



North Yorkshire County Council

WASTE AND MINERALS JOINT PLAN

Information to Inform Appropriate Assessment





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Minerals and Waste Joint Plan

Supplementary Document - Appropriate Assessment of additional Joint Plan Sites added to plan allocations following MWJP Hearings in Spring 2018, and European Court ruling in April 2018

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1. Introduction

This document has been prepared by WSP on behalf of the North Yorkshire County Council, City of York Council and North York Moors National Park.

This supplementary document has been prepared in response to the decision at the Court of Justice of the European Union (CJEU) in the matter of *People Over Wind and Sweetman v Coillte Teoranta* (C-323/17, which confirmed that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage. This has led to a reassessment of a series of sites that are identified in the draft Minerals and Waste Joint Plan. For each of these sites, supplementary data to inform Appropriate Assessment under the Habitats Regulations has now been compiled and reported within this document.

The supplementary data considers the potential for adverse effects on integrity resulting from the proposed quarry sites, upon European Sites. The definition of 'European Site' comprises sites designated as any of the following:

- Special Area of Conservation (SAC) or candidate SAC (cSAC);
- Special Protection Area (SPA) or potential SPA (pSPA); or
- Wetland of International Importance (Ramsar site) – as a matter of UK government policy (PPW paragraph 6.4.18 and 19).

This document provides information to enable Stage 2; Appropriate Assessment to be completed by the Competent Authority.

A summary of the Court of Justice of the European Union ruling 12 April 2018 is set out in Section 2.

The identification of the sites requiring Appropriate Assessment is included in Section 3, with the methodology for the HRA Stage 2 Appropriate Assessment, set out in Section 4.

The consideration of potential effects of the proposed quarry sites upon the designated sites and whether these are likely to be significant is provided in Section 5. Where Likely Significant Effects (LSE) are identified, these are addressed under Appropriate Assessment to ascertain their likelihood to cause adverse effects to the integrity of any European Sites.

2. Court of Justice of the European Union ruling 12 April 2018

On 12 April 2018, the Court of Justice of the European Union (CJEU) issued a judgment which ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures (referred to in the judgment as measures which are intended to avoid effects) should be assessed within the framework for Appropriate Assessment (AA). The ruling confirmed that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage.

Prior to this judgment, case law in England in England and Wales had established that avoidance or reduction measures that formed part of a proposal could be taken into account when assessing whether a plan or project would be likely to have a significant effect on a European site. If the risk of a significant effect could be excluded on the basis of objective information, there was no need to undertake an Appropriate Assessment.

The Planning Inspectorate has provided guidance to Inspectors on the proposed approach to be taken where a proposed plan or project is subject to Habitats Regulation Assessment (HRA) and where the HRA relies on avoidance or reduction measures to conclude that there would be no likely significant effects (LSE) on European site(s).

The paragraphs in this PINS guidance that are of particular relevance to the Minerals and Waste Joint Plan are as follows:

PINS Note 05/18 - **Consideration of avoidance and reduction measures in Habitats Regulations Assessment: *People over Wind, Peter Sweetman v Coillte Teoranta*** (issued 9 May 2018)

3. *This Note provides guidance to Inspectors on the proposed approach to be taken where the proposed plan or project is subject to Habitats Regulation Assessment (HRA), and where the HRA relies on avoidance or reduction measures to conclude there would be no likely significant effects on European site(s). It should be noted that avoidance and reduction measures can still be taken into account in the AA when the effects on site integrity are being assessed.*

4. *The CJEU reasoned that: "Taking account of such measures at the screening stage would be liable to compromise the practical effect of the Habitats Directive in general, and the assessment stage in particular, as the latter stage would be deprived of its purpose and there would be a risk of circumvention of that stage, which constitutes, however, an essential safeguard provided for by the directive." (Paragraph 37 of the judgment).*

5. *The implication of the CJEU judgment is that **competent authorities cannot take account of any integrated or additional avoidance or reduction measures when considering at the HRA screening stage whether the plan or project is likely to have an adverse effect on a European Site.***

6. *The screening stage must be undertaken on a precautionary basis without regard to any proposed integrated or additional avoidance or reduction measures. Where the likelihood of significant effects cannot be excluded, on the basis of objective information the competent authority must proceed to carry out an AA to establish whether the plan or project will affect the integrity of the European site, which can include at that stage consideration of the effectiveness of the proposed avoidance or reduction measures.*

Implications for Local Plans

7. *In Local Plan examinations, the Local Planning Authority (LPA) will be the competent authority throughout the local plan process. However, in determining soundness of the plan the examining Inspector will need to carefully consider whether the requirements of the Habitats Regulations have been met.*

8. *For local plan examinations which are ongoing or for which examining Inspectors have not yet issued their recommendations by 12 April 2018 (the date of the CJEU judgment), the HRA report for the plan should be reviewed:*

- *If the HRA report identifies that the plan is likely to have significant effects on European site(s) and their designated features and an appropriate assessment of the plan has been carried out then **no further action is required.***

- *If the HRA report includes information that concludes that there are no pathways for the policies/allocations in the plan to cause significant effects on European site(s) and their designated features then **no further action is required**.*
- *If the HRA report includes information that identifies likely significant effects on European site(s) and their designated features but concludes that they can be mitigated through avoidance or reduction measures (and does not go on to the AA stage) **then examining Inspectors should:***
 - *Ask the LPA to confirm the extent to which they consider their HRA report is legally compliant in light of the judgment and ask them to re-visit the screening assessment in doing so.*
 - *If the revised screening assessment concludes that an AA is required this should be carried out.*
 - *Consider whether the AA necessitates any main modifications (MM) to the plan. The extent to which MM are likely will decrease where adequate avoidance and reduction measures were already identified and secured. If the avoidance and reduction measures are adequate to exclude adverse effects on European site(s) integrity, the approach required is primarily a procedural one ensuring that the AA has been undertaken where required.*

9. *Further consultation may be required on any revised screening assessment or AA. The Habitats Regulations require the competent authority (the LPA in this instance) to consult the appropriate statutory nature conservation body (SNCB) and have regard to any representations made by that body.*

10. *When reviewing the HRA report it is important to remember that more than one European site could be affected by the allocations/policies in a plan. The local authority may therefore have screened out some European sites (or designated features of a site) on the grounds that there was no pathway for effects, screened out others because of avoidance/reduction measures and finally taken only one or two European sites to full AA. It is only where likely significant effects have been screened out on the grounds of avoidance or reduction measures that further action needs to be taken.*

11. *It should be noted that there is no authoritative definition of what constitutes an integrated or additional avoidance or reduction measure and this should be considered on a case by case basis. If a measure is being introduced to avoid or reduce an effect on a European site then it can be viewed as mitigation. It may be helpful to consider whether a proposal could be considered integral to a plan or whether it is a measure to avoid harm. For instance, the HRA report could identify European sites whose designated features are vulnerable to disturbance caused by people visiting the site. If evidence presented in the HRA report and during the examination demonstrates that the housing allocation is too far from the European site to lead to increased visitor numbers then it could be concluded that there is no pathway for likely significant effects to occur. However if the HRA report determines that the housing allocation would be likely to increase visitor use of the European site and relies on measures which reduce visitor pressure (such as securing land to provide a buffer to the European site or ensuring footpaths and car parks are located away from the site) to avoid or reduce likely significant effects an AA will be required to assess whether the plan will affect the integrity of the European site.*

3. Identification of sites requiring Appropriate Assessment

Following the CJEU judgment, a review has been undertaken of sites within the MWJP that were previously screened for a potential requirement for Appropriate Assessment. This review considered whether there are any previously screened out sites that are now being taken forward within the latest iteration of the MWJP for which, in light of the CJEU ruling, an Appropriate Assessment now needs to be undertaken.

In each case, the screening stage was revisited (Stage 1) and the sites assessed on the basis that no mitigation of potential impacts on European Sites had been identified.

This review identified several sites where it was judged that mitigation measures already identified within the MWJP process might have significantly influenced screening decisions. In each case it was originally decided at the screening stage that it was not necessary to undertake an Appropriate Assessment under the Habitats regulations. The sites are:

- **MJP 12 / MJP 13 – Whitewall Quarry, Norton**
- **MJP14 – Ripon Quarry, North Stainley**
- **MJP 63 – Brows Quarry, Malton**
- **MJP 55 / WJP 06 – Land adjacent to former Escrick Brickworks**
- **WJP16 – Common Lane, Burns**

In light of the CJEU ruling and adopting the approach indicated in the PINS guidance, these sites have each now been the subject of Appropriate Assessment (Stage 2 of the Habitats Regulations) using the best available information.

4. Methodology

In accordance with the Conservation of Habitats and Species Regulations (2017), Appropriate Assessment is required when, in view of a European site's objectives, a project / policy / plan:

- is likely to have a significant effect on a European site in Great Britain (either alone or in combination with other projects and/or plans); and
- is not directly connected with or necessary to the management of the site.

Stage 2 considers LSE in greater detail, including consideration of mitigation measures where these may be applied to avert an effect on the integrity of the European sites concerned. If an adverse effect upon the site's integrity cannot be ruled out, then Stage 3 is undertaken to investigate alternative solutions.

The integrity of a designated site is defined as the coherence of the site's ecological structure and function, across the whole of its area, which enables it to sustain the habitat, complex of habitats and / or populations of species for which the site has been designated (EC, 2001). An adverse effect on integrity is likely to be one which prevents the site from making the same contribution to favourable conservation status (FCS) as it did at the time of designation.

The following steps have been incorporated into the Appropriate Assessment:

- Gathering information on, and exploring the reasons for, the relevant European site designations;
- Determining the nature of the environmental conditions required to maintain the integrity of the European sites and the trends in associated environmental processes;

- Identifying whether the proposed quarries could lead to an impact on the qualifying features of the European sites and any identified processes that support the European sites;
- Determining whether the identified impact could result in an adverse effect on the integrity of European sites; and
- Developing mechanisms to enable the delivery of measures to avoid or mitigate any identified potential effects.

An assessment of whether any cause-effect pathways exist between each of the sites and the European sites that have been identified within the Zol. The Zol is defined by the potential impacts arising from the sites and the potential pathways for those impacts to reach and affect qualifying features of European sites, resulting in effects upon those qualifying features.

Minerals and Waste Joint Plan

Appropriate Assessment Report

Site Ref: MJP 55 and WJP 06

Site Name: Land adjacent to former Escrick Brickworks

Date of assessment: February 2020

Appropriate Assessment Summary Information Statement:

No likely adverse effects on the integrity of Skipwith Common SAC, Lower Derwent Valley Ramsar/SAC/SPA and Humber Estuary Ramsar/SAC/SPA, at this plan level. The mitigation recommended is considered capable of being achieved and should be included within changes to the Policy wording for the allocations. It is recognised this is a judgment reached at plan-making stage, not at the application stage. An assessment of any likely significant effects will also be made within the project-level HRA. The following over-arching mitigating statement is recommended for incorporation within the Policy: *'Any development that would be likely to have a significant effect on a European site, either alone or in combination with other plans or projects, will be subject to assessment under the Habitats Regulations at project application stage. If it cannot be ascertained that there would be no adverse effects on site integrity the project will have to be refused or pass the tests of regulations 63 and 64, in which case any necessary compensatory measures will need to be secured in accordance with regulation 68.'*

Assessment of the effects of the project or plan on the integrity of the site	
Describe the elements of the project or plan (alone or in combination with other projects or plans) that are likely to give rise to significant effects on the site (from screening assessment).	MJP 55- Extraction of clay as extensions to a former quarry (preferred area) MJP06 – Importation of inert waste for use in the restoration of proposed clay extraction within preferred area (MJP55) Site area – 122ha (operational area likely to be smaller based on definition of acceptable working area)
Current planning status	Planning permission GRANTED November 2007 for continued extraction of clay and infilling of void with inert fill to provide a mountain bike skills centre and associated facilities.
Key document references	Planning application – NY/2007/0127/FUL MWJP November 2016 Appendix 1 Allocated Sites document – MJP 55 - pp 77-80 and WJP06 – pp 119-121
Zone of Influence (Zoi) (in the absence of mitigation)	- Zoi for direct impacts (e.g. habitat loss and mortality): within footprint of MJP55 / WJP06 - Zoi for indirect impacts: 100 m of the construction footprint of MJP55 / WJP06 (operational Zoi based on the presence of suitable pathways e.g. hydrological, and/or functional linkage).
Identification of N2K Sites within ZOI	There are nine European sites considered to be within the Zoi for MJP55 /WJP06; <ul style="list-style-type: none">• Skipwith Common SAC: located 3.25 km south-east• Lower Derwent Valley SAC/ SPA/ Ramsar: located 6 km east• Humber Estuary SAC/ SPA/ Ramsar: located 17.8 km south-east• Thorne Moor SAC and Thorne and Hatfield Moors SPA: located 23 km south-east

Designated Site	Set out the conservation objectives of the sites.	Describe how the project or plan will affect key species and key habitats. Describe how the integrity of the site (determined by structure and function and conservation objectives) is likely to be affected by the project or plan (e.g. loss of habitat, disturbance, disruption, chemical changes, hydrological changes and geological changes, etc.).	Describe what mitigation measures are to be introduced to avoid, reduce or remedy the adverse effects on the integrity of the site.
<p>Skipwith Common SAC</p>	<p>Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:</p> <ul style="list-style-type: none"> • European dry heaths • Northern Atlantic wet heaths with <i>Erica tetralix</i> (Wet heathland with cross-leaved heath) <p>Conservation Objectives:</p> <ul style="list-style-type: none"> • 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>-The extent and distribution of the qualifying natural habitats</p> <ul style="list-style-type: none"> - The structure and function (including typical species) of the qualifying natural habitats and, - The supporting processes on which the qualifying natural habitats rely <p>Threats¹: Public access / disturbance; Inappropriate scrub control; Drainage; and</p>	<p>Direct habitat loss and disturbance - Skipwith Common SAC is located approximately 3 km south-east of MJP55 and WJP06, therefore it is not anticipated that any direct habitat loss or disturbance of qualifying and non-qualifying habitats of the SAC will occur.</p> <p>Impacts to species using functionally linked habitat – the SAC does not support qualifying species.</p> <p>Hydrological effects - There are potential surface water pathways between MJP55 / WJP06 and Skipwith Common SAC, through a series of ditches and dikes. It is anticipated that mitigation measures to prevent the unlikely release of contaminants and sediments, through a one-off pollution or flooding event, would be sufficient to prevent adverse impacts on the SAC. Skipwith Common SAC relies on the maintenance of water levels to maintain wet heath communities. Impacts on the SAC in relation to groundwater were assessed within the screening stage². Whilst water extraction levels are not known at this stage, adverse impacts to groundwater will be avoided through compliance with the site's Application Licence issued by the Environment Agency, which will be a condition of consent. Furthermore, MJP55 / WJP06 is a former clay site and clay is an aquitard with low hydraulic conductivity, so impacts on the water table as a result of MJP 55 / WJP06 are likely to be limited.</p> <p>Air quality effects – An increase in dust and particulate matter (PM) are likely as a result of the construction and operational phases associated with MJP55 / WJP06. Skipwith Common SAC is located 3 km south-east, therefore a significant increase in dust/ PM deposition on the qualifying features is unlikely to occur. Guidance³ states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source Larger</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the Skipwith Common SAC.</p> <p>Hydrological effects to surface waters - A CEMP to include measures to prevent the release of contaminants and sediments into surface water.</p> <p>A Project Level HRA will be required.</p>

¹ <http://publications.naturalengland.org.uk/publication/6301721630343168>

² North Yorkshire County Council (2016) Minerals and Waste Joint Plan, Sustainability Appraisal Habitats Regulations Assessment October 2016

³ http://www.iaqm.co.uk/text/guidance/mineralsguidance_2016.pdf

	Air pollution.	particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.	
<p>Thorne Moor SAC</p> <p>Qualifying habitats: The site is designated under Article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:</p> <ul style="list-style-type: none"> - Degraded raised bogs still capable of natural regeneration. <p>Conservation Objectives:</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> <ul style="list-style-type: none"> - The extent and distribution of qualifying natural habitats - The structure and function (including typical species) of qualifying natural habitats, and - The supporting processes on which qualifying natural habitats rely. <p>Threats⁴:</p> <ul style="list-style-type: none"> Drainage; Inappropriate scrub control; Air pollution; Public access / disturbance; Planning permission; Peat extraction; Invasive species. 	<p>Direct habitat loss and disturbance - Thorne Moor SAC is located 23 km south-east of MJP55, WJP06, therefore it is not anticipated that any direct habitat loss and/or disturbance will occur.</p> <p>Impacts to species using functionally linked habitat – the SAC does not support qualifying species.</p> <p>Hydrological effects - Whilst Thorne Moor SAC supports water dependent Annex I habitats, there are no likely hydrological links from MJP55 and WJP06 on the SAC. Therefore, no adverse impacts are envisaged.</p> <p>Air quality effects – An increase in dust and particulate matter (PM) are likely as a result of the construction and operational phases associated with MJP55 / WJP06. Thorne Moor SAC is located 23 km distant, therefore a significant increase in dust/ PM deposition on the qualifying features is unlikely to occur. Guidance⁵ states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source. Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p>	<p>It is therefore anticipated that no adverse impact on the integrity of the qualifying features of the SAC will occur.</p> <p>It is considered that there are no mitigation requirements.</p>	

