

East Riding Local Plan

Lower Derwent Valley Supplementary Planning Document

**Consultation Statement
January 2018**



EAST RIDING

OF YORKSHIRE COUNCIL

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1. Background

- 1.1 In preparing Supplementary Planning Documents (SPDs), the Council is required to follow the procedures laid down in the Town and Country Planning (Local Planning) (England) Regulations 2012¹, and its own adopted Statement of Community Involvement (SCI) (2017)².
- 1.2 Regulation 12 stipulates that before adoption of an SPD, the local planning authority (LPA) must prepare a statement setting out:
- The persons that the LPA consulted when preparing the SPD;
 - A summary of the main issues raised by those persons; and
 - How those issues have been addressed in the SPD.
- 1.3 This Consultation Statement accompanies the Lower Derwent Valley SPD. The SPD supplements Policies ENV2 (Promoting a high quality landscape) and ENV4 (Conserving and enhancing biodiversity and geodiversity) of the East Riding Local Plan Strategy Document.

2. Consultation

- 2.1 Responsibility for different sections of the Lower Derwent Valley is shared between City of York Council, East Riding of Yorkshire Council, North Yorkshire County Council and Selby District Council. Preparation of the SPD has involved consultation and engagement with a working group comprising these four Councils, Natural England and Yorkshire Wildlife Trust. However, the SPD is only being adopted for that part of the Lower Derwent Valley that is with East Riding of Yorkshire Council's administrative area.
- 2.2 The draft SPD, Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) Screening Opinion were made available for statutory public consultation between 12 June and 24 July 2017. A wide range of stakeholders were consulted, including the following bodies and persons:
- All Town and Parish Councils;
 - Consultees registered on the Local Plan database who had previously made representations on relevant policies in the Proposed Submission Local Plan;
 - Duty to Cooperate Bodies³;
 - Elected Members; and
 - Specific Consultation Bodies⁴.
- 2.3 In accordance with the Council's SCI, the SPD and associated documentation was made available for inspection on the Council's website⁵, the Council's principal office (Beverley Customer Service Centre), Howden Centre and Pocklington Pocela

¹ Available to view from: <http://www.legislation.gov.uk/uksi/2012/767/contents/made>

² Available to view from: <http://www2.eastriding.gov.uk/environment/planning-and-building-control/east-riding-local-plan/statement-of-community-involvement/>

³ Listed in Appendix D of the Council's Statement of Community Involvement (SCI)

⁴ Listed in Appendix D of the Council's Statement of Community Involvement (SCI)

⁵ www.eastriding.gov.uk/spd

Centre. Comments were invited in writing, by no later than 24 July 2017, either by post or email. The consultation was also promoted on social media, in a press release and reported to the Council's Planning Committee and two Planning Sub-Committees.

3. Consultation Responses and Main Issues

3.1 A total of 16 representations (57 individual comments) were received to the consultation. All members of the working group responded, expressing broad support for the document. In particular, Yorkshire Wildlife Trust "congratulates East Riding of Yorkshire Council and Natural England on producing such a thorough guidance document, and we hope that this example is followed by other LPA's within the Lower Derwent Valley".

3.2 Representations were also received from Hull City Council, The Canal and River Trust, The Environment Agency, The Local Nature Partnership, The Marine Management Organisation, The Waterways Partnership, three Parish Councils and a local resident. A summary of these representations, together with the Council's response is available to view in Appendix 1. The main issues raised through the consultation are noted below.

- Clarify the guidance within the SPD will only relate to East Riding of Yorkshire and other LPAs are not bound by it when considering applications for development within their areas.
- Highlight the importance of the countryside surrounding the designated sites in supporting bird species populations that have generally declined in other areas of Britain.
- Recognise the two-tier planning system operating in North Yorkshire and clarify the County Council has responsibility for minerals and waste planning.
- Clarify that the 1km boundary represents an area where enhancements may be particularly relevant, but Impact Risk Zones (IRZs) are also a useful tool in the HRA process.
- Include specific biodiversity enhancements alongside the existing list of general enhancement opportunities.
- Include requirements for developers to consider the quality of water runoff and for the inclusion of a map showing the watercourses in the area.
- Reference two additional types of development (minerals/waste proposals and development involving exterior lighting) that could significantly impact on biodiversity and landscape.

