

- 1.13 The MPNP, once adopted, will present planning policy and guidance for the neighbourhood area. The Neighbourhood Planning (General) Regulations 2012, state that submitted Plans need to be accompanied by a statement explaining how the proposed Plan meets the ‘basic conditions’ set out in Schedule 4B of the 1990 Town and Country Planning Act. These basic conditions include a requirement to demonstrate how the Plan is compatible with EU obligations, which include the need to undertake a Habitats Regulations Assessment.
- 1.14 The MPNP is being prepared in the context of the emerging City of York Local Plan which was submitted for independent examination on 25th May 2018. The Local Plan will, when adopted, provide a strategic framework for how future development across the City of York will be planned and delivered and will be fully compliant with the National Planning Policy Framework (NPPF)⁴.
- 1.15 Until such time as the City of York Local Plan is adopted, there is relevant planning policy applicable. The saved Yorkshire and Humber RSS policies referring to York’s Green Belt, including the associated proposals map sets the strategic context for the general extent of the Green Belt around York to six miles from the city centre. As part of the proposed new Local Plan, the City of York is defining the detailed inner and outer Green Belt boundary for the first time.
- 1.16 In the context of Neighbourhood Planning, the MPNP provides an opportunity to meet community aspirations for the Neighbourhood Area whilst also helping to deliver the Local Plan’s main objectives i.e. housing, employment and good transport links for the City.

⁴ The Local Plan is currently being examined under transitional arrangements as set out in paragraph 206 and footnote 22 of the NPPF 2019. The emerging Local Plan will therefore be in conformity with the NPPF.

2. Methodology

Identifying European Sites and their qualifying features

- 2.1 The first stage of preparing this Screening Report is identifying the European Designated Sites within the Neighbourhood Plan area or in close proximity to it. The following approach is consistent with other Screening Assessments undertaken for adopted Neighbourhood Plans.
- 2.2 This study considers potential effects on all European sites within 10km of the MPNP area boundary, together with any additional downstream sites that may be hydrologically linked to the plan’s zone of influence. This is considered to be a suitably precautionary starting point for the assessment of the plan and is consistent with the draft HRA prepared for the emerging Local Plan.
- 2.3 European Designated Sites have been identified using data from Natural England (Figure 1). This identifies the following sites for consideration within the assessment:

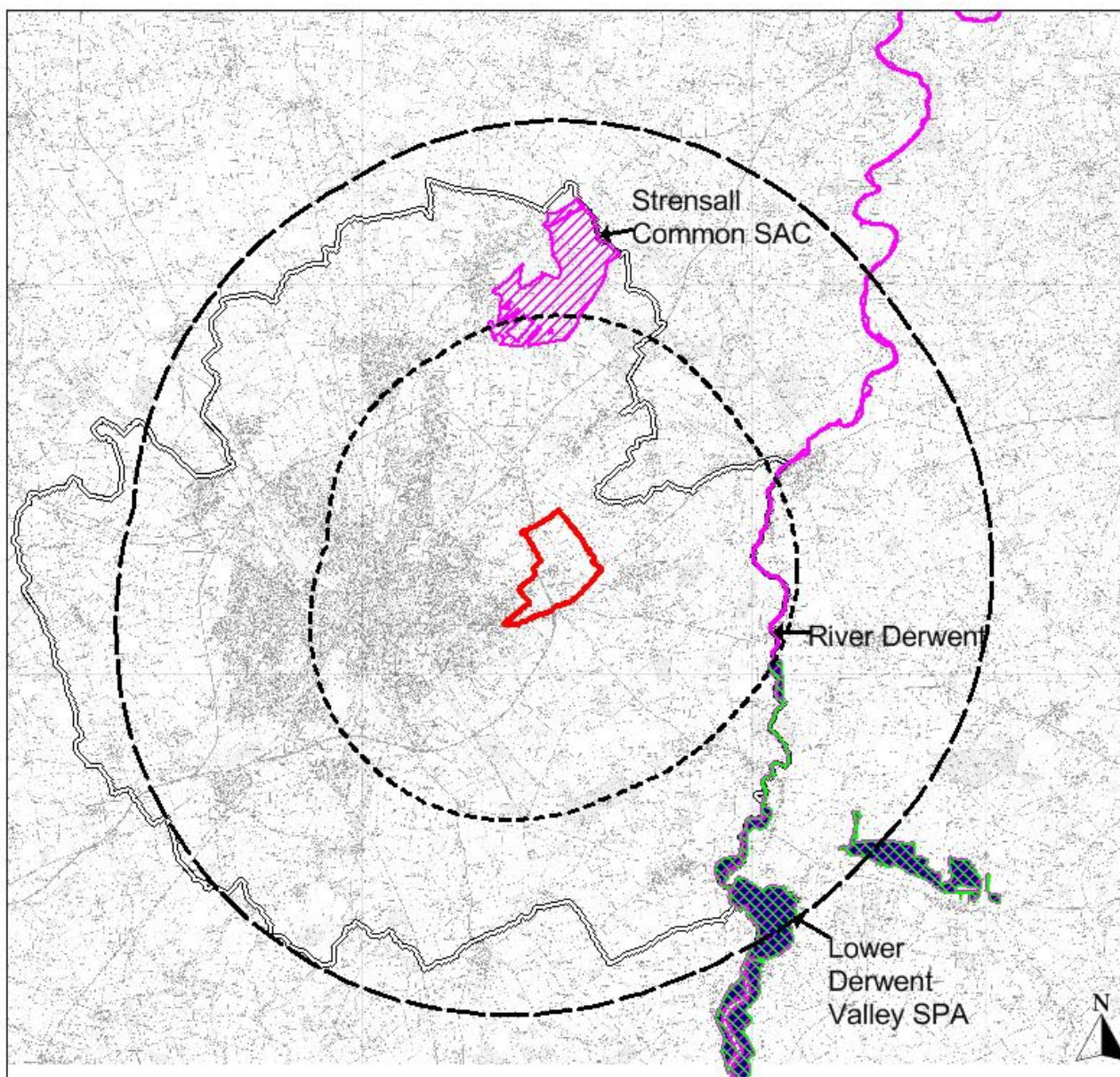
Table 1 Relevant European Designated sites

Site name	Designation	Closest Distance (approx.)
Strensall Common	SAC	4.3 km
River Derwent	SAC	3.8km
Lower Derwent Valley	SAC, SPA, Ramsar	8.5km
Humber Estuary	SAC, SPA, Ramsar	Approximately 30km downstream via River Ouse










- 2.4 Table 2 sets out an outline of the qualifying features of the identified European Sites and a summary of impacts likely to affect the integrity of the protected sites.