⁴ <http://publications.naturalengland.org.uk/publication/6489780632158208>

⁵ http://www.iaqm.co.uk/text/guidance/mineralsguidance_2016.pdf

<p>Thorne and Hatfield Moors SPA</p>	<p>The SPA site was designated as being of European importance for the following Annex I species:</p> <ul style="list-style-type: none"> • Nightjar <i>Caprimulgus europaeus</i>, 66 pairs representing at least 1.9% of the breeding population in Great Britain (5 count peak mean 1993, 1995-1998). 	<p>Direct habitat loss and disturbance - Thorne and Hatfield Moors SPA is located 23 km south-east of MJP55, WJP06, therefore it is not anticipated that any direct habitat loss and/or disturbance will occur.</p> <p>Impacts to species using functionally linked habitat – On the basis of aerial photograph analysis (google maps 2019), habitats within MJP55 and WJP06 are not considered to be likely to support nightjar populations. In addition, due to the distance of the SPA from MJP55 / WJP06 it is considered unlikely that any disturbance impacts would occur.</p> <p>Hydrological effects - Whilst Thorne and Hatfield Moors SPA supports water dependent Annex I habitats, there are no likely hydrological links from MJP55 and WJP06 on the SPA. Therefore, no adverse impacts are envisaged.</p> <p>Air quality effects – An increase in dust and particulate matter (PM) are likely as a result of the construction and operational phases associated with MJP55 / WJP06. Thorne and Hatfield Moors SPA is located 23 km distant, therefore a significant increase in dust/ PM deposition on the qualifying features is unlikely to occur. Guidance⁶ states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source. Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p>	<p>It is therefore anticipated that no adverse impact on the integrity of the qualifying features of the SPA will occur.</p> <p>It is considered that there are no mitigation requirements.</p>
<p>Lower Derwent Valley SAC</p>	<p>The qualifying features of the SAC are as follows:</p> <ul style="list-style-type: none"> • H6510 Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>Sanguisorba officinalis</i>). • 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) • S1355 Otter <i>Lutra lutra</i> <p>The conservation objectives for Lower Derwent Valley SAC:</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</p>	<p>Direct habitat loss and disturbance - Lower Derwent Valley SAC is located 6.5 km east of MJP55 / WJP06 therefore it is not anticipated that any direct habitat loss or disturbance of qualifying and non-qualifying habitats within the SAC will occur.</p> <p>Impacts to species using functionally linked habitat - It is considered unlikely that the habitats within MJP55 and WJP06 are similar to the hay meadows or alluvial forests which occur within the Lower Derwent Valley SAC. Due to the lack of suitable riparian habitat within MJP55 and WJP06 and distance to the SAC, it is considered unlikely that the proposed works would result on a depletion of the otter habitat resource or disturbance that would adversely impact the favourable conservation status of the SAC otter population.</p> <p>Hydrological effects - There is no surface water connectivity between MJP55 and WJP06 and the Lower Derwent Valley SAC. Whilst water extraction levels</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the SAC.</p> <p>A Project Level HRA will be required.</p>

⁶ http://www.iagm.co.uk/text/guidance/mineralsguidance_2016.pdf

	<p>Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> 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 the habitats of qualifying species rely The populations of qualifying species, and, the distribution of qualifying species within the site. <p>Threats⁷:</p> <p>Hydrological change; Drainage; Public access / disturbance; Invasive species; Under grazing; Inappropriate scrub control; and Air pollution.</p>	<p>are not known at this stage, adverse impacts to groundwater as a result of abstraction and discharge will be avoided through compliance with the site's Abstraction Licence issued by the Environment Agency, which will be a condition of consent.</p> <p>Air quality effects – An increase in dust and particulate matter (PM) are likely as a result of the construction and operational phases associated with MJP55 / WJP06. The SAC is located 6.5 km distant, therefore a significant increase in dust/ PM deposition on the qualifying features is unlikely to occur. Guidance⁸ states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source. Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p>	.
<p>Lower Derwent Valley SPA</p>	<p>Qualifying features:</p> <ul style="list-style-type: none"> A037 <i>Cygnus columbianus bewickii</i>; Bewick's swan (Non-breeding). A140 <i>Pluvialis apricaria</i>; European golden plover (Non-breeding) A151 <i>Philomachus pugnax</i>; Ruff (Non-breeding) A056; <i>Anas clypeata</i> Northern Shoveler (breeding) A050 <i>Anas penelope</i>; Eurasian wigeon (Non-breeding) A052 <i>Anas crecca</i>; Eurasian teal (Non-breeding) Waterbird assemblage 	<p>Direct habitat loss and disturbance - Lower Derwent Valley SPA is located 6.5 km east of MJP55 / WJP06 with significant land resource present between the SPA and the quarry. No direct habitat loss or disturbance to species within the SPA will occur.</p> <p>Impacts to species using functionally linked habitat – On the basis of aerial photograph analysis (google maps 2019), habitats it is considered unlikely that the habitats within MJP55 and WJP06 are similar to the riparian and wetland habitats which occur within the Lower Derwent Valley. MJP55 / WJP06 is considered unlikely to form a significant resource for the majority of the bird species listed as qualifying features of the SPA. This is due to the habitat characteristics of the species, primarily waterfowl and wader species which utilise areas of open water. There is a small risk that MJP55 / WJP06 may provide suitable foraging and sheltering habitat for a small number of the</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the SPA.</p>

⁷ <http://publications.naturalengland.org.uk/publication/5916047525806080>

⁸ http://www.iaqm.co.uk/text/guidance/mineralsguidance_2016.pdf

	<p>Threats⁹:</p> <p>Public access / disturbance; Inappropriate scrub control; Drainage; and Air pollution.</p>	<p>qualifying species of the SPA (e.g. golden plover and Bewick's swan). However, it is considered unlikely that any use would be sufficient to result in an adverse impact to the favourable conservation status of these species within the SPA. This conclusion has been drawn based upon the distance from the SPA (~6km) and the wide range of similar available habitat resource between the SPA. The qualifying features for the SPA are mobile species and are likely to utilise the range of valleys and estuary in the region. Loss of a comparatively small area of arable land within this wide resource, at a distance of 6km from the SPA, is not likely to impact sufficient numbers of qualifying species to impact the favourable conservation status of these species which utilise the SPA. Furthermore, the quarry is a temporary change in land usage, with WJP06 policy to infill the land after extraction. Therefore, it is not anticipated that habitat loss or disturbance would result in adverse impacts on the qualifying species of the SPA.</p> <p>Air quality effects - An increase in dust and particulate matter (PM) are likely as a result of the construction and operational phases associated with MJP55. Lower Derwent Valley SPA is located ~6 km from MJP55, therefore a significant increase in dust/ PM deposition on the qualifying features is unlikely to occur. Guidance¹⁰ states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source. Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p> <p>Hydrological effects - There is no surface water connectivity. Whilst water extraction levels are not known at this stage, adverse impacts to groundwater as a result of abstraction and discharge will be avoided through compliance with the site's Abstraction Licence issued by the Environment Agency, which will be a condition of consent.</p>	<p>A Project Level HRA will be required.</p>
<p>Lower Derwent Valley Ramsar</p>	<p>Ramsar Criteria: Ramsar criterion 1: The site represents one of the most important examples of traditionally managed species-rich alluvial flood meadow habitat remaining in the UK. The river and flood meadows play a substantial role in the hydrological and ecological functioning of the Humber Basin.</p>	<p>Direct habitat loss and disturbance - Lower Derwent Valley Ramsar is located 6.5 km east of MJP55 / WJP06 therefore it is not anticipated that any direct habitat loss of qualifying and non-qualifying habitats or disturbance of species within the Ramsar will occur.</p> <p>Impacts to species using functionally linked habitat – On the basis of aerial photograph analysis (google maps 2019), habitats it is considered unlikely that</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage.</p>

⁹ <http://publications.naturalengland.org.uk/publication/6301721630343168>

¹⁰ http://www.iaqm.co.uk/text/guidance/mineralsguidance_2016.pdf

	<p>Ramsar criterion 2: The site has a rich assemblage of wetland invertebrates including 16 species of dragonfly and damselfly, 15 British Red Data Book wetland invertebrates as well as a leafhopper, <i>Cicadula ornata</i> for which Lower Derwent Valley is the only known site in Great Britain.</p> <p>Ramsar criterion 4: The site qualifies as a staging post for passage birds in spring. Of particular note are the nationally important numbers of Ruff <i>Philomachus pugnax</i> and Whimbrel <i>Numenius phaeopus</i>.</p> <p>Ramsar criterion 5: Assemblages of international importance; Species with peak counts in winter: 31942 waterfowl (5 year peak mean 1998/99-2002/2003)</p> <p>Ramsar criterion 6: species/populations occurring at levels of international importance:</p> <ul style="list-style-type: none"> - Eurasian wigeon <i>Anas penelope</i>, NW Europe - 8350 individuals, representing an average of 2% of the GB population (5 year peak mean 1998/9-2002/3) - Eurasian teal <i>Anas crecca</i>, NW Europe 4200 individuals, representing an average of 1% of the population (5 year peak mean 1998/9-2002/3) <p>Threats¹¹:</p> <ul style="list-style-type: none"> Public access / disturbance; Inappropriate scrub control; Drainage; and Air pollution. 	<p>the habitats within MJP55 and WJP06 are similar to the riparian and wetland habitats which occur within the Lower Derwent Valley. Therefore, the risk of a similar assemblage of invertebrates occurring within MJP55 and WJP06 is considered unlikely. Dispersal of dragonflies and damselflies and leafhoppers from the Ramsar site to distances as far as MJP55 and WJP06 is likely only limited to infrequent long-distance dispersal events rather than the habitats being linked. No depletion of the resource or disturbance sufficient to cause an adverse impact on the favourable conservation status of the assemblages of invertebrates within the Ramsar are likely to occur. In addition, MJP55 / WJP06 is considered unlikely to form a significant resource for the majority of the bird species listed as qualifying features of the SPA. This is due to the habitat characteristics of the species, primarily waterfowl and wader species which utilise areas of open water. Further, the species listed are highly mobile and are likely to utilise a range of habitats within the Humber Basin and its associated river valleys. It is therefore anticipated that no adverse disturbance impacts on the qualifying features of the Ramsar will occur.</p> <p>Air quality effects - An increase in dust and particulate matter (PM) are likely as a result of the construction and operational phases associated with MJP55 / WJP06. Lower Derwent Valley Ramsar is located 6.5 km east, therefore a significant increase in dust/ PM deposition on the qualifying features is unlikely to occur. Guidance¹² states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source. Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p> <p>Hydrological effects – There is no surface water connectivity. Mining operations are listed within the Ramsar Information Sheet as having the potential to affect the hydrological balance of the area that may affect the integrity of the site. However, MJP55 / WJP06 is a former clay site and clay is an aquitard with low hydraulic conductivity; therefore impacts on the ground water or aquifers as a result of MJP 55 / WJP06 are likely to be limited. Any adverse impacts to groundwater as a result of abstraction and discharge will be avoided through compliance with the site’s Abstraction Licence issued by the Environment Agency, which will be a condition of consent.</p>	<p>This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the Ramsar.</p> <p>A Project Level HRA will be required.</p>
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¹¹ <http://publications.naturalengland.org.uk/publication/6301721630343168>

¹² http://www.iaqm.co.uk/text/guidance/mineralsguidance_2016.pdf

<p>Humber Estuary SAC</p>	<p>Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:</p> <ul style="list-style-type: none"> • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) • Coastal lagoons • Dunes with <i>Hippophae rhamnoides</i> • Embryonic shifting dunes • Estuaries • Mudflats and sandflats not covered by seawater at low tide • Fixed dunes with herbaceous vegetation ('grey dunes') • Salicornia and other annuals colonising mud and sand • Sandbanks which are slightly covered by sea water all the time • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') 	<p>Direct Habitat loss and disturbance - The Humber Estuary SAC is located ~17 km south-east of MJP55 / WJP06. Therefore, it is not anticipated that any direct habitat loss of qualifying and non-qualifying habitats or disturbance of species within the SAC will occur.</p> <p>Impacts to species using functionally linked habitat – On the basis of aerial photograph analysis (google maps 2019), habitats it is considered that the qualifying feature (Annex 1 habitats) are unlikely to be present within MJP55 / WJP06. In addition, there are limited functional linkages or pathways of habitat connectivity between MJP55 / WJP06 and the SAC, therefore it is considered unlikely that the qualifying species would be disturbed.</p> <p>Air quality effects - An increase in dust and particulate matter (PM) are likely as a result of the construction and operational phases associated with MJP55 / WJP06. The Humber Estuary SAC is located ~17 km south-east, therefore a significant increase in dust/PM deposition on the qualifying features is unlikely to occur. Guidance¹⁴ states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source. Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the SAC.</p> <p>Hydrological effects to surface waters - A CEMP to include measures to prevent the release of contaminants and sediments into surface water.</p> <p>A Project Level HRA will be required.</p>
<p>Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:</p> <ul style="list-style-type: none"> • Grey seal <i>Halichoerus grypus</i> • River lamprey <i>Lampetra fluviatilis</i> • Sea lamprey <i>Petromyzon marinus</i> 	<p>Conservation Objectives for Humber Estuary SAC:</p> <ul style="list-style-type: none"> • 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; <ul style="list-style-type: none"> - 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 	<p>Hydrological effects – MJP55 / WJP06 is approximately ~2km north of the River Ouse. There is some hydrological connectivity between MJP55 / WJP06 via dikes, drains and sluices. The River Ouse then flows into the Humber Estuary, providing a hydrological link between MJP55 / WJP06 to the Humber Estuary (located ~17 km south-east). Contaminants and sediments arising from the quarry (e.g. haulage) may therefore be transferred into the Estuary. It is considered that a CEMP and following environmental best practices will mitigate for the unlikely event of any contaminants and sediments entering the watercourses. The distance of the Humber Estuary from MJP55 / WJP06 will also mean a dilution effect for any possible contaminants or sediments.</p> <p>MJP55 / WJP06 is a former clay site and clay is an aquitard with low hydraulic conductivity, therefore impacts on the ground water as a result of MJP 55 / WJP06 are likely to be limited. MJP55 / WJP06 is also located within the Wharfe and Lower Ouse Catchment Abstraction Management Strategy (CAMS) boundary and the Humber Estuary SAC in the Hull and East Riding CAM</p>	

¹⁴ http://www.iaqm.co.uk/text/guidance/mineralsguidance_2016.pdf

	<p>- The supporting processes on which qualifying natural habitats and habitats of qualifying species rely</p> <p>-The populations of qualifying species, and, and, - The distribution of qualifying species within the site.</p> <p>Threats¹³:</p> <p>Water pollution; Coastal squeeze; Changes in species distribution; Under grazing; Invasive species; Natural changes to site conditions; Public access / disturbance; Fisheries; Direct land take from development; Air pollution; and Shooting.</p>	<p>boundary, therefore any potential impacts on ground water or aquifers as a result of MJP55 / WJP06 are likely to be limited.</p>	
<p>Humber Estuary SPA</p>	<p>Qualifying Features:</p> <ul style="list-style-type: none"> • A021 <i>Botaurus stellaris</i>; Great bittern (Non-breeding) • A021 <i>Botaurus stellaris</i>; Great bittern (Breeding) • A048 <i>Tadorna tadorna</i>; Common shelduck (Non-breeding) • A081 <i>Circus aeruginosus</i>; Eurasian marsh harrier (Breeding) • A082 <i>Circus cyaneus</i>; Hen harrier (Non-breeding) • A132 <i>Recurvirostra avosetta</i>; Pied avocet (Non-breeding) • A132 <i>Recurvirostra avosetta</i>; Pied avocet (Breeding) • A140 <i>Pluvialis apricaria</i>; European golden plover (Non-breeding) • A143 <i>Callidris canutus</i>; Red knot (Non-breeding) • A149 <i>Callidris alpina alpina</i>; Dunlin (Non-breeding) • A151 <i>Philomachus pugnax</i>; Ruff (Non-breeding) • A156 <i>Limosa limosa islandica</i>; Black-tailed godwit (Non-breeding) • A157 <i>Limosa lapponica</i>; Bar-tailed godwit (Non-breeding) 	<p>Direct Habitat loss and disturbance – Humber Estuary SPA is located 17.8 km south-east, with large swathes of arable habitat present between the SPA and the quarry. Therefore, it is not anticipated that any direct habitat loss of qualifying and non-qualifying habitats or disturbance of species within the SAC will occur.</p> <p>Impacts to species using functionally linked habitat – On the basis of aerial photograph analysis (google maps 2019), habitats it is considered that MJP55 / WJP06 is unlikely to form a significant resource for the majority of the bird species listed as qualifying features of the SPA. This is due to the habitat characteristics of the species, primarily waterfowl and wader species which utilise areas of open water and intertidal mudflats, inundation vegetation and associated tidal habitats. There is a small risk that MJP55 / MJP06 may provide suitable foraging and sheltering habitat for a small number of the qualifying species of the SPA which can move to sheltering and foraging grounds within arable land and grassland in the wider area (e.g. golden plover). However, it is considered unlikely that any use would be sufficient to result in an adverse impact to the favourable conservation status of these species within the SPA via disturbance related to MJP55 / WJP06. This conclusion has been drawn based upon the distance from the SPA and the wide range of similar available</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the SPA.</p> <p>Hydrological effects to surface waters - A CEMP to include measures to prevent the release of contaminants and sediments into surface water.</p>