4. Main changes to the SPD

4.1 All responses to the public consultation have been considered in preparing the final SPD. None of these require significant changes to the document, which was generally supported. It is clearly not always possible or appropriate to make specific changes to reflect every consultation response. This is because there are often conflicting opinions and evidence on the preferred way forward. The main changes are summarised as follows:

- Amendments have been made at several points in the SPD to clarify that it covers only that part of the Lower Derwent Valley that is located within East Riding of Yorkshire. Application of the document in areas outside of the East Riding is entirely at the discretion of other LPAs.
- Section 2 includes a new paragraph to emphasise the importance of the countryside surrounding the designated sites and the need to take the landscape into consideration.
- Section 3 of the document explains the two-tier planning system operating in North Yorkshire and the role of North Yorkshire County Council and Selby District Council in more detail. A new figure has also been added showing Local Wildlife Sites and inclusion of a link to a website showing the watercourses in the local area.
- Section 4 has been amended to clarify that the guidance should be applied within the 1km and that IRZs are a useful tool for the HRA process. In addition, minerals and waste development, and proposals involving exterior lighting, have been added as types of development with potential to significantly impact on biodiversity and landscape.
- Section 5 now includes specific examples of biodiversity enhancements. Sustainable drainage systems are referenced as a mechanism to help reduce the impact of water pollution from surface water runoff and flooding.
- Section 6 has been amended to highlight the importance of demonstrating that sources of pollution can be adequately addressed through the planning process.

4.2 A Parish Council requested amendments to the boundary of the Important Landscape Area. These boundaries are defined by Local Plan Strategy Document Policy ENV2. It is not possible to amend the boundaries of the Important Landscape Area through an SPD, which can only be considered through a review of the Local Plan policy. Therefore, no change has been made to the document in response to this comment.

Appendix 1: Summary of representations

| Comment No. | Respondent | Section of Draft SPD | Summary of Comment | East Riding of Yorkshire Council Response |
|-------------|------------------------------------|--------------------------------|--|---|
| LDV/1 | Local Nature Partnership | Figure 1 Figure 4 | The names of the Councils are incorrect. York is not present and has been replaced by North Yorkshire County Council. This should be the City of York Council. | Figures 1 and 4 have been amended. |
| LDV/2 | Local Nature Partnership | Paragraph 4.7 Paragraph 6.9 | Reference to the North and East Yorkshire Ecological Records Centre should be changed to North and East Yorkshire Ecological Data Centre. | The reference has been amended. |
| LDV/3 | Local Nature Partnership | Paragraph 6.27 | There is a footnote number 28 referenced, but there is no footnote at the bottom. | The correct footnote has been inserted into the document. |
| LDV/4 | Local Nature Partnership | Page 36 | Reference to the East Riding and North Yorkshire Waterways Partnership should be changed to the East and North Yorkshire Waterways Partnership. | The reference has been amended. |
| LDV/5 | The Marine Management Organisation | n/a | The MMO will review your document and respond to you directly should a bespoke response be required. | Noted. |
| LDV/6 | The Waterways Partnership | Page 46 | Reference to the East Riding and North Yorkshire Waterways Partnership should be changed to the East and North Yorkshire Waterways Partnership. | The reference has been amended. |
| LDV/7 | The Waterways Partnership | Page 36 | The name of the Waterways Partnership's strategy is incorrect. 'East Riding and North Yorkshire Waterways Partnership Waterways Strategy (2012-20)' should read 'Waterways Strategy 2012-20'. | The reference has been amended. |
| LDV/8 | The Waterways Partnership | Page 46 | There is reference to the Derwent (Humber) Catchment Partnership. This group is now called the 'Yorkshire Derwent Partnership' and is hosted by the Yorkshire Wildlife Trust (YWT) with East Yorkshire River Trust as co-host. Note that YWT has replaced East Riding of Yorkshire Council as the lead host. | The reference has been amended. |
| LDV/9 | The Waterways Partnership | Page 46 | Amend the name of the 'Canal and River Trust '. River is not plural. | The reference has been amended. |
| LDV/10 | The Waterways Partnership | n/a | Within the East Riding, the Pocklington Canal Amenity Association is a very active voluntary group, especially in terms of restoring Pocklington Canal. Suggest a mention or including them on the list of organisations/groups that are involved in | A reference to this group has been added. |

