

North Ferriby Parish Council

www.northferribyparishcouncil.gov.uk

North Ferriby Playing Field Trustees – Charity No. 523280
North Ferriby Village Hall Custodian Trustee – Charity No. 223908

Jo Haslope
Parish Clerk/RFO
Tel: 01482 631822



22 The Triangle
North Ferriby
East Yorkshire
HU14 3AT

clerk@northferribyparishcouncil.gov.uk

sent by email: pcu@communities.gov.uk
16th December 2021

Dear Secretary of State

We wish to request that you call in Planning Application East Riding of Yorkshire Council (ERYC) 20/03555/STPLFE Erection of a storage and distribution building (Use Class B8) with ancillary office space and associated parking, landscaping, access and ancillary works at Land South East Of, Brickyard Lane Roundabout, Melton, East Riding Of Yorkshire, HU14 3HB, submitted to East Riding of Yorkshire Council.

We consider this matter to be urgent, as the application has already gone before the Council's Planning Committee at County Hall, Beverley on 2nd December 2021. It was resolved to defer and delegate the power to grant permission to the Director of Planning and Economic Regeneration pending the adoption of the Habitat Regulations Assessment through consultation with Natural England and the completion of a Section 106 Agreement or an alternative legal mechanism to secure an area of land located outside of the red line of the proposed site for the purposes of ecological mitigation;

The Planning Officer is Thomas Booth-Robinson,
Email: thomas.booth-robinson@eastriding.gov.uk
Tel: 07813725231 - (01482) 393840

North Ferriby Parish Council is obliged to request that this Planning Application be called in due to its controversial nature, both locally and nationally. In addition there is a clear conflict of interest of the Director of Planning and Economic Regeneration that has led to an unbalanced report to the planning committee where the economic gain was not objectively weighted against the harm of the development. Throughout the Planning Process the principles of impartiality encompassed in the Local Government Ethical Standards Report published in 2019 were flouted in a biased manner and there was no Equalities Impact Assessment submitted with this application. Members of the planning committee were advised there were no material considerations which existed to counter this application despite substantial challenges based on the National Planning Policy Framework (NPPF) being submitted by independent experts, Chief Constable of Humberside Police and North Ferriby Parish Council.

In addition, whilst appreciating that members of the planning committee need only to have undergone planning training in order to make decisions, two councillors were asked to join the committee with less than 24 hours notice, which in our opinion makes it virtually impossible for them to make an informed and impartial decision on such a large and controversial application.

Throughout the whole process, North Ferriby Parish Council has challenged the actions of both EYRC and the applicant, and has demonstrated that an Environmental Impact Assessment was required, a position you supported. The applicant did not follow the regulations properly in their EIA submission, which consequently required it to be resubmitted. There are legal issues which need to be resolved

regarding part of the parcel of land included within the red line of the application site, which are covered by the Open Space Act 1906, which have not been properly addressed by ERYC.

The application fails to meet the objectives on NPPF para 185 in the following areas:

Noise Pollution

The close proximity of the site to 1,700 homes, some as close as 150 metres, combined with 24 hour working has meant that noise pollution was a key area of concern. These concerns were also shared by the ERYC Public Protection Environmental Control officer who specified many conditions to mitigate this including no reversing beepers and a specification to the quality of acoustic barrier. These conditions were subsequently either removed or rewritten in the committee report to provide limited mitigation without any explanation as to why the elements required by the officer to mitigate the impact were no longer required. Evidence of this exists in documents either contained on the planning portal or disclosed from FOI request.

Light Pollution

A full appraisal of the impact of light pollution was not presented by the applicant, despite the errors in the submission being reported to the planning officer. Only the impact of the external lighting was considered and there was no consideration given to the glare from the windows of the building (4 storeys, 25 metre, high) directly facing the housing with only a deciduous tree belt between. None of this was mentioned in the committee report. The only mitigation proposed is a 5m acoustic fence which will stop none of the glare from a 25 metre high building and nearly 300 external lights.

