

North Ferriby Parish Council (NFPC) submits an Interim Strong Objection to P.A. 20/03555/STPLF on the following grounds and will maintain this position until all the questions and points raised below (highlighted in blue) have been satisfactorily addressed directly to NFPC and on the Planning Portal or appropriate Planning Conditions are recommended by officers.

### **FAILURE TO CONSULT**

The applicant failed to consult according to ERYC guidelines on the major proposal between July and late October before application and since submission in late October has only undertaken one presentation which did not allow for full engagement with the Parish Council and residents in a meaningful manner. Prior questions submitted were not fully answered or answered at all and the time allotted for residents to ask questions at the event was limited and they were unable to make their views heard.

We refer to National Planning Policy Framework: Pre-application engagement and front-loading: points 39 – 42:

Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre- application discussion enables better coordination between public and private resources and improved outcomes for the community.

Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non- statutory consultees, before submitting their applications.

The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.

The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage. Wherever possible, parallel processing of other consents should be encouraged to help speed up the process and resolve any issues as early as possible.

**Please explain why such a pitiful level of consultation is acceptable for a development of this magnitude? This is the largest single development in the East Riding for decades.**

### **ERYC LOCAL PLAN**

The application is considered incongruous with the 2016 Local Plan and ignores the Local Plan expectation of Long Plantation, Open Space and equivalent landscaping area previously provided for and the PC maintains is extant under 08/30799/CONDET, started by the then landowner when initiating the landscaping bund to the South of Plot E.

**Please explain how the development meets all the above aspects of the Plan?**

**CONTRARY to POLICY**

NFPC concurs with comments of North Ferriby resident Mr Richard Palmer – Portal date 3<sup>rd</sup> January 2021

*"1. Planning Policy EC1 - In the Council's Planning Policy EC1, it states that development must be 'suitable to the location'. Para A1 refers to 'the diversification of the local economy'. Para A2 refers to a number of 'key employment sectors', which are listed. None of these include Storage & Distribution. Para A3 refers to 'employment opportunities in deprived areas'. I do not consider that the proposed development, which has attracted widespread disquiet and objection from local residents (many of whom would be directly affected by it) is in conformity with this Policy. There is no doubt that the land has for many years been zoned for business use. However, in considering possible business uses, the Planning Authority must have regard to its own policies, and the justified concerns of local residents and the Parish Council. The proposed development is for a single use, as opposed to a number of smaller units required for a variety of uses. It represents an opportunist and ill-considered rush to develop a huge site for a single use. Graduates from the West Hull villages can seldom find good quality jobs in this area. Yet it is not a 'deprived area' where low-skilled jobs will benefit the local workforce. The jobs promised would not necessarily be local, and would be of poor quality. It would be much better to allow development on the site over a period of years, according to the needs of local businesses; to encourage high tech businesses bringing quality jobs to the area; and to develop the site so that the units closest to the Long Plantation and the village are of a size and for a purpose which would not adversely affect the amenities of local residents. The current demand for large warehouse space is a phenomenon of our time. Who knows what may be the case in 10, 20 or 30 years' time when these warehouses may no longer be needed? A mixed-use organic development would provide much greater flexibility.*

*2. Planning Policy ENV1 - This policy includes the aim 'to safeguard and protect the diverse character and appearance of the area'. Regard is to be had to the 'site's context and the character of the surrounding area'. Development is required: to 'incorporate an appropriate mix of uses'; 'to have an appropriate scale, density, massing, height and materials'; 'to have regard to the amenity of existing/proposed properties'; 'to promote safe access movement and use'; and 'to safeguard views where necessary'. It is apparent from the plans and illustrations accompanying the Application that the proposed development seriously breaches this policy in a number of important respects. It is wholly out of context with the adjoining woods and nearby dwellings; is for a single use; is quite out of scale with the locality; and brings risks associated with vehicle movements which have, in my opinion, been glossed over in assessments submitted with the Application. Others have commented about these matters, and I merely mention that the development is for these reasons also in breach of the Policy. I have therefore concluded that the development is in breach of the Council's own Policies.*

**And further the A63-Grade Separated Junction Scheme Report- ERYC 9 Material Consideration) PPG-13 reiterates the need for integration between planning and transport and states that developments generating substantial freight movements, such **as distribution and warehousing should be located away from congested central and residential areas.**"**

**A response is requested on how this development is within policy on the aspects raised above?**

**VISUAL**

Despite on 24<sup>th</sup> November promising Ward Councillors, who particularly asked for views of the site from residents' gardens viewing westwards, no visual montages have been provided, by the applicant, to date. **Placing this on the portal without time for Statutory Consultees to comment is not acceptable.**

North Ferriby Parish Council has taken independent advice from a landscape consultancy (2B Landscape Consultancy Ltd) who state :-

*"I broadly concur with the findings of the TLP Review of the Application LVA, and would support its recommendations. [See Open Space section on Page 5]*

### **Visualisation**

*In addition, I am surprised that the level of visualisation has been considered acceptable by the landscape consultant, FPCR, for the purposes of either assessing the potential impacts or communicating those effects to the Council's decision makers, or to stakeholders such as local people.*

*As part of the team which produced the Landscape Institute's Technical Guidance Note, **TGN 06/19 Visual Representation of Development Proposals Visualisation**, it is disappointing to see the limited extent to which it has been adopted in this application. The document may be downloaded here <https://www.landscapeinstitute.org/visualisation/> and you will see that it "was published on 17 September 2019 in support of GLVIA3".*

*The landscape consultants are obviously aware of TGN06/19, as their viewpoint images use its descriptions of "Type 1 Visualisations".*

*However, there is no evidence that they have implemented its key recommendations, such as:*

*1.1.1 This document aims to help landscape professionals, planning officers and other stakeholders in the selection, production and presentation of types of visualisation appropriate to the circumstances in which they will be used.*

*1.1.2 In all instances, the principles of clear, open and transparent communication and fitness for purpose should apply. Visualisations produced in accordance with this guidance should assist in informed decision-making.*

*1.2.9 Visualisations should provide the viewer with a fair representation of what would be likely to be seen if the proposed development is implemented and should portray the proposal in scale with its surroundings. In the context of landscape / townscape and visual impact assessment, it is crucial that visualisations are objective and sufficiently accurate for the task in hand. In short, visualisation should be fit for purpose.*

*1.2.12 As a general principle, any visualisation should reasonably represent the proposal in such a way that people can understand the likely landscape and visual change. The degree of detail shown will typically be relative to the design and / or planning stage that has been reached. Visualisations should assist interested parties in understanding the nature of a proposed development within its context, and its likely effects.*

*The use of Type 1 Visualisations (annotated photographs) clearly cannot communicate any of the above principles, for such a large and inevitably contentious development as this one.*

*Para 3.2.1 states "If landscape / townscape and visual issues will be a key issue, submission of the proposed visualisation approach, suggested viewpoints and a Zone of Theoretical Visibility (ZTV), will assist in reaching agreement with the competent authority." There is no evidence that this has been done.*

*It would be relatively straightforward to make an assessment as to appropriate Visualisation Types in accordance with Section 3 of the TGN. This has not been done – or not been published. Without carrying out a detailed assessment, I can say that I would not contemplate*

*carrying out a Landscape and Visual Appraisal for a development of this type and context, without at least Type 3 (photomontage) visualisations from key viewpoints.*

*2B would be able to provide a more detailed analysis of these aspects if required.*

*Unless I am mistaken, there is no 3D model of the development in the entire application, which seriously hinders any appreciation of its scale or effects by decision-makers or stakeholders.*

### ***Lighting and Night-time effects***

*Apart from a generic description in the Design and Access Statement, and Technical Lighting documents, I cannot find any meaningful description of the lighting (e.g. column height) and night-time effects of the development. The words 'lighting' and 'night' do not appear in the applicant's LVA. This is contrary to GLVIA3:*

*6.12 For some types of development the visual effects of lighting may be an issue. In these cases it may be important to carry out night time 'darkness' surveys of the existing conditions in order to assess the potential effects of lighting and the effects of lighting need to be taken into account in generating the 3D model of the scheme. Quantitative assessment of illumination levels, and incorporation into models relevant to visual effects assessment, will require input from lighting engineers but the visual effects assessment will also need to include qualitative assessments of the effects of the predicted light levels on night time visibility.*

### ***Producing visualisations***

*2B would, of course, be able to produce a 3D model and visualisations of the proposal. A model produced to be viewed in Google Earth would be extremely helpful. The same model could inform photomontage viewpoints.*

*As a very quick example, I have roughly placed an extruded polygon in Google Earth – see attached. Please do not take this as being in any way accurate, but it does give a sense as to what accurate visualisations would be able to show.*

*However, there is an important matter of principle here, as you mentioned in your phone call. The developer, and their consultants, should not have contemplated assessing or submitting an application of this scale without the benefit of visualisations produced in accordance with TGN 06/19. Any planning authority would be well within their rights to insist on such visualisations to help inform their decision-making process.*

***We can quote for producing visualisations but take the view that it is incumbent of the developer, not the parish council or local people, to fund such work.***

*Feel free to use this email in support of your reasonable expectation for appropriate information to accompany the planning submission, and let me know if we can be of further assistance.*

*Regards*

*Bill Blackledge*

***Director***

***Chartered Landscape Architect***

***Vice Chair, Landscape Institute Technical Committee***

*for and on behalf of*

***2B Landscape Consultancy Ltd***

*Registered Practice of the Landscape Institute"*

There is no North/South parallel comparison of the actual building height against the actual Long Plantation tree height.

There are no photo montages of the Westerly view from North Ferriby residents' gardens or from Melton Hill.

The building will be visible through the deciduous Long Plantation to residents of Plantation Drive and The Triangle (Conservation Area) for much of the year and is therefore considered totally over dominant.

This is an imposition of totally imposing industrial-scale landscape in a rural area.