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| | | | managing and protecting the area. | |
| LDV/11 | Sutton upon Derwent Parish Council | n/a | Sutton on Derwent Parish Council welcome the Lower Derwent SPD document and supports any proposed additional protection of the rural environment. Our hope is that this will contribute to safeguarding our village as a small community with distinctive rural characteristics and special biodiversity. | Support welcomed. |
| LDV/12 | Sutton upon Derwent Parish Council | n/a | Although the document proposes that areas within 1km of the designated sites should have special consideration in planning and development terms, land to the East of the Main Street should be protected and reinstated to that of special landscape significance. (see previous draft Local Plan ENV2 designation as an "Important Landscape Area"). This area forms a link between the River Derwent, Pocklington Canal, Allerthorpe Common and Sutton Wood all of which have recognised ecological value, and provide important wildlife corridors for birds and other animals. As such the value of the agricultural nature and habitat of this area should be protected. | The boundaries of the Important Landscape Area are defined by Local Plan Strategy Document Policy ENV2. It is not possible to amend the boundaries of the Important Landscape Area through an SPD, which can only be considered through a review of the Local Plan policy. Therefore, no change has been made to the document in response to this comment. |
| LDV/13 | Cottingham Parish Council | n/a | The Committee had no comments to make. | Noted. |
| LDV/14 | Historic England | n/a | No comments. Historic England would concur with the conclusions that an SEA would not be required for this SPD. | Noted. |
| LDV/14 | Walkington Parish Council | n/a | The Parish Council considered the document and noted its receipt without comment. | Noted. |
| LDV/15 | Canal and River Trust | n/a | The Trust would welcome the continued engagement with any local plan or development document consultations concerning this location or areas affecting our waterway network. The Pocklington Canal sits within the plan area of the above document. The Canal & River Trust's comments are made as the guardian and navigation authority of the Pocklington Canal. This document can be helpful with regards to cementing the quality of this much-loved waterway. The Pocklington Canal is an idyllic rural waterway and is one of | Support welcomed. The Trust are listed on the Council's consultation database as having an interest in the Local Plan and consultation of associated documents. |

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| | | | <p>the Trust's top canals for wildlife in the country. The canal runs 9.5 miles between East Cottingwith and Canal Head at Pocklington. The Trust and the Amenity Society are currently working together to extend the navigation to Bielby Arm, which will increase the navigable section by approximately two miles. The majority of the canal is designated as Site of Special Scientific Interest (SSSI) for its wildlife value, with the lower reaches lying within the Lower Derwent Valley National Nature Reserve. The towpath that runs along the canal is a great place for spotting this brilliant wildlife. The canal architecture also adds interest to the scenery, with distinctive swing bridges, classic hump-backed bridges and restored and unrestored locks.</p> <p>It is positive to see the recognition of the Pocklington Canal in this document and the mention of the Trust as an organisation that is important to the protection of the Lower Derwent Valley area. The Trust is keen to make comments to preserve and enhance the attractiveness of this canal, especially in terms of the ecology and design sections of this SPD.</p> | |
| LDV/16 | Canal and River Trust | Figure 4 | Figure 4, page 9 does not show either Pocklington Canal SSSI or White Carr Meadow SSSI. These are both identified by Natural England. Request that these are presented on the map. | Figure 4 has been amended as suggested. |
| LDV/17 | Canal and River Trust | Section 5/6 | One key threat to the biodiversity of canals and waterways concern the leaching of nitrate and phosphates into watercourses. Request that consideration is made to the inclusion of requirements in the report for developers to consider the quality of water runoff – notably within section 5 promoting the enhancement of the water quality of existing runoff, and within section 6 with regards to the considerations during the application process. This would be in line with the aims of Local Plan Policy ENV4, as well as the general aims of the National Planning Policy Framework (NPPF) within section 11. | The document now references sustainable drainage systems as a mechanism to help reduce the impact of water pollution from surface water runoff and flooding (section 5). Section 6 highlights the importance of demonstrating sources of pollution can be adequately addressed through the planning process. |
| LDV/18 | Canal and River Trust | Section 5.3 | The canal plays an important role in the landscape of the area this is noted in Local Plan Policy ENV 2 (see ENV 2 B.3). Section 5.3 refers to managing and enhancing the 'network of... water courses'. However, the Trust believes a specific mention of the | Reference to Pocklington Canal as an example of a watercourse has been added to section 5. |