Air Pollution and Health Impacts

Serious concerns from residents who are experts in the medical field were submitted due to the inconsistency in the air quality modelling provided by the developer and the impact this development would have. Their concerns were so great that during the course of this application not only have residents installed their own air quality monitor, but so have ERYC. Both of these monitors show that for PM2.5, average levels currently exceed the WHO guidance of 10 ppm, and that is before the substantial increase in traffic that will come from this development. The proximity of the site in relation to the largest secondary school in the East Riding, and the legitimate concerns on the health impacts for the children attending this school led The Rt Hon David Davis MP to also object to this application. The review from Public Health on the Health Impact Assessment agreed that the development would cause a deterioration in air quality of the area, and included the following statements:

The community of North Ferriby & Melton which forms part of the South Hunsley Ward fares better than national and East Riding averages of life expectancy, prosperity and prevalence of long-term conditions. This is important when taken into context with the air quality modelling reports, the modelling demonstrates an increase in air pollutants as a result of this site being first created and then in its operation. These modelled pollutant increases do not cross thresholds that may raise concern, as dispersal of pollutants from the site will result in similar concentrations being experienced by residents as the current dispersal from the nearby A63. Coupling this with the health profile of the nearby residents that is low for the conditions that maybe exacerbated by any greater levels of pollutants, the ongoing risk to the community's physical health is likely to be unchanged by this development.'

'the health impact assessment has some shortfalls against the framework, however the sections that are most likely to have the greatest impact on health have been completed robustly using the industry standard methods. The health profile of the community adjacent to the development is better when compared with local authority and national averages overall, making it lower risk community for ill health.'

These statements do not meet the aims and objectives of the proposed Environment Bill and the implications are that as the local community takes care of its health and its general health is above average. Thus it can absorb without harm the pollution this application will generate. This is clearly discriminatory

and raises the question – what would be the attitude of the authority if the health of the local community were below average?

Impact on Yorkshire Wolds Way

The site adjoins the National Trail of The Yorkshire Wolds Way, but conditions proposed to mitigate the impact of the development, the basis on which the opposition of the Countryside Access officer and the National Trails officer to the application were removed, were ‘not considered to be reasonable to impose’ by the planning officer and have not been enforced. The National Trails Officer in his response states that ‘For such a large development, there does not appear to have been any attempt to follow the National Planning Policy Framework’. In 2021 it was announced that Natural England would consider a new designation for The Yorkshire Wolds as an AONB. The application site is clearly visible from the southern edge of the Wolds which forms part of the search area.

Lack of local overnight facilities for HGV drivers. (NPPF para 109)

Experience in other parts of the country where similar new warehousing sites have been developed without the supporting HGV infrastructure available locally has resulted in HGV parking on roadsides and the resultant issues of human waste being littered in the area. The restrictive nature of the application which only allows deliveries to be made +/- 1hour of the allotted delivery time, when the nearest official truck stop is 16 miles away, means that this will become a reality for the wider road network. Comments submitted by the Chief Constable of Humberside Police agree with this scenario and raised additional concerns regarding the impact of uncontrolled HGV parking from this site impacting on their emergency vehicle response times. ERYC Highways Control concurred with this concern and requested a condition to impose parking restrictions around the site which was not recommended by the planning officer. The issue of offsite overnight parking by HGVs is one of national significance. It is the experience of communities living near to other similar sites that HGVs will park overnight in surrounding residential areas. The resulting damage to communities appears to be unresolvable. All attempts by objectors in this case to raise this with the planning authority were waved away as irrelevant. At the planning meeting Councillors repeatedly called for conditions requiring overnight parking to be provided on the site. Planning officers said that this condition was unlikely to be achieved thus exposing the community to exactly the same fate as others elsewhere in the UK.

Impact on Humber Estuary and Curlew population

The site is located close to the Humber Estuary and provides habitat to protected species, curlew. The proposal would provide an area of mitigation land to the south of the site, for the purposes of wintering birds along the Humber Estuary.

The committee report states that the Council is to undertake an appropriate assessment however Natural England in their comments make it sound like it has been written. Since the document is not publicly available, NFPC is unable to ensure that the advice provided by an independent ecologist has been included. None of the initial objections submitted by Natural England are mentioned in the committee report, which is inconsistent to the information published from other consultees, and therefore does not transparently explain to the planning committee the concerns raised by Natural England throughout the application. There appears to be no consideration about whether the parcel of land proposed for mitigation would be appropriate. The area proposed is in a field already used by curlew, so North Ferriby Parish Council fails to understand how this will replace land they have lost. This is not additional area, but looks to fence off an area of open field, for a species that only uses land with open views, with no consideration of the impact that a fence will have to the visual amenity of the Humber.

The Parish Council acknowledge that the land is allocated in the local plan and we are not against it being developed. However it is the scale and 24 hour working nature, within such close proximity to residents and the Humber Estuary that makes this application inappropriate for the location.

Submitted on behalf of the North Ferriby Parish Council