There is no fence around the site.

There are no details given for the expectation or otherwise for Corporate Identity imposition (e.g. cladding colour and illuminated signage) on the locality.

The scale of the proposal and 360 degree floodlighting means the elimination of any "night time" and dark skies at the western end of the village.

**After Wykeland promised montages to Ward Councillors on the 24<sup>th</sup> November, why are ERYC Planning not insisting provision of these under day and night conditions?**

**With a building higher than the adjacent trees, views from residents houses and the landscaping impact view from the North are absolutely essential for the planning consultation under both day and night conditions – why are they not supplied?**

## **ORIENTATION**

This proposal is a "Copy and Paste" of the same function facility built in 2018/19 in Bowburn, County Durham, without any consideration toward making it acceptable to this locality.

The proposal promotes the stop/start queuing of 20+ HGVs at one time, to enter the site through a 3 HGV wide gatehouse at the closest point to residents (150 metres away) with the inherent problems associated of 24 hour noise, privacy and security (no fence).

If given better consideration, rotating the building by 90 degrees would have alleviated many concerns. This would have placed the car parking provision facing Long Plantation, removing the presence of HGV's and also having the beneficial effect of moving the more dominant building profile away from residents and putting the majority of HGV movements towards Brickyard Lane facing a similarly approved facility.

**In the absence of pre-application, why over two months after an eminently sensible suggestion from Mr John Dixon-Hall, Portal Date 5<sup>th</sup> November, have ERYC not demanded of Wykeland to "work up" a proposal that would have removed many of the detrimental impacts of the development on residents for further consultation?**

## **OPEN SPACE**

The provision of the bio-diversity corridor means the applicant is assuming use of ERYC-owned land to provide landscaping mitigation. This is not acceptable to NFPC (see the separate legal and independent professional advice communication to ERYC by Ashtons Legal) (Appendix 2 on Pg 82 ) and The Landscape Partnership report (Appendix 3 on Pg 87).

The Parish Council are not assured that the Bio-Diversity bunds will not become a "Pleasure Park" for mountain bikers and scramble bikes – returning an historic noise and nuisance problem to the area.

The vast majority of North Ferriby's 4000 residents do not want the bio-diversity corridor because it can never be an open recreational space. They overwhelmingly want the historic existing and legally defined open space to remain and a continuous North/South combination of bunding and acoustic fencing to be placed on the applicants plot as a noise barrier (meeting ERYC Public Protection recommendations), providing privacy and security from the development of Plot E Melton West to residents and local recreational users.

### **Legal Opinion from Ashton's – Portal 17<sup>th</sup> Dec 2020**

The advice from North Ferriby Parish Councils legal advisor (Ashton's) concludes: -

*"Summary and Conclusions. - There are serious deficiencies in the submitted material and the Council must, as a minimum obtain the further information as set out in The Landscape Partnership report. Further, the proposals themselves require a complete rethink especially in relation to the overall approach to the important area of open space. Such new proposals must ensure that they achieve compliance with Policy C3. Any planning permission granted which does not take account of the above is very likely to be set aside on the basis of unreasonableness or irrationality"*

Supporting the legal advice from Ashton's is a report from the Landscape Partnership who have made recommendations and raised questions – Portal 23<sup>rd</sup> Dec 2020, but listed as Aston's Legal. They are :-

#### *"Section 1.3 Objectives of this report and extent of review*

*1.3.1 The Landscape Partnership has been instructed to undertake an independent review of the landscape and visual-related components of the planning application by North Ferriby Parish Council. The purpose of the review is to provide advice and commentary on the accuracy and reliability of the documents, to help the parish council compile an informed consultation response to the application, with particular regard to the appropriateness and practicability of the landscape treatment proposed along the eastern edge of the site, and its amenity value as accessible open space for use by the local community."*

#### *"Section 4 Recommendations for further study*

*4.1.1 Landscape and visual aspects of the planning application that The Landscape Partnership considers require additional or further study and/or re-assessment before the effects of the proposed development on landscape and visual receptors can be fully understood – and thus the application determined - are considered below.*

- *Confirmation of how the engineered bunds would be constructed given their relationship to the root protection area of Long Plantation, and how the long-term health and viability of the woodland could be secured.*
- *Expansion of the methodology of the LVA to clarify how judgements have been made and better to understand the criteria thresholds.*
- *Review of the scheme's stated design principles, to ensure they have been delivered.*
- *Review of whether the landscape measures as proposed would truly provide multifunctional green infrastructure, and whether they would deliver the envisaged design principles of introducing "a variety of connected new habitats and landscape features that can provide long term enhancements for biodiversity, landscape character, recreation and health and wellbeing." In particular, whether the proposed scheme would provide accessible green space. Consequential review of the LVA and the weighting afforded to multi-functional green infrastructure in judgements when offsetting adverse effects.*
- *Review of opportunities to increase the width of the landscape corridor to that which was found acceptable to safeguard the visual amenity of residents of North Ferriby and*

*users of the Yorkshire Wolds Way in the earlier approved schemes e.g. planning permissions 03/05511/STVAR, PA 08/30799/CONDET and PA 11/00613/STPLF.*

- *Clarification as to the assumed finished heights of the engineered bunds (e.g. illustrative sections prepared by the Landscape Architects vs the Site Finish Levels drawing), followed by consequential review and reappraisal of the likely landscape and visual effects to reflect the actual dimensions of the bunds and their ability to provide mitigation. Without such actions, it is not possible to rely on the findings of the LVA as part of the decision-making process.*
- *Expansion of the LVA to take account of the introduction of what are likely to be substantial engineered bunds into what is currently a largely level landscape, and the consequential adverse effects they themselves would have on landscape character and visual quality.*
- *Given the residual adverse effects on landscape and in particular visual receptors that remain, review of the mitigation measures proposed and exploration of how they might be expanded so as to more effectively mitigate the adverse effects arising from the proposed development."*

**NFPC's Legal Advice questioned the legality of redefining the Section 106 open space as stated above and is on the portal awaiting a response.**

### **SAVE FERRIBY ACTION GROUP**

North Ferriby Parish Council is working in conjunction with Save Ferriby 2020 on investigating and identifying the major deficiencies in Application 20/03555/STPLF's planning considerations and procedures. The Parish Council is in full agreement with the findings included in Barton Willmore's planning report of January 2021 highlighting the failings in planning by both ERYC and the applicant and asserting reasons for refusal (see Appendix 1 on pg 24 - Portal Date 7<sup>th</sup> January). Deficiencies of this application aside, the evidence and reports commissioned by both Save Ferriby 2020 and the Parish Council from experts in their field(s), demonstrate the high likelihood of such a large scale development to cause untold damage and nuisance to the health and wellbeing of North Ferriby residents and its environs.

**All points and challenges raised in the Barton Willmore document must be answered by officers and the Section 4. Planning Balance (see Pg 45) is a must read for Elected Members.**

### **EMPLOYMENT**

From information gathered from other Amazon fulfilment centres the PC does not believe the 1500 jobs promised will materialise. We have written to the Economic Development Portfolio Holder and thereby Directorate to produce evidence to substantiate and guarantee that the number of jobs that have been claimed, and their description, will be generated. Further that employment will be for residents of the East Riding.

*"5<sup>th</sup> January 2021*

*Dear Councillor Aitken,*

*As Economic Development Portfolio Holder we assume you are well aware of the major planning application under consideration for Plot E on Melton West, adjacent to North Ferriby.*



*North Ferriby Parish Council are vehemently against this application by Wykeland on behalf of Amazon the ultimate potential user for, serious but not limited to, the summarised reasons below:-*

*The proposal is a "Copy and Paste" of a monstrous and, as it has turned out for the local community, disastrous similar fulfilment centre in Bowburn, Co. Durham without any due consideration on the impact on North Ferriby. The impact can be minimised by rotating the building by 90 Degrees, thereby putting the extensive car parking next to residents rather than 3 lanes of 24/7 stop/start queuing HGV's at the closest point to residents with inherent loss of privacy, noise, light and exhaust fume pollution.*

*There is no provision from the applicant or East Riding Council for the welfare facilities needed for up-to 300 HGV vehicle drivers arriving for Plot D and E each day. As these vehicles/drivers have to arrive before their delivery window or simply need to take their rest periods, we estimate up-to 100 vehicles waiting in the locality at any one time. In the absence of any welfare facilities, we contend these lone drivers will have to use the surrounding area for their ablutions (as is the case at a similar Amazon centre in Hoo, Kent, again causing distress to the local community) with inherent health and obvious safety concerns for Ferriby school children expected to use these footpaths and underpass to walk to/from school in day and twilight hours. Experience at similar Amazon sites of sex workers and drug dealers being attracted to these areas is documented and is therefore a situation we will not tolerate for our children – **would you for yours?***

*The application breaches the 2004 Section 106 Agreement for the Open Space to the West of North Ferriby*

*There is no Construction or Operational Plan to alleviate these fears*

***However we do recognise the need for more employment opportunities in the East Riding, particularly "quality" jobs and as we consider our final submission before the 14<sup>th</sup> January we ask that you advise us of the number of quality jobs that will be guaranteed to be created and that you and Mr Menzies will stake your reputations on?***

*We are not interested in the Wykeland figures which will include the low skilled workers that will be bussed out of Hull, **only the quality jobs for East Riding residents** as defined in the:-*

*EAST RIDING ECONOMIC STRATEGY 2018-2022  
Strategic Aims 1.1 FACILITATE SECTOR GROWTH*

*Which include as outcomes - "Sectors supported to **create good quality employment opportunities**, strengthen local supply chains, encourage innovation and raise productivity."*

*We ask this as promises made by Amazon in respect of employment recruitment at similar sites in the country have never materialised. For example, marketing from the same end operator in Haydock promised 5000 jobs which has apparently turned out to be 250, with only 16 for local residents. We are not in a position to obtain this information from the other relevant authorities, but Mr Menzies is, **and we ask that these enquiries are undertaken and the findings published.***

