

Town & Country Planning (EIA) Regulations 2017
Secretary of State Screening Direction – Written Statement

Application name:	Land South East of Brickyard Lane Roundabout, Melton, East Riding of Yorkshire, HU14 3HB ("the proposal"). Planning application Ref: 20/03555/STPLF. Screening Opinion Ref: 20/03601/EIASC.R.
SoS case reference:	PCU/EIASC.R/E2001/3269131
Schedule and category of development:	Schedule 2 - 10(a) Industrial Estate Development Projects

Full statement of reasons as required by 5(5)(a) of the 2017 EIA Regulations including conclusions on likelihood of significant environmental effects.

The proposal falls within Schedule 2 – 10(a) Industrial Estate Development Projects of the 2017 EIA Regulations, as the area of the proposal is more than 0.5 Hectares. The request for the Screening Direction has arisen because North Ferriby Parish Council ("the third party") disagrees with East Riding of Yorkshire Council ("the Council") on their negative EIA screening opinion.

The Secretary of State has considered whether the above proposal is likely to have significant environmental effects. He has undertaken this screening considering the criteria set out in Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. In doing so he considers the main matters to be addressed are:

Schedule 3 selection criteria for Schedule 2 development:

Characteristics and Location of Development

The proposal involves the development of 24.51 ha of agricultural land to provide a storage and distribution building with a floor area of 8,780sqm (Use Class B8) with ancillary office space on a first floor mezzanine of 2,682sqm, and associated parking, landscaping, access and ancillary works. The proposal also seeks permission of the installation of 55 HGV loading bays and 794 car parking spaces, and to operate 24 hours a day. The proposal site is a vacant plot of land within a wider business park, south of Melton and West of North Ferriby. The A63 trunk road is within close proximity to the North of the site. The proposal site is located about 550m from the Humber Estuary incorporating its statutorily designated sites - Special Protection Area (SPA) Special Area of Conservation (SAC) Site of Special Scientific Interest (SSSI) and Ramsar.

Characteristics of Potential Impact

The Council's Screening Opinion states that the proposal is likely to have limited environmental effects. They have specified that they consider significant effects are not likely relating to size, design, cumulative, use of natural resources, production of waste, pollution, nuisances, risk of major accidents and risks to human health. They also conclude that the location of the development in terms of the environmental sensitivity is not likely to be significant.

The third party has raised concerns that many of these characteristics are potentially significantly adversely affected and have not been addressed with sufficient mitigating measures.

Heritage Assets

The site lies within an area of known archaeological significance. The Council have consulted its archaeological adviser, Humber Historic Environment Record, who have undertaken evaluation work and have concluded that development shall take place subject to conditions which allow mitigation, including all agreed necessary archaeological work in order to preserve archaeological remains.

The Secretary of State has consulted Historic England as the Government's specialist advisers on heritage issues to ascertain whether they consider the proposal constitutes EIA development. Historic England considers that the proposed mitigation within the application is sufficient to limit adverse impacts on heritage assets and is of the opinion that within their remit EIA would not be necessary.

The Secretary of State has considered the evidence carefully including the Screening Opinion issued by the Council, the views of the third party and the views of Historic England. Having carefully considered all these issues, the Secretary of State agrees with the comments of Historic England that the potential impacts of the proposal on heritage assets can be satisfactorily mitigated and, therefore, concludes that the proposal does not require an EIA on these grounds.

Traffic

Highways England have been consulted as part of the planning application process and raise no objections subject to mitigation measures. The Secretary of State has consulted Highways England, as the Government's specialist advisers on the impact of proposals on the strategic highway network to ascertain whether they consider the proposal constitutes EIA development. Highways England has reaffirmed the views it expressed when commenting on the planning application.

The Secretary of State has considered the evidence carefully including the Screening Opinion issued by the Council, the views of the third party and the views of Highways England. Having carefully considered all these issues, the Secretary of State agrees with the comments of Highways England that the potential impacts of the proposal on the strategic highway network can be satisfactorily mitigated and therefore concludes that the proposal does not require an EIA on these grounds.