Figure 2

Identifying European Designated Sites within 10km of Murton Neighbourhood Plan Area



Source: Natural England Spatial Data Catalogue, 2017

- | | |
|--|--|
|  City of York Council Boundary |  Murton Neighbourhood Area |
|  Special Protection Areas (SPAs) | Neighbourhood Area Buffer |
|  Special Areas of Conservation (SACs) |  10km |
|  Ramsar |  5km |
|  Potential Special Protection Area (pSPA) | |
|  Possible Special Area of Conservation (pSAC) | |

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Qualifying features of the identified European Sites and summary of impacts

Table 2: Description of European Sites

Description (including summary of qualifying features)		
Lower Derwent Valley SPA, SAC, Ramsar		
<p>The Lower Derwent Valley (LDV) supports the largest single expanse of wet, neutral (MG4) hay meadow in the UK. The site also hosts alluvial, alder woodland and internationally important populations of breeding and wintering waterbirds. The habitats are reliant in part on the maintenance of a favourable hydrological regime, including periodic inundation, whilst mobile species remain susceptible to development, public pressure and disturbance both within and on ‘functionally-linked’ land beyond the European site boundaries, sometimes several kilometres distant. In common with the River Derwent SAC, the qualifying features include otter which is similarly vulnerable.</p> <p>The Ramsar designation adds wetland invertebrates, passage birds, ruff and whimbrel on spring passage.</p> <p>Most of the site is privately owned and farmed with limited public access but all is managed for nature conservation with Natural England, as part of or alongside the LDV National Nature Reserve. Limited car parking and a formal arrangement of paths and hides effectively reduces the impact of existing recreational pressure although some ‘informal’ access or trespass occurs. Despite this, the site is relatively robust but</p>	<p><u>SPA features</u></p> <p>A037 <i>Cygnus columbianus bewickii</i>; Bewick’s swan (Non-breeding)</p> <p>A050 <i>Anas penelope</i>; Eurasian wigeon (Non-breeding)</p> <p>A052 <i>Anas crecca</i>; Eurasian teal (Non-breeding)</p> <p>A056 <i>Anas clypeata</i>; Northern shoveler (Breeding)</p> <p>A140 <i>Pluvialis apricaria</i>; European golden plover (Non-breeding)</p> <p>A151 <i>Philomachus pugnax</i>; Ruff (Non-breeding)</p> <p>Waterbird assemblage</p> <p><u>SPA objectives</u></p>	<p><u>Pressures and threats</u></p> <ol style="list-style-type: none"> 1. Hydrological changes (P); 2. Drainage (P); 3. Public access/Disturbance (T); 4. Invasive species (T); 5. Undergrazing (T); 6. Inappropriate scrub control (T); 7. Air pollution; impact of atmospheric nitrogen deposition (T); 8. Invasive species (Himalayan balsam) (T); 9. Invasive species (others) (T)

Description (including summary of qualifying features)		
<p>large increases in visitors may be difficult to accommodate without adequate mitigation.</p> <p>The grassland and water bodies remain vulnerable to nutrient enrichment and so, for instance, the addition of inorganic nitrogen fertiliser by farmers is not allowed, but birds, mammals and the alluvial alder woodland are more resilient.</p> <p>There are five component SSSIs. Over 99% of both Derwent Ings SSSI and River Derwent SSSI are considered to be in 'favourable' or 'unfavourable recovering' condition. All of Newton Mask SSSI, Brighton Meadows SSSI and Melbourne and Thornton Ings SSSI are in favourable condition. All SSSIs carry a range of threats of varying severity.</p> <p>For the avoidance of doubt, the Lower Derwent Valley SAC and Ramsar site exclude the river (ie the River Derwent SAC); in contrast, it is included in the Lower Derwent Valley SPA. Given the overlap between the majority of Ramsar and SPA/SAC features, this HRA will restrict assessment to just the latter to reduce repetition. However, the 'unique' wetland invertebrate assemblage of the Ramsar site is not reflected in the corresponding SAC.</p> <p>This assemblage forms an integral component of the grassland, wetland and woodland complex of the Lower Derwent Valley and it is considered that the assessment of impacts on this group is fundamentally linked to those of its supporting habitats. Therefore, it is not assessed independently and instead, reflecting the ecology of the species and habitats, an approach based on the evaluation of just the SAC habitats is considered adequate to embrace this feature. This approach is given weight by the fact that as a</p>	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> <p>The extent and distribution of the habitats of the qualifying features;</p> <p>The structure and function of the habitats of the qualifying features;</p> <p>The supporting processes on which the habitats of the qualifying features rely;</p> <p>The population of each of the qualifying features, and,</p> <p>The distribution of the qualifying features within the site.</p> <p><u>SAC features</u></p> <p>H6510. Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>Sanguisorba officinalis</i>)</p> <p>H91E0. Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>); Alder woodland on floodplains*</p> <p>S1355. <i>Lutra lutra</i>; Otter</p> <p><u>SAC objectives</u></p>	