¹³ <http://publications.naturalengland.org.uk/publication/5427891407945728>

	<ul style="list-style-type: none"> • A162 <i>Tringa totanus</i>; Common redshank (Non-breeding) • A195 <i>Sterna albifrons</i>; Little tern (Breeding) • Waterbird assemblage <p>Conservation objectives for the Conservation Objectives SPA:</p> <ul style="list-style-type: none"> • 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; <ul style="list-style-type: none"> - The extent and distribution of the habitats of the qualifying features - The structure and function of the habitats of the qualifying features <p>The supporting processes on which the habitats of the qualifying features rely</p> <ul style="list-style-type: none"> - The population of each of the qualifying features, and, - The distribution of the qualifying features within the site. <p>Threats¹⁵:</p> <ul style="list-style-type: none"> Water pollution; Coastal squeeze; Changes in species distribution; Under grazing; Invasive species; Natural changes to site conditions; Public access / disturbance; Fisheries; Direct land take from development; Air pollution; and Shooting. 	<p>habitat resource between the SPA. Furthermore, the quarry is a temporary change in land usage, with WJP06 policy to infill the land after extraction. Therefore, it is not anticipated that habitat loss will result in adverse impacts on the qualifying species of the SPA.</p> <p>Air quality effects - An increase in dust and particulate matter (PM) are likely as a result of the construction and operational phases associated with MJP55 / WJP06. The Humber Estuary SPA is located 17.5 km south-east, therefore a significant increase in dust/ PM deposition on the qualifying features is unlikely to occur. Guidance¹⁶ states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source. Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p> <p>Hydrological effects – MJP55 / WJP06 is approximately 1.74km north of the River Ouse. There is some hydrological connectivity between MJP55 / WJP06 via dikes, drains and sluices. The River Ouse then flows into the Humber Estuary, providing a hydrological link between MJP55 / WJP06 to the Humber Estuary (located 17.8 km south-east). Contaminants and sediments arising from the quarry (e.g. haulage) may therefore be transferred into the estuary. It is considered that a CEMP and following environmental best practices will mitigate for the unlikely event of any contaminants and sediments entering the watercourses. The distance of the Humber Estuary from MJP55 / WJP06 will also mean a dilution effect for any possible contaminants or sediments.</p> <p>MJP55 / WJP06 is a former clay site and clay is an aquitard with low hydraulic conductivity, therefore impacts on the ground water as a result of MJP 55 / WJP06 are likely to be limited. MJP55 / WJP06 is also located within the Wharfe and Lower Ouse Catchment Abstraction Management Strategy (CAMS) boundary and the Humber Estuary SAC in the Hull and East Riding CAM boundary, therefore any potential impacts on ground water or aquifers as a result of MJP55 / WJP06 are likely to be limited.</p>	<p>A Project Level HRA will be required.</p>
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¹⁵ <http://publications.naturalengland.org.uk/publication/5427891407945728>

¹⁶ http://www.iaqm.co.uk/text/guidance/mineralsguidance_2016.pdf

<p>Humber Ramsar Estuary</p>	<p>Ramsar Criteria: Ramsar criterion 1: The site is a representative example of a near-natural estuary with the following component habitats: dune systems and humid dune slacks, estuarine waters, intertidal mud and sand flats, saltmarshes, and coastal brackish/saline lagoons. Ramsar criterion 3: The Humber Estuary Ramsar site supports a breeding colony of grey seals <i>Halichoerus grypus</i> at Donna Nook: Ramsar criterion 5: Assemblages of international importance 153,934 waterfowl, non-breeding season (5 year peak mean 1996/97-2000/2001). Ramsar criterion 6: species/populations occurring at levels of international importance: common shelduck, Eurasian golden plover, red knot, dunlin, black-tailed godwit, bar-tailed godwit, common redshank Ramsar criterion 8: The Humber Estuary acts as an important migration route for both river lamprey and sea lamprey between coastal waters and their spawning areas.</p> <p>Threats¹⁷: Water pollution; Coastal squeeze; Changes in species distribution; Under grazing; Invasive species; Natural changes to site conditions; Public access / disturbance; Fishes; Direct land take from development; Air pollution; and Shooting.</p>	<p>Direct Habitat loss and disturbance - Humber Estuary Ramsar is located 17.8 km south-east, therefore it is not anticipated that any direct habitat loss or disturbance of qualifying species will occur.</p> <p>Impacts to species using functionally linked habitat – On the basis of aerial photograph analysis (google maps 2019), MJP55 / WJP06 may provide areas of suitable habitat for the qualifying species of the Ramsar (invertebrates and birds). However, it is considered unlikely that the habitats within MJP55 / WJP06 will be utilised by the qualifying species of the Ramsar, on account of the distance and the availability of other suitable habitat within the surrounds of the Ramsar. It is therefore anticipated that no adverse disturbance impacts on the qualifying features of the Ramsar will occur.</p> <p>Air quality effects – An increase in dust and particulate matter (PM) are likely as a result of the construction and operational phases associated with MJP55 / WJP06. The Humber Estuary Ramsar is located 17.8 km east, therefore a significant increase in dust/ PM deposition on the qualifying features is unlikely to occur. Guidance¹⁸ states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source. Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p> <p>Hydrological effects – MJP55 / WJP06 is approximately 1.74km north of the River Ouse. There is some hydrological connectivity between MJP55 / WJP06 via dikes, drains and sluices. The River Ouse then flows into the Humber Estuary, providing a hydrological link between MJP55 / WJP06 to the Humber Estuary (located 17.8 km south-east). Contaminants and sediments arising from the quarry (e.g. haulage) may therefore be transferred into the Estuary. It is considered that a CEMP and following environmental best practices will mitigate for the unlikely event of any contaminants and sediments entering the watercourses. The distance of the Humber Estuary Ramsar from MJP55 / WJP06 will also mean a dilution effect for any possible contaminants or sediments.</p> <p>MJP55 / WJP06 is a former clay site and clay is an aquitard with low hydraulic conductivity, therefore impacts on the ground water as a result of MJP 55 / WJP06 are likely to be limited. MJP55 / WJP06 is also located within the Wharfe</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the SPA.</p> <p>Hydrological effects to surface waters - A CEMP to include measures to prevent the release of contaminants and sediments into surface water.</p> <p>A Project Level HRA will be required.</p>
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¹⁷ <http://publications.naturalengland.org.uk/publication/5427891407945728>

¹⁸ http://www.iaqm.co.uk/text/guidance/mineralsguidance_2016.pdf

		<p>and Lower Ouse Catchment Abstraction Management Strategy (CAMS) boundary and the Humber Estuary SAC in the Hull and East Riding CAM boundary, therefore any potential impacts on ground water or aquifers as a result of MJP55 / WJP06 are likely to be limited.</p>	
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Minerals and Waste Joint Plan

Appropriate Assessment Report

Site Ref: WJP16

Site Name: Common Lane, Burn

Date of assessment: May 2020

Appropriate Assessment Summary Information Statement:

No likely adverse effects on the integrity of the Humber Estuary Ramsar/SAC/SPA, at this plan level. The mitigation recommended is considered capable of being achieved and should be included within changes to the Policy wording for the allocations. It is recognised this is a judgment reached at plan-making stage, not at the application stage. An assessment of any likely significant effects will also be made within the project-level HRA. The following over-arching mitigating statement is recommended for incorporation within the Policy: *'Any development that would be likely to have a significant effect on a European site, either alone or in combination with other plans or projects, will be subject to assessment under the Habitats Regulations at project application stage. If it cannot be ascertained that there would be no adverse effects on site integrity the project will have to be refused or pass the tests of regulations 63 and 64, in which case any necessary compensatory measures will need to be secured in accordance with regulation 68.'*

Assessment of the effects of the project or plan on the integrity of the site	
Describe the elements of the project or plan (alone or in combination with other projects or plans) that are likely to give rise to significant effects on the site (from screening assessment).	WJP16- Bulking and transfer of municipal and commercial waste Site area - 1.42ha.
Current planning status	Screening Opinion Issued
Key document references	Planning application – NY/2013/0058/FUL – Request for a Screening Opinion in respect of the development of a waste transfer facility.
Zone of Influence (Zoi) (in the absence of mitigation)	- Zoi for direct impacts (e.g. habitat loss and mortality): within footprint of WJP16 - Zoi for indirect impacts: 100 m of the construction footprint of WJP16 (operational Zoi based on the presence of suitable pathways e.g. hydrological, and/or functional linkage).
Identification of N2K Sites within ZOI	There are three European sites considered to be within the Zoi for WJP16: <ul style="list-style-type: none">• Humber Estuary SPA / SAC / Ramsar: located 13km east

Designated Site	Set out the conservation objectives of the sites.	Describe how the project or plan will affect key species and key habitats. Describe how the integrity of the site (determined by structure and function and conservation objectives) is likely to be affected by the project or plan (e.g. loss of habitat, disturbance, disruption, chemical changes, hydrological changes and geological changes, etc.).	Describe what mitigation measures are to be introduced to avoid, reduce or remedy the adverse effects on the integrity of the site.
<p>Humber Estuary SAC</p>	<p>Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:</p> <ul style="list-style-type: none"> • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) • Coastal lagoons • Dunes with <i>Hippophae rhamnoides</i> • Embryonic shifting dunes • Estuaries • Mudflats and sandflats not covered by seawater at low tide • Fixed dunes with herbaceous vegetation ('grey dunes') • Salicornia and other annuals colonising mud and sand • Sandbanks which are slightly covered by sea water all the time • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') <p>Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:</p> <ul style="list-style-type: none"> • Grey seal <i>Halichoerus grypus</i> • River lamprey <i>Lampetra fluviatilis</i> • Sea lamprey <i>Petromyzon marinus</i> <p>Conservation Objectives for Humber Estuary SAC:</p> <ul style="list-style-type: none"> • 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 	<p>Direct habitat loss and disturbance - The Humber Estuary SAC is located 13km southeast from WJP16 and therefore there will be no direct loss of SAC habitat or disturbance within the SAC.</p> <p>Impacts to species using functionally linked habitat – On the basis of aerial analysis (google maps, 2019), it is considered that there are limited opportunities for linkage (fish habitat) between WJP16 and the SAC. There is a drain present within c. 200 m of the allocation, which connects to the Selby canal. The canal flows into the River Aire and ultimately into the Humber Estuary SAC. Should qualifying fish species be present within the waterbody within 200m of the allocation, it is considered highly unlikely that there would be disturbance impacts from noise or vibration at >200 m. Surface water or ground water impacts, which might affect fish, would be managed by the inclusion of a pollution control measures within a CEMP and abstraction licencing (see below).</p> <p>Air quality effects - An increase in dust and particulate matter (PM) are likely as a result of the construction and operational phases associated with WJP16. Due to distance (≥13km), a significant increase in dust/ PM deposition on the qualifying features is unlikely to occur. Guidance² states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source. Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p> <p>Hydrological effects – WJP16 is approximately 375m distant from the Selby Canal (connected to a drain within 200m of the allocation). The canal flows into the River Aire and into the Humber Estuary SAC, providing a hydrological link between WJP16 and the Humber Estuary. Contaminants and sediments arising from the quarry (e.g. haulage) may therefore be transferred into the Estuary. The distance of the Humber Estuary from WJP16 would likely negate any effect for any possible contaminants or sediments.</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the Humber Estuary.</p> <p>Hydrological pollution effects to surface/ground waters - A CEMP to include measures to prevent the release of contaminants and sediments.</p> <p>A Project Level HRA will be required.</p>

² http://www.iagm.co.uk/text/guidance/mineralsguidance_2016.pdf

	<p>Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> - 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, and, - The distribution of qualifying species within the site. <p>Threats¹:</p> <ul style="list-style-type: none"> Water pollution; Coastal squeeze; Changes in species distribution; Under grazing; Invasive species; Natural changes to site conditions; Public access / disturbance; Fisheries; Direct land take from development; Air pollution; and Shooting. 	<p>Due to the proposed use, bulking and transfer of municipal and commercial waste, and in light that WJP16 is located within the Aire and Calder Catchment Abstraction Management Strategy (CAMS) boundary and the Humber Estuary SAC in the Hull and East Riding CAM boundary, any potential impacts on ground water or aquifers as a result of WJP16 are likely to be limited.</p>	
<p>Humber Estuary SPA</p>	<p>Qualifying Features:</p> <ul style="list-style-type: none"> • A021 <i>Bataurus stellaris</i>; Great bittern (Non-breeding) • A021 <i>Bataurus stellaris</i>; Great bittern (Breeding) • A048 <i>Tadorna tadorna</i>; Common shelduck (Non-breeding) • A081 <i>Circus aeruginosus</i>; Eurasian marsh harrier (Breeding) • A082 <i>Circus cyaneus</i>; Hen harrier (Non-breeding) • A132 <i>Recurvirostra avosetta</i>; Pied avocet (Non-breeding) • A132 <i>Recurvirostra avosetta</i>; Pied avocet (Breeding) • A140 <i>Pluvialis apricaria</i>; European golden plover (Non-breeding) • A143 <i>Calidris canutus</i>; Red knot (Non-breeding) 	<p>Direct habitat loss and disturbance - The Humber Estuary SPA is located 13km southeast from WJP16 and therefore there will be no direct loss of SPA habitat or disturbance within the SPA.</p> <p>Impacts to species using functionally linked habitat – On the basis of aerial photograph analysis (google maps 2019), WJP16 is considered unlikely to form a significant resource for the bird species listed as qualifying features of the SPA. This is due to the habitat characteristics of the species, primarily waterfowl and wader species which utilise areas of open water and intertidal mudflats, inundation vegetation and associated tidal habitats. On the basis of aerial photograph (google maps 2019) analysis, there is a small risk that WJP16 may provide suitable foraging and sheltering habitat for a small number of the qualifying species of the SPA which can move to sheltering and foraging grounds within arable land and grassland in the wider area (e.g. golden plover).</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the Humber Estuary.</p>

¹ <http://publications.naturalengland.org.uk/publication/5427891407945728>

<ul style="list-style-type: none"> • A149 <i>Calidris alpina alpina</i>; Dunlin (Non-breeding) • A151 <i>Philomachus pugnax</i>; Ruff (Non-breeding) • A156 <i>Limosa limosa islandica</i>; Black-tailed godwit (Non-breeding) • A157 <i>Limosa lapponica</i>; Bar-tailed godwit (Non-breeding) • A162 <i>Tringa totanus</i>; Common redshank (Non-breeding) • A195 <i>Sterna albifrons</i>; Little tern (Breeding) • Waterbird assemblage <p>Conservation objectives for the Conservation Objectives SPA:</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> - The extent and distribution of the habitats of the qualifying features - The structure and function of the habitats of the qualifying features <p>The supporting processes on which the habitats of the qualifying features rely</p> <ul style="list-style-type: none"> - The population of each of the qualifying features, and, - The distribution of the qualifying features within the site. <p>Threats³:</p> <p>Water pollution; Coastal squeeze; Changes in species distribution; Under grazing; Invasive species; Natural changes to site conditions; Public access / disturbance; Fisheries;</p>	<p>However, it is considered unlikely that any use would be enough to result in an adverse impact to the favourable conservation status of these species within the SPA via disturbance related to WJP16. This conclusion has been drawn based upon the distance from the SPA and the wide range of similar available habitat resource between the SPA.</p> <p>Air quality effects - An increase in dust and particulate matter (PM) are likely as a result of the construction and operational phases associated with WJP16. Due to distance (≥13km), a significant increase in dust/ PM deposition on the qualifying features is unlikely to occur. Guidance⁴ states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source. Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p> <p>Hydrological effects – WJP16 is approximately 375m distant from the Selby Canal (connected to a drain within 200m of the allocation). The canal flows into the River Aire and into the Humber Estuary SAC, providing a hydrological link between WJP16 and the Humber Estuary. Contaminants and sediments arising from the quarry (e.g. haulage) may therefore be transferred into the Estuary. The distance of the Humber Estuary from WJP16 would likely negate any effect for any possible contaminants or sediments.</p> <p>Due to the proposed use, bulking and transfer of municipal and commercial waste, and in light that WJP16 is located within the Aire and Calder Catchment Abstraction Management Strategy (CAMS) boundary and the Humber Estuary SAC in the Hull and East Riding CAM boundary, any potential impacts on ground water or aquifers as a result of WJP16 are likely to be limited.</p>	<p>Hydrological pollution effects to surface/ground waters - A CEMP to include measures to prevent the release of contaminants and sediments.</p> <p>A Project Level HRA will be required.</p>
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³ <http://publications.naturalengland.org.uk/publication/5427891407945728>