***Further we ask if Melton West was developed as previously envisaged in ERYC Strategic Plans with similar to the likes of Needlers, Allam Marine, Browns, Origin, House of Townend, the Police and Kohler Mara how many quality jobs would be created by utilising Plot E for similar enterprises.***



*(These prominent companies and authorities will not be impressed to say the least with our predicted Amazon's deleterious impact to the entrance of the Melton West Estate).*

*Finally, we ask why ERYC Economic Development have not forced meaningful discussion with the applicant and statutory consultees on rotating the building orientation to at least minimise the presently unacceptable impact on North Ferriby and why ERYC are not ensuring appropriate facilities are planned in parallel for arriving vehicles and drivers?*

*Please respond before 12<sup>th</sup> January 2021*

*Thank you.*

*Yours sincerely,*



*Cllr Belinda Hookem*

*Chairman of North Ferriby Parish Council “*

The answer from the Portfolio holder is not satisfactory and discussions after the event are “after the horse has bolted”, see portal date 14<sup>th</sup> January. **NFPC do not share ERYC's “blinkered” acceptance of the developer's job promises and hereby give the Portfolio Holder and officers a clear reason to challenge?**

The proposed development is a “Copy and Paste” of Amazon Bowburn Co. Durham and a simple search shows Amazon Bowburn themselves advising 1000 employees will be recruited, yet 1500 jobs are advised on Plot E by the local developer for the same building footprint.

**Is ERYC confident that 1500 full time jobs will really be achieved at this site or is the reality that there will be 1500 part time roles or fewer?**

**Have ERYC considered that there could there be argument for ‘objective bias’ and ‘axiological bias’ (seeing merely what one wants to see rather than the full weighted for and against) present in their decision-making processes and in this respect has the due diligence been extensive and investigative as opposed to assumptive?**

**Have ERYC analysed and considered the minimum level of employment which mitigates the harm of the development as described in the objections raised: (including but not limited to) destruction of greenfield, ecological destruction, increased air pollution, increased road traffic and increased heavy road freight (HGV), noise and light pollution and loss of residential amenity, and has this been included in ERYC's due diligence assessments? Previously approved plans from 2011 indicated far higher employment numbers.**

Ward Councillor Julie Abraham also raised similar points with the Economic Development Director – Portal 4<sup>th</sup> January

*“Dear Alan/Paul*

*I refer to planning application 20/03555/STPLF for a distribution centre for a well-known global online retailer that is proposed for Melton E.*

*Whilst acknowledging the fact that the site has been in the Local Plan since 1996, albeit on a much reduced footprint in the original Beverley Borough Plan, there is no denying that this facility will have a significant impact on the lives of the residents of North Ferriby, particularly*

*those on the western boundary of the village. One mitigating factor that has been put forward though is the number of jobs that the developer, Wykeland, claims will be created, c1500 directly employed once fully operational.*

*However, it is hard to believe that this is an accurate figure for a purpose built, state of the art, automated facility, which uses the most advanced robotic equipment available. I am also concerned to receive reports from community elected representatives in other parts of the country, most notably Hoo in Kent, and Haydock near Liverpool, that planning officers and committees were sold on the number of jobs proffered for similar facilities in their areas, to find that akin to only 10% actually materialised. Also, that unskilled workers are largely bussed in from surrounding areas leaving but a handful of jobs for truly local people. In short, those communities feel that they have been sold a pup.*

*In response to the consultation exercise, the Inward Investment Team clearly enthuses about the prospect of c1500 jobs citing 'multiple economic benefits', 'significant job creation for the local economy' and 'the value and scale of these job opportunities cannot be underestimated'. A copy of the response from the Inward Investment Team is attached for your ease of reference.*

*But I would ask, in light of the experiences elsewhere with this particular end user, where is the evidence that these jobs are real and that they will benefit local people? We know for certain that the profits of this business will not go into the local, or even into the UK economy, so before we welcome these jobs with open arms, I would like to see evidence that the Inward Investment Team has done its research with colleagues in other teams across the country, and even gone directly to the end user for written confirmation as to how many jobs will be created on the site. If these jobs are not real, there is very little mitigation for a planning application which will be impactful on both residents and established businesses in the area. In asking this question I do not level criticism at the applicant, I only question the quality of the information that the applicant may have been given.*

*Melton West has to date been a real success story, and Wykeland should be commended on how it achieved so much during the recession years when the previous owners of the Melton Fields achieved so little. Melton E has the ability to deliver the quality jobs that Mr Menzies aspired to at a recent Cabinet meeting, but building huge warehousing which is essentially only storage, is not the way to achieve the best for our residents and particularly our young people. What we need is more of the type of businesses that are already at Melton, the sort of businesses that allow local entrepreneurs to establish and provide quality supporting jobs in manufacturing/service delivery, sales, purchasing, HR, payroll, accounts, marketing, logistics, etc, etc. Even a small scale logistics facility for a local or sub-regional company would bring forward better employment opportunities than this and it would stand a greater chance of contributing to the East Riding pound.*

*I look forward to hearing from you directly. But as I ask Mr Booth-Robinson to put this correspondence on the planning portal, I would hope that your response can similarly be made available for the planning committee's and public consumption.*

*Kind regards*

*CLlr Julie Abraham*

*South Hunsley Ward"*

**As of 21<sup>st</sup> January no response has been received?**

A communication to NFPC from ERYC Inward Investment of the 12<sup>th</sup> January advises that *“it would be premature for any end user to complete a procurement exercise”* and *“It would also be pertinent to point out that a development of this scale would be a much larger project than most local companies would have the capacity to take on as the lead contractor.”*

**This immediately questions the number of local East Riding construction jobs really on offer.**

Again, as with the operational staff it is highly likely that construction workers will be bused in at best or more likely imported for the construction phase.

**As also requested to Inward Investment, are ERYC still to guarantee the number and quality of jobs to be delivered? The bulk of apparent jobs on offer are not compatible with the high attaining performance of local schools. The East Riding has a problem with graduate retention and ERYC must justify “dumbing down” aspirations as part of the discussion on this development.**

## **TRAFFIC**

It is becoming clear that communities in other parts of the country near similar distribution centres (Bowburn and Hoo) are suffering as a result of HGV activity associated with the sites.

At Bowburn, documents within the Planning Application dismissed the concerns of residents claiming that HGV's would not use local roads. This has not been the case. In Hoo, Kent, as highlighted recently in the national media, HGV's arriving early and parking in local streets away from the site have caused many problems including anti-social behaviour that impacts adversely on residents.

There is no reason to believe that this will not occur here. We see no plan within the application for preventing it and this is a failure to address a material planning consideration.

There is no provision for HGV's that arrive early to wait or for drivers who have exceeded their permitted hours to rest. There are no appropriate welfare facilities located, other than for those drivers who have successfully passed the gatehouse.

The HGV entrance is via the NE corner of the site and they will queue down the West side of the building to gain entrance to the site, however the welfare facilities for the drivers are on the SW corner of the site. How will the drivers be prevented from using the woods as a toilet facility? If this does happen who pays for the clearance of this mess and Public Health issue? Further, Brickyard Lane does not have parking or HGV turning space to allow drivers to park/use the applicant's welfare facilities.

Traffic flow rates projected for the GSJ does not appear to have been updated since 2000 and must now additionally include the increase that will come when Transwaste increases their intake by 370,000mt to reach the limit of their requested permit, the impact from Plot D, and the new Police HQ.

The recent Eco-Power EA application may increase this by another 250,000 tonnes.

There is no report on the anticipated increased traffic through North Ferriby promised by the Wykeland's traffic consultants.

**Please supply the promised reports and answer the questions raised, particularly the failure to address a material planning consideration.**

**HEALTH**

The threat of this proposal is already causing health concerns in North Ferriby which are predicted to get worse if the application proceeds.

See submission by North Ferriby General Medical Practitioner Dr Robert Mitchell – Portal date 4<sup>th</sup> Jan 2021 and 9<sup>th</sup> January 2021

*“Dear Colleague,*

*Attached please find an analysis of the air quality/pollution obtaining in our area.*

*I am most concerned regarding the proposed erection of an Amazon distribution depot in Melton Fields and the consequent deleterious effect on the local population caused by the inevitable increased air pollution.*

*I am already seeing patients whose mental health has been affected by the proposal to erect this huge building on our doorstep.*

*I am particularly concerned because it would be so close to South Hunsley School. I believe that the air quality will deteriorate much more due to the fumes from the large number of extra vehicles and consequent traffic jams.*

*Kind regards,*

*Dr Robert Mitchell*

*Local GP*

*North Ferriby Surgery, 15 School Lane, North Ferriby HU14 3DB”*

Also the submission from Dr Simon D R Thackray MB BS MD FRCP Consultant Cardiologist Clinical Lead for Cardiology – Humber, Coast, and Vale Operational Delivery Network Divisional Clinical Director for Medicine – NLAG NHS Foundation Trust.

Dr Thackray summarises that deaths will increase and there will be an increase in heart attacks and strokes if the development goes ahead – See Appendix 4.

In addition, Dr Christopher Wood MB BS FRCPCH a Consultant Paediatrician at Hull University Teaching Hospital NHS Trust and also the Designated Doctor for Safeguarding Children for both NHS East Riding of Yorkshire CCG and NHS Hull CCG, in support of the below written submission by Joanne Arro and Mandy Porter, states - Portal Date 11<sup>th</sup> January 2021 and covered under Traffic Pollution below.