Description (including summary of qualifying features)		
<p>Ramsar feature it does not benefit from bespoke conservation objectives nor is it considered in Natural England's SIP or its Supplementary Advice.</p>	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <p>The extent and distribution of qualifying natural habitats and habitats of qualifying species;</p> <p>The structure and function (including typical species) of qualifying natural habitats;</p> <p>The structure and function of the habitats of qualifying species;</p> <p>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;</p> <p>The populations of qualifying species, and, The distribution of qualifying species within the site.</p>	
<p>River Derwent SAC</p>		
<p>The River Derwent represents one of the best examples in England of a lowland river stretching from Ryemouth in the north to its confluence with the Ouse in the south of the</p>	<p><u>SAC features</u></p> <p>H3260. Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and</p>	<p><u>Pressures and threats</u></p> <p>1. Physical modification (P/T);</p>

Description (including summary of qualifying features)		
<p>District – a small section lies within the Lower Derwent Valley National Nature Reserve.</p> <p>It supports diverse communities of flora and fauna, notably floating vegetation dominated by water crowfoot and, river lamprey, sea lamprey, bullhead and otter. The mobile species utilise extensive stretches of water throughout the catchment both upstream and downstream and beyond the boundaries of the SAC, and are dependent on the maintenance of a favourable hydrological conditions throughout their range. Consequently, they remain vulnerable to pollution events and the creation of even temporary physical or chemical barriers; lamprey migrate to the open sea via the Derwent, Ouse and Humber Estuary providing an intimate link between both sites.</p> <p>The Derwent is meso/eutrophic with a high nutrient load providing a degree of resilience against nutrient enrichment from air pollution, and whilst otter can also be considered resilient, the floating vegetation communities and fish populations may be vulnerable. Overall, the site can be considered relatively robust but vulnerable to changes in water quality (especially inputs of phosphate) from wastewater disposal, for instance.</p> <p>Limited car parking and a formal arrangement of footpaths reduces the impact of existing recreational pressure and whilst informal access along both riverbanks occurs, this is largely restricted to local residents and the simple width of the channel reduces the frequency and magnitude of direct impacts. So, whilst bullhead and lamprey can be considered immune to recreational pressure, otter and the floating vegetation community remain vulnerable.</p>	<p><i>Callitricho-Batrachion</i> vegetation; Rivers with floating vegetation often dominated by water-crowfoot</p> <p>S1095. <i>Petromyzon marinus</i>; Sea lamprey</p> <p>S1099. <i>Lampetra fluviatilis</i>; River lamprey</p> <p>S1163. <i>Cottus gobio</i>; Bullhead</p> <p>S1355. <i>Lutra lutra</i>; Otter</p> <p><u>SAC objectives</u></p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:</p> <p>The extent and distribution of qualifying natural habitats and habitats of qualifying species;</p> <p>The structure and function (including typical species) of qualifying natural habitat;</p> <p>The structure and function of the habitats of qualifying species;</p>	<ol style="list-style-type: none"> 2. Water pollution (T); 3. Invasive species (T); 4. Change in land management (T); 5. Water abstraction (T).

Description (including summary of qualifying features)		
<p>There are two component SSSIs – the River Derwent and Newton Mask. Natural England has assessed 99.2% of the River Derwent SSSI to be in ‘favourable’ or ‘unfavourable recovering’ condition; 0.4% is ‘unfavourable no change’ but the threat level is considered to be ‘high’ across a much wider area. All of Newton Mask SSSI is considered to be in favourable condition but carries a ‘medium’ threat level.</p> <p>For the avoidance of doubt, the Lower Derwent Valley Ramsar site encompasses a similar area to the SPA but excludes the River Derwent SAC.</p>	<p>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;</p> <p>The populations of qualifying species, and,</p> <p>The distribution of qualifying species within the site.</p>	
<p>Strensall Common SAC</p>		
<p>Strensall Common is managed by the Yorkshire Wildlife Trust and Ministry of Defence (MOD). The latter operate an extensive training facility and firing range within and adjacent to the European site. At over 570ha, it supports one of the largest areas of lowland heath in northern England. Extensive areas of both wet and dry heath occur and form a complex habitat mosaic with grassland, woodlands/scrub and ponds. Grazing, by sheep and cattle is the key management tool with stock typically present during summer and autumn. The heathland supports a diverse flora and fauna including such characteristic (and vulnerable) species as nightjar, woodlark, marsh gentian, pillwort, pond mud snail and dark bordered beauty moth, with Strensall Common representing the only site for this species in England. Footprint (2019) surveyed the status, extent and distribution of the main vegetation types and confirmed the importance of the management regime.</p>	<p><u>SAC features</u></p> <p>H4010. Northern Atlantic wet heaths with Erica tetralix; wet heathland with cross-leaved heath;</p> <p>H4030. European dry heaths.</p> <p><u>SAC objectives</u></p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <p>The extent and distribution of the qualifying natural habitats</p>	<p><u>Pressures and threats</u></p> <ol style="list-style-type: none"> 1. Public access/Disturbance (P); 2. Inappropriate scrub control (T); 3. Air pollution: impact of atmospheric nitrogen deposition (P).

Description (including summary of qualifying features)		
<p>Bisected by a road, it is vulnerable to nitrogen deposition from traffic. It is also subject to considerable recreational pressure from visitors, especially those with dogs although an established network of paths and periodic closures of part of the heath by the MOD (to facilitate training activities) can influence visitor behaviour. However, both the dry and wet heath habitats are particularly vulnerable to trampling, erosion and vandalism such as fire, fly-tipping, pollution and other activities associated with visitor pressure; there is existing evidence of unauthorised use of vehicles.</p> <p>Heathlands are also vulnerable to changes to the local hydrological regime and so construction nearby will require careful scrutiny.</p> <p>In 2011, all of Strensall Common SSSI was considered by Natural England to be in favourable or unfavourable-recovering condition. However, the corresponding SIP identifies a number of threats including, <i>inter alia</i>, public pressure and air pollution. The Supplementary Advice⁵ highlights the threat posed to the maintenance of the grazing regime by the worrying and subsequent disturbance of livestock by dogs brought by visitors. It states (p15):</p> <p><i>‘any activity that threatened the viability of this management could pose a risk to heathland habitat’.</i></p> <p>A ‘Site Check, carried out in 2019 by Natural England raised concerns regarding the impact of recreational pressure (especially with dogs) on the condition of the heathland qualifying features.</p>	<p>The structure and function (including typical species) of the qualifying natural habitats, and,</p> <p>The supporting processes on which the qualifying natural habitats rely</p>	

