

North Ferriby Parish Council

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Sent by email to pcu@communities.gsi.gov.uk
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Dear Secretary of State,

We respectfully ask that you make a screening direction for an Environmental Impact Assessment to be carried out on:-

Planning Application 20/03555/STPLF - Erection of a storage and distribution building (Use Class B8) with ancillary office space and associated parking, landscaping, access and ancillary works on Land South East Of Brickyard Lane Roundabout, Melton, East Riding Of Yorkshire, HU14 3HB

The Planning Officer is Thomas Booth-Robinson
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We are waiting for a date to be set for the Strategic Planning Committee at County Hall, Beverley, E. Yorkshire to determine this application.

The site comprises a 24.51 hectare parcel of land on which it is proposed to build a single building comprising 186,989sqm (2 million square feet or 18 hectares) of floorspace and measuring 22.6m in height with additional plant and machinery on the roof taking the total height to 25.6m. The boundary of the site at its closest point is within 40m of the garden of the closest residential property at North Ferriby, and the proposed building itself comes within approximately 100m to the site boundary. The proposal seeks 55 HGV loading bays and 794 car parking spaces and would operate 24 hours a day.

The proposal falls within the parameters of Schedule 2, Infrastructure Projects Category 10 (a) Industrial Estate Projects, exceeding the threshold area.

Reasons for request :-

- 1) The lack of clear reasons given by East Riding of Yorkshire Council (ERYC) in their screening report 20/03601/EIASCRC (attached to email named Doc 1) as to their conclusions; a requirement under Regulation 5(5) of the Town and Country Planning (EIA) Regulations 2017 states: *Where a relevant planning authority adopts a screening opinion under regulation 6(6)...the authority...must— (a) state the main reasons for their conclusion with reference to the relevant criteria listed in Schedule 3...?*
- 2) The final three paragraphs of the screening opinion issued, which considers the impact of the development under Schedule 3 selection criteria, is identical, word for word, to that issued earlier for the erection of multiple (nine) industrial-type buildings on the site for Class B1, B2 and B8 use delivering approximately 1,090,000 sq ft/ 101,265 sqm of floorspace (ref:

20/00629/EIASCR and attached to email named Doc 2), and ERYC appears not to have addressed the issues described in Table 1 below.

Table 1: Environmental Aspects not addressed in the Adopted Screening Opinion

Environmental Topic	Aspect not addressed
Visual Impacts	The proposals will be out of proportion with all surrounding development. The landscape and visual appraisal submitted (Doc 3) with the planning application does not include any photomontages or wireline accurate visual representations showing the development within the environment and therefore it is unclear whether the visual impacts, especially those on the adjacent North Ferriby Conservation Area have been considered as potentially significant.
Traffic assessment with the noise and air quality assessments	Highways England's response to the planning application (Doc 4) identified that trip rates have not yet been confirmed, furthermore it would appear that the traffic data used in the submitted noise and air quality assessments is based on the difference from the consented development on the site, as opposed to assessment of the effects of all traffic from the proposed development on the current baseline. Accordingly, the effects of the development have not been identified and given the scale of traffic expected, effects would be likely to be significant.
Agricultural Land	Magic maps identify the majority of the site (which is 25ha in area) as containing Best and Most Versatile Land (Grades 2 and 3a).
Climate impacts, particularly with regard to greenhouse gases	Given the scale of the development, it would be expected that the impacts of HGVs and vehicle movements on greenhouse gas emissions and the climate could be considered potentially significant.
Waste	No discussion about the potential for waste generation has been identified.
Biodiversity	Impacts on the Humber SAC/SPA/Ramsar/SSSI are not discussed especially with regard to the potential for indirect effects from lighting and noise. Given the proximity and sensitivity of the Humber Estuary potentially significant effects are considered likely.
Human health	The human health impacts of lighting, noise and road traffic emissions will be potentially significant and cause harm to residents in proximity to the site.
Archaeology	The site is in an area of known archaeological significance. Site investigation work has already been undertaken and measures to preserve effects in situ identified. If the archaeology is significant, as the Humber Historic Environment Record identifies, then this may be justification for EIA, and the undertaking of surveys to identify the effects outside of EIA may be seen as circumventing the EIA Regulations.
Cumulative effects	No mention is made of the potential for significant cumulative impacts particularly with regard to applications: 15/00916/STVAR and 20/02150/STPLF.