*“Strongly urges the planning committee to consider the exposure to current and increased risks associated with the proposed development to the health and safety of children when considering the planning proposal. A detailed and independent analysis of the risks to local children associated with the proposals should be performed before a decision is taken”*

**We request written confirmation from ERYC medical experts that there will be no detriment to health from this development.**

**TRAFFIC POLLUTION**

**NFPC were ‘reassured’ during the presentation that trucks would not be idling whilst in the queues waiting for entry to the site. How can this be enforced? Modelling must be carried out to verify the situation if the trucks do idle?** Trucks waiting to cross the railway line on Gibson Lane idle and severely impact the local air quality – this will not only be a similar situation, but a permanent feature.

An update to the already high/breached South Hunsley NO<sub>x</sub> level is required to be added to table of existing receptors.

There is a totally fundamental discrepancy between the applicant's submission for Plot D and Plot E, putting the credibility of the submission for Plot E in total doubt and questioning the integrity of the developer. See extract below from Air Quality Analysis produced by Joanne Arro BSc (Hons) PGDip (Public Health) and Mandy Porter BSc (Actuarial Science) MSc (Statistics) included under Dr Robert Mitchell's submission - portal date 11<sup>th</sup> January 2021.

***"Planning Application Plot D and Plot E***

*The evidence so far shows that the nitrogen dioxide levels close to the proposed development is above the National Air Quality Objectives. To look at the impact of the addition of Plot D and Plot E the developers have commissioned two separate reports done at different times for each development. Both reports used the readings from the ERYC Air Quality Report 2019 and then used modelling to predict the impact of each development on resident's homes nearby (receptors).*

*The first one was carried out by Deltasimons (May2020) to model solely the impact of Plot D, with an estimated extra 1,232 vehicle movements and the results can be seen in the third column of Table 2 below. The second report was carried out by WYG to look at the impact of Plot D and Plot E combined (October 2020) and again the results can be seen column 4 in table 2 below.*

**Table 2: Exposure to NO<sub>2</sub> at Resident's Homes modelled by Developer Combined Results from Report for Plot D and Report for Plot E**

		Annual Mean NO <sub>2</sub> Concentration	Predicted Annual Mean NO <sub>2</sub> Concentration	Difference NO <sub>2</sub> Concentration
Receptor	Address	Deltasimons report on the effects of Plot D without Plot E considered	WYG report on effects of Plot D Plus Plot E combined	
R1	21 Brickyard Lane	24.1	21.5	- 2.6
R2	1 Brickyard Lane	26.7	21.6	- 5.1
R3	90 Plantation Drive	37.8	27.3	-10.5
R4	34 Melton Road	36.4	27.6	- 8.8
R5	Yew Lodge, Hellyer Close	20.5	32.3	11.8
R6	35 Woodgates Lane	20.0	31.0	11
R7	Orchard Lodge, Gibson Lane South	34.9	25.8	- 9.1
R8	1 Melton Old Road	36.1	28.0	- 8.1
R9	20 Reynolds Close	36.9	29.0	- 7.9
R10	21 Reynolds Close	38.2	31.7	- 6.5
R11	Pool Bank Farm	35.2	24.8	- 10.4
R12	Woodside, near South Lawn Way	26.3	23.6	- 2.7

(Report Air Quality Assessment, Deltasimons May 2020 Plot D Table G1 & Air Quality Assessment WYG October 2020 Plot D & Plot E Combined Table 6.7)

*According to results the majority of the receptors (10 out of 12) show a reduction in mean NO<sub>2</sub> levels by adding Plot E to Plot D. The developer's estimated extra daily vehicle movement for Plot D is 1,232 (mostly cars, vans and a few HGV's) whereas the estimated extra daily vehicle movement for Plot E is 2,288 (mostly HGV's and cars).*

*It is quite astounding that when 2288 vehicle movements a day (a high number of these diesel HGVs, which produce higher levels of NO<sub>2</sub> than cars/vans and have no potential to be run on electric) are added to the figures, the air quality improves.*

*It is incredibly difficult to believe that these extra vehicle movements will reduce NO<sub>2</sub> levels rather than increase them.*

*Is the anomaly in results because a different company was used for each application or different modelling was applied? How can they explain the drop in the projections? Although these are two different reports, they are from the same applicant within months of each other and are both in the public domain and raise the question of accuracy.*

*These reports should be redone to be accurate on this important health issue."*

**NFPC and the Planning Committee are expected to accept that adding up to 34 HGV arrivals per hour on top of the 4 HGV arrivals per hour to adjacent Plot D by the same end user will actually reduce Nox levels – This is illogical and undermines the whole submission.**

School children walking to South Hunsley will have no option to walk directly next to the A63 to get to school and we believe, based on the evidence produced, statutory restrictions on NOx levels on this route will be breached with the increased traffic due to this development. A study of this must be undertaken and included in the air quality report.

South Hunsley School and Sixth Form College - Portal Date 4<sup>th</sup> Jan 2021, in addition to NFPC's question to Cllr McMaster on Pg 16, point out that there is no travel to school impact assessment. South Hunsley's Headteacher Mr Williman requests a full assessment of the impact on young people attending the school including the impact of Increased emissions Portal Date 13<sup>th</sup> January.

**NFPC request clarity on the background levels of pollution due to traffic and confirmation that the new traffic data required by Highways England for 2020 and 2031 will be incorporated into the air quality background data. Confirmation is needed that pollutant levels, NOx etc. will not be detrimental to health levels on the route to/from South Hunsley School.**

## **NOISE**

At the developer's Presentation to Welton Parish Council on the 5<sup>th</sup> January 2021, Mr Dominic Gibbons, Managing Director of Wykeland, admitted that they had made a conscious decision to orientate the proposed building in the knowledge of particularly increased noise to residents of The Triangle, a Conservation Area in North Ferriby – an open admission that there will be an increased noise impact from the development demanding satisfactory elimination

In 2019 Wykeland objected to the building of 10 bungalows (19/01906/OUT) on Gibson Lane due to the dwellings being incompatible with the area's employment designation, mentioning the proximity of Plot E (which is ½ mile away from the bungalows). This application is hypocritically completely against that principle, with Wykeland now proposing to build a massive warehouse 150 metres from residential homes.

Serious concerns have been raised over the information included in the WYG Noise Assessment:-

- by residents at the presentation evening on 2<sup>nd</sup> December, who indicated that the background noise levels used at the basis of the report were taken during a period of abnormally high noise levels which resulted in them raising a complaint due to the impact on their sleep.
- by Nova Acoustics who carried out a peer review on behalf of Save Ferriby 2020 – Portal Date 15<sup>th</sup> December
- by ERYC Public Protection who state in their submission dated 9<sup>th</sup> December  
*“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.”*

During the question time at the consultation event of the 2<sup>nd</sup> December 2020, any issues raised about specific noise levels were answered by saying that the Local Planning Authority would set a noise management plan which would set restrictions on noise that can be created by the operator. NFPC asks is that really going to be the case and how will it be controlled and enforced?

**Will there be any conditions covering noise levels applied to any planning permission? What are the noise levels that are deemed acceptable at the edge of the site and in gardens and homes? Will this be specifically conditioned? Can ERYC confirm that no residents’ sleep patterns will be disrupted because of this proposed development? Will ERYC commit to the requests that reversing beepers must not be audible to any resident of North Ferriby or Melton from this site?**

**In the absence of this information NFPC demands a maximum 40dB at site boundary (west of the Open Space) and 30db in any resident’s home?**

### **LIGHT POLLUTION**

The Parish Council objects to the permanent 24-hour light emanating from the Goods in/Out roadway impacting on residents, particularly when it could have been limited to time switched low level car parking.

We note ERYC Public Protection questions – Portal Date 9<sup>th</sup> Dec 2020.

*“There is insufficient information to demonstrate that artificial lighting from the development will not cause adverse effects on local residents. The application would benefit from indicative drawings/artist’s impressions showing the height and positioning of the proposed lighting fixtures and the likely view from those residential properties with line of sight, in order to demonstrate that residents will not be adversely affected by glare.”*

**Light Pollution has also been raised by Natural England when considering the impact on the ecology of the area. What actions have ERYC planning officers taken to ensure that this is properly assessed?**

The NPPF is clear on how the level of light and noise should be adequately considered.

‘Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:



- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.’ (NPPF 180 a, b, c)

#### **INADEQUATE INFRASTRUCTURE RESULTING IN PUBLIC HEALTH RISK AND SAFEGUARDING CHILDREN RISK**

There is no assessment by the applicant, or challenge apparent from ERYC, to ensure the welfare and parking needs of over 300 HGV's arriving / leaving from Plot D and E and in the absence of same the impact on residents and existing valued business on Melton West. This is not acceptable and is a glaring material planning condition omission.

Our concerns are summed up for response in NFPC's letter to the Portfolio Holder for both Planning and Public Protection as below.