⁵ Supplementary advice on conserving and restoring features. Natural England. Strensall Common SAC. 15 March 2019

Description (including summary of qualifying features)		
<p>The MOD carries statutory obligations to have regard to conserving biodiversity under the NERC Act 2006⁶ and operates a Conservation Group that includes Natural England and the Trust amongst others, and is a 'Section 28g (or public) body' under the Wildlife and Countryside Act 1981 (as amended)⁷. This means it must take reasonable steps to conserve and enhance the special features of SSSIs. Although identified as 'open access' land, it is also subject to restrictions from byelaws.</p>		
Humber Estuary SAC, SPA & Ramsar		
<p>The Humber Estuary carries a high suspended sediment load which sustains a dynamic system of intertidal and subtidal mudflats, sandflats, saltmarsh and reedbeds extending to around 37,000ha. Other notable habitats include sand dunes, coastal lagoons and sub-tidal sandbanks. Qualifying (mobile) species include river and sea lamprey which migrate through the estuary to rivers in the Humber catchment.</p> <p>Importantly, the estuary regularly supports around 150,000 wintering and passage waterbirds. At high tide, large mixed flocks congregate in key roost sites often beyond the European site boundary due to the combined effects of extensive land claim, coastal squeeze and lack of grazing marsh and grassland on both banks of the estuary. In summer, the site supports</p>	<p><u>SPA objectives</u></p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> <p>The extent and distribution of the habitats of the qualifying features;</p> <p>The structure and function of the habitats of the qualifying features;</p>	<p><u>Pressures and threats</u></p> <ol style="list-style-type: none"> 1. Water pollution (P/T); 2. Coastal squeeze (T); 3. Changes in species distributions (T); 4. Undergrazing (P); 5. Invasive species (T); 6. Natural changes to site conditions (P/T); 7. Public access/Disturbance (P);

⁶ HM Government (2006) Natural Environment and Rural Economies Act <http://www.legislation.gov.uk/ukpga/2006/16/section/40>

⁷ HM Government (1981) Wildlife and Countryside Act

Description (including summary of qualifying features)		
<p>important breeding populations of bittern, marsh harrier, avocet and little tern. All could be vulnerable to development or recreational pressure on functionally-linked land.</p> <p>Natural England has assessed that almost 99% of the underpinning Humber Estuary SSSI to be in 'favourable' or 'unfavourable recovering' condition. Only just over 1% of the site is assessed to be in 'unfavourable no change' or 'unfavourable declining' condition. However, the 'threat' level is considered to be 'medium' or 'high' across a much wider area.</p> <p>The corresponding SIP for the European site identifies, <i>inter alia</i>, a number of threats including water pollution and public pressure.</p> <p>Whilst therefore potentially vulnerable to a wide range of factors, its size, considerable distance from any point sources within the Council area and relative robustness of many of the features make the likelihood of harmful effects remote.</p> <p>The one possible exception to this is the population of lamprey which migrate from the sea, via the Humber to breeding grounds in the River Derwent. Physical or chemical barriers to migration may cause harm and so factors like wastewater disposal can require careful scrutiny if not addressed effectively in policy terms. Similarly, grey seals could also be vulnerable to similar factors.</p> <p>Given the similarity between Ramsar and SPA/SAC features, this HRA will restrict assessment to just the latter to avoid repetition.</p>	<p>The supporting processes on which the habitats of the qualifying features rely; The population of each of the qualifying features; and, The distribution of the qualifying features within the site.</p> <p><u>SAC objectives</u></p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:</p> <p>The extent and distribution of qualifying natural habitats and habitats of qualifying species; The structure and function (including typical species) of qualifying natural habitats; The structure and function of the habitats of qualifying species; The supporting processes on which qualifying natural habitats and habitats of qualifying species rely; The populations of qualifying species; and,</p>	<ol style="list-style-type: none"> 8. Fisheries: Fish stocking; (P) 9. Fisheries: Commercial marine and estuarine (P); 10. Fisheries: Commercial marine and estuarine (T); 11. Direct and take from development (T); 12. Air pollution: impact of atmospheric nitrogen deposition (P); 13. Shooting/scaring (P); 14. Direct impact from third party (T); 15. Inappropriate scrub control (P)

Description (including summary of qualifying features)		
	The distribution of qualifying species within the site.	

2.5 The outputs of Figure 1 allow this HRA to focus solely on a restricted number of possible impacts on four European sites: the Humber Estuary, Lower Derwent Valley, the River Derwent and Strensall Common. However, by drawing on the additional information provided in Table 1, the HRA is able to further refine the possible impacts to specific features, habitats and species. These, the key issues for the next, formal stage of this screening exercise are presented in Table 3.

Table 3: Summarised initial list of European sites, potential effects and features at risk

European site	Potential effects	Qualifying features at risk
Lower Derwent Valley SPA, SAC & Ramsar	(5) Impacts on mobile species	Breeding, non-breeding birds and otter
	(6) Impacts from recreational pressure	Lowland hay meadows, alluvial alder woodland Breeding, non-breeding birds and otter
	(7d) Impacts from air pollution	Lowland hay meadows, alluvial alder woodland
River Derwent SAC	(5) Impacts on mobile species	Otter, bullhead and lamprey
	(6) Impacts from recreational pressure	Otter Floating vegetation dominated by water crowfoot
	(7d) Impacts from air pollution	Floating vegetation dominated by water crowfoot River and sea lamprey, and bullhead
Strensall Common SAC	(2) Impacts on the aquatic environment	Wet heath and Dry heath
	(6) Impacts from recreational pressure	Wet heath and Dry heath
	(7d) Impacts from air pollution	Wet heath and Dry heath
Humber Estuary SAC, SPA, Ramsar	(5) Impacts on mobile species	River and sea lamprey, grey seal and both breeding and non-breeding birds
	(6) Impacts from recreational pressure	Breeding and non-breeding birds

2.6 It is important to reiterate comments embedded in Table 2, regarding the assessment of Ramsar site features. The Humber Estuary Ramsar features are effectively duplicated by the SPA/SAC features. There is, therefore, no need for separate assessment and so further assessment in this HRA will focus entirely on the latter unless outcomes demand otherwise.