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| | | | canal in section 5.3 would make this SPD more effective as it will allow the full recognition of ecological importance of the canal SSSI. This is in line with the aim of policy ENV 2. | |
| LDV/19 | Canal and River Trust | n/a | There are a number of maps of the Lower Derwent Valley within the document. However the maps do not clearly show the watercourses in a fashion where they are immediately apparent. The SPD would benefit from inclusion of a new watercourses map in which watercourses are presented clearly. This would add greater clarity to the document and allow the recognition of the importance of waterways in this region. | The document now references a map showing the location of waterways located wholly or in part in the East Riding. |
| LDV/20 | Canal and River Trust | Section 6 | The Trust would want to be listed in section 6 as the organisation that manages and cares for the canal this will aid in the amount of pre-application consultations that are achieved in this area and allow for any issues to be brought up early in the planning process. This will be in compliance with Policies ENV2 and ENV4 by encouraging a better planning consultation process to achieve the aims of the policies. | Reference to the Canal and River Trust has been inserted into the pre-application stage of the document. |
| LDV/21 | Canal and River Trust | Paragraph 8.4 | The Trust are referred to as the 'Canal and Rivers Trust' as opposed to the Canal & River Trust. To avoid confusion, The Trust request that this is corrected. | This reference has been amended. |
| LDV/22 | Hull City Council | n/a | Hull City Council do not consider that the SPD raises any strategic cross boundary issues and therefore have no further comment to make on this occasion. | Noted. |
| LDV/23 | City of York Council | n/a | Thank you for consulting the City of York Council on the above document. City of York Council is committed to working with East Riding of Yorkshire Council on cross boundary issues. The Draft SPD is welcomed and supported by the City of York Council. | Support welcomed. |
| LDV/24 | City of York Council | Paragraph 3.19 | The City of York Local Plan Publication Draft (2014) does not hold any weight as this version of the draft Local Plan was halted. Could the reference to this plan please be deleted. Summaries of the Local Plan position in each LPA area could date the SPD. | The reference to the Publication Draft (2014) has been replaced with reference to the Pre-Publication Draft Regulation 18 Consultation (September 2017). Additional text is included to direct the reader to check the latest LPA Local Plan position on each Council website. |

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| LDV/25 | Natural England | n/a | Natural England has worked with East Riding Council and neighbouring local authorities to produce this Plan, and is very supportive of this approach, providing a guidance document for an area with unique environmental attributes. Support East Riding's proposal to adopt the guidance as a SPD and hope the neighbouring authorities will take a similar approach to provide clarity for development and co-ordination across local authority boundaries. | Support welcomed. |
| LDV/26 | Natural England | Paragraph 2.1 | Lower Derwent Valley designation para: replace 'habitat' with 'floodplains'. | This reference has been amended. |
| LDV/27 | Natural England | Paragraph 1.5 | The 1km boundary represents an area where the enhancements may be particularly 'but not exclusively' relevant. | This reference has been amended. |
| LDV/28 | Natural England | Paragraph 2.4 | Suggested additional wording to highlight the importance of the surrounding farmed landscape, a real hot spot for farm birds and wildlife and links with designated meadows: 'The countryside surrounding the designated sites also has significant biodiversity interest. Many of the birds associated with the designated sites may use the surrounding farmland for feeding, nesting or roosting and the area is a hotspot for many farmland birds, many of which are declining nationally. Patches of semi-natural habitat and small features such as ponds, ditches, hedgerows and trees provide permeability to the wider landscape for biodiversity and act as important stepping stones through the agricultural areas. The designated sites should not therefore be considered in isolation and it is important the implications for the wider landscape be taken in to consideration.' | The suggested wording has been added to the document as a new paragraph. 2.5 |
| LDV/29 | Natural England | Paragraph 4.2 | The guidance is not solely focused on the area within the 1km boundary and needs to refer to the Impact Risk Zones (IRZ) as in the summary under the Habitats Regulations section. | The start of section 4 now references IRZs. |
| LDV/30 | Natural England | Section 5 | Natural England welcomes this section and has the following recommendation: The approach taken in the SPD is to provide general enhancement opportunities. Natural England recommend there is an opportunity to provide more specific detail on biodiversity enhancements, for example incorporating nesting sites for swifts in new buildings, similar to that being adopted by other local planning authorities, this will provide clarity to | Support welcomed. Further examples of specific biodiversity enhancements have been added to the document (incorporating nesting sites for birds through appropriate nest boxes and roosting sites for bats). |