⁴ http://www.iaqm.co.uk/text/guidance/mineralsguidance_2016.pdf

<p>Humber Ramsar Estuary</p>	<p>Direct land take from development; Air pollution; and Shooting.</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the Humber Estuary.</p> <p>Hydrological pollution effects to ground waters - A CEMP to include measures to prevent the release of contaminants and sediments.</p> <p>A Project Level HRA will be required.</p>
<p>Ramsar Estuary</p>	<p>Direct land take from development; Air pollution; and Shooting.</p> <p>Ramsar Criteria: Ramsar criterion 1: The site is a representative example of a near-natural estuary with the following component habitats: dune systems and humid dune slacks, estuarine waters, intertidal mud and sand flats, saltmarshes, and coastal brackish/saline lagoons. Ramsar criterion 3: The Humber Estuary Ramsar site supports a breeding colony of grey seals <i>Halichoerus grypus</i> at Donna Nook: Ramsar criterion 5: Assemblages of international importance 153,934 waterfowl, non-breeding season (5 year peak mean 1996/97-2000/2001). Ramsar criterion 6: species/populations occurring at levels of international importance: common shelduck, Eurasian golden plover, red knot, dunlin, black-tailed godwit, bar-tailed godwit, common redshank Ramsar criterion 8: The Humber Estuary acts as an important migration route for both river lamprey and sea lamprey between coastal waters and their spawning areas.</p> <p>Threats⁵: Water pollution; Coastal squeeze; Changes in species distribution; Under grazing; Invasive species; Natural changes to site conditions; Public access / disturbance; Fisheries; Direct land take from development; Air pollution; and</p>	<p>Direct habitat loss and disturbance - The Humber Estuary Ramsar is located 1.3km southeast from WJP16 and therefore there will be no direct loss of habitat or disturbance at the Ramsar.</p> <p>Impacts to species using functionally linked habitat – On the basis of aerial analysis (google maps, 2019) it is considered that WJP16 may provide suitable habitat for the qualifying species of the Ramsar (invertebrates and birds). However, it is considered unlikely that the habitats within WJP16 will be utilised by the qualifying species of the Ramsar, on account of the distance and the availability of other suitable habitat within the surrounds of the Ramsar. It is therefore anticipated that no adverse disturbance impacts on the qualifying features of the Ramsar will occur.</p> <p>Air quality effects - An increase in dust and particulate matter (PM) are likely as a result of the construction and operational phases associated with WJP16. Due to distance (>13km), a significant increase in dust/ PM deposition on the qualifying features is unlikely to occur. Guidance⁶ states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source. Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p> <p>Hydrological effects – WJP16 is approximately 375m distant from the Selby Canal (connected to a drain within 200m of the allocation). The canal flows into the River Aire and into the Humber Estuary SAC, providing a hydrological link between WJP16 and the Humber Estuary. Contaminants and sediments arising from the quarry (e.g. haulage) may therefore be transferred into the Estuary. The distance of the Humber Estuary from WJP16 would likely negate any effect for any possible contaminants or sediments.</p> <p>Due to the proposed use, bulking and transfer of municipal and commercial waste, and in light that WJP16 is located within the Aire and Calder Catchment Abstraction Management Strategy (CAMS) boundary and the Humber Estuary</p>

⁵ <http://publications.naturalengland.org.uk/publication/5427891407945728>

⁶ http://www.iaqm.co.uk/text/guidance/mineralsguidance_2016.pdf

	Shooting.	SAC in the Hull and East Riding CAM boundary, any potential impacts on ground water or aquifers as a result of WJP16 are likely to be limited.	
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Minerals and Waste Joint Plan

Appropriate Assessment Report

Site Ref: MJP63

Site Name: Browns Quarry, Norton

Date of assessment: May 2020

Appropriate Assessment Summary Information Statement:

- No likely adverse effects on the integrity of River Derwent SAC, Lower Derwent Valley Ramsar/SAC/SPA and Humber Estuary Ramsar/SAC/SPA, at this plan level. The mitigation recommended is considered capable of being achieved and should be included within changes to the Policy wording for the allocations. It is recognised this is a judgment reached at plan-making stage, not at the application stage. An assessment of any likely significant effects will also be made within the project-level HRA. The following over-arching mitigating statement is recommended for incorporation within the Policy: *'Any development that would be likely to have a significant effect on a European site, either alone or in combination with other plans or projects, will be subject to assessment under the Habitats Regulations at project application stage. If it cannot be ascertained that there would be no adverse effects on site integrity the project will have to be refused or pass the tests of regulations 63 and 64, in which case any necessary compensatory measures will need to be secured in accordance with regulation 68.'*

Assessment of the effects of the project or plan on the integrity of the site	
Describe the elements of the project or plan (alone or in combination with other projects or plans) that are likely to give rise to significant effects on the site (from screening assessment).	MJP 63- allocated site extraction of building stone from part of a former quarry and a proposed extension to the quarry Site area - 0.48ha.
Current planning status	LAPSED planning permission – granted in 2009 – to reopen quarry.
Key document references	Planning application reference – NY/2007/0293/FUL
Zone of Influence (Zoi) (in the absence of mitigation)	- Zoi for direct impacts (e.g. habitat loss and mortality): within footprint of MJP63 - Zoi for indirect impacts: 100 m of the construction footprint of MJP63 Operational Zoi based on the presence of suitable pathways e.g. hydrological, and/or functional linkage.
Identification of N2K Sites within ZOI	There are seven European sites considered to be within the Zoi for MJP63; <ul style="list-style-type: none">• River Derwent SAC: with potential hydrological linkages located 260m south• Lower Derwent Valley SPA / SAC / Ramsar: with potential hydrological linkages located 21.82km south• Humber Estuary SPA / SAC / Ramsar: with potential hydrological linkages located 44.80km southeast

Designated Site	Set out the conservation objectives of the sites.	Describe how the project or plan will affect key species and key habitats. Describe how the integrity of the site (determined by structure and function and conservation objectives) is likely to be affected by the project or plan (e.g. loss of habitat, disturbance, disruption, chemical changes, hydrological changes and geological changes, etc.).	Describe what mitigation measures are to be introduced to avoid, reduce or remedy the adverse effects on the integrity of the site.
<p>River Derwent SAC</p>	<p>Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:</p> <ul style="list-style-type: none"> Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation <p>Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:</p> <ul style="list-style-type: none"> Bullhead <i>Cottus gobio</i> River lamprey <i>Lampetra fluviatilis</i> Otter <i>Lutra lutra</i> Sea lamprey <i>Petromyzon marinus</i> <p>Conservation Objectives:</p> <ul style="list-style-type: none"> 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; The extent and distribution of the qualifying natural habitats and habitats of qualifying species 	<p>Direct habitat loss and disturbance – River Derwent SAC is located 260m south from MJP63, therefore it is not anticipated that any direct habitat loss or disturbance of qualifying and non-qualifying habitats and species within the SAC will occur.</p> <p>Impacts to species using functionally linked habitat – On the basis of aerial photograph analysis (google maps, 2019), it is not considered that the habitats located in, or within proximity to MJP63 are representative of those aquatic fish habitats that occur within the River Derwent SAC. The construction and operational phases of MJP63 are likely to increase acoustic and vibration impacts at a localised level; however, no drilling or blasting is proposed. Therefore, due to distance (>200m) it is not anticipated that this will affect the qualifying features of the SAC. A small block of woodland habitat (~1.2ha) is located partially within and adjacent to MJP63. However, it is unlikely this habitat would be used by qualifying SAC species (otter only as no aquatic habitat for fish species is present). There is no direct riparian connectivity between the SAC and this habitat and the B1248 presents a potential barrier to movement from the SAC to the woodland. Additionally, within the Derwent catchment, there is a wide network of watercourses / terrestrial habitat, and due to limited size and suitability of this habitat it is unlikely to form a significant resource for otter. Therefore, the proposed removal of ~0.1ha of woodland is not considered to be likely to result in an adverse impact on the favourable conservation status of this species within the SAC.</p> <p>Hydrological effects - given proximity (260m) between MJP63 and the River Derwent SAC hydrological effects as a consequence of pollution and change in groundwater flows are considered possible.</p> <p>However, due to the limited size of the site and small scale of building stone extraction and limited pathways for pollutants (i.e. there is no apparent</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the River Derwent SAC.</p> <p>Hydrological effects to surface/ground waters - A CEMP to include measures to prevent the release of contaminants and sediments into surface or ground water.</p> <p>Air quality - Compliance with good practice mitigation measures should apply to all mineral extraction sites⁴.</p> <p>A Project Level HRA will be required.</p>

⁴ http://www.iaqm.co.uk/text/guidance/mineralsguidance_2016.pdf

	<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,</p> <p>- The distribution of qualifying species within the site.</p> <p>Threats¹:</p> <p>Human induced changes in hydraulic conditions; Invasive non-native species Modification of cultivation practices Pollution to groundwater (point sources and diffuse sources)</p>	<p>surface water connectivity between MJP63 and the River Derwent SAC) it is considered there would be a low risk from fuel spills and a CEMP and following environmental best practices will mitigate for the unlikely event of any contaminants and sediments entering the watercourses via groundwater or overground.</p> <p>Whilst water extraction levels are not known at this stage, adverse impacts to groundwater will be avoided through compliance with the site's Application Licence issued by the Environment Agency, which will be a condition of consent. The adjacent site has been previously quarried without an impact of the water table².</p> <p>Air quality effects – An increase in dust and particulate matter (PM) are likely as a result of the construction and operational phases associated with MJP63. The River Derwent SAC is located is located 260m south from MJP63, therefore a significant increase in dust/ PM deposition on the qualifying features is unlikely to occur. Guidance³ states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source. Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p> <p>Direct habitat loss and disturbance - Lower Derwent Valley SPA is located 21.82km south of MJP63 with significant land resource present between the SPA and the quarry. It is not anticipated that there will be any direct habitat loss or disturbance of qualifying and non-qualifying habitats and species within the SPA.</p> <p>Impacts to species using functionally linked habitat - On the basis of aerial photograph analysis (google maps, 2019), it is considered unlikely that the habitats within MJP63 are representative of the riparian and wetland habitats which occur within the Lower Derwent Valley. MJP63 is considered unlikely to form a significant resource for the majority of the bird species listed as qualifying features of the SPA. This is due to the habitat characteristics of the species, primarily waterfowl and wader species which utilise areas of open water. There is a small risk that MJP63 may provide suitable foraging and</p>	
<p>Lower Derwent Valley SPA</p>	<p>Qualifying features:</p> <ul style="list-style-type: none"> ● A037 <i>Cygnus columbianus bewickii</i>; Bewick's swan (Non-breeding). ● A140 <i>Pluvialis apricaria</i>; European golden plover (Non-breeding) ● A151 <i>Philomachus pugnax</i>; Ruff (Non-breeding) ● A056 <i>Anas clypeata</i> Northern Shoveler (breeding) ● A050 <i>Anas penelope</i>; Eurasian wigeon (Non-breeding) ● A052 <i>Anas crecca</i>; Eurasian teal (Non-breeding) ● Waterbird assemblage <p>Threats⁵:</p> <p>Public access / disturbance;</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the Lower Derwent Valley SPA.</p>	

¹ <http://publications.naturalengland.org.uk/publication/6301721630343168>

² See North Yorkshire County Council. Planning Application NY/2007/0293/FUL. <https://onlineplanningregister.northyorks.gov.uk/register/PlanAppDisp.aspx?recno=5138>

³ http://www.iagm.co.uk/text/guidance/mineralsguidance_2016.pdf

⁵ <http://publications.naturalengland.org.uk/publication/6301721630343168>

	<p>Inappropriate scrub control; Drainage; and Air pollution.</p>	<p>sheltering habitat for a small number of the qualifying species of the SPA (e.g. golden plover and Bewick's swan). However, it is considered unlikely that any use would be sufficient to result in an adverse impact to the favourable conservation status of these species within the SPA.</p> <p>The qualifying features for the SPA are mobile species and are likely to utilise the range of valleys and estuary in the region. Loss of a comparatively small area of arable land within this wide resource, is not likely to impact sufficient numbers of qualifying species to impact the favourable conservation status of these species which utilise the SPA.</p> <p>Hydrological effects –MJP63 is located 260m from the River Derwent SAC and this flows into the Lower Derwent SPA (21.82km downstream). Hydrological effects as a consequence of pollution and change in groundwater flows are considered possible. However, the distance of the Lower Derwent Valley SPA from MJP63 will also mean a dilution effect for any possible contaminants or sediments. It is considered that a CEMP and following environmental best practices will mitigate for the unlikely event of any contaminants and sediments entering the watercourses.</p> <p>Due to the adjacent site having been previously quarried without an impact of the water table⁶ and the very small scale of the site, compared to the large catchment of the River Derwent and likelihood that the site would not be worked below the water table impacts on ground water or aquifers as a result of MJP63 are likely to be limited.</p> <p>Air quality– The Lower Derwent Valley SPA is located 21.82km south of MJP63, therefore a significant increase in dust/ particulate matter (PM) deposition, on the qualifying features is unlikely to occur. Guidance⁷ states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source. Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p> <p>Direct habitat loss and disturbance - Lower Derwent Valley SAC is located >20 km from MJP63 therefore it is not anticipated that any direct habitat loss or disturbance will occur.</p>	<p>Hydrological effects to surface/ground waters - A CEMP to include measures to prevent the release of contaminants and sediments into surface or ground water.</p> <p>A Project Level HRA will be required.</p>
<p>Lower Derwent Valley SAC</p>	<p>The qualifying features of the SAC are as follows:</p> <ul style="list-style-type: none"> • H6510 Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>Sanguisorba officinalis</i>). 		<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be</p>

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See North Yorkshire County Council. Planning Application NY/2007/0293/FUL. <https://onlineplanningregister.northyorks.gov.uk/register/PlanAppDisp.aspx?recno=5138>

⁷ http://www.iaqm.co.uk/text/guidance/mineralsguidance_2016.pdf

<ul style="list-style-type: none"> • 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) • S1355 Otter <i>Lutra lutra</i> <p>The conservation objectives for Lower Derwent Valley SAC:</p> <ul style="list-style-type: none"> • 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; <ul style="list-style-type: none"> -The extent and distribution of the 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 the habitats of qualifying species rely - The populations of qualifying species, and, - The distribution of qualifying species within the site. <p>Threats⁸:</p> <p>Hydrological change; Drainage; Public access / disturbance; Invasive species; Under grazing; Inappropriate scrub control; and Air pollution.</p>	<p>Impacts to species using functionally linked habitat - On the basis of aerial photograph analysis (google maps 2019), it is not considered that the habitats located in, or within proximity to, MJP63 are representative of those (hay meadows or alluvial forests) that occur within the Lower Derwent Valley SAC. Due to the likely lack of suitable riparian habitat within/in proximity to MJP63 and distance to the SAC, it is considered unlikely that the proposed works would result in a significant depletion of otter habitat resource. No impacts are anticipated as a result of MJP63 due to species occupying functionally linked habitat.</p> <p>Hydrological effects – there is potential for pollution to groundwater, which could present a risk to the Lower Derwent Valley SAC if linkages are present. Hydrological effects as a consequence of pollution and change in groundwater flows are considered possible. However, the distance from MJP63 will also mean a dilution effect for any possible contaminants or sediments. It is considered that a CEMP and following environmental best practices will mitigate for the unlikely event of any contaminants and sediments entering the watercourses.</p> <p>Whilst water extraction levels are not known at this stage, adverse impacts to groundwater will be avoided through compliance with the site's Application Licence issued by the Environment Agency, which will be a condition of consent.</p> <p>Air quality and Acoustic/Vibration effects – The Lower Derwent Valley SAC is located >20 km from MJP63, therefore a significant increase in dust/ particulate matter (PM) deposition and / or acoustic or vibration effects, on the qualifying features is unlikely to occur. Guidance⁹ states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source. Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p>	<p>subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the Lower Derwent Valley SAC.</p> <p>Hydrological pollution effects to ground waters - A CEMP to include measures to prevent the release of contaminants and sediments into ground water.</p> <p>A Project Level HRA will be required.</p>
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⁸ <http://publications.naturalengland.org.uk/publication/5916047525806080>