3. Screening Assessment

- 3.1 The next stage of the Screening is to understand the extent to which the MPNP could have a significant effect on the European Designated Sites. Specifically, the assessment considers any potential effect that the policies may have on the 'qualifying features' and vulnerabilities of each European Designated Site.
- 3.2 All proposed policies and site allocations included within the Pre-submission Murton Parish Neighbourhood Plan are therefore to be appraised against identified site's features and vulnerabilities. Cumulative effects have also been considered within the assessment to understand whether the Neighbourhood Plan is likely to have significant effects in combination with other plans or programmes.
- 3.3 Section 3 of this report sets out the findings of this appraisal split into:
 - Part 1: Assessment of the Murton Parish Neighbourhood Plan
 - Part 2: Cumulative effects of the Murton Parish Neighbourhood Plan.

Part 1 Assessment of the Murton Parish Neighbourhood Plan

- 3.4 The next step is to identify if there is a credible risk that a proposal in the Neighbourhood Plan may lead to a likely significant effect on a European site (by threatening to undermine its conservation objectives). It achieves this by evaluating the proposals in the plan against the following criteria to identify if they can be:
 - Screened out from further scrutiny (because the individual policies or allocations are considered not 'likely to have a significant effect on a European site, either alone or in-combination with other plans and projects');
 - Screened in for further scrutiny (because the individual policies or allocations are considered 'likely to have a significant effect on a European site, either alone or in-combination with other plans and projects').
- 3.5 Mindful of the People Over Wind decision, section 6.3 of the Handbook describes a list of 'screening categories' (summarised in Table 3 , itself adapted from an earlier edition of the Handbook) designed to evaluate both policy and site-based allocations to provide a rigorous and transparent approach to the screening process. Importantly, this process helps to provide a distinction between the essential features and characteristics, and mitigation measures of the Plan where relevant.

Table 4 Screening codes

A	General statement of policy/general aspiration	Screened out
B	Policy listing general criteria for testing the acceptability/sustainability of the plan	Screened out
C	Proposal referred to but not proposed by the plan	Screened out
D	General plan-wide environmental protection/site safeguarding/threshold policies	Screened out
E	Policies or proposals which steer change in such a way as to protect European sites from adverse effects	Screened out
F	Policy that cannot lead to development or other change	Screened out
G	Policy or proposal that could not have any conceivable effect on a site	Screened out
H	Policy or proposal the (actual or theoretical) effects of which cannot undermine the conservation objectives (either alone or in-combination with other aspects of this or other plans or projects)	Screened out
I	Policy or proposal which may have a likely significant effect on a site alone	Screened in
J	Policy or proposal with an effect on a site but unlikely to be significant alone, so need to check for likely significant effects in-combination	Check
K	Policy or proposal unlikely to have a significant effect either alone or in-combination (screened out after the in-combination test)	Check
L	Policy or proposal which might be likely to have a significant effect in-combination (screened in after the in-combination test)	Check
M	Bespoke area, site or case-specific policies intended to avoid or reduce harmful effects on a European site. Excluded from formal screening but re-considered in appropriate assessment	Screened out
<p>Extract from <i>The Habitats Regulations Assessment Handbook</i>, www.dtapublications.co.uk © DTA Publications Limited (September 2013) all rights reserved This work is registered with the UK Copyright Service</p>		

3.6 Table 5 provides an assessment of any likely significant effect of each Neighbourhood Plan policy on the European Designated Sites. For the purposes of

this assessment the policies appraised are those that were issued in the Murton Parish Neighbourhood Plan Pre-submission version.

Table 5: Assessment of any likely affect of each of the Murton Neighbourhood Plan policies on the European Designated Sites within 10 km of the Parish

Policy	Policy intention and commentary					
		Strensall Common SAC	River Derwent SAC	Lower Derwent Valley SAC	Lower Derwent SPA	Lower Derwent Valley Ramsar
Policy ENV1 Local Green Space	Identifies Murton Parish’s Local Green Spaces to ensure they are maintained and enhanced. Screened Out	F	F	F	F	F
Policy ENV2 Green Infrastructure	Supports development that respects the natural environment, including hedgerows, green spaces and recreational space. Screened Out	E	E	E	E	E
Policy ENV3 Historic Environment	Ensures that development preserves and enhances the historic character of Murton Parish. Screened Out	F	F	F	F	F
Policy ENV4 Design	Supports well-designed, sustainable places to ensure it is locally distinctive to the Parish. Includes landscaping, character and materials Screened Out	F	F	F	F	F
Policy ENV5 Alterations and Extensions	Promotes well-designed alterations and extensions taking account of architectural character. Screened Out	G	G	G	G	G
Policy ENV6 Flood Risk Management	Ensures development does not increase the risk of flooding or exacerbate existing surface water problems	F	F	F	F	F

Policy	Policy intention and commentary					
		Strensall Common SAC	River Derwent SAC	Lower Derwent Valley SAC	Lower Derwent SPA	Lower Derwent Valley Ramsar
	Screened Out					
Policy ENV7 Murton Park	To preserve the existing educational use of Murton Park Screened Out	G	G	G	G	G
Policy EMP1 Employment Policy	<ul style="list-style-type: none"> Creates a sustainable settlement with a balanced mix of uses Enhances employment opportunities in the commercial and industrial areas, in particular where they help the rural economy Screened Out	G	G	G	G	G
Policy HAC1 Housing Development	<ul style="list-style-type: none"> Enables housing developments to meet local needs Enables these developments to enhance the environment Screened Out	G	G	G	G	G
Policy HAC2 Houses in Multiple Occupation	Ensures that the Houses in Multiple Occupation do not adversely affect the amenities of residents in other dwellings Screened Out	F	F	F	F	F
Policy HAC3 Community	Ensures that the Parish is served by local community facilities	G	G	G	G	G