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| | | | developers and planners. Natural England recommends that this is an appendix to the SPD and would welcome the opportunity to work with East Riding to draft this. | |
| LDV/31 | Natural England | Strategic Environmental Assessment/ Habitats Regulations Assessment | <p>Natural England welcomes the Strategic Environmental Assessment (SEA) Screening Report and Habitats Regulations Assessment (HRA) Stage 1: Screening Report provided in support of this consultation which Natural England consider to be clear and concise. Agree with the conclusions of both screening assessments that the issues addressed in the SPD have already been assessed at the Sustainability Appraisal and HRA for the Local Plan Strategy Document and that the SPD will not introduce any additional significant environmental effects or likely significant effects.</p> <p>One minor point is that the reports should be careful to apply appropriate terminology for the two assessments for clarity. For the first stage of a HRA the terminology 'likely significant effects' is most appropriate, whereas for SEA the term 'significant environmental effects' or similar would be used. Natural England note for instance that para 4.1 of the SEA Screening refers to likely significant effects in the context of SEA.</p> | Supported noted. Amendments to the Strategic Environmental Assessment Screening Report and Habitats Regulations Assessment Stage 1: Screening Report have been made accordingly. |
| LDV/32 | North Yorkshire County Council | n/a | The County Council welcomes the opportunity to provide comments on the Draft Supplementary Planning Document and considers this part of the requirements of the Duty to Cooperate. | Comments noted. |
| LDV/33 | North Yorkshire County Council | n/a | The Council Plan 2017-2021 sets out an ambition that 'North Yorkshire is a place with a strong economy and a commitment to sustainable growth that enables our citizens to fulfil their ambitions and aspirations' with a priority of 'enhancing the environment and developing tourism and the green economy, by promoting and improving the county's environmental, ecological and heritage assets to deliver a high quality natural and built environment...'. The Council recognises the merits in addressing issues at a scale large than conventional administrative boundaries and the contribution this can have to enabling the delivery of the County Council's ambitions and priorities. As such the Council would welcome the opportunity to continue to | Comments noted. |

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| | | | engage collaboratively with East Riding of Yorkshire Council in relation to how best the Lower Derwent Valley area might best be managed to reflect and enhance its special qualities. | |
| LDV/34 | North Yorkshire County Council | n/a | It should be recognised that North Yorkshire operates a ‘two-tier’ planning system comprising the County Council and District Councils. North Yorkshire County Council has responsibility for transport planning (of non-trunk roads), and is the County Planning Authority with responsibility for minerals and waste planning and the County Council’s own development, such as schools. Selby District Council is the district planning authority and has responsibility for preparing its own Local Plan and determining planning applications for all other planning related matters. The County Council considers these differences should be further highlighted within the Lower Derwent Valley SPD to ensure clarity that the SPD only applies to the East Riding of Yorkshire Council administrative area. | Reference to the structure of the district and county councils has been made within section 3. |
| LDV/35 | North Yorkshire County Council | Paragraph 8.1 | <p>Although the Draft SPD has been prepared collaboratively with other authorities, including North Yorkshire County Council, it will only relate to those parts of the Lower Derwent Valley that are located within the boundaries of East Riding of Yorkshire. The document, as currently worded, appears to be written to apply to multiple LPA areas, both County and District. 8.1 that all the Councils will implement the SPD and determine applications in accordance with the SPD. It should be clarified within the guidance contained within the Draft SDP that it will only relate to the East Riding of Yorkshire and other LPAs are not bound by the guidance when considering applications for development within their respective areas.</p> <p>The section at 8.1 on implementing the document should have the reference to North Yorkshire County Council agreeing to implement the document deleted. The Lower Derwent Valley SPD would not form part of the Statutory Development Plan in North Yorkshire, therefore, the County Council cannot agree to implement the document (as this would require a formal process) or attach weight to it in the decision making process. It would be</p> | <p>The SPD has been amended to state clearly that it only applies in the East Riding administrative area.</p> <p>Sections 1, 3 and 8 now clarify the application of the document in areas outside the East Riding is entirely at the discretion of individual LPAs.</p> |