*"5<sup>th</sup> January 2021*

*Dear Councillor McMaster,*

*We understand that you are both the Portfolio Holder for Planning and Development and for Public Protection and that you are aware of the major planning application under consideration for Plot E on Melton West, adjacent to North Ferriby. Ref. 20/03555/STPLF.*

*North Ferriby Parish Council is objecting to this application by Wykeland, on behalf of Amazon, the ultimate potential user. We require answers to the questions following before making our final submission by the 14<sup>th</sup> January 2021.*

*Amazon operates similar sites in this country which are causing major environmental and public protection issues for communities and authorities. One of these is situated at Hoo, Kent. We are extremely concerned after reading the comments from Rochester and Strood MP Kelly Tolhurst as follows,*

***"MP Kelly Tolhurst calls on Amazon to sort Hoo depot HGV parking***

***Published: 12:51, 02 October 2020".***

*An MP says she is "losing patience" with online shopping giant Amazon.*

*Kelly Tolhurst is demanding the company and Medway Council resolve HGV parking issue. Despite a series of emails with senior managers, Miss Tolhurst says little progress is being made in creating a lorry park to prevent chaos on surrounding roads.*

*The American-owned business has operated at the Kingsnorth site for two years and provisions are still not in place to have sufficient parking available on the grounds of the warehouse.*

*There have also been environmental health concerns regarding waste discarded by some lorry drivers.*

*The council has a daily cleaning operation in place around the vicinity of the warehouse to ensure it is safe.*

*Government minister Miss Tolhurst says she has also consistently called on Amazon to make toilet facilities available to their lorry drivers to keep the area clean.*

*In the past there have been reports of bottles of urine and faeces discarded by the roadside and in lay-bys along the Ratcliffe Highway near the multi-billion firm's Hoo Peninsula warehouse.*



*Photo taken from [www.kentonline.co.uk](http://www.kentonline.co.uk) - Waiting vehicles for Amazon, Hoo, Kent*

*In addition comments from a Hoo local Elected Councillor suggest that we are potentially heading towards an even worse scenario alongside North Ferriby with this larger proposal.*

*“Very few HGVs that access the Amazon site are Amazon-owned lorries. The vast majority of them are 3rd party hauliers, that neither the council nor Amazon have control of. This is the business model and Amazon use this to their advantage, claiming they can’t do anything about the rubbish, the lorries blocking the roads, and the disgusting scenes left behind.”*

*The implications of no provision from the applicant or East Riding Council for the welfare facilities needed for up-to 300 HGV vehicle drivers arriving for Plot D and E each day are frightening. As these vehicles/drivers have to arrive before their delivery window or simply need to take their rest periods, we estimate there will be up-to 100 vehicles waiting in the locality at any one time.*

*In the absence of any welfare facilities, we contend these drivers will have no alternative but to use the surrounding area for their ablutions (as highlighted in Hoo, Kent) with inherent health and obvious safety their designated safe route to walk to/from school in day and twilight*

*hours. Experience elsewhere has highlighted the activities of sex workers and drug dealers being attracted to these areas. For the protection of our children this is a situation we will not tolerate – would you for yours?*

*This is a material Planning Consideration, and we ask why a review of possible impact from the development, including from the department that assesses safe walking routes is not available on the **Planning Portal**? – if this is available separately, we request a copy. We will submit FOI requests for these if they are not promptly provided.*

*The distressing experiences of communities adjacent to similar Amazon sites raises extremely serious questions for ERYC Public Protection as we have stated we cannot consider the thought of school children being exposed to human excrement and worse on their way to/from school and the intimidation, abuse and embarrassment that will go with the associated practices mentioned.*

*We assume South Hunsley School will share these concerns.*

*“Medway Council said it wanted to reassure residents it was doing all it could to deal with the issue, including working with its contractors to clean the nearby streets every weekday and creating posters for lorry drivers, written in multiple languages, reminding them of their responsibilities to keep the area clean and tidy”*

*Please advise the steps that will be taken on a daily basis to ensure a safe walking route from North Ferriby to/from South Hunsley School, for residents of Gibson Lane and Melton Fields to/from their only local shops in North Ferriby and for existing North Ferriby employees of Melton West. Please further confirm the additional envisaged costs to the East Riding to maintain the recommended school and pedestrian/cycle route safe and hygienic?*

*Please do not “pass the buck” to the Police on this. The projected outcome described and feared has been catalysed from lack of understanding, thought, preparation and failure to appreciate the consequences from ERYC Officers and we seek complete assurance on the points raised by you as the appropriate Portfolio Holder, to remedy this before the application is considered at committee.*

*Please respond before 12<sup>th</sup> January 2021*

*Thank you.*

*Yours sincerely,*



*Cllr Belinda Hookem*

*Chairman of North Ferriby Parish Council “*

**NFPC are disappointed that a serious, alarming Public Protection risk and potential safeguarding problem has simply been passed to Planning Officers to manage. NFPC requests that senior Public Protection officers are fully aware and prepared for the consequences of any planning approval and that Public Protection will eliminate any risk to the public, with all subsequent costs being charged to Amazon and not the council taxpayer.**

**PRIVACY and SECURITY**

HGV's queuing parallel to residents' homes and gardens are a clear loss of privacy and without a fence to the site increases security risk to residents.

The lack of fencing means unfettered free access, with increased likelihood of vehicle accident risks for children, walkers and their off-lead dogs.

The Parish Council has a very serious concern for the safety of the general public and particularly children walking/cycling to/from South Hunsley School alongside the presence and associated nuisance/health risks from transient HGV parking.

The promoted approved "underpass" walkway to school is already ignored by school children due to the threat of anti-social and abusive behaviour. The proposals make no attempt to remedy or correct this failing. As a result, there is an increased road safety risk from walking to school.

**Please explain why there is no continuous security fence to the East of the developer's site to ensure security for residents?**

**ECOLOGY**

The Biodiversity corridor was proposed by Wykeland to be approved by The Yorkshire Wildlife Trust (YWT) and ERYC, but there is no independent Ecological assessment for the proposals, for the impact on the planting provision by the bund and the wider impact of Urban Wind in the lee of the proposed building.

There is no independent assessment for damage to Long Plantation that may be caused by the bunded area of unknown dimensions.

During the Wykeland presentation to residents on 2<sup>nd</sup> December 2020 it was mentioned that 'more land for bio-diversity was being explored with the end user'. We have not been informed of the outcome. The present proposal is not adequate.

There is concern that the direct impact on the ancient woodland and removal of the veteran trees has not been correctly assessed by the applicant. The opinions of the Statutory and respected consultees must be accepted. NFPC supports the requests of Natural England as summarised below and as on the portal: date 26<sup>th</sup> November

Summary of Natural England's advice

***"FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES***

*As submitted, the application could have potential significant effects on the Humber Estuary Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar and Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:*

- Further justification on the validity of the noise modelling assessment and the mitigation measures.*
- Further details on the construction and operational lighting.*
- Further assessment in the in-combination assessment section of the sHRA.*
- Provision of detailed SuDS/ drainage strategy.*

*Without this information, Natural England may need to object to the proposal.*

*Please re-consult Natural England once this information has been obtained.*

*Natural England's further advice on designated sites/landscapes and advice on other issues is set out below."*

The NPPF is clear on this:

‘development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;’ (NPPF 175 b)

‘The following should be given the same protection as habitats sites: a) potential Special Protection Areas and possible Special Areas of Conservation; b) listed or proposed Ramsar sites<sup>59</sup>; and c) sites identified, or required, as compensatory measures for adverse affects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.’ (NPPF 176 a, b, c)

The policy context against which this proposal must be assessed supports my position. The National Planning Policy Framework (NPPF) states that the aim of the planning system is to support sustainable development. Along with economic and social elements a key aspect of sustainability is the environment. As the NPPF states, the planning system should:

‘contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy’ (NPPF, para 8).

This objective sits alongside and is regarded as equal to the economic objective.

Attention is also drawn to the recommendations of Wold Ecology Ltd of Driffeld incorporated into the Barton Willmore submission Portal Date 7<sup>th</sup> January and Appendix 1 on Pg 47.

The Parish Council believe the light pollution from the site will also impact on bats and other wildlife in the woodland. It is not credible to believe that light reflecting from the building will not reach the woodland and cause harm to bats and other nocturnal wildlife. It is requested that a full assessment of this be carried out by ERYC Biodiversity Officer.

**NFPC requests full disclosure on the discussions on the Ecological Impact.**

#### **YORKSHIRE WILDLIFE TRUST/WYKELAND/ERYC**

Whilst fully respecting the aim and intentions of the YWT, NFPC do not accept the responsibility for maintenance of the long Plantation and the Open Space being transferred from Wykeland to a charity dependent on voluntary contributions.

For example, the Wolds Way passing through the Long Plantation must be maintained as needed, not in 5 years’ time and similarly thereafter. The same principle applies to the safe reparation after any major tree damage and risk to the public after storm damage.

Responsibility for stopping “fly tipping” or abuse of the Wolds Way and Open Space by mountain bikers, and scramble bikers, which occur from time to time, is also not for a charity with a limited budget to enforce.

At the end of any lease, Long Plantation and the Open Space returns to the full control of ERYC and must be maintained in a manner which is legally compliant until and at this point. A Charity does not have the credibility/capability to be managing Access Right Licences with residents and the obvious "land grabs" already evident from residents with property adjoining Long Plantation. Unless proven otherwise legal and management responsibilities must remain with Wykeland with underwriting from ERYC in the event that Wykeland were to exit Melton West.

Wykeland and associated YWT like to entice local schools into promoting their projects. In this instance note the comments of Mr R Orr Headteacher of North Ferriby CE Primary School. Portal Date 12<sup>th</sup> January

*"When I first heard about planning application: 20/03555/STPLF and began to consider its potential impact on our local area and as a consequence to our school, I thought it might be quite important to inform our pupils of this development and give them the opportunity to explore and research both sides of the 'argument' and form their own opinions regarding whether they were pro or con (or perhaps somewhere in between).*

*To kickstart their thoughts I decided to do some research of my own in order to create the beginnings of a balanced argument, but soon found that the further and further I delved, the more one sided my bullet points seemed to be.*

*'Never mind', I thought, because as head of the local Primary School, whose children and community were going to experience the full impact of this project, I am sure to be invited to take part in some kind of consultation or dialogue regarding planning application: 20/03555/STPLF and through this I will be able to build up my currently scant argument FOR the development.*

*Alas - no such dialogue took place.*

*So here goes my best attempt (please take into account that I have a school to run, children and staff to keep safe, both at home and in school during our third national lock-down in less than a year - time spent on this was limited):*

*Argument FOR the Development:*

- 1. The development will create jobs*
- 2. The company involved were responsible (among other things) for developing the Fruit Market near Hull Marina, turning it from a near derelict eye-sore to a lively productive and beautiful part of the City.*
- 3. HMMM that seems to be it...*

*Argument AGAINST the Development:*

*Now even before I start my arguments AGAINST, let's just look at the two arguments FOR that I managed to cobble together:*