Policy	Policy intention and commentary					
		Strensall Common SAC	River Derwent SAC	Lower Derwent Valley SAC	Lower Derwent SPA	Lower Derwent Valley Ramsar
Facilities	Screened Out					
Policy TRA1 Transport and Movement	<p>This policy highlights existing capacity problems, due to the restricted rural highway network. The policy requires impacts of highway improvements on historic and rural character to be judged fully when developments are being considered. If such improvements harmed historic or rural character and development depended on such improvements, then the development in question would be unsustainable</p> <p>Screened Out</p>	G	G	G	G	G
Policy DC1: Developer contributions	<p>To ensure the consequences of development on infrastructure in the parish is adequately mitigated</p> <p>Screened Out</p>	A	A	A	A	A

Part 2 Cumulative effects of the Murton Parish Neighbourhood Plan

- 3.7 It is necessary to understand whether the Neighbourhood Plan is likely to have significant effects in combination with other relevant plans or programmes.
- 3.8 It is most likely that in-combination effects will occur with strategic plans in place in York and adjacent authorities. Table 6 provides an assessment of any likely significant effect of each Neighbourhood Plan policy on the European Designated Sites in-combination with the emerging City of York (CYC), Harrogate and Selby Local Plans and Minerals and Waste Joint Plan.

Table 6 In-combination HRA Assessment

Plan/ Programme	Comments	Impact
<p>City of York Local Plan</p>	<p>CYC is currently preparing a Local Plan for the city. This will set out the policies and site allocations to meet the city’s needs until 2033. The Local Plan was submitted to the Secretary of State for independent examination on 25th May 2018. The Plan (at September 2024) continues to be at Examination.</p> <p>Five phases of hearings sessions have taken place so far; Phase 1 in 2019, Phase 2-4 in 2022 and Phase 5 in March 2024.</p> <p>HRA has been produced to support the Local Plan including at Submission (2018), a revised version in October 2020 and an addendum regarding proposed Main Modifications (2023 & 2024). The 2018/2020 versions take forward several issues to Appropriate Assessment (AA). The issues included:</p> <ul style="list-style-type: none"> • Recreational Pressure, change to the hydrological regime and the effect of air pollution on Strensall Common SAC; • Recreational pressure at the Lower Derwent Valley SPA and the impacts on the bird communities that also utilised land beyond the European site. <p>Appropriate Assessment concluded that the council could ascertain that there would be no adverse effect on the integrity of Strensall Common in terms of air pollution and effects in the aquatic environment without the need for further mitigation. Mitigation was required by way of removing site allocations (policies SS19/ allocations ST35 and H59) to mitigate potential significant effects from</p>	<p>No likely significant effects</p>

	<p>recreational pressure. A new policy was also suggested specifically for Strensall Common. Further minor modifications to clarify policy wording for other Strategic sites were also made to ensure recreational pressure issues were mitigated. There was no need for an in-combination assessment. Subsequently, the Local Plan has implemented all the recommendations set out in the HRA (2020); This is recognised in the HRA for the proposed Main Modifications (2023), consulted on in Spring 2023.</p> <p>The policies set out in the Neighbourhood Plan aim to place-shape the Parish rather than allocate land for development. The emerging policies are consistent with the emerging Local Plan policy at the neighbourhood level and no in-combination effects are identified.</p> <p>Conclusion: Screened Out</p>	
Harrogate Local Plan	<p>Following a successful examination the Harrogate district Local Plan 2014 - 2035 was adopted at full council on 4 March 2020. It sets out strategic policies, allocations and a new settlement within the Green Hammerton/Cattal area. The submitted Plan was accompanied by an HRA (2018) which does not identify likely significant impacts as a result of the strategy on any of the European sites identified in this report.</p> <p>Policy GS2: Growth Strategy to 2035 in the adopted Harrogate District Local Plan sets out growth within a new settlement at Green Hammerton/Cattal along the A59 which is approximately 20km from the boundary of the Murton Parish Neighbourhood Plan area.</p> <p>It is unlikely that there would be in-combination significant effects as a result of this on the sites identified due to proximity.</p> <p>Conclusion: Screened Out</p>	No likely significant effects
Selby Local Plan	<p>Selby District Council (SDC) adopted their Core Strategy in October 2013. This set out their strategic ambitions, policies and strategic development sites. Several of the policies of the Submission Draft Core Strategy were identified at the screening stage to have the potential to affect <i>Natura 2000</i> sites. The designations potentially affected were:</p> <ul style="list-style-type: none"> • The Lower Derwent Valley SAC, Ramsar and SPA designations • Skipwith Common SAC • The Humber Estuary SAC, Ramsar and SPA designations <p>The potential impacts arising from the Core Strategy</p>	No likely significant effects

	<p>were identified as being:</p> <ul style="list-style-type: none"> • An increase in housing allocations situated within 5km which could lead to increased visitor pressure to countryside sites including those covered by the <i>Natura 2000</i> designations listed above • An increase in economic activities that would encourage tourism generally and hence have the potential to indirectly result in increased visitor pressure to countryside sites, including the sites covered by the <i>Natura 2000</i> designations listed above • If wind energy sites are encouraged (as per Policy CP14 (Low Carbon and Renewable Energy)) and are situated in areas where they could affect bird populations which are designated features of the above <i>Natura 2000</i> sites, this may have the potential to result in adverse effects. <p>It was concluded that the strategy was unlikely to have significant adverse effects on the issues raised above as a result of policy amendments made and it was considered unlikely that a large increase in numbers would visit the sites from the new housing and economic growth. Further work was recommended in relation to visitor survey at the Lower Derwent Valley for the purposes of future monitoring of recreational pressure.</p> <p>On 17 September 2019 Selby District Council began the preparation of a new Local Plan for the Selby district. Selby District Council held a six week Issues and Options Consultation from 24th January to 6th March 2020 on the Local Plan Issues and Options document. The results of this are still being processed. The spatial detail of housing, employment, retail, industrial and tourism allocations were intentionally limited at such an early stage of plan development. As a result, the HRA at this stage did not seek to go beyond determining likely significant effects. A further iteration of HRA will be undertaken by Selby District Council on the Regulation 19 Local Plan which will involve a more detailed analysis.</p> <p>Conclusion: Screened Out</p>	
<p>Joint Minerals and Waste Local Plan</p>	<p>North Yorkshire County Council, City of York Council and the North York Moors National Park Authority prepared a Joint Minerals and Waste Plan to provide for minerals and waste developments up to 2030. This plan was adopted by the LPAs as follows:</p>	<p>No likely significant effects</p>