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| | | | up to the Authority and its Members to make a decision as to if, and how, the guidance may be taken forward and used within their area. | |
| LDV/36 | North Yorkshire County Council | Paragraph 4.3 Paragraph 4.5 | <p>The draft SPD identifies in paragraph 4.3 a list of certain types of development proposals that could have a significant impact on biodiversity and landscape.</p> <p>Paragraph 4.5 refers to ‘the above list has sought to provide a complete note of those different types of development that may impact on the Lower Derwent Valley’ but it is noted that it does not mention minerals extraction or waste development.</p> <p>The nearest active minerals site, within the North Yorkshire County Council area, to the river Derwent is at Hemingbrough. An allocation of an area for future extraction (MJP45) is in the Minerals and Waste Joint Plan Publication Draft (November 2016) and at its closest point this would be approximately 2km from the river. However, the Policies Map at Publication Draft does identify mineral resource up to the river. Due to the presence of the SSSIs in the area along the 1km zone on the North Yorkshire side of the border, the sensitivities of this zone are already on our radar. Minerals developers are encouraged already to do pre-application discussions with the County Planning Authority and this would include in respect of SPA, SAC, SSSI & NNR issues.</p> | Minerals and waste development has been added as a type of development that could have a significant impact on the designated sites. |
| LDV/37 | North Yorkshire County Council | Paragraph 3.24 | The reference to the Minerals and Waste Joint Plan, identified in Paragraph 3.24, should be updated to state that ‘adoption expected to be in 2018’. | The timescale for the Joint Plan has been updated within the document. |
| LDV/38 | North Yorkshire County Council | n/a | The detailed conservation guidance on the historic and natural environment is in accordance with discussions that have taken place already with officers and therefore there are no additional comments to make on the detailed guidance contained within the document. In parts of the document however the wording could be read to imply that the other local authorities involved will be proceeding to adopt this guidance document as a SPD. This is not necessarily the case therefore it would be better to reword | <p>The SPD has been amended to state clearly that it only applies in the East Riding administrative area.</p> <p>Sections 1, 3 and 8 now clarify the application of the document in areas outside the East Riding is entirely at the discretion of individual LPAs.</p> |

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| | | | some of the paragraphs slightly as my colleague in the Strategic Policy and Economic Growth team has advised. | |
| LDV/39 | North Yorkshire County Council | n/a | Support the draft document and welcome the guidance and references regarding the essential legal and technical environment and conservation data. Fully appreciate the time and effort invested to produce this vital document. | Support welcomed. |
| LDV/40 | Selby District Council | n/a | <p>The document has been prepared collaboratively with all neighbouring authorities (including Selby) and relevant parties and it is considered this document satisfies the requirements of the Duty to Cooperate in relation to the Lower Derwent Valley.</p> <p>Although East Riding of Yorkshire Council is progressing the document as an SPD and the document clarifies that the SPD will cover only that part of the Lower Derwent Valley that is located within East Riding of Yorkshire administrative boundary, it must be clear that the approach to implementing the document must be decided by each authority for their administrative boundary.</p> <p>Although the Council support a consistent cross-boundary approach to the Lower Derwent Valley it would be for each authority to decide how to manage development in line with statutory requirements and with advice from bodies such as Natural England.</p> <p>The SPD has been well received and the general approach to assessing relevant development proposals is supported. The Council has no detailed comments on the contents.</p> <p>The Council will review the relevant national and local policies and guidance and the neighbouring authorities guidance as our Local Plan is prepared. Selby District Council will give consideration as to whether it intends to take a similar approach as it progresses with the development of the Local Plan.</p> | <p>The SPD has been amended to state clearly that it only applies in the East Riding administrative area.</p> <p>Sections 1, 3 and 8 now clarify the application of the document in areas outside the East Riding is entirely at the discretion of individual LPAs.</p> |
| LDV/41 | Mrs Angela Brown | Page 1 | Amend first sentence to: "The Lower Derwent Valley is the section of the River Derwent corridor between Kexby to the | Amendments made as suggested. |