⁹ http://www.iaqm.co.uk/text/guidance/mineralsguidance_2016.pdf

<p>Lower Derwent Valley Ramsar</p>	<p>Ramsar Criteria: Ramsar criterion 1: The site represents one of the most important examples of traditionally managed species-rich alluvial flood meadow habitat remaining in the UK. The river and flood meadows play a substantial role in the hydrological and ecological functioning of the Humber Basin. Ramsar criterion 2: The site has a rich assemblage of wetland invertebrates including 16 species of dragonfly and damselfly, 15 British Red Data Book wetland invertebrates as well as a leafhopper, <i>Cicadula ornata</i> for which Lower Derwent Valley is the only known site in Great Britain. Ramsar criterion 4: The site qualifies as a staging post for passage birds in spring. Of particular note are the nationally important numbers of Ruff <i>Philomachus pugnax</i> and Whimbrel <i>Numenius phaeopus</i>. Ramsar criterion 5: Assemblages of international importance; Species with peak counts in winter: 31942 waterfowl (5 year peak mean 1998/99-2002/2003) Ramsar criterion 6: species/populations occurring at levels of international importance: - Eurasian wigeon <i>Anas penelope</i>, NW Europe - 8350 individuals, representing an average of 2% of the GB population (5 year peak mean 1998/9-2002/3) - Eurasian teal <i>Anas crecca</i>, NW Europe 4200 individuals, representing an average of 1% of the population (5 year peak mean 1998/9-2002/3) Threats¹⁰: Public access / disturbance; Inappropriate scrub control; Drainage; and Air pollution.</p>	<p>Direct habitat loss and disturbance - Lower Derwent Valley Ramsar is located >20 km from MJP63 with significant land resource and built infrastructure present between the SPA and the quarry. Therefore, it is not anticipated that any direct habitat loss and/or disturbance will occur.</p> <p>Impacts to species using functionally linked habitat - On the basis of aerial photograph (google maps 2019) analysis, it is considered unlikely that the habitats within MJP63 are representative of the riparian and wetland habitats which occur within the Lower Derwent Valley. MJP63 is considered unlikely to form a significant resource for the bird or invertebrate species listed as qualifying features of the Ramsar. This is due to the habitat characteristics of the species, primarily waterfowl and wader species which utilise areas of open water and invertebrate species which rely on wetland habitats. Sufficient distance lies between MJP63 and the Ramsar site, including large swathes of similar habitat, to reduce the risk of disturbance. Further, the species listed are highly mobile and are likely to utilise a range of habitats within the Humber Basin and its associated river valleys. It is therefore anticipated that no adverse disturbance impacts on the qualifying features of the Ramsar will occur.</p> <p>Hydrological effects – Mining operations are listed within the Ramsar Information Sheet as having the potential to affect the hydrological balance of the area that may affect the integrity of the site.</p> <p>There is potential for pollution to groundwater, which could present a risk to the River Derwent if linkages are present. The River Derwent flows into the Ramsar (>20 km downstream). Hydrological effects as a consequence of pollution and change in groundwater flows are considered possible. However, due to the distance, there would be significant dilution for any possible contaminants or sediments. It is considered that a CEMP and following environmental best practices will mitigate for the unlikely event of any contaminants and sediments entering the watercourses.</p> <p>Whilst water extraction levels are not known at this stage, adverse impacts to groundwater will be avoided through compliance with the site's Application Licence issued by the Environment Agency, which will be a condition of consent.</p> <p>Air quality effects - An increase in dust and particulate matter (PM) are likely as a result of the construction and operational phases associated with MJP63.</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the Lower Derwent Valley Ramsar.</p> <p>Hydrological pollution effects to ground waters - A CEMP to include measures to prevent the release of contaminants and sediments into ground water.</p> <p>A Project Level HRA will be required.</p>
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¹⁰ <http://publications.naturalengland.org.uk/publication/6301721630343168>

		<p>However, the Lower Derwent Valley Ramsar is located >20 km south of MJP63, therefore dust/ PM deposition on the qualifying features is unlikely to occur. Guidance¹¹ states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source. Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p>	
<p>Humber Estuary SAC</p>	<p>Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:</p> <ul style="list-style-type: none"> • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) • Coastal lagoons • Dunes with <i>Hippophae rhamnoides</i> • Embryonic shifting dunes • Estuaries • Mudflats and sandflats not covered by seawater at low tide • Fixed dunes with herbaceous vegetation ('grey dunes') • Salicornia and other annuals colonising mud and sand • Sandbanks which are slightly covered by sea water all the time • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') <p>Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:</p> <ul style="list-style-type: none"> • Grey seal <i>Halichoerus grypus</i> • River lamprey <i>Lampetra fluviatilis</i> • Sea lamprey <i>Petromyzon marinus</i> <p>Conservation Objectives for Humber Estuary SAC:</p> <ul style="list-style-type: none"> • 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 	<p>Direct habitat loss and disturbance - The Humber Estuary SAC is located c. 44 km from MJP63 as such, there will be no direct habitat loss or disturbance.</p> <p>Impacts to species using functionally linked habitat - On the basis of aerial photograph analysis (google maps 2019), it is not considered that the habitats located in, or within proximity to, MJP63 are representative of those that occur within the Humber Estuary SAC. No impacts are anticipated as a result of MJP63 due to species occupying functionally linked habitat.</p> <p>Hydrological effects – There is potential for pollution to groundwater, which could present a risk to the River Derwent SAC if linkages are present. The River Derwent flows into the Humber Estuary providing a hydrological link between MJP63 and the Humber Estuary SAC (located >44 km south-east). Contaminants and sediments arising from the quarry (e.g. haulage) may therefore be transferred into the Estuary. However, the distance of the Humber Estuary from MJP63 will also mean a dilution effect for any possible contaminants or sediments.</p> <p>Whilst water extraction levels are not known at this stage, adverse impacts to groundwater will be avoided through compliance with the site's Application Licence issued by the Environment Agency, which will be a condition of consent. Additionally MJP63 is located within the Derwent Catchment Abstraction Management Strategy (CAMS) boundary and the Humber Estuary SAC in the Hull and East Riding CAM boundary, therefore any potential impacts on ground water or aquifers as a result of MJP63 are likely to be limited.</p> <p>Air quality effects - An increase in dust and particulate matter (PM) is possible as a result of the construction and operational phases associated with MJP63. However, due to distance (>44 km), a significant increase in dust/ PM deposition on the qualifying features is unlikely. Guidance¹³ states it is commonly accepted that the greatest impacts of dust and PM from quarrying</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the Humber Estuary SAC.</p> <p>Hydrological pollution effects to ground waters - A CEMP to include measures to prevent the release of contaminants and sediments into ground water.</p> <p>A Project Level HRA will be required.</p>

¹¹ http://www.iaqm.co.uk/text/guidance/mineralsguidance_2016.pdf

¹³ http://www.iaqm.co.uk/text/guidance/mineralsguidance_2016.pdf

	<p>Features, by maintaining or restoring; - 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, - The distribution of qualifying species within the site.</p> <p>Threats¹²: Water pollution; Coastal squeeze; Changes in species distribution; Under grazing; Invasive species; Natural changes to site conditions; Public access / disturbance; Fisheseries; Direct land take from development; Air pollution; and Shooting.</p>	<p>operations will be within 100 m of a source Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p>	
<p>Humber Estuary SPA</p> <ul style="list-style-type: none"> • A021 <i>Bataurus stellaris</i>; Great bittern (Non-breeding) • A021 <i>Bataurus stellaris</i>; Great bittern (Breeding) • A048 <i>Tadorna tadorna</i>; Common shelduck (Non-breeding) • A081 <i>Circus aeruginosus</i>; Eurasian marsh harrier (Breeding) • A082 <i>Circus cyaneus</i>; Hen harrier (Non-breeding) • A132 <i>Recurvirostra avosetta</i>; Pied avocet (Non-breeding) • A132 <i>Recurvirostra avosetta</i>; Pied avocet (Breeding) • A140 <i>Pluvialis apricaria</i>; European golden plover (Non-breeding) • A143 <i>Calidris canutus</i>; Red knot (Non-breeding) 	<p>Qualifying Features: • A021 <i>Bataurus stellaris</i>; Great bittern (Non-breeding) • A021 <i>Bataurus stellaris</i>; Great bittern (Breeding) • A048 <i>Tadorna tadorna</i>; Common shelduck (Non-breeding) • A081 <i>Circus aeruginosus</i>; Eurasian marsh harrier (Breeding) • A082 <i>Circus cyaneus</i>; Hen harrier (Non-breeding) • A132 <i>Recurvirostra avosetta</i>; Pied avocet (Non-breeding) • A132 <i>Recurvirostra avosetta</i>; Pied avocet (Breeding) • A140 <i>Pluvialis apricaria</i>; European golden plover (Non-breeding) • A143 <i>Calidris canutus</i>; Red knot (Non-breeding)</p>	<p>Direct habitat loss and disturbance – Humber Estuary SPA is located c. 44 km from MJP63, with large swathes of arable habitat present between the SPA and the quarry. There will be no direct habitat loss or disturbance at the SPA.</p> <p>Impacts to species using functionally linked habitat – MJP63 is considered unlikely to form a significant resource for the bird species listed as qualifying features of the SPA. This is due to the habitat characteristics of the species, primarily waterfowl and wader species which utilise areas of open water and intertidal mudflats; inundation vegetation and associated tidal habitats. On the basis of aerial photograph analysis (google maps 2019), there is a small risk that MJP63 may provide suitable foraging and sheltering habitat for a small number of the qualifying species of the SPA which can move to sheltering and foraging grounds within arable land and grassland in the wider area (e.g. golden plover). However, it is considered unlikely that any use would be enough to result in an</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the Humber Estuary SPA.</p>

¹² <http://publications.naturalengland.org.uk/publication/5427891407945728>

<ul style="list-style-type: none"> • A149 <i>Calidris alpina alpina</i>; Dunlin (Non-breeding) • A151 <i>Philomachus pugnax</i>; Ruff (Non-breeding) • A156 <i>Limosa limosa islandica</i>; Black-tailed godwit (Non-breeding) • A157 <i>Limosa lapponica</i>; Bar-tailed godwit (Non-breeding) • A162 <i>Tringa totanus</i>; Common redshank (Non-breeding) • A195 <i>Sterna albifrons</i>; Little tern (Breeding) • Waterbird assemblage <p>Conservation objectives for the Conservation Objectives SPA:</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> - The extent and distribution of the habitats of the qualifying features - The structure and function of the habitats of the qualifying features <p>The supporting processes on which the habitats of the qualifying features rely</p> <ul style="list-style-type: none"> - The population of each of the qualifying features, and, - The distribution of the qualifying features within the site. <p>Threats¹⁴:</p> <p>Water pollution; Coastal squeeze; Changes in species distribution; Under grazing; Invasive species; Natural changes to site conditions; Public access / disturbance; Fisheries;</p>	<p>adverse impact to the favourable conservation status of these species within the SPA via disturbance related to MJP63. This conclusion has been drawn based upon the distance from the SPA (>40km) and the wide range of similar available habitat resource between the SPA.</p> <p>Hydrological effects – There remains potential for pollution to groundwater, which could present a risk to the SPA if there is a link between it and the underlying groundwater. Contaminants and sediments arising from the quarry (e.g. haulage) may therefore be transferred into the Estuary. The distance of the Humber Estuary from MJP63 will also mean a dilution effect for any possible contaminants or sediments.</p> <p>Whilst water extraction levels are not known at this stage, adverse impacts to groundwater will be avoided through compliance with the site’s Application Licence issued by the Environment Agency, which will be a condition of consent. Additionally MJP63 is located within the Derwent Catchment Abstraction Management Strategy (CAMS) boundary and the Humber Estuary in the Hull and East Riding CAM boundary, therefore any potential impacts on ground water or aquifers as a result of MJP63 are likely to be limited.</p> <p>Air quality and Acoustic/Vibration effects – The Humber SPA is located ~40 km from MJP63, therefore dust/ particulate matter (PM) deposition and / or acoustic or vibration effects, on the qualifying features are unlikely. Guidance¹⁵ states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source. Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p>	<p>Hydrological pollution effects to ground waters - A CEMP to include measures to prevent the release of contaminants and sediments into ground water.</p> <p>A Project Level HRA will be required.</p>
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¹⁴ <http://publications.naturalengland.org.uk/publication/5427891407945728>

¹⁵ http://www.iaqm.co.uk/text/guidance/mineralsguidance_2016.pdf

<p>Humber Ramsar Estuary</p>	<p>Direct land take from development; Air pollution; and Shooting.</p>	<p>Ramsar Criteria: Ramsar criterion 1: The site is a representative example of a near-natural estuary with the following component habitats: dune systems and humid dune slacks, estuarine waters, intertidal mud and sand flats, saltmarshes, and coastal brackish/saline lagoons. Ramsar criterion 3: The Humber Estuary Ramsar site supports a breeding colony of grey seals <i>Halichoerus grypus</i> at Donna Nook: Ramsar criterion 5: Assemblages of international importance 153,934 waterfowl, non-breeding season (5 year peak mean 1996/97-2000/2001). Ramsar criterion 6: species/populations occurring at levels of international importance: common shelduck, Eurasian golden plover, red knot, dunlin, black-tailed godwit, bar-tailed godwit, common redshank Ramsar criterion 8: The Humber Estuary acts as an important migration route for both river lamprey and sea lamprey between coastal waters and their spawning areas.</p> <p>Threats¹⁶: Water pollution; Coastal squeeze; Changes in species distribution; Under grazing; Invasive species; Natural changes to site conditions; Public access / disturbance; Fisheseries; Direct land take from development; Air pollution; and</p>	<p>Direct habitat loss and disturbance - Humber Estuary Ramsar is c.44 km from MJP63, therefore it is not anticipated that any direct habitat loss of the Ramsar or disturbance of species within the Ramsar will occur.</p> <p>Impacts to species using functionally linked habitat – On the basis of aerial analysis (google maps, 2019) it is considered that MJP63 may provide suitable habitat for the qualifying species of the Ramsar (invertebrates and birds). However, it is considered unlikely that the habitats within MJP63 will be utilised by the qualifying species of the Ramsar, on account of the distance and the availability of other suitable habitat within the surrounds of the Ramsar. It is therefore anticipated that no adverse disturbance impacts on the qualifying features of the Ramsar will occur.</p> <p>Hydrological effects - There is potential for pollution to groundwater, which could present a risk to the Ramsar if there is a link between it and the underlying groundwater. The River Derwent flows into the Humber Estuary providing a hydrological link between MJP63 and the Humber Estuary Ramsar (located >44 km south-east). Contaminants and sediments arising from the quarry (e.g. haulage) may therefore be transferred into the Estuary. The distance of the Humber Estuary from MJP63 will also mean a dilution effect for any possible contaminants or sediments.</p> <p>Whilst water extraction levels are not known at this stage, adverse impacts to groundwater will be avoided through compliance with the site's Application Licence issued by the Environment Agency, which will be a condition of consent.</p> <p>Air quality and Acoustic/Vibration effects – The Humber Estuary Ramsar is located >44 km from MJP63, therefore dust/ particulate matter (PM) deposition and / or acoustic or vibration effects, on the qualifying features is unlikely. Guidance¹⁷ states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source. Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the Humber Estuary Ramsar.</p> <p>Hydrological pollution effects to ground waters - A CEMP to include measures to prevent the release of contaminants and sediments into ground water.</p> <p>A Project Level HRA will be required.</p>
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¹⁶ <http://publications.naturalengland.org.uk/publication/5427891407945728>

¹⁷ http://www.iaqm.co.uk/text/guidance/mineralsguidance_2016.pdf

Minerals and Waste Joint Plan

Appropriate Assessment Report

Site Ref: MJP 12 and MJP 13

Site Name: Whitewall Quarry, Norton

Date of assessment: May 2020

Appropriate Assessment Summary Information Statement:

No likely adverse effects on the integrity of River Derwent SAC, Lower Derwent Valley Ramsar/SAC/SPA and Humber Estuary Ramsar/SAC/SPA, at this plan level. The mitigation recommended is considered capable of being achieved and should be included within changes to the Policy wording for the allocations. It is recognised this is a judgment reached at plan-making stage, not at the application stage. An assessment of any likely significant effects will also be made within the project-level HRA. The following over-arching mitigating statement is recommended for incorporation within the Policy: *'Any development that would be likely to have a significant effect on a European site, either alone or in combination with other plans or projects, will be subject to assessment under the Habitats Regulations at project application stage. If it cannot be ascertained that there would be no adverse effects on site integrity the project will have to be refused or pass the tests of regulations 63 and 64, in which case any necessary compensatory measures will need to be secured in accordance with regulation 68.'*

Assessment of the effects of the project or plan on the integrity of the site	
Describe the elements of the project or plan (alone or in combination with other projects or plans) that are likely to give rise to significant effects on the site (from screening assessment).	MJP 12- allocated site to provide and meet crushed rock requirements Site area ~ 8.1ha. MJP 13 – allocated site to meet waste management capacity requirements – Construction, Demolition and Excavation Waste (including hazardous CD&E waste). Site area ~ 1.1ha.
Current planning status	Whitewall Quarry currently has permission to operate until 2023 Retrospective planning application for a 2.4 hectare extension to an inert and demolition recycling area– currently AWAITING DETERMINATION
Key document references	Planning application – NY/2013/0058/FUL – permission for building associated with quarry operation Retrospective planning application for a 2.4 hectare extension to an inert and demolition recycling area– ref: NY/2018/0167/FUL (see MJP 13 above) MWJP Doc SD18 - Discounted Sites Summary October 2016: MJP 12 : pp 55-57 and p 112 MJP 13 : pp 64-66 and p 115
Zone of Influence (Zoi) (in the absence of mitigation)	- Zoi for direct impacts (e.g. habitat loss and mortality): within footprint of MJP12 / WJP13 - Zoi for indirect impacts: 100 m of the construction footprint of MJP12 / MJP 13 - Operational Zoi based on the presence of suitable pathways e.g. hydrological, and/or functional linkage.