	<ul style="list-style-type: none">• North Yorkshire Council on 16 February 2022• North York Moors National Park Authority on 21 March 2022• The City of York Council on 27 April 2022, <p>This plan covers the whole of the Neighbourhood Plan area. Aside from Development management policies, the JMWP also includes a site at Duttons Farm, Upper Poppleton for the extraction of clay (MJP52/ WJP05) and continuation of waste management at Harewood Whin, Rufforth. Neither allocation are within Copmanthorpe. Where applicable the HRA sought mitigation through appropriate assessment which has been enacted in policies in the JMWP.</p> <p>Conclusion: Screened Out</p>	
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4. Consultation

- 4.1 Consultation is an important part of the HRA process to ensure that the process is robust and supports the plan development process.
- 4.2 The HRA Screening Report will be subject to consultation with Natural England and the neighbouring authorities of East Riding of Yorkshire Council, North Yorkshire County Council, Harrogate Borough Council and Selby District Council as several of the identified Designated Sites lie within their authorities. Other stakeholders may also be included in this consultation process.
- 4.3 The responses received through consultation and how issues raised have been addressed will be taken into account in finalising the MPNP HRA.
- 4.4 Neighbourhood planning documents out to consultation may be viewed via CYC Neighbourhood Plan webpage: www.york.gov.uk/neighbourhoodplanning and on <https://murtonneighbourhoodplan.org.uk>.
- 4.5 Views or comments on this work may be submitted via email to: consultation@murtonneighbourhoodplan.org.uk

5. Conclusion

- 5.1 The assessment in section 3 of this report ascertains that none of the policies in the MPNP are identified to have likely effects on the integrity of on the Designated European Sites within 10km of the MPNP area.
- 5.2 The report also identifies that no cumulative effects as a result of this plan are identified.
- 5.3 In conclusion, it is not necessary to continue to the next stage of the HRA process, an Appropriate Assessment, as part of the preparation of the Murton Parish Neighbourhood Plan.
- 5.4 This conclusion will be revisited subject to the outcomes of the consultation.

6. Annex 1: Murton Parish Neighbourhood Plan Policies

Policy ENV1: Local Green Space

Local Green Spaces as identified below and shown within figures 1a and 1b should remain as open space and their community value must be maintained or enhanced. These are:

The village pond, off Moor Lane
The village green, Murton Way
Allotments, Moor Lane
The Grassed area, off Osbaldwick Link Road

Development proposals that would result in the loss of, or have a significant adverse effect on, an identified Local Green Space will not be supported.

Policy ENV2: Green Infrastructure

Development proposals will be supported where they are designed to respect the natural environment of Murton Parish and do not cause harm to its integrity and longevity.

Development proposals should take particular account of the following elements of the natural environment:

- Local hedgerows (as identified in Appendix F and shown in Figure F2)
- Significant green spaces
- Community, wildlife, amenity space and other values are preserved or enhanced, and particular regard must be made in avoiding harmful impacts on hedgerows and trees.

Development proposals will not be supported where harm to biodiversity resulting from a development cannot be avoided through locating on an alternative site, adequately mitigated or, as a last result compensated for.

Policy ENV3: Historic Environment

Development proposals will only be supported that preserve or enhance the historic character of the Parish and setting of the historic village through high-quality, creative, site-specific design in line with the Murton Village Design Statement.

Particular regard must be to avoid impacts on key features of the village and their settings which are shown below. Collectively these must be preserved to maintain the Murton village conservation area.

(i) The following buildings are Grade II listed:

- The Church of St James and churchyard, ca 1200
- Murton Hall, Late 18th century with 19th century additions
- The coach house to Murton Hall, Late 18th century

- The garden wall and gazebo to Murton Hall, Late 18th century

(ii) The following are identified in the Murton Village Design Statement for their positive contribution to the historic character of the village. The VDS suggests that ‘Development must also preserve or enhance [the following] buildings and their setting’:

Red and Buff Cottages	Jasmine Cottage
Rose Farm	The Bay Horse
Fern View	The Old Smithy
Anvil Cottage	Cherry Tree House (formerly Lornik House)
Prospect Farm	Pear Tree Farm House
The Villa	South View
Lilac Tree House and Cottage	

Policy ENV4: Design

New development will only be supported where the design of the development, its landscaping and planting create an attractive, locally distinctive and well- functioning environment, with a sense of place appropriate to Murton Parish. The development must:

- Comprise creative, site-specific design solutions, responding to topography and other contextual features, and complementing the established character in terms of scale, massing, height, garden provision, and degree of set-back from the highway;
- Use high quality materials, to complement those used in the surroundings;
- Use permeable ground surface materials;
- Use sustainable and implement low carbon or carbon neutral techniques and materials; and
- A landscaped buffer zone must be provided to screen new development from any existing and adjacent housing and amenities.

Policy ENV5: Alterations and extensions

Alterations to buildings must take account of their architectural and building characteristics and use appropriate and authentic materials. Original features, such as chimney-stacks, must be retained. Reinstatement of missing historical features is encouraged and would be supported. Extension to buildings will be supported where they are designed and landscaped to complement, and not over-dominate, the original building.

Where buildings are proposed for conversion to new uses, evidence of their former historic use should be retained, as part of the scheme.