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| | | | north and Barmby on the Marsh to the south, as well as the area eastwards along the Pocklington Canal and Beck corridor towards Pocklington'. This would more correctly reflect the designated area at Figure 1 and be consistent with paragraph 1.4. 2 nd paragraph, 6 th line: Insert punctuation: insert a comma between (SPA) and Ramsar, to identify as separate designations. | |
| LDV/42 | Mrs Angela Brown | Page 11 | Paragraph Lower Derwent Valley designation: 4 th line: Insert punctuation: insert a comma between (SPA) and Ramsar to identify as separate designations. | Amendment made as suggested. |
| LDV/43 | Mrs Angela Brown | Page 10 | Habitat Regulations: 1st paragraph, 3 rd line: Narrative Special Protection Area (SPA) and Special Area of Conservation (SAC) sites. The Habitat Regulations also relate to Ramsar sites as well as SAC's and SPA's (see NPPF 118 last bullet point). | Amendments have been made to clarify that, in line with the NPPF the following wildlife sites should be given the same protection as European Sites: Potential SPAs and possible SACs, Listed or proposed Ramsar sites; and sites identified, or required, as compensatory measures for adverse effects on European sites, potential SPAs, possible SACs and listed or proposed Ramsar sites. |
| LDV/44 | Mrs Angela Brown | Paragraph 1.4 | 2 nd sentence: '...Barmby to the south': for clarity insert full name Barmby on the Marsh. | Amendment made as suggested. |
| LDV/45 | Mrs Angela Brown | Paragraph 1.9 | Last line: Insert punctuation: insert comma between (SPA) and Ramsar to identify as separate designations. | Amendment made as suggested. |
| LDV/46 | Mrs Angela Brown | Paragraph 2.1 | Last line: Insert punctuation: insert comma between (SPA) and Ramsar to identify as separate designations. | Amendment made as suggested. |
| LDV/47 | Mrs Angela Brown | Paragraph 2.3 | Insert following suggested narrative as new paragraph after 2.3: 'The area also supports protected species and important farmland bird assemblages. The area supports species populations that have generally declined in other areas of Britain'. Insertion of such narrative identifies and highlights the important species, habitats or features within the identified mapped area which are | The SPD has been amended to reference important farmland birds and note that species populations have generally declined in other areas of Britain. |

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| | | | safeguarded by legislation and policy as referred to in paragraphs 3.1 and 4.4. | |
| | Mrs Angela Brown | Paragraph 2.4/5.1 | <p>3rd and 4th line: Query narrative: 'There are also a number of public rights of way enabling visitors to experience the area'. Please also refer to narrative within the yellow box at paragraph. 5.1: 'Public access within the 1km boundary is limited ...'</p> <p>The two sentences appear contradictory. The narrative at paragraph 5.1 is probably the more accurate and it is important to highlight that some of the access is 'permitted' access rather than public rights of way, for example the Pocklington Canal tow path is a permitted footpath. Amending the sentence at 2.4 to: 'There are also public and permissive paths enabling visitors to experience the area' would be more appropriate. The status of permissive paths importantly affords the facility of possible restrictions if and when necessary e.g. dogs on leads, nesting season etc. and informs the public of possible restrictions to certain activity.</p> | <p>Paragraph 2.4 as drafted already references that the lack of disturbance from dog walkers, and other recreational and leisure based activities, is an important factor in the distribution of birds within the Lower Derwent Valley. Reference to permitted access has been included within section 2.</p> <p>Paragraph 5.1, as drafted, references enhancements. This text is more appropriately located section 5.</p> |
| LDV/48 | Mrs Angela Brown | Paragraph 3.10 | <p>Add the following additional narrative taken from National Planning Practice Guidance (PPG) after the 2nd sentence: 'The NPPF is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution'. Inserting this narrative puts the 2nd sentence narrative into context and importantly highlights that the NPPF strategy applies to all biodiversity not purely that within designated sites.</p> <p>The 3rd sentence does not fully reflect the NPPF. Paragraph 154 states 'Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where'. And paragraph 157, 7th bullet point states: 'Crucially Local Plans should: identify land where development would be inappropriate, for instance because of its environmental or historic significance'. Suggest delete 3rd sentence.</p> | Reference to the PPG and further references to the NPPF have been made. |