Identification of N2K Sites within ZOI	There are seven European sites considered to be within the Zoi for MJP12 /MJP13: <ul style="list-style-type: none">• River Derwent SAC: located 1.45km (MJP12) and 1.41km (MJP13) south;• Lower Derwent Valley SPA / SAC / Ramsar: located with potential hydrological linkages 20.14km (MJP12) and 20.87km (MJP 13) south; and• Humber Estuary SPA / SAC / Ramsar: located with potential hydrological linkages 42.79km (MJP 12) 43.42km (MJP13) southeast.
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Designated Site	Set out the conservation objectives of the sites.	Describe how the project or plan will affect key species and key habitats. Describe how the integrity of the site (determined by structure and function and conservation objectives) is likely to be affected by the project or plan (e.g. loss of habitat, disturbance, disruption, chemical changes, hydrological changes and geological changes, etc.).	Describe what mitigation measures are to be introduced to avoid, reduce or remedy the adverse effects on the integrity of the site.
<p>River Derwent SAC</p>	<p>Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:</p> <ul style="list-style-type: none"> • Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation <p>Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex II:</p> <ul style="list-style-type: none"> • Bullhead <i>Cottus gobio</i> • River lamprey <i>Lampetra fluviatilis</i> • Otter <i>Lutra lutra</i> • Sea lamprey <i>Petromyzon marinus</i> <p>Conservation Objectives:</p> <ul style="list-style-type: none"> • 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; - The extent and distribution of the qualifying natural habitats and habitats of qualifying species 	<p>Direct habitat loss and disturbance – the River Derwent SAC is located 1.45km east from MJP 12 and 1.41km east from MJP13, therefore it is not anticipated that there would be any direct habitat loss or disturbance within the SAC.</p> <p>Impacts to species using functionally linked habitat – On the basis of aerial photograph analysis (google maps 2019), it is not considered that the habitats located in, or within proximity to, MJP 12 / 13 are representative of those aquatic habitats that occur within the River Derwent SAC. Therefore, no impacts are anticipated as a result of species occupying functionally linked habitat.</p> <p>Hydrological effects –while MJP 12/ 13 are located within 1.45 km of the River Derwent SAC, there is no apparent surface water connectivity. It is considered that the implementation of a CEMP and adherence to environmental best practices would mitigate for the unlikely event of any contaminants and sediments entering the watercourses via ground water.</p> <p>Whilst water extraction levels are not known at this stage, adverse impacts to groundwater as a result of abstraction and discharge will be avoided through compliance with the site's Abstraction Licence issued by the Environment Agency, which will be a condition of consent.</p> <p>Air quality effects – An increase in dust and particulate matter (PM) are likely as a result of the construction and operational phases associated with MJP12 / MJP13. As the River Derwent SAC is located 1.45km east from MJP 12 and 1.41km east from MJP13, a significant increase in dust/ PM deposition on the qualifying features is considered unlikely to occur. Guidance² states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source. Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the River Derwent SAC.</p> <p>Hydrological pollution effects to ground waters - A CEMP to include measures to prevent the release of contaminants and sediments into ground water.</p> <p>A Project Level HRA will be required.</p>

² http://www.iagm.co.uk/text/guidance/mineralsguidance_2016.pdf

	<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,</p> <p>- The distribution of qualifying species within the site.</p> <p>Threats¹:</p> <p>Human induced changes in hydraulic conditions;</p> <p>Invasive non-native species</p> <p>Modification of cultivation practices</p> <p>Pollution to groundwater (point sources and diffuse sources)</p>		
<p>Lower Derwent Valley SPA</p>	<p>Qualifying features:</p> <ul style="list-style-type: none"> ● A037 <i>Cygnus columbianus bewickii</i>; Bewick's swan (Non-breeding). ● A140 <i>Pluvialis apricaria</i>; European golden plover (Non-breeding) ● A151 <i>Philomachus pugnax</i>; Ruff (Non-breeding) ● A056 <i>Anas clypeata</i> Northern Shoveler (breeding) ● A050 <i>Anas penelope</i>; Eurasian wigeon (Non-breeding) ● A052 <i>Anas crecca</i>; Eurasian teal (Non-breeding) ● Waterbird assemblage <p>Threats³:</p> <p>Public access / disturbance;</p> <p>Inappropriate scrub control;</p> <p>Drainage; and</p> <p>Air pollution.</p>	<p>Direct habitat loss and disturbance - Lower Derwent Valley SPA is located 20.14km south of MJP12 and 20.87km south of MJP 13 with significant land resource and built infrastructure present between the SPA and the quarry. Therefore, it is not anticipated that any direct habitat loss and/or disturbance will occur.</p> <p>Impacts to species using functionally linked habitat - On the basis of aerial photograph analysis (google maps 2019), MJP12 / MJP13 are considered unlikely to form a significant resource for the bird species listed as qualifying features of the SPA. This is due to the habitat characteristics of the species, primarily waterfowl and wader species which utilise areas of open water. There is a small risk that MJP12 / MJP13 may provide suitable foraging and sheltering habitat for a small number of the qualifying species of the SPA (e.g. golden plover and Bewick's swan). However, it is considered unlikely that any use would be sufficient to result in an adverse impact on the favourable conservation status of these species within the SPA. This conclusion has been drawn based upon the distance from the SPA (~20km) and the wide range of similar available habitat resource between the SPA.</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the Lower Derwent Valley SPA.</p> <p>Hydrological pollution effects to ground waters - A CEMP to include measures to prevent the</p>

¹ <http://publications.naturalengland.org.uk/publication/6301721630343168>

³ <http://publications.naturalengland.org.uk/publication/6301721630343168>

		<p>The qualifying features of the SPA are mobile species and are likely to utilise the range of valleys and estuary in the region. Loss of a comparatively small area of arable land within this wide resource, at a distance of 20km from the SPA, is not likely to impact sufficient numbers of qualifying species to impact the favourable conservation status of these species which utilise the SPA.</p> <p>Hydrological effects – there is potential for pollution to groundwater, which could present a risk to the Lower Derwent Valley SPA if there are linkages. The River Derwent flows into the Lower Derwent SPA (~20km downstream). Hydrological effects as a consequence of a change in groundwater flows are considered possible. However, the distance from MJP12/13 would also result in a dilution effect for any possible contaminants or sediments.</p> <p>It is considered that a CEMP and following environmental best practices would mitigate for the unlikely event of any contaminants and sediments entering the watercourses. Whilst water extraction levels are not known at this stage, adverse impacts to groundwater will be avoided through compliance with the site’s Application Licence issued by the Environment Agency, which will be a condition of consent.</p> <p>Air quality and Acoustic/Vibration effects – The Lower Derwent Valley SPA is located ~20 km from MJP12/13, therefore a significant increase in dust/particulate matter (PM) deposition and / or acoustic or vibration effects, on the qualifying features is unlikely to occur. Guidance⁴ states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source. Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p>	<p>release of contaminants and sediments into ground water.</p> <p>A Project Level HRA will be required.</p>
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⁴ http://www.iaqm.co.uk/text/guidance/mineralsguidance_2016.pdf

<p>Lower Derwent Valley SAC</p>	<p>The qualifying features of the SAC are as follows:</p> <ul style="list-style-type: none"> • H6510 Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>Sanguisorba officinalis</i>). • 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>). • S1355 Otter <i>Lutra lutra</i> <p>The conservation objectives for Lower Derwent Valley SAC:</p> <ul style="list-style-type: none"> • 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; <ul style="list-style-type: none"> - The extent and distribution of the 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 the habitats of qualifying species rely - The populations of qualifying species, and, - The distribution of qualifying species within the site. <p>Threats⁵:</p> <p>Hydrological change; Drainage; Public access / disturbance; Invasive species; Under grazing; Inappropriate scrub control; and</p>	<p>Direct habitat loss and disturbance - Lower Derwent Valley SAC is located 20.14km south of MJP12 and 20.87km south of MJP 13 therefore it is not anticipated that any direct habitat loss or disturbance of qualifying habitats will occur.</p> <p>Impacts to species using functionally linked habitat - On the basis of aerial photograph analysis (google maps 2019), it is not considered that the habitats located in, or within proximity to, MJP 12 / 13 are representative of those (hay meadows or alluvial forests) that occur within the Lower Derwent Valley SAC. Due to the lack of suitable riparian habitat within/in proximity to MJP12 and MJP13 and distance to the SAC, it is considered unlikely that the proposed works would result in a significant depletion of otter habitat resource. No impacts are anticipated as a result of MJP 12 / 13 due to species occupying functionally linked habitat.</p> <p>Hydrological effects – there is potential for pollution to groundwater, which could present a risk to the Lower Derwent Valley SAC if linkages are present. Hydrological effects as a consequence of pollution and change in groundwater flows are considered possible. However, the distance from MJP12/13 will also mean a dilution effect for any possible contaminants or sediments. It is considered that a CEMP and following environmental best practices will mitigate for the unlikely event of any contaminants and sediments entering the watercourses.</p> <p>Whilst water extraction levels are not known at this stage, adverse impacts to groundwater will be avoided through compliance with the site's Application Licence issued by the Environment Agency, which will be a condition of consent.</p> <p>Air quality and Acoustic/Vibration effects – The Lower Derwent Valley SAC is located ~20 km from MJP12/13, therefore a significant increase in dust/particulate matter (PM) deposition and / or acoustic or vibration effects, on the qualifying features is unlikely to occur. Guidance⁶ states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source. Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the Lower Derwent Valley SAC.</p> <p>Hydrological pollution effects to ground waters - A CEMP to include measures to prevent the release of contaminants and sediments into ground water.</p> <p>A Project Level HRA will be required.</p>
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⁵ <http://publications.naturalengland.org.uk/publication/5916047525806080>

⁶ http://www.iaqm.co.uk/text/guidance/mineralsguidance_2016.pdf

<p>Lower Derwent Valley Ramsar</p>	<p>Air pollution.</p>	<p>Direct habitat loss and disturbance - Lower Derwent Valley Ramsar is located 20.14km south of MJP12 and 20.87km south of MJP 13 with significant land resource and built infrastructure present between the SPA and the quarry. Therefore, it is not anticipated that any direct habitat loss and/or disturbance will occur.</p> <p>Impacts to species using functionally linked habitat -On the basis of aerial photograph analysis (google maps 2019), it is considered unlikely that the habitats within MJP12 and MJP13 are representative of the riparian and wetland habitats which occur within the Lower Derwent Valley. MJP12/ MJP13 is considered unlikely to form a significant resource for the bird or invertebrate species listed as qualifying features of the Ramsar. This is due to the habitat characteristics of the species, primarily waterfowl and wader species which utilise areas of open water and invertebrate species which rely on wetland habitats. Sufficient distance lies between MJP12/ MJP13 and the Ramsar site, including large swathes of similar habitat, to reduce the risk of disturbance. Further, the species listed are highly mobile and are likely to utilise a range of habitats within the Humber Basin and its associated river valleys. It is therefore anticipated that no adverse disturbance impacts on the qualifying features of the Ramsar will occur.</p> <p>Hydrological effects – Mining operations are listed within the Ramsar Information Sheet as having the potential to affect the hydrological balance of the area that may affect the integrity of the site.</p> <p>There is potential for pollution to groundwater, which could present a risk to the River Derwent if linkages are present. The River Derwent flows into the Ramsar (~20km downstream). Hydrological effects as a consequence of pollution and change in groundwater flows are considered possible. However, due to the distance, there would be significant dilution for any</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the Lower Derwent Valley Ramsar.</p> <p>Hydrological pollution effects to ground waters - A CEMP to include measures to prevent the release of contaminants and sediments into ground water.</p> <p>A Project Level HRA will be required.</p>
<p>Ramsar Criteria: Ramsar criterion 1: The site represents one of the most important examples of traditionally managed species-rich alluvial flood meadow habitat remaining in the UK. The river and flood meadows play a substantial role in the hydrological and ecological functioning of the Humber Basin. Ramsar criterion 2: The site has a rich assemblage of wetland invertebrates including 16 species of dragonfly and damselfly, 15 British Red Data Book wetland invertebrates as well as a leafhopper, <i>Cicadula ornata</i> for which Lower Derwent Valley is the only known site in Great Britain. Ramsar criterion 4: The site qualifies as a staging post for passage birds in spring. Of particular note are the nationally important numbers of Ruff <i>Philomachus pugnax</i> and Whimbrel <i>Numenius phaeopus</i>. Ramsar criterion 5: Assemblages of international importance; Species with peak counts in winter: 31942 waterfowl (5 year peak mean 1998/99-2002/2003) Ramsar criterion 6: species/populations occurring at levels of international importance: - Eurasian wigeon <i>Anas penelope</i>, NW Europe - 8350 individuals, representing an average of 2% of the GB population (5 year peak mean 1998/9-2002/3) - Eurasian teal <i>Anas crecca</i>, NW Europe 4200 individuals, representing an average of 1% of the population (5 year peak mean 1998/9-2002/3)</p>	<p>Ramsar Criteria: Ramsar criterion 1: The site represents one of the most important examples of traditionally managed species-rich alluvial flood meadow habitat remaining in the UK. The river and flood meadows play a substantial role in the hydrological and ecological functioning of the Humber Basin. Ramsar criterion 2: The site has a rich assemblage of wetland invertebrates including 16 species of dragonfly and damselfly, 15 British Red Data Book wetland invertebrates as well as a leafhopper, <i>Cicadula ornata</i> for which Lower Derwent Valley is the only known site in Great Britain. Ramsar criterion 4: The site qualifies as a staging post for passage birds in spring. Of particular note are the nationally important numbers of Ruff <i>Philomachus pugnax</i> and Whimbrel <i>Numenius phaeopus</i>. Ramsar criterion 5: Assemblages of international importance; Species with peak counts in winter: 31942 waterfowl (5 year peak mean 1998/99-2002/2003) Ramsar criterion 6: species/populations occurring at levels of international importance: - Eurasian wigeon <i>Anas penelope</i>, NW Europe - 8350 individuals, representing an average of 2% of the GB population (5 year peak mean 1998/9-2002/3) - Eurasian teal <i>Anas crecca</i>, NW Europe 4200 individuals, representing an average of 1% of the population (5 year peak mean 1998/9-2002/3)</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the Lower Derwent Valley Ramsar.</p> <p>Hydrological pollution effects to ground waters - A CEMP to include measures to prevent the release of contaminants and sediments into ground water.</p> <p>A Project Level HRA will be required.</p>	

	<p>Threats⁷:</p> <p>Public access / disturbance; Inappropriate scrub control; Drainage; and Air pollution.</p>	<p>possible contaminants or sediments. It is considered that a CEMP and following environmental best practices will mitigate for the unlikely event of any contaminants and sediments entering the watercourses.</p> <p>Whilst water extraction levels are not known at this stage, adverse impacts to groundwater will be avoided through compliance with the site's Application Licence issued by the Environment Agency, which will be a condition of consent.</p> <p>Air quality effects - An increase in dust and particulate matter (PM) are likely as a result of the construction and operational phases associated with MJP12 /13. However, the Lower Derwent Valley Ramsar is located 20.14km south of MJP12 and 20.87km south of MJP 13, therefore dust/ PM deposition on the qualifying features is unlikely to occur. Guidance⁸ states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p> <p>Direct habitat loss and disturbance - The Humber Estuary SAC is located 42.79km from MJP12 and 43.42km from MJP13 and as such, there will be no habitat loss or disturbance at the SAC.</p> <p>Impacts to species using functionally linked habitat - On the basis of aerial photograph analysis (google maps 2019), it is not considered that the habitats located in, or within proximity to, MJP 12 / 13 are representative of those that occur within the Humber Estuary SAC. No impacts are anticipated as a result of MJP 12 / 13 due to species occupying functionally linked habitat.</p> <p>Hydrological effects – There is potential for pollution to groundwater, which could present a risk to the River Derwent SAC if linkages are present. The River Derwent flows into the Humber Estuary providing a hydrological link between MJP12 /13 and the Humber Estuary SAC (located ~40km south-east). Contaminants and sediments arising from the quarry (e.g. haulage) may therefore be transferred into the Estuary. However, the distance of the Humber Estuary from MJP12 /13 will also mean a dilution effect for any possible contaminants or sediments.</p> <p>Whilst water extraction levels are not known at this stage, adverse impacts to groundwater will be avoided through compliance with the site's Application</p>	<p>Humber Estuary SAC</p> <p>Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:</p> <ul style="list-style-type: none"> • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) • Coastal lagoons • Dunes with <i>Hippophae rhamnoides</i> • Embryonic shifting dunes • Estuaries • Mudflats and sandflats not covered by seawater at low tide • Fixed dunes with herbaceous vegetation ('grey dunes') • Salicornia and other annuals colonising mud and sand • Sandbanks which are slightly covered by sea water all the time • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') 	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the Humber Estuary SAC.</p> <p>Hydrological pollution effects to ground waters - A CEMP to include measures to prevent the release of contaminants and sediments into ground water.</p>
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⁷ <http://publications.naturalengland.org.uk/publication/6301721630343168>