- 1. The Village of Ferriby has a fairly affluent population with 21% who are retired, 29% who are over 65 and a lower than national average unemployment rate. I realise that not everyone will agree with me, but I really don't think this village is crying out for jobs in a distribution centre.*
- 2. The area we are talking about already IS a beautiful part of this Village.*

*So this proposed development will achieve the exact opposite of the Fruit Market by turning something beautiful into an EYESORE.*

*So here are just a few things that with very little research I managed to find that give me quite considerable concerns on behalf of our school community:*

- 1. The proposed building is 23m (4 storeys) and therefore higher than the trees in plantation. This clear and significant reduction in light is bound to have a huge detrimental and irreparable impact on the wildlife and ecosystem within the plantation.*
- 2. The school community already suffer from the adverse impact of its proximity to the A63. Regularly throughout the school year traffic incidents on the A63 cause a build-up of traffic within the village which not only creates an increase in pollution, but also increases the risk of accidents as pupils walk to and from school. This development will only serve to make any already bad situation even worse.*
- 3. The edge of the development will be within 150m of many village residents many of whom are part of our school community. Our pupils and their families will suffer the impact of light pollution, noise pollution and traffic pollution due to their proximity to this development. I fear that this damaging impact on their lives will have a detrimental impact on their learning. [NB the village already suffers the impact of noise, light and air pollution emanating from a smaller development which is 1km away - so this is no theoretical argument]*
- 4. I have read nothing that reassures me that the development will take account of the contaminated land on which this development will take place. I fear that the disturbance of the earth works contaminated by the Capper Pass smelting works will do incalculable amounts of damage to the health of our pupils, our staff and their families.*
- 5. As far as I am led to believe this will be a 24hr a day 7 days a week distribution centre with some 667 vans and 250 HGVs loading and unloading constantly; the surrounding road will have 288 lights on it illuminated at night and all this butted right up alongside a beautiful piece of local woodland which is part of The Worlds Way National Trail (currently one of only three trails NOT to go through industrial land). How can anyone genuinely truly look deep inside themselves, compose themselves, keep a straight face and say honestly and out loud - 'This is a GOOD idea'.*

*This is a terrible idea!*

*Conclusion: As headteacher of North Ferriby CE Primary School I would like to record my objection to planning application: 20/03555/STPLF as it will have a severely detrimental impact on the environment, health, safety and future lives of our pupils and their families."*

**Wykeland are requested to confirm retraction of their marketing proclaiming partnership with North Ferriby CE Primary School**

**ERYC are requested to respond with a copy of the legal agreement between ERYC and Wykeland to give confidence on ensuring the viability of the Long Plantation for future generations in the possible absence of YWT or Wykeland from Melton West**

### **CONTAMINATION**

There remains a perception with some residents that pollution of the soil, with heavy metals, exists from activities of the former Capper Pass smelting operations. **Assurance is therefore sought that no evidence of this exists.**



**CONSTRUCTION MANAGEMENT**

Construction will take place over an 18-month period, however no information has been provided as to how this will be controlled or limited to maintain amenity. There must be a formal consultation of a Construction Management Plan with local residents. Specific issues to be considered are around hours of operation, weekends and bank holidays, site lighting, method of piling, dust suppression/ elimination during excavation work, movement of existing bunds, security and welfare facilities.

**Please supply the Construction Plan**

**GENERAL**

Our opinion is that ERYC Planning and Public Protection have to date completely underestimated and ignored the impact of the proposal on the locality and significant cost will be incurred by ERYC to manage the impact of this site and protect the current amenity of residents.

**NFPC request conditions applied to any planning permission be enforced with the associated legal costs to the applicant/end user as recent experience shows abject weakness by ERYC on enforcement.**

**Why is there is no Employment and Training plan or explanation on the quality of the jobs promised to be created?**

**Please supply the Operating Plan**

# APPENDIX 1

## of NORTH FERRIBY PARISH COUNCIL INTERIM OBJECTION

Objection Report by Barton Willmore  
Written on behalf of Save Ferriby 2020

# **Planning Representation to East Riding of Yorkshire Council Application Reference: 20/03555/STPLF**

Land Southeast of Brickyard Lane Roundabout, Melton

January 2021

**Planning Representation to  
East Riding of Yorkshire Council  
Application Reference: 20/03555/STPLF**

**Land Southeast of Brickyard Lane Roundabout, Melton**

<b>Project Ref:</b>	32470/A5/P1/PD/SO	32470/A5/P1/PD/SO
<b>Status:</b>	Draft	Final
<b>Issue/ Rev:</b>	02	02
<b>Date:</b>	January 2021	January 2021
<b>Prepared by:</b>	PD	PD
<b>Checked by:</b>	GW	GW
<b>Authorised by:</b>	GW	GW

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Ref: 32470/A5/P1/PD/SO  
File Ref: 32470.P1.PR.PD  
Date: January 2021

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- 2.0 Planning Context
- 3.0 Application Assessment
- 4.0 Planning Balance

## **APPENDICES**

Appendix 1: Technical Review of Ecological Impact Assessment by Wold Ecology Ltd

Appendix 2: Technical Review of Noise Impact Assessment by Nova Acoustics Ltd

## **1.0 INTRODUCTION**

- 1.1 This report has been prepared and submitted by Barton Willmore LLP on behalf of Save Ferriby 2020 pursuant to planning application 20/03555/STPLF for development on land to the southeast of the Brickyard Lane roundabout, Melton, HU14 3HB. The application seeks the following development:

**“Erection of a storage and distribution building (Use Class B8) with ancillary office space and associated parking, landscaping, access and ancillary works.”**

- 1.2 The application was validated on 27 October 2020 and is accompanied by a number of technical documents. It is noted that the Council concluded during the formal screening exercise that the application is not Environmental Impact Assessment development.
- 1.3 North Ferriby is located on the Humber Estuary, a Site of Scientific Interest (SSSI): a designation emphasising the rare species of fauna or flora it contains. The Estuary is also designated as a Special Area of Conservation (SAC) and a Special Protection Area (SPA) under the Habitats Regulations and is considered an internationally important wetland under the Ramsar Convention. The adjoining fields, including Plot E are intrinsically linked to these designations given their proximity.
- 1.4 Importantly, Save Ferriby 2020 does not oppose development of the land, which was allocated to serve growing local businesses to a scale that is appropriate for its location adjacent to existing development. The current proposals seek planning permission for a single significant logistics facility which is of a scale that is considered inappropriate for this location. The proposals are designed to operated alongside another warehouse and multi-storey car park housing 667 vans approved for the plot of land next door. It will be the largest development in the area and the closest to residential properties of the villages of Melton and North Ferriby.
- 1.5 Barton Willmore has been commissioned to review the suitability of the proposals for the location and in the context of the existing policy setting.

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## **2.0 Planning Context**

### **Policy Context**

- 2.1 The development plan consists of the Strategy Document 2012-2029 and the Allocations Document 2012-2029, both adopted by East Riding of Yorkshire Council 2016. These documents provide the policies and allocations that underpin the spatial strategy. They identify appropriate locations for growth.
- 2.2 The site is allocated for employment uses within policy MELT-E. This seeks employment development on 43.49 hectares of land, which includes the further parcel to the west of Brickyard Lane. The area of the application site is 25.48 hectares of this wider allocated area.
- 2.3 This report also identifies key policies within the Strategy Document against which the application must be assessed. The application is not considered to meet the aims and objectives of a number of policies as described.

### **Planning Application Context**

- 2.4 The site has been subject to outline approval (as part of a wider hybrid application) through application 11/00613/STPLF. This application secures planning permission for employment buildings within uses Classes B1, B2 and B8 with associated access, car parking, landscaping and works. Condition 1 restricts the quantum of development within use classes. It allows 27,115sqm of B1 office/research and development/light industrial, and 108,020sqm of combined B2 and B8 general industry, wholesale warehouse and distribution centre uses. The B2/B8 figure is for the whole site and includes the floorspace of the building approved within the full element of the application. The figure of 108,020sqm therefore defines the capacity the site was considered to have at the point of determination.
- 2.5 The indicative masterplan (P001C) shows 15 smaller units distributed across phase 5 of the approved consent, with a total of 81,048sqm of built form in this area. The masterplan shows built form set approximately 130m from the properties at Plantation Drive, although local opinion sought this gap to be larger. Whilst it is appreciated the plan is indicative, the layout allows delivery bays to be located in the west elevations of adjacent buildings, allowing the buildings themselves to act as a noise barrier. The masterplan shows how the maximum capacity under condition 1 of the approved consent allows for a more



spacious layout on the site, which in turn gives significantly better landscaping and ecological opportunities.



Figure 1: Section of approved illustrative layout plan for application 11/00613/STPLF.

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### **3.0 APPLICATION ASSESSMENT**

3.1 The planning application has been reviewed in detail and a number of concerns are set out below.

#### **Use**

3.2 The site is allocated for employment uses within policy MELT-E within the Allocations Document 2016. Policy MELT-E provides three specific criteria that must be met in order for employment development to be considered acceptable. These are listed below:

- a. provide a substantial landscaped buffer to the western boundary – it is assumed this refers to the far western boundary of the allocation, which is not relevant to the determination of this application. However, this report highlights concerns regarding planting levels around the site.
- b. Incorporate good quality pedestrian and cycle routes – this report notes that the proposal is orientated towards the car and does not adequately promote sustainable modes of transport.
- c. Incorporate comprehensive Sustainable Drainage Systems – the Council will need to ensure the information is robust to prevent on and off site flooding as a result of the development.

3.3 Whilst the allocation for employment uses is recognised, it is clear that development at the scale proposed was not envisaged when the policy was drafted. The approved planning application at the site (11/00613/STPLF), which pre-dates the current local plan policy, set a floor limit for combined B2/B8 uses on the site that is significantly below that proposed within this application (108,020sqm against the proposals floor area of 186,989sqm). This condition was imposed specifically to ensure the site is not overdeveloped generating unacceptable impacts, to ensure a mix of uses that responds to employment needs, and to optimise employment benefits. The proposed floorspace equates to a 73% increase to the previous application without sufficient justification (and a significantly reduced job provision). Whilst the outline application did not include a scale parameter plan, the proposed smaller buildings would by their very nature have a lower height than the current application and would be spaced to allow breaks in the built form.