Policy ENV6: Flood Risk Management

Development should not increase the risk of flooding and/or exacerbate existing drainage problems.

Development proposals must consider their impact on surface water management and, where appropriate, demonstrate that they have a surface water management plan, which shows that the risk of flooding both on and off site is minimised and managed. The management of surface water run-off from new development should incorporate sustainable drainage techniques and should be designed to deliver wildlife benefits, where possible.

Policy ENV7: Murton Park

Development proposals at Murton Park (as identified in figure 5) will be supported where:

- They maintain and / or complement the existing educational use of the site; and
- They are compatible with relevant Green Belt policy.

Policy EMP1: Employment

New commercial and industrial development will only be supported in the following locations and where they help the rural economy:

- The established industrial estate (Figure 6 in the Plan, Annex 1)
- Urban brownfield sites
- Reuse of existing agricultural buildings

They should also seek to address impacts from traffic congestion and highway safety, neighbouring residential amenity, and not unduly impact on neighbouring businesses. Where appropriate, development will also be subject to Green Belt policy.

Policy HAC1: Housing Development

Housing development will only be supported in the following locations:

- Redevelopment of housing within the built-up area of the village;
- Change of use of former agricultural buildings;
- Urban brownfield locations as part of a mixed-use scheme.

This is subject to:

- Causing no significant adverse impact on traffic congestion and safety;
- Causing no significant adverse impact on the amenities of nearby residents;
- Being an appropriate use within the Green Belt; and
- Not compromising rural employment or operations of local farms and agricultural businesses

Policy HAC2: Houses in Multiple Occupation

Within the part of Murton parish covered by the Article 4 Direction, proposals for a change of use to a house in multiple occupation will only be supported where:

- The proposal would not result in a contravention of the threshold 'tipping points' set out in the CYC Article 4 Direction;
- The proposal would not cause harm the character and appearance of the building, adjacent buildings or the local landscape;

- The design, layout and intensity of use of the building would not have an unacceptable impact on neighbouring residential amenities;
- Internal and external amenity space, refuse storage and car and bicycle parking is provided at an appropriate quantity and is of a high standard and so as not to cause unacceptable harm to the visual amenity of the locality of the property concerned; and
- The proposal would not cause unacceptable highway problems;

Applications for change of use from a HMO to a conventional dwelling house would be encouraged.

Policy HAC3: Community Facilities

The Parish Council will work with the City of York Council to help in the development of existing community facilities providing that the community value of the facilities is retained or enhanced. New community facilities will be supported, subject to:

- Causing no significant adverse impact on traffic congestion and safety; and
- Causing no significant adverse impact on the amenities of nearby residents.

Policy TRA1: Traffic and Movement

New developments must not have any significant detrimental impact on traffic safety and congestion on rural lanes in Murton Parish. This includes impacts on the following, existing pressure points:

- Murton Way;
- Murton Lane; and
- Moor Lane and Bad Bargain Lane.

Where highway upgrades are proposed as part of development to address capacity or safety issues, and the development will cause significant harm to the Parish and in particular to the rural and historic character of the village and its setting, any harm should as far as possible be mitigated. If development cannot be mitigated, it should be resisted.

Policy DC1: Developer Contributions

The Parish Council will prioritise the use of financial contributions, Section 106 or Community Infrastructure Levy funds to mitigate negative impacts due to development in the Parish, or adjacent to the Parish, and to improve and enhance community facilities.

Community Actions

The focus of our consultations was on ‘planning’, the core rationale for a Neighbourhood Plan. However, discussions with residents and the responses written in the questionnaires highlighted some issues that extend beyond this remit. These are nevertheless very important to the everyday lives of residents in the Parish and so we include them here.

a) Traffic Through the Parish

Purpose of the policies

To reinforce and take further steps to ensure safer roads in the Parish

CA 1 Traffic Calming

The Parish Council will work with the Highways Authority and other relevant authorities to give active consideration to traffic speed calming through the Parish. Any forms of traffic control should be in character with the local environment.

CA 2 Safer Routes for Cyclists and Pedestrians

Opportunities will be sought to create improved and safer routes for cyclists and pedestrians.

CA3 Parking

The Parish Council should initiate a discussion with the residents and businesses on viable ways to reduce the parking of cars in the roadway and on grass verges.

b) Enhancing Parish Ambience

Purpose of the policies

To enhance the work already done to make the Parish a pleasant place in which to live and work.

CA4 Anti-social behaviour

The Parish Council should continue its programme, in collaboration with the City of York Council:

to reduce the litter left by fly-tipping, and

to work with landlords to improve the results of poor behaviour by some residents.

CA5 Signage, Street Furniture, Lighting and Tidiness in the Parish

Where signage or street furniture is proposed it should seek to reflect local materials and features evident in the immediate surrounding area. Where lighting is proposed it should be designed to:

- Avoid intruding into areas where darkness is a characteristic of the Parish; and
- Minimise impacts on adjacent rural habitats and wildlife.

The Parish Council should enlarge its work on keeping the Parish tidy.

c) General Policies

Purpose of the policies

To address other concerns raised by residents and to safeguard/improve existing standards.

CA6 Public Rights of Way and Footpaths

Opportunities to secure improvements in the network of Public Rights of Way, other footpaths and cycleways should be encouraged.

CA7 Allotments

The Parish Council should ensure that the present provision is being used effectively and undertake a detailed survey of residents' wishes. If there is sufficient demand, they should

work in collaboration with the City of York Council to provide more allotment space.

CA8 Communications with the Parish Council

The Parish Council will work with residents to improve communications through notice boards and the website.

CA9 Public Transport

Reducing reliance on cars requires an improved public transport system serving Murton village, and is particularly relevant if the age profile increases. The Parish Council, in collaboration with the City of York Council and other authorities and organisations, should keep this under review.

Developer Contributions

DC 1: Developer Contributions

The Parish Council will prioritise the use of financial contributions, Section 106 or Community Infrastructure Levy funds to mitigate negative impacts due to development in the Parish or adjacent to the Parish and to improve and enhance of community facilities