⁸ http://www.iaqm.co.uk/text/guidance/mineralsguidance_2016.pdf

	<p>Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:</p> <ul style="list-style-type: none"> • Grey seal <i>Halichoerus grypus</i> • River lamprey <i>Lampetra fluviatilis</i> • Sea lamprey <i>Petromyzon marinus</i> <p>Conservation Objectives for Humber Estuary SAC:</p> <ul style="list-style-type: none"> • 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; <ul style="list-style-type: none"> - 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, - The distribution of qualifying species within the site. <p>Threats⁹:</p> <ul style="list-style-type: none"> Water pollution; Coastal squeeze; Changes in species distribution; Under grazing; Invasive species; Natural changes to site conditions; Public access / disturbance; Fisheries; Direct land take from development; Air pollution; and Shooting. 	<p>Licence issued by the Environment Agency, which will be a condition of consent. Additionally MJP12/13 are located within the Derwent Catchment Abstraction Management Strategy (CAMS) boundary and the Humber Estuary SAC in the Hull and East Riding CAM boundary, therefore any potential impacts on ground water or aquifers as a result of MJP12/13 are likely to be limited.</p> <p>Air quality effects - An increase in dust and particulate matter (PM) is possible as a result of the construction and operational phases associated with MJP12 /13. However, due to distance (>40 km), a significant increase in dust/ PM deposition on the qualifying features is unlikely. Guidance¹⁰ states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source. Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p>	<p>A Project Level HRA will be required.</p>
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⁹ <http://publications.naturalengland.org.uk/publication/5427891407945728>

¹⁰ http://www.iaqm.co.uk/text/guidance/mineralsguidance_2016.pdf

<p>Humber Estuary SPA</p>	<p>Qualifying Features:</p> <ul style="list-style-type: none"> ● A021 <i>Botaurus stellaris</i>; Great bittern (Non-breeding) ● A021 <i>Botaurus stellaris</i>; Great bittern (Breeding) ● A048 <i>Tadorna tadorna</i>; Common shelduck (Non-breeding) ● A081 <i>Circus aeruginosus</i>; Eurasian marsh harrier (Breeding) ● A082 <i>Circus cyaneus</i>; Hen harrier (Non-breeding) ● A132 <i>Recurvirostra avosetta</i>; Pied avocet (Non-breeding) ● A132 <i>Recurvirostra avosetta</i>; Pied avocet (Breeding) ● A140 <i>Pluvialis apricaria</i>; European golden plover (Non-breeding) ● A143 <i>Calidris canutus</i>; Red knot (Non-breeding) ● A149 <i>Calidris alpina alpina</i>; Dunlin (Non-breeding) ● A151 <i>Philomachus pugnax</i>; Ruff (Non-breeding) ● A156 <i>Limosa limosa islandica</i>; Black-tailed godwit (Non-breeding) ● A157 <i>Limosa lapponica</i>; Bar-tailed godwit (Non-breeding) ● A162 <i>Tringa totanus</i>; Common redshank (Non-breeding) ● A195 <i>Sterna albifrons</i>; Little tern (Breeding) ● Waterbird assemblage 	<p>Direct habitat loss and disturbance – Humber Estuary SPA is located 42.79km from MJP12 and 43.42km from MJP13, with large swathes of arable habitat present between the SPA and the quarry. No direct habitat loss or disturbance will occur.</p> <p>Impacts to species using functionally linked habitat – On the basis of aerial photograph analysis (google maps 2019), MJP12 / MJP13 is considered unlikely to form a significant resource for the bird species listed as qualifying features of the SPA. This is due to the habitat characteristics of the species, primarily waterfowl and wader species which utilise areas of open water and intertidal mudflats, inundation vegetation and associated tidal habitats. There is a small risk that MJP12 / MJP13 may provide suitable foraging and sheltering habitat for a small number of the qualifying species of the SPA which can move to sheltering and foraging grounds within arable land and grassland in the wider area (e.g. golden plover). However, it is considered unlikely that any use would be enough to result in an adverse impact to the favourable conservation status of these species within the SPA via disturbance related to MJP12 / MJP13. This conclusion has been drawn based upon the distance from the SPA (>40km) and the wide range of similar available habitat resource between the SPA.</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the Humber Estuary SPA.</p> <p>Hydrological pollution effects to ground waters - A CEMP to include measures to prevent the release of contaminants and sediments into ground water.</p>
<p>Conservation objectives for the Conservation Objectives SPA:</p> <ul style="list-style-type: none"> ● 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; <ul style="list-style-type: none"> - The extent and distribution of the habitats of the qualifying features - The structure and function of the habitats of the qualifying features <p>The supporting processes on which the habitats of the qualifying features rely</p>	<p>Hydrological effects – There remains potential for pollution to groundwater, which could present a risk to the SPA if there is a link between it and the underlying groundwater. Contaminants and sediments arising from the quarry (e.g. haulage) may therefore be transferred into the Estuary. The distance of the Humber Estuary from MJP12 /13 will also mean a dilution effect for any possible contaminants or sediments.</p> <p>Whilst water extraction levels are not known at this stage, adverse impacts to groundwater will be avoided through compliance with the site's Application Licence issued by the Environment Agency, which will be a condition of consent. Additionally MJP12 /13 are located within the Derwent Catchment Abstraction Management Strategy (CAMS) boundary and the Humber Estuary in the Hull and East Riding CAM boundary, therefore any potential impacts on ground water or aquifers as a result of WJP16 are likely to be limited.</p> <p>Air quality and Acoustic/Vibration effects – The Humber SPA is located ~40 km from MJP12/13, therefore dust/ particulate matter (PM) deposition and / or acoustic or vibration effects, on the qualifying features are unlikely. Guidance¹²</p>	<p>A Project Level HRA will be required.</p>	

¹² http://www.iaqm.co.uk/text/guidance/mineralsguidance_2016.pdf

<p>Humber Ramsar</p>	<p>- The population of each of the qualifying features, and, - The distribution of the qualifying features within the site.</p> <p>Threats¹¹: Water pollution; Coastal squeeze; Changes in species distribution; Under grazing; Invasive species; Natural changes to site conditions; Public access / disturbance; Fishes; Direct land take from development; Air pollution; and Shooting.</p>	<p>states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source. Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p>	
<p>Humber Estuary</p>	<p>Ramsar Criteria: Ramsar criterion 1: The site is a representative example of a near-natural estuary with the following component habitats: dune systems and humid dune slacks, estuarine waters, intertidal mud and sand flats, saltmarshes, and coastal brackish/saline lagoons. Ramsar criterion 3: The Humber Estuary Ramsar site supports a breeding colony of grey seals <i>Halichoerus grypus</i> at Donna Nook: Ramsar criterion 5: Assemblages of international importance 153,934 waterfowl, non-breeding season (5 year peak mean 1996/97-2000/2001). Ramsar criterion 6: species/populations occurring at levels of international importance: common shelduck, Eurasian golden plover, red knot, dunlin, black-tailed godwit, bar-tailed godwit, common redshank Ramsar criterion 8: The Humber Estuary acts as an important migration route for both river lamprey and sea lamprey between coastal waters and their spawning areas.</p>	<p>Direct habitat loss and disturbance - Humber Estuary Ramsar is 42.79km from MJP12 and 43.42km from MJP13, therefore it is not anticipated that any direct habitat loss or disturbance will occur.</p> <p>Impacts to species using functionally linked habitat – On the basis of aerial photograph analysis (google maps 2019), MJP12 / MJP13 may provide suitable habitat for the qualifying species of the Ramsar (invertebrates and birds). However, it is considered unlikely that the habitats within MJP12 / MJP13 will be utilised by the qualifying species of the Ramsar, on account of the distance and the availability of other suitable habitat within the surrounds of the Ramsar. It is therefore anticipated that no adverse disturbance impacts on the qualifying features of the Ramsar will occur.</p> <p>Hydrological effects - There is potential for pollution to groundwater, which could present a risk to the Ramsar if there is a link between it and the underlying groundwater. The River Derwent flows into the Humber Estuary providing a hydrological link between MJP12 /13 and the Humber Estuary Ramsar (located ~40km south-east). Contaminants and sediments arising from the quarry (e.g. haulage) may therefore be transferred into the Estuary. The distance of the Humber Estuary from MJP12 /13 will also mean a dilution effect for any possible contaminants or sediments.</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the Humber Estuary Ramsar.</p> <p>Hydrological pollution effects to ground waters - A CEMP to include measures to prevent the release of contaminants and sediments into ground water.</p>

¹¹ <http://publications.naturalengland.org.uk/publication/5427891407945728>

	<p>Threats¹³:</p> <ul style="list-style-type: none"> Water pollution; Coastal squeeze; Changes in species distribution; Under grazing; Invasive species; Natural changes to site conditions; Public access / disturbance; Fisheries; Direct land take from development; Air pollution; and Shooting. 	<p>Whilst water extraction levels are not known at this stage, adverse impacts to groundwater will be avoided through compliance with the site's Application Licence issued by the Environment Agency, which will be a condition of consent. Additionally, MJP12/13 are located within the Derwent Catchment Abstraction Management Strategy (CAMS) boundary and the Humber Estuary in the Hull and East Riding CAM boundary, therefore any potential impacts on ground water or aquifers as a result of MJP12/13 are likely to be limited.</p> <p>Air quality and Acoustic/Vibration effects – The Humber Estuary Ramsar is located ~40 km from MJP12/13, therefore dust/ particulate matter (PM) deposition and / or acoustic or vibration effects, on the qualifying features is unlikely. Guidance¹⁴ states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source. Larger particles have the potential to persist beyond 400 m but with minimal significance due to dispersion.</p>	<p>A Project Level HRA will be required.</p>
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¹³ <http://publications.naturalengland.org.uk/publication/5427891407945728>

¹⁴ http://www.iaqm.co.uk/text/guidance/mineralsguidance_2016.pdf

Minerals and Waste Joint Plan

Appropriate Assessment Report

Site Ref: MJP14

Site Name: Ripon Quarry, North Stainley

Date of assessment: May 2020

Appropriate Assessment Summary Information Statement:

No likely adverse effects on the integrity of the Humber Estuary Ramsar/SAC/SPA, at this plan level. The mitigation recommended is considered capable of being achieved and should be included within changes to the Policy wording for the allocations. It is recognised this is a judgment reached at plan-making stage, not at the application stage. An assessment of any likely significant effects will also be made within the project-level HRA. The following over-arching mitigating statement is recommended for incorporation within the Policy: *'Any development that would be likely to have a significant effect on a European site, either alone or in combination with other plans or projects, will be subject to assessment under the Habitats Regulations at project application stage. If it cannot be ascertained that there would be no adverse effects on site integrity the project will have to be refused or pass the tests of regulations 63 and 64, in which case any necessary compensatory measures will need to be secured in accordance with regulation 68.'*

Assessment of the effects of the project or plan on the integrity of the site	
Describe the elements of the project or plan (alone or in combination with other projects or plans) that are likely to give rise to significant effects on the site (from screening assessment).	MJP14- Extraction of sand and gravel as proposed extension to existing quarry Site area – 30.22ha.
Current planning status	The Pennycroft and Thorneyfields site is subject to an application (NY/2011/0429/ENV) which is awaiting determination.
Key document references	Planning application – NY/2011/0429/ENV - Extension to existing sand and gravel workings
Zone of Influence (Zoi) (in the absence of mitigation)	- Zoi for direct impacts (e.g. habitat loss and mortality): within footprint of MJP14 - Zoi for indirect impacts: 100 m of the construction footprint of MJP14 (operational Zoi based on the presence of suitable pathways e.g. hydrological, and/or functional linkage).
Identification of N2K Sites within ZOI	There are three European sites considered to be within the Zoi for MJP14, including Humber Estuary SPA / SAC / Ramsar located 65.km southeast.

Designated Site	Set out the conservation objectives of the sites.	Describe how the project or plan will affect key species and key habitats. Describe how the integrity of the site (determined by structure and function and conservation objectives) is likely to be affected by the project or plan (e.g. loss of habitat, disturbance, disruption, chemical changes, hydrological changes and geological changes, etc.).	Describe what mitigation measures are to be introduced to avoid, reduce or remedy the adverse effects on the integrity of the site.
<p>Humber Estuary SAC</p>	<p>Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:</p> <ul style="list-style-type: none"> • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) • Coastal lagoons • Dunes with <i>Hippophae rhamnoides</i> • Embryonic shifting dunes • Estuaries • Mudflats and sandflats not covered by seawater at low tide • Fixed dunes with herbaceous vegetation ('grey dunes') • Salicornia and other annuals colonising mud and sand • Sandbanks which are slightly covered by sea water all the time • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') <p>Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:</p> <ul style="list-style-type: none"> • Grey seal <i>Halichoerus grypus</i> • River lamprey <i>Lampetra fluviatilis</i> • Sea lamprey <i>Petromyzon marinus</i> <p>Conservation Objectives for Humber Estuary SAC:</p> <ul style="list-style-type: none"> • Ensure that the integrity of the site is maintained or restored as appropriate, and 	<p>Direct habitat loss and disturbance - The Humber Estuary SAC is located 65km southeast from MJP14. There will be no direct habitat loss or disturbance.</p> <p>Impacts to species using functionally linked habitat – On the basis of aerial photograph analysis (google maps 2019), the Humber Estuary SAC is located 65km from the MJP14, and disturbance to qualifying species within the SAC is not anticipated. However, there is potential for disturbance impacts (i.e. dust / pollution / noise and vibration) to qualifying species (river lamprey) outside the SAC. The River Ure, which is recorded to support lamprey is located 25m from MJP14. The River Ure is hydrologically connected to the Humber Estuary SAC. (see details below)</p> <p>Air quality effects - Dust and particulate matter (PM) effects are likely as a result of the construction and operational phases associated with MJP14. However, due to distance (65km), a significant increase in dust/PM deposition on the qualifying features within the SAC is unlikely to occur. There may be potential for air quality impacts to the River Ure, which is hydrologically connected to the SAC, and supports lamprey populations (interest feature of the SAC). Guidance² states it is commonly accepted that the greatest impacts of dust and PM from quarrying operations will be within 100 m of a source, and the River Ure is located within 25m of MJP14. It is considered that pre-existing mitigation measures to avoid impacts on the River Ure incorporated within a CEMP and adherence to environmental best practices will mitigate potential air quality impacts (dust). Therefore, adverse impacts on qualifying species (i.e. lamprey) are unlikely to occur.</p> <p>As stated in the EcIA 2015³, the active quarry site has been working under its current permission since 2001 and during this time there have not been any</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the River Derwent SAC.</p> <p>Hydrological effects to surface/ground waters - A CEMP to include measures to prevent the release of contaminants and sediments into surface water.</p> <p>Air quality - Compliance with existing site-specific CEMP and good practice mitigation measures⁴.</p> <p>Noise and vibration effects - A CEMP to include measures to ensure no noise and vibration effects materialise and restrict</p>

² http://www.iagm.co.uk/text/guidance/mineralsguidance_2016.pdf

³ Aecom (2015) Ripon Quarry: Section 73 Planning Application for an Extension of Time. Ecological Impact Assessment

⁴ http://www.iagm.co.uk/text/guidance/mineralsguidance_2016.pdf

<ul style="list-style-type: none"> • Ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; <ul style="list-style-type: none"> - 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, - The distribution of qualifying species within the site. <p>Threats¹:</p> <ul style="list-style-type: none"> Water pollution; Coastal squeeze; Changes in species distribution; Under grazing; Invasive species; Natural changes to site conditions; Public access / disturbance; Fisheries; Direct land take from development; Air pollution; and Shooting. 	<p>significant impacts on any of the extant or developing habitats or associated species from dust and working has in many cases been in close proximity to woodland and expanses of wetland. Therefore, providing that pre-existing measures that are currently being taken to avoid impacts on the River Ure are continued, and dust levels are not to exceed previous levels, it is not anticipated that there would be any significant adverse impact on any habitats or species present adjacent to MJP14. Of note, most of the existing quarry has now been worked for minerals, and has been restored, with an increase in biodiversity being demonstrated, so any dust impacts will not cumulative.</p> <p>Hydrological effects – MJP14 is approximately 25m distant from the River Ure, and the River Ure is hydrologically connected to the Humber Estuary SAC. Contaminants and sediments arising from the quarry (e.g. fuel spills / haulage) may therefore be transferred into the River Ure and Humber Estuary. However, the distance of the Humber Estuary from MJP14 will mean a dilution effect for any possible contaminants or sediments at the estuary itself. It is considered that pre-existing measures to avoid impacts on the River Ure, incorporated into a CEMP, and adherence to environmental best practices will mitigate for the unlikely event of any contaminants and sediments entering the watercourses in closer proximity, and adversely effecting qualifying species (i.e. lamprey).</p> <p>Details of the surface and groundwater conditions present within and around the existing quarry have been subject to monitoring throughout the life of the quarry, and there has been no significant impact on any sensitive features during this time and final extraction is underway (Aecom, 2015).</p> <p>Additionally, whilst water extraction levels are not known at this stage, adverse impacts to groundwater will be avoided through compliance with the site's Application Licence issued by the Environment Agency, which will be a condition of consent.</p> <p>Acoustic/Vibration effects - The construction and operational phases of MJP14 may increase acoustic and vibration pollution. However, the Humber Estuary SAC is considered to be of sufficient distance for no adverse impacts arising from acoustics or vibration resulting from MJP14.</p> <p>The River Ure, which is hydrologically connected to the SAC, and supports lamprey populations (interest feature of the SAC) is located 25m from MJP14</p>	<p>timings of works to outside the breeding period.</p> <p>A Project Level HRA will be required</p>
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¹ <http://publications.naturalengland.org.uk/publication/5427891407945728>