- 3.4 It should also be noted that the indicative masterplan envisaged only 81,048sqm on the phase 5 land which forms this planning application. The proposal therefore seeks a 130% increase on this specific part of the site compared to the previous approval.
- 3.5 The Strategy Document 2016 envisaged the site to be used by relocated local companies which need to be in close proximity to Hull. This demonstrates the local business interest in the site and reinforces the intention of the allocation policy which refers to 'growing local businesses'. Smaller local businesses would therefore be forced to relocate further from Hull and their target markets, which could place them at a competitive disadvantage.
- 3.6 The application should be supported by a detailed socio-economic study to assess quantitatively the anticipated job creation by sector and type, assess the implications for the local employment market including smaller companies which were envisaged by the policy to locate at the site.
- 3.7 The supporting text around policy MELT-E expands upon what is expected on the allocation land, which includes the parcel to the west. It explicitly makes references to buildings / plots in the plural, inferring the expectation of multiple buildings /operators. Those references, within paragraph 36.12 of the Allocations Document 2016, are shown below
- *'large plot sizes that the site will be able to offer to new and expanding businesses'*
  - **'the majority of development must be within B2 and B8 use classes'.**
- 3.8 By implication, the policy advises the site to be appropriate for a number of business, and there is no indication within the policy or supporting evidence base that the site should cater for a single super-scale building. This is supported by application 11/00613/STPLF, which identified 15 individual buildings as laid out in the indicative masterplan.
- 3.9 Given the employment allocation, this would therefore require the development to be judged on its planning merits. Alongside the comments above regarding the allocation policy, the proposal is considered to be contrary to further policies within the development plan, and these are identified within this report.
- 3.10 We therefore contend that the application is a departure from policy with inadequate supporting justification for the proposed use. We therefore object to the scale and single

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use class for the scale of strategic storage and distribution centre on the site. This is reinforced by approved application 11/00613/STPLF.

- 3.11 In addition, it is noted that the application demonstrates a lack of on-site facilities for drivers. Given the site has 198 HGV parking spaces plus 55 loading docks, it would be reasonable to expect a high number of HGV's on site at any one time. Given the applicant is seeking a 24/7 facility, it is also reasonable to assume that drivers will be on site overnight. It is explicit to the running of the site that these facilities should be included within the building, as well as for the welfare of drivers.
- 3.12 There are also concerns regarding parking of further HGV's off the site. By law, HGV drivers have to rest, often for prolonged periods. The road network is likely to make North Ferriby an attractive proposition for parking HGV's to allow such rest breaks. The application should confirm and secure how HGVs and drivers would park or rest on the nearby local road network. However, such information is clearly missing and we would request that it is provided.
- 3.13 It is requested that the application be accompanied by an operational plan for both the construction and operation phases of development, which should be agreed by both the Council and local residents ahead of any determination at Planning Committee. This should provide clear rules on use of the local highway network and how this would be enforced. The use of local road weight limits that can then be enforced is one such measure.

### **Socio-Economics**

- 3.14 The supporting Planning Statement notes an estimated 1,300-1,500 jobs would be created at the site. It should be noted that application 11/00613/STPLF predicted 4,000 jobs across the two land parcels.
- 3.15 The storage and distribution sector is highly automated, leading to far lower job levels compared to the industry standard interpretation. A similar scheme in Haydock is noted where the planning committee were informed by the applicant that a large scale storage and distribution centre of similar size to that proposed would provide 5,000 jobs, but only 260 jobs were actually generated. This would suggest that the proposed employment figures significantly overestimate the job provision and therefore the benefits of the project. It is considered highly unlikely that 1,300-1,500 jobs would be created. This has a material bearing on the planning balance of this project, noting the likely significant effects of the proposals.

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- 3.16 We would therefore object to the proposals on employment generation grounds which appear to be over inflated leading to an inaccurate planning balance.

### **Scale and Location**

- 3.17 The proposal seeks 186,989sqm (2 million square feet or 18 hectares) of B8 space within a single building directly adjacent to an existing village. The building would measure 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.
- 3.18 This scheme is therefore quite clearly a facility for storage and distribution on a strategic scale that should be located on a strategic highway location away from sensitive residential uses. The policy for the site makes no reference to strategic scale logistics uses due to the very significant effects it would have on nearby sensitive receptors.
- 3.19 We therefore object to the proposals on grounds that the scale of the building is entirely out of keeping with the location, and it would have a significant and detrimental impact on the amenity of local residents. This is examined further below.
- 3.20 The likely significant effects on the nearby residents (sensitive receptors) relates to visual impact, noise, light pollution, local traffic problems, examined further below.
- 3.21 The site is divided from North Ferriby by Long Plantation. This is a deciduous tree belt that runs inland from the Humber Estuary. It contains the Wolds Way Public Right of Way and is well used for recreational purposes. The visual impact for users of the Wolds Way is not referenced at all within the planning application. The application is therefore contrary to policy ENV1 of the Strategy Document adopted 2016, which seeks development to, amongst others, have an appropriate scale, massing and height, and have regard to the amenity of existing or proposed properties.
- 3.22 Paragraph 7.10 of the supporting text to policy EC1 (Supporting the growth and diversification of the East Riding economy) states 'the use of a site for employment purposes may give rise to justifiable complaint from neighbouring uses'. Whilst not directly referenced within policy EC1, this clearly implies that employment uses have the ability to impact upon amenity.

- 3.23 Paragraph 84 of the NPPF states that planning 'decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements' and adds 'it will be important to ensure that development is sensitive to its surroundings'. The application clearly has an overbearing impact upon North Ferriby and does not meet the aims and objectives of this chapter of the NPPF.

### **Impact on the Natura 2000 Protected Sites**

- 3.24 The site is situated in very close proximity (circa 600m) to the protected Humber Estuary Site of Special Scientific Interest, Ramsar Site, Special Area of Conservation and Special Protection Area. These are sites that are afforded the highest level of protection. The Humber Estuary is clearly therefore a sensitive receptor. Given the proximity of these sites there are serious concerns regarding the impact of activities. Given the wording of the policy it is not anticipated that the Habitat Regulations Appropriate Assessment anticipated or assessed the scale of scheme proposed. This is reflected in the Natural England objection. This is therefore considered to be a significant omission of the proposals.
- 3.25 We therefore object to the proposals on the grounds that insufficient information has been provided with respect to the likely impacts of the development on the Natura 2000 protected sites situated within 600m of the site boundary.

### **Heritage**

- 3.26 The site is located approximately 50m from the North Ferriby Conservation Area. This includes a large portion of the village and the boundary extends to settlement boundary with Long Plantation. The relationship between the site and the Conservation Area is shown on Figure 1 below:



*Figure 2: Relationship of MELT-E and the North Ferriby Conservation Area (extract from Policies Map 2016 Inset 38 North Ferriby)*

- 3.27 The application does not include any heritage assessment to understand the impact of the development on the setting of the Conservation Area. The Planning Statement references the location of the Conservation Area but makes no further comment. Paragraph 189 of the National Planning Policy Framework (NPPF) states that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting'. The lack of information provided by the applicant means the Council are unable to perform this function.
- 3.28 The NPPF is clear in what is required when assessing identified heritage assets. It is not sufficient to rely on the tree belt to prevent impact upon the setting of the Conservation Area. The presence of the Public Right of Way through Long Plantation ensures that there are views into the Conservation Area where the development site will form a backdrop. The applicant has made no attempt therefore to assess such views, or any views from the Conservation Area looking out. As such the application is contrary to the advice within the NPPF and policy ENV3 of the Strategy Document, which seeks to conserve heritage assets. At present, the lack of information means no informal assessment can be made.
- 3.29 It is also queried whether the application should have been validated given this lack of information. The need for a heritage assessment is a local requirement, and clearly it is required to assess impact in this application. It is also assumed the application has not been advertised in the local



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press as an application that is in proximity to a Conservation Area. Clarification on this matter is requested. If no such advertisement has taken place, this should be rectified ahead of any determination.

- 3.30 We therefore object to the proposals on grounds that inadequate heritage assessment has been submitted to the Council and subsequently officers are unable to make an informed decision on the acceptability of the proposals.

### **Landscape Impacts**

- 3.31 The application is accompanied by a Landscape and Visual Appraisal (LVA) which seeks to demonstrate how the development would assimilate into its surroundings. However, these are two significant omissions in this document.
- 3.32 The LVA identifies key viewpoints around the site and provides numerous photographs of views into the site from these areas. However, none of the photographs show a proposed view from these locations with the building in situ. As a result, it is not possible to assess any potential impact of the development from these viewpoints. Given the size of the footprint and the 22.6m height of the building, the LVA does not provide any guidance as to how it would sit in the landscape. The LVA is therefore not considered fit for purpose. Additional information is therefore considered essential for officers to be able to assess the impact of the building and how it would assimilate into its surroundings. This would include fully rendered Accurate Visual Representations of the development from the close and medium distance key views. Wireline Accurate Visual Representations should be provided for long distance views.
- 3.33 Long Plantation running to the eastern boundary contains an important and well used Public Right of Way. The tree belt is mainly deciduous and therefore in winter time there are clear views from this right of way across the site. However, this location has not been identified within the LVA. Therefore all key views should be taken in the winter time when the leaves have fallen, to present the worst case scenario.
- 3.34 Officers are unable to make an informed decision given the deficiency of this critical report. The proposal is therefore contrary to the aims and objectives and policy ENV2 (Promoting a high quality landscape), which seeks development to be sensitively integrated into the existing landscape, demonstrate an understanding of the intrinsic qualities of the landscape setting, and seek to make the most of the opportunities to protect and enhance landscape characteristics and features.