Humber Estuary SAC/SPA/SSSI/Ramsar

The proposal is located about 550m north of the Humber Estuary and its four statutorily designated protected areas – Humber Estuary Special Area of Conservation (SAC) Humber Estuary Special Protection Area (SPA) Humber Estuary Ramsar Site, Humber Estuary Site of Special Scientific Interest (SSSI). The third party has expressed serious concerns about the potential impact of the proposal on these internationally and nationally designated ecological sites and therefore considers that it constitutes EIA development on these grounds.

The Secretary of State has consulted Natural England, as the Government's specialist advisers on ecological issues, to ascertain their views about whether it considers that the proposal constitutes EIA development. The views of Natural England are summarised below:

- Indirect Habitat loss from designated sites (of functionally linked land):
Natural England has identified the field to the south of the development and directly north of the Humber Estuary ("the southern field") is likely to be affected by the proposal. However, It is unlikely that the proposal will result in the loss of any land that is functionally linked to the Humber SPA/ Ramsar.
- Noise disturbance to SPA/Ramsar birds using southern field during construction:
There is insufficient information on construction noise levels, including cumulative effect noise levels from other nearby projects. There is potential that the bird population in the southern field will be affected by construction noise.

- Noise disturbance to SPA/Ramsar birds using southern field during operation:
There is insufficient information regarding noise level for daytime and night-time operation of the facility which will involve 24 hour HGV use. There is the potential that the bird population will be affected by operational noise at different times within a 24 hour period.
- Visual disturbance to SPA/Ramsar birds using southern field during construction:
Further information is required to accurately assess the impacts on construction lighting as this could have a detrimental effect on the bird population. They initially recommend that any construction lighting is positioned so as not to pollute neighbouring land including the southern field.
- Visual disturbance to SPA/Ramsar birds using southern field during operation:
Natural England is satisfied that measures proposed for operational lighting are sufficient to negate the adverse impacts of light pollution into the southern field.
- Water quality impacts to Humber Estuary European sites during construction and operation:
A hydrological link from the site to the Humber Estuary has been identified, and there is concern regarding surface water contamination. In general terms, Natural England is satisfied with mitigation measures proposed. However, further information is required in the form of a monitoring and management strategy.
- In-combination impacts with other relevant plans/projects:
Insufficient assessment has taken place to determine the cumulative impact on all aspects of potential combined residual effects of other sites within the locality, and the cumulative effects are of concern.
- Landscape – Yorkshire Wolds Way National Trail:
Natural England is satisfied that with mitigation measures this important national trail can be protected, these include planted buffer zones, provision of link and circular paths and providing good signage for walkers.

The Secretary of State has considered the submitted evidence carefully, including the Screening Opinion issued by the Council, the views of the third party and the strongly held views of Natural England expressed Screening Direction stage. He notes that Natural England has serious concerns about the potential impact of the proposal on the nearby Humber Estuary Special Area of Conservation (SAC) Humber Estuary Special Protection Area (SPA) Humber Estuary Ramsar Site, Humber Estuary Site of Special Scientific Interest (SSSI), which are international and national ecological designations. Having carefully considered all these issues, the Secretary of State concludes that the proposal could have a significant adverse impact on the ecological designations and, therefore, requires an Environmental Impact Assessment on these grounds.

Conclusion

Following receipt of the request from a third party, the Secretary of State has screened the proposal to determine whether it constitutes EIA development. He has considered the views of the third party, the Council, and the advice from Highways England, Historic England and Natural England, who are the Government's specialist advisers on the potential impact of the proposal on the strategic highway network, heritage issues and ecological designations. Having considered all the evidence, the Secretary of State accepts that the potential impact of the proposal on the strategic highway network and heritage can be satisfactorily mitigated through the use of appropriate planning conditions. Having considered all the evidence, he agrees with the conclusions of Natural England that the proposal could have potentially significant adverse impacts on the nearby internationally and nationally designated ecological sites. In the absence of a detailed assessment the Secretary of State cannot conclude that the proposal would not have a significant adverse impact on these ecological

designations or that these impacts can be satisfactorily mitigated through planning conditions. He is therefore of the opinion that a precautionary and robust approach must therefore be taken.

Having carefully considered all of these issues, the Secretary of State is satisfied that for the reasons given above the proposal constitutes EIA development.

Is an Environmental Statement required?	Yes
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Name	Matthew Haskins
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Date	06 April 2021
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