Concerns:-

Regulation 5 section (5)(b) goes on to state: *'...if it is determined that proposed development is not EIA development, state any features of the proposed development and measures envisaged to avoid, or prevent what might otherwise have been, significant adverse effects on the environment...'*

No measures have been set out in the adopted Scoping Opinion which would mitigate adverse effects and reduce the level of harm caused by this development. Table 2 below identifies mitigation measures suggested within various planning documents that have not been referred to.

Table 2: Mitigation not referred to in the adopted Screening Opinion

Environmental Factor	Mitigation within Screening Opinion
Noise	<p>A review of the submitted planning documents has identified the need for a 5m acoustic bund on the eastern boundary of the development to mitigate noise impacts, along with a requirement for a commitment to an Operational Noise Management Plan. However, the efficacy of these mitigation measures is questioned given the comments made by ERYC environmental health department which states:</p> <p><i>“Receptor points R01 and R07-9 are around +5dB, and therefore are likely to be subject to an adverse effect on residential amenity. Further mitigation would be required should permission be granted to ensure that there is no adverse impact. Residential properties along Plantation Drive and The Triangle are higher than the application site and may not benefit sufficiently from the 5m bund alone given the proximity of the haul road along the eastern boundary. The loading bays to the south of the site provide potential for disturbance to residents on Marine Avenue, Riverview Avenue and Southfield Drive to the south west of the site. Mitigation measures are therefore required along the southern boundary where there is no benefit from an earth bund. There is indication of a ‘retaining structure’ on the proposed site plan, but no details of an acoustic barrier, which would require sufficient height, mass and absorptive material to ensure adequate noise protection and prevent any adverse impact.”</i></p> <p>Therefore it is unclear that the effects of noise would be suitably mitigated using standard measures, the proposed measures would appear to be inadequate and the screening opinion has failed to reference any mitigation at all.</p>
Archaeology	<p>According to the Humber Historic Environment Record planning application consultation response (Doc 5), the site has been identified as an area of archaeological significance and intrusive investigations have been undertaken requiring preservation by record to be secured by planning condition. No mention of these mitigation measures is made in the Screening Opinion.</p>
Biodiversity	<p>Natural England are unsatisfied with the information provided (Doc 6) regarding effects on the Humber Estuary SAC/SPA/ SSSI/Ramsar and whilst an Ecological Report has been submitted as part of the planning application it is unclear if the impact on the Humber Estuary has been fully considered and assessed, and if so what mitigation measures would be required to prevent a significant adverse effect in EIA terms.</p>
Air Quality & Health Impact	<p>The environmental health officer identifies that the construction mitigation measures set out in the Air Quality assessment would need to be conditioned in order to ensure no significant adverse effects however no mention is made of these measures in the adopted Screening Opinion.</p>
Light Pollution & Visual Impact	<p>The landscape and visual appraisal submitted (Doc 3) dismissed the impact on residential properties in North Ferriby due to the mature tree belt. However the tree belt is deciduous and any assumed screening is absent for 6 months of the year. The impact of the light pollution on both residents and the wildlife during the winter months has not been considered.</p>

Given the uncertainty in the information provided particularly with regard to:

- the potential for significant noise effects;
- the potential for significant impacts on the Humber Estuary SAC/SPA/SSSI/Ramsar;
- the known potential for significant archaeological effects;
- the potential for significant greenhouse gas emissions;
- the potential for significant visual impacts;
- and the potential for cumulative effects,

it is not clear that the effects on the environment have been appropriately addressed in accordance with the requirements of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as amendedⁱ.

Submitted on behalf of North Ferriby Parish Council Planning Committee.

ⁱ SI 2017/571, as amended by SI 2018/695 and SI 2020/505