		<p>and may be impacted. However, providing that the noise/vibration levels are not anticipated to be above existing levels and pre-existing noise attenuation measures currently in place to avoid impacts on the Ure are continued, it is not anticipated that there would be any significant adverse impact on any habitats or species present adjacent to MJP14. It is considered that a CEMP and following environmental best practices will mitigate for this, and adverse impacts on qualifying species (i.e. lamprey) are unlikely to occur.</p> <p>Direct habitat loss and disturbance - The Humber Estuary SPA is located 65km southeast from MJP14 with large swathes of arable habitat present between the SPA and the quarry. No direct habitat loss will occur.</p> <p>Impacts to species using functionally linked habitat – On the basis of aerial photograph analysis (google maps 2019), the habitat within MJP14 is considered unlikely to form a significant resource for the bird species listed as qualifying features of the SPA, being under arable cultivation and of low ecological value (Aecom, 2015). However, the habitat immediately adjacent to MJP14 (i.e. Ripon Parks SSSI), which is noted to comprise a relatively undisturbed reach of river with shingle beaches⁶, may provide suitable foraging and sheltering habitat for some qualifying species of the SPA (i.e. bittern).</p> <p>Although as stated in the EcIA 2015⁷, the active quarry site has been working under its current permission since 2001 and during this time there have not been any significant impacts on any of the extant or developing habitats or associated species, which in many cases been in close proximity to woodland and expanses of wetland. Therefore, providing that measures that are currently being taken are continued, and dust levels are not to exceed previous levels, it is not anticipated that there would be any significant adverse impact on any habitats or species present adjacent to MJP14. Of note, most of the existing quarry has now been worked for minerals, and has been restored, with an increase in biodiversity being demonstrated, so any dust impacts will not be cumulative.</p> <p>However, it is considered unlikely that the proposed extension of an existing quarry at this location into an adjacent arable/pasture field, would be sufficient to result in an adverse impact to the favourable conservation status of qualifying species within the SPA via disturbance related to MJP14. This</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the River Derwent SAC.</p> <p>Hydrological effects to surface/ground waters - A CEMP to include measures to prevent the release of contaminants and sediments into surface water.</p> <p>A Project Level HRA will be required.</p>
<p>Humber Estuary SPA</p>	<p>Qualifying Features:</p> <ul style="list-style-type: none"> ● A021 <i>Botaurus stellaris</i>; Great bittern (Non-breeding) ● A021 <i>Botaurus stellaris</i>; Great bittern (Breeding) ● A048 <i>Tadorna tadorna</i>; Common shelduck (Non-breeding) ● A081 <i>Circus aeruginosus</i>; Eurasian marsh harrier (Breeding) ● A082 <i>Circus cyaneus</i>; Hen harrier (Non-breeding) ● A132 <i>Recurvirostra avosetta</i>; Pied avocet (Non-breeding) ● A132 <i>Recurvirostra avosetta</i>; Pied avocet (Breeding) ● A140 <i>Pluvialis apricaria</i>; European golden plover (Non-breeding) ● A143 <i>Calidris canutus</i>; Red knot (Non-breeding) ● A149 <i>Calidris alpina alpina</i>; Dunlin (Non-breeding) ● A151 <i>Philomachus pugnax</i>; Ruff (Non-breeding) ● A156 <i>Limosa limosa islandica</i>; Black-tailed godwit (Non-breeding) ● A157 <i>Limosa lapponica</i>; Bar-tailed godwit (Non-breeding) ● A162 <i>Tringa totanus</i>; Common redshank (Non-breeding) ● A195 <i>Sterna albifrons</i>; Little tern (Breeding) ● Waterbird assemblage <p>Conservation objectives for the Conservation Objectives SPA:</p> <ul style="list-style-type: none"> ● Ensure that the integrity of the site is maintained or restored as appropriate, and 		

⁶ <https://designatedsites.naturalengland.org.uk/PDFsForWeb/Citation/1003629.pdf>

⁷ Aecom (2015) Ripon Quarry: Section 73 Planning Application for an Extension of Time. Ecological Impact Assessment

	<ul style="list-style-type: none"> • Ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring; <ul style="list-style-type: none"> - The extent and distribution of the habitats of the qualifying features - The structure and function of the habitats of the qualifying features <p>The supporting processes on which the habitats of the qualifying features rely</p> <ul style="list-style-type: none"> - The population of each of the qualifying features, and, - The distribution of the qualifying features within the site. <p>Threats⁵:</p> <ul style="list-style-type: none"> Water pollution; Coastal squeeze; Changes in species distribution; Under grazing; Invasive species; Natural changes to site conditions; Public access / disturbance; Fisheries; Direct land take from development; Air pollution; and Shooting. 	<p>conclusion has been drawn based upon the distance from the SPA (65km) and the wide range of similar available habitat resource between the SPA.</p> <p>Hydrological effects – MJP14 is approximately 25m distant from the River Ure, and the River Ure is hydrologically connected to the Humber Estuary SPA. Contaminants and sediments arising from the quarry (e.g. fuel spills / haulage) may therefore be transferred into the River Ure and Humber Estuary. However, the distance of the Humber Estuary from MJP14 will mean a dilution effect for any possible contaminants or sediments. It is considered that a CEMP and following environmental best practices will mitigate for the unlikely event of any contaminants and sediments entering the watercourses, and adverse impacts on qualifying species are unlikely to occur.</p> <p>Whilst water extraction levels are not known at this stage, adverse impacts to groundwater will be avoided through compliance with the site's Application Licence issued by the Environment Agency, which will be a condition of consent.</p> <p>Air quality and Acoustic/Vibration effects – The Humber Estuary SPA is located 65km from MJP14, therefore a significant increase in dust/ particulate matter (PM) deposition and / or acoustic or vibration effects, on the qualifying features within the SPA.</p>	
<p>Humber Ramsar</p>	<p>Ramsar Criteria: Ramsar criterion 1: The site is a representative example of a near-natural estuary with the following component habitats: dune systems and humid dune slacks, estuarine waters, intertidal mud and sand flats, saltmarshes, and coastal brackish/saline lagoons. Ramsar criterion 3: The Humber Estuary Ramsar site supports a breeding colony of grey seals <i>Halichoerus grypus</i> at Donna Nook. Ramsar criterion 5: Assemblages of international importance 153,934 waterfowl, non-breeding season (5 year peak mean 1996/97-2000/2001).</p>	<p>The Humber Estuary Ramsar is coincident with both the Humber Estuary SPA and SAC. It is also designated for corresponding habitats / species (i.e. estuarine habitats, migratory lamprey and bird species/populations of international importance). Therefore, the potential effects on the Estuary will be as per the Humber Estuary SAC / SPA recorded above.</p>	<p>Hydrological changes (ground water and aquifer assessment) – A permissible threshold of withdrawal of water will be subject to an Abstraction Licence issued by the Environment Agency at the Application stage. This Abstraction Licence will ensure that abstraction at the site will not result in adverse effects on dependent ecological sites, including the River Derwent SAC.</p>

⁵ <http://publications.naturalengland.org.uk/publication/5427891407945728>

	<p>Ramsar criterion 6: species/populations occurring at levels of international importance: common shelduck, Eurasian golden plover, red knot, dunlin, black-tailed godwit, bar-tailed godwit, common redshank</p> <p>Ramsar criterion 8: The Humber Estuary acts as an important migration route for both river lamprey and sea lamprey between coastal waters and their spawning areas.</p> <p>Threats⁸:</p> <ul style="list-style-type: none"> Water pollution; Coastal squeeze; Changes in species distribution; Under grazing; Invasive species; Natural changes to site conditions; Public access / disturbance; Fisheries; Direct land take from development; Air pollution; and Shooting. 	<p>Hydrological effects to surface/ground waters - A CEMP to include measures to prevent the release of contaminants and sediments into surface water.</p> <p>A Project Level HRA will be required.</p>
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⁸ <http://publications.naturalengland.org.uk/publication/5427891407945728>

5. Potential in-combination effects

A risk of adverse effects on European sites has been identified , and mitigation strategies are required to ensure no adverse effects occur..

The risk of adverse impacts on European sites from the allocations were related to risk to ground water, reduction in the protection of aquifers and ground and surface water quality changes. These adverse effects are considered likely to be mitigated on an allocation basis via permissible thresholds for extraction and via the implementation of a robust CEMP and compliance with best practice.

It is not considered likely that there would be any residual effects, following the implementation of the CEMP, that could act in-combination to result in an adverse effect on the integrity of the relevant European sites.

In addition, catchment wide (in-combination) abstraction levels will be managed via Abstraction Licences (through the Environment Agency Catchment Abstraction Management Plans (CAMS) and abstraction consenting process). These provide permissible threshold abstraction rates that would ensure no adverse impact on the integrity of Natura 2000 Sites, which are assessed on a catchment-wide in-combination basis. The Environment Agency determine that applications would not affect European sites or would put conditions on the licence so that it cannot affect the site or refuse the application.

Therefore, with this licensing route in place, no in-combination effects from the adverse effect from the hydrological risk identified for any of the project sites is considered likely.

6. Conclusions

The Proposed Development is considered unlikely to adversely affect the integrity, structure and function of the qualifying features within the European sites considered to be within the Zone of Influence, provided that appropriate mitigation measures are implemented and adhered to throughout the Proposed Work and that a further HRSA and AA, as required, are included within the next tier consenting regime.

7. Consultation

This report was issued to Natural England and the Environment Agency for consultation and due regard has been given to any representations. Consultation responses are provided in Appendix A.

Please direct any comments on this draft report to:

Hugh CLEAR HILL

Principal Environmental Policy Officer
North Yorkshire County Council
County Hall
Northallerton DL7 8AD

Email: hugh.clearhill@northyorks.gov.uk

Appendix A

Date: 29 July 2020
Our ref: 320147



Katie Burrough
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BY EMAIL ONLY

Dear Katie Burrough

Planning consultation: North Yorkshire Minerals and Waste Joint Plan Addendum to the Habitat Regulations Assessment

Thank you for your consultation on the above dated 22 June 2020.

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

Natural England broadly welcomes the updated North Yorkshire County Council Waste and Minerals Joint Plan Information to Inform Appropriate Assessment dated May 2020 which we consider to address the concerns set out in our letter dated 02 December 2019 (our ref 302514). We have the following minor comments to make.

We note that the Zone of Influence (ZOI) for each site is set at only 100m which we consider far too small however we note and welcome the identification of sites within ZOI which clearly considers N2Ks at far greater distances.

We note that Thorne and Hatfield Moors Special Protection Area (SPA) and Thorne Moor Special Area of Conservation (SAC) are referred to incorrectly in some instances as Thorn Moor SAC and SPA although correctly in others.

Finally we note that allocation MJP15 Blubberhouses Quarry is no longer assessed in the document and we assume this is due to the removal this site from the plan rather than the screening of this site out of Appropriate Assessment.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter please contact Merlin Ash at Merlin.ash@naturalengland.org.uk or on 02080 266382. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Merlin Ash

Yorkshire and Northern Lincolnshire Team
Natural England

Katie Burroughs
Principal Ecologist
WSP
The Forum
Barnfield Road
Exeter
EX1 1QR

Our ref:
Your ref:
Date: 29 May 2020

Dear Katie Burroughs

APPROPRIATE ASSESSMENT – NORTH YORKSHIRE MINERALS AND WASTE JOINT PLAN (DECEMBER 2019)

Thank you for your consultation regarding the Supplementary Document – Appropriate Assessment of additional Joint Plan Sites added to plan allocations following MWJP Hearings in Spring 2018, and European Court ruling in April 2018 for the Minerals and Waste Joint Plan.

We have reviewed the document and the site specific Appropriate Assessments included for the following sites:

- MJP 55 / WJP 06 – Land adjacent to former Escrick Brickworks
- WJP16 Common Lane, Burn
- MJP 63 – Browns Quarry, Malton
- MJP 12 / MJP 13 – Whitewall Quarry, Norton
- MJP14 – Ripon Quarry, North Stainley.

Our comments are as follows.

Environment Agency position

We have not identified any issues that would indicate the proposed mitigation approach will not be successful. We consider that CEMPs and abstraction licences can, in principle, provide suitable measures to control the risks to the European sites. We note that project level HRAs will be required. We therefore have no specific comments on the AA report at this stage.

Abstraction licences

With regards to conditions for the abstraction licences we have the following comments:

- MJP 55 / WJP 06 – Land adjacent to former Escrick Brickworks

The Escrick Brickworks development is relatively close to the Skipwith Common site and there are surface water pathways between the two. We therefore anticipate that a specific condition would be required for the Escrick Brickworks abstraction licence enabling the 'Hands off flow' condition if it were suspected that the abstraction was impacting on water levels on Skipwith Common, regardless of whether this was indicated by flow rates at the gauging station.

- MJP 63 - Browns Quarry, Malton
 - MJP 12 / MJP 13 – Whitewall Quarry, Norton
- The Derwent suffers in times of dry weather and we may have further comments to make on abstraction licences for these sites when further details are available.

Waste storage sites

The storage of waste at the following sites:

- WJP16 Common Lane, Burn
- MJP 63 – Browns Quarry, Malton

would require an application for a relevant environmental permit. Issues relating to special sites and the need for any type of environmental management plan would be identified at this stage.

We trust the above advice is useful.

If I can be of any further assistance, please don't hesitate to contact me.

Yours sincerely

Mrs Frances Edwards

Sustainable Places Planning Advisor

Direct dial 020 771 41808

Direct e-mail Frances.edwards@environment-agency.gov.uk

SP Team e-mail: sp-yorkshire@environment-agency.gov.uk

Burrough, Katie

From: Ash, Merlin <Merlin.Ash@naturalengland.org.uk>
Sent: 14 October 2020 17:09
To: Burrough, Katie
Subject: RE: 2020-10-12 328464 North Yorkshire Minerals and Waste Joint Plan

Dear Katie,

Many apologies for the delay in getting back to you. Natural England can confirm that the explanation you have provided regarding the zone of influence used in the assessment satisfies the concern we raised regarding this matter in our letter dated 29 July 2020 (our ref 320147).

We hope that this advice is helpful. If you have any further queries please do not hesitate to contact me.

Kind regards,

Merlin

Merlin Ash
Lead Adviser
Yorkshire and Northern Lincolnshire Team
Foss House, 1-2 Peasholme Green, York, YO1 7PX
Tel: 02080 266382

www.gov.uk/natural-england



We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

Natural England offers two chargeable services – The Discretionary Advice Service ([DAS](#)) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service ([PSS](#)) provides advice for protected species mitigation licence applications.

These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

During the current coronavirus situation, Natural England staff are working remotely to provide our services and support our customers and stakeholders. All offices and our Mail Hub are closed, so please send any documents by email or contact us by phone or email to let us know how we can help you. See the latest news on the coronavirus at <http://www.gov.uk/coronavirus> and Natural England's regularly updated operational update at <https://www.gov.uk/government/news/operational-update-covid-19>.

Stay alert, control the virus, save lives.

From: Burrough, Katie [<mailto:katie.burrough@wsp.com>]

Sent: 18 September 2020 16:55

To: Forecast, Lauren <Lauren.Forecast@naturalengland.org.uk>; SM-Defra-Plan Cons Area Team (Yorkshire & Northern Lincolnshire) (NE) <PlanConsAreaTeamYorkshireandNorthernLincolnshire@defra.gov.uk>

Cc: Hugh.ClearHill@northyorks.gov.uk; Digby, Ursula <Ursula.Digby@wsp.com>; Gallie, Rebecca <rebecca.gallie@wsp.com>

Subject: FW: 2020-07-27 320147 NY MWJP - Appropriate Assessment

Hi Merlin, Lauren,

Thank you for your comments relating to the NY MWJP - Appropriate Assessment received in July.

With regards to the comment '**We note that the Zone of Influence (ZOI) for each site is set at only 100m which we consider far too small however we note and welcome the identification of sites within ZOI which clearly considers N2Ks at far greater distances.**', we would like to clarify the following; whilst the ZOI for indirect impacts was considered to be 100m of the construction footprint; the ZOI for operational impacts was based on the presence of suitable pathways e.g. hydrological, and/ or functional linkage and as such the ZOI extended to far greater distances. We can confirm that in order to identify all sites where potential direct, indirect and in-combination impacts to Natura 2000 and Ramsar sites could reasonably be considered possible, an initial buffer of 2 km was established around each of the project sites, and this buffer was extended accordingly where the project site was located up/downstream of Natura 2000 Site designated watercourse and up to 30 km where bats were a qualifying features of a SAC, cSAC or pSAC. Therefore, the ZOI was not limited to 100m.

In light of the above, we would like to request that you revisit your comment, so that the current uncertainty around the ZOI can be resolved, and if possible confirm your change of view in writing.

Kind regards,

Katie Burrough MCIEEM

Principal Ecologist



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