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| LDV/49 | Mrs Angela Brown | Paragraph 3.11 | First sentence: Amend narrative in context with additional suggested narrative from PPG: By part addition and deletion amend to: 'The NPPF requires LPAs to protect and enhance ecological networks on a landscape scale, protect and enhance valued landscapes and minimise impacts on biodiversity'. (Wording deleted '... and provide net gains in biodiversity' included in PPG paragraph). | The narrative, as drafted, is intended to reflect the wording of National Planning Policy Framework Paragraph 109. No amendment considered necessary. |
| LDV/50 | Mrs Angela Brown | Paragraph 3.22 | Paragraph narrative: 3 rd line: the word 'below' is duplicated. 4 th line: words '(shown above)', if required in narrative, would need to read (shown below). Last sentence: Clarification of narrative required? Difficulty in relating narrative as referenced to maps at Figures 1 and 6. | References to the two relevant figures have been amended. |
| LDV/51 | Mrs Angela Brown | Paragraph 4.2 | With the exception of the first sentence the narrative in this paragraph seems to read as relating the 1km boundary to only the features of the designated sites whereas the SPD guidance also relates to the species, habitat and features outside the designated sites. Any ambiguity could be avoided by amending the wording: From: - '...and consider the impacts of relevant development proposals on the Lower Derwent Valley designated sites, consistently and where necessary. To: - '...and consider the impacts of relevant development proposals within the Lower Derwent Valley, consistently and where necessary'. Thereby the narrative relates to the Lower Derwent Valley as a whole as per the first sentence and Figure 1. | The narrative has been amended as suggested. |
| LDV/52 | Mrs Angela Brown | Paragraph 4.3 | Include additional criteria of 'developments that involve exterior lighting.' This would be consistent with narrative at Table 1 (page 31): Potential Effects of Development: Disturbance and Displacement of wildlife: '.... or potentially by noise and light'. | The narrative has been amended as suggested. |
| LDV/53 | Mrs Angela Brown | Paragraph 4.9 | The link to Natural England's website no longer seems to work. | All links to external websites have been checked to ensure, at the point of publication of the document, they |

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| | | | | work. |
| LDV/54 | Mrs Angela Brown | Paragraph 5.4 | Suggest additional sentence: 'Information and advice on biodiversity enhancement can also be obtained from YWT. Also, examples of specifics might be helpful to applicants/agents.' | Section 6 already references obtaining advice from Yorkshire Wildlife Trust at pre-application stage. It is not considered necessary to reference this again at the end of section 5. Examples of specific biodiversity enhancements have been added to the document. |
| LDV/55 | Yorkshire Wildlife Trust | n/a | YWT is very supportive of the draft Lower Derwent Valley SPD, and welcome the guidance it provides for safeguarding and protecting the interest features of the Lower Derwent Valley. The Trust congratulates the East Riding of Yorkshire Council and Natural England on producing such a thorough guidance document, and hope that this example is followed by other LPA's within the Lower Derwent Valley | Support welcomed. |
| LDV/56 | Yorkshire Wildlife Trust | Paragraph 3.11 | The YWT have read the comments provided by Angela Brown, and are supportive of such comments apart from Ms Brown's comment for paragraph 3.11. The NPPF does place a duty on LPA's to provide net gains in biodiversity, therefore this should be reflected in the SPD. | The narrative, as drafted, is intended to reflect the wording of NPPF paragraph 109. No amendment considered necessary. |
| LDV/57 | Environment Agency | n/a | Supportive of this SPD, which encourages a cross-boundary approach to nature conservation and provides additional support to developers and local authorities in implementing development plan policies within the local plan. Pleased that the document recognises our interests in the Lower Derwent Valley, particularly around flood risk and water quality, and our responsibility for achieving Water Framework Directive objectives. The document provides clarity on those developments that could potentially have a significant impact on biodiversity and references specific enhancements that could be delivered though through development proposals. | Support welcomed. The document now also references the ability of applicants to seek pre-application advice from the Environment Agency in addition to a number of other bodies. |

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| | | | <p>Particularly pleased that these enhancements include better flood risk and drought management, and improving the resilience of wildlife and habitats to the impacts of climate change, as well as the document noting the dependence of some nature conservation sites and protected species on the area's hydrological regime.</p> <p>Note that the SPD includes a section that encourages pre-application advice and wish to remind you that the Environment Agency also provides a pre-application advice service. This can allow early consideration of multiple concerns and will help in seeking solutions that can have multi-functional benefits for the environment.</p> | |