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- 3.35 Long Plantation to the eastern boundary of the site provides a wildlife corridor linking the Humber Estuary to inland areas. As well as providing further screening, it is strongly suggested the woodland belt should be strengthened and planted with appropriate tree species to widen this corridor. This is in lieu of the loss of the current agricultural land which also plays an existing corridor role. The proposed planting shown is more ornamental in layout and also set on bunds, which often preclude growth of trees given drainage requirements.
- 3.36 Long Plantation is specifically referenced within the East Riding of Yorkshire Local Plan 2012-2029 Strategy Document adopted 2016 as a green infrastructure feature in East Riding. This relates to adopted policy ENV5 (Strengthening Green Infrastructure), which seeks development proposals to incorporate existing and/or new green infrastructure features within design and to 'capitalise on opportunities to enhance and/or create links between green infrastructure features'. It confirms this should be on-site. The policy adds that proposals within or adjacent corridors should enhance the functionality and connectivity of the corridor.
- 3.37 The landscape masterplan makes a limited reference to the identified green infrastructure. The proposed planting along the eastern boundary does not reference Long Plantation and the landscape masterplan does not seek to strengthen this area. The application will also see the complete removal of a tree/hedgerow strip running east to west through the middle of the site, and no effort has been made to retain such connections either along the perimeter roadways or through the car park. The proposal therefore is contrary to identified aims and objectives of policy ENV5.
- 3.38 There are serious concerns regarding the landscaping proposed within the site. For example, the car park provides parking for 794 vehicles. However, no attempt has been made to break this up with landscaping and planting. The result is 13 rows of 35 parking spaces (plus the shorter rows) all parallel to each other with no landscaping breaks. This creates a very urban feature and ensures the car dominates the landscape when viewed from the public vantage points to the north. Reliance upon planting around the parking only is wholly unacceptable and suggest the parking requirements resulting from the scale of the building are too great for the site to coherently accommodate. The proposal is therefore contrary to policy ENV1 of the Strategy Document 2016 which seeks development to incorporate 'hard and/or soft landscaping, alongside boundary treatment of an appropriate scale and size, to enhance the setting of buildings, public space and views'.

- 3.39 We therefore object to the proposals on grounds of insufficient and inadequate information with respect to the landscape and visual impact of the proposal. The proposed landscaping plans do not appropriately seek to assimilate the development into the area and the result is a very urban feature. We request that the applicant provides a full Landscape and Visual Impact Assessment, including Accurate Visual Representations using rendered and wireline images using winter views, and the assessment rerun with the benefit of this information.

### **Ecology**

- 3.40 Linked to the landscaping are ecological concerns. Paragraph 170 of the NPPF seeks planning decisions to contribute to and enhance the natural and local environment. Criteria d seeks to minimise impacts on and providing net gains for biodiversity. The application does not include any reference to net gain calculations and therefore we are unable to understand the full ecological impacts on the site. The lack of site landscaping as identified above leads to serious concerns as to whether a positive net gain is possible through the scheme in its current form.
- 3.41 The application is supported by an ecological impact assessment. Save Ferriby 2020 has instructed Wold Ecology Ltd to undertake an appraisal of that assessment to ascertain its robustness. The report can be viewed within **Appendix 1** of this response. It highlights some key concerns with the document submitted, and these concerns are summarised below:
- The document does not include a clear assessment of impacts in the absence of mitigation or compensation for the receptors identified;
  - The annual variation of crop grown in the southern field has not been assessed, and therefore its suitability for species such as curlew is unknown;
  - Great Crested newt survey work is now 8 years old and cannot be considered an up to date record. Updated surveys should be provided;
  - The wintering bird survey is 3 years old and should be re-surveyed accordingly;
  - Control measures should be included to limit noise disturbance from on-site operations;
  - The document does not assess any recreational pressures from staff and contractors at the site;
  - Provision for hedgehogs and reptiles should be included in the construction environmental Management Plan;
  - The application does not include active bat surveys, despite the hedgerow across the site and the location of Long Plantation to the east;
  - The documents do not clearly assess the impact of the proposed lighting on identified species such as bats; and

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- The Construction Environmental Management Plan is very vague in its wording and will require clarity on a number of highlighted matters.

3.42 It is therefore clear from the above and the appraisal within Appendix 2 that the detail submitted in terms of ecology is not adequate in order for the Council to determine the application. Up to date survey works should be provided (undertaken within the appropriate season) for wintering birds and great crested newts. The ecological impact assessment in its current form requires clarification of a number of points and additional information as highlighted. At present, the application does not meet the aims of policy ENV4 (Conserving and enhancing biodiversity and geodiversity).

### **Traffic**

3.43 It is noted that Highways England has issued a Holding Direction, as confirmed in their letter dated 24 November 2020. They are unable to provide comment on the impact upon the strategic road network until 24 February 2021. As such the application cannot be determined in the intervening period, and cannot be heard at Planning Committee until 18 March 2021 at the very earliest. Confirmation from the Council on this point is requested.

3.44 The supporting text to the MELT-E allocation within the adopted Allocations Document 2016, cross-referring directly back to one of three criteria within the policy itself, relates to the need for good quality pedestrian and cycle routes. Paragraph 36.13 states that 'vehicular access into the site should be provided from Monks Way. This should be accompanied by good quality pedestrian and cycle routes into and through the site, linking into the existing paths along Monks Way, which will help to maximise the opportunities for employees wishing to travel to work by sustainable means'.

3.45 The site is located directly adjacent to National Cycle Network Route 65, which provides wider links to the site. Given the accessibility for cycle use, the provision of only 80 cycle spaces is far too low and fails to take advantage of the opportunity to provide a modal shift in journey patterns. It is a disproportionate low figure when compared to the 794 car parking spaces, and fails to meet the 15% requirements for cycle parking against user requirements. To meet policy either further cycle spaces should be provided, or car parking spaces removed. No internal showers are shown on the floor plan, which further discourages cycle use, especially from the wider area.

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- 3.46 The Travel Plan makes a minimal attempt to identify the developments likely modal split and seek to put measures in place to ensure this moves forwards to encouraging non-car modes of travel. The Travel Plan is not considered fit for purpose in line with the Sustainable Transport SPD 2016.
- 3.47 The proposed Parking and Vehicular Movement Plan fails to take into account pedestrians. As highlighted within this objection, there are a high number of residential properties in the vicinity of the site. The movement plan does not encourage a safe route through the site for pedestrians. Whilst this may involve sharing of the cycle entrance, this is not demonstrated and the detail of the cycle access is not shown to determine whether it can also be safely used by pedestrians.
- 3.48 The cycle access point from Monks Way East is not shown to be specifically lit through the lighting strategy. There are concerns regarding the crossing with the main loop road and the potential impact for cyclists. The cycle route should also ensure it is appropriate lit for its duration to promote its uses. The lighting strategy should be updated accordingly.
- 3.49 By association, criteria b. of the MELT-E policy is not therefore met. Whilst a single cycle route is shown, it is not directly lit and the cycle parking level is inadequate. No specific pedestrian route into the site is shown. Accompanied by a Travel Plan which does not highlight attempts to increase cycle usage, the development cannot be considered to incorporate good quality pedestrian and cycle route.
- 3.50 We reserve the right to comment on any further highways information submitted and current object on grounds of an inadequate Travel Plan, a lack of cycle parking and a lack of consideration for pedestrians accessing the site.

### **Noise**

- 3.51 The proximity of the building to the residential properties gives rise to significant concern regarding potential noise disturbance from reverse alarms, refrigeration units on HGVs running constantly, and other loading and unloading noise taking place 24/7. The number of HGV loading bays, the location of the additional HGV parking and the size of the main car parking area is noted. The orientation of the building means the operational yard is closest to the residential properties, which is considered poor design that has not acknowledged the likely significant noise effects on nearby residents. All operational yards should be orientated away from the residential properties.

3.52 In order to formally assess the noise impact assessment that supports the planning application, Save Ferriby 2020 has instructed an assessment of this information, undertaken by Nova Acoustics. This report can be viewed within **Appendix 2** of this report. It highlights that the submitted noise report is inadequate and further work is required by the applicant as follows:

- The data omitted due to bad weather and the weather conditions throughout the long terms survey needs clarifying;
- The rating penalties applied to the plant noise assessment needs to be clarified and reassessed;
- The BS8233 noise intrusion assessment should be discounted as this standard and noise criterion should not be applied to assessing industrial/commercial noise;
- It should be clarified whether noise breaking out of the building envelope has been assessed or not. Should it be found not to have been assessed, the assessment should be revised accordingly; and
- The rating penalties applied to the cumulative noise assessment need to be clarified, reviewed and adjusted accordingly. These should include intermittency, tonal component and impulsivity penalties as outlined in BS4142:2014.

3.53 The noise impact assessment therefore requires updating before any meaningful comment can be made. We reserve the right to comment on any updated noise report before this applicant is determined. The application at present is contrary to Strategy Document 2016 policy ENV6 (Managing environmental hazards), which seeks environmental hazards such as noise to be managed to ensure that development does not result in unacceptable consequences to its users, the wider community and the environment.

### **Air Pollution**

3.54 The proposal represents a single building, significantly greater in floor space than the storage and distribution part of the outline application. As discussed above, it also represents a significant increase in floor space than anticipated by policy MELT-E.

3.55 As a result, there are serious concerns regarding air pollution resulting from the development, through both construction and operational phases. The proposal includes 55 HGV loading bays and 198 additional parking spaces. The site has been designed to have a capacity for 250 HGV's on site at any one time, and the nature of operations means there would be a continual movement of HGV's to, from and around the site. In addition, the site has capacity for 794 cars at any one time.

- 3.56 The result of the level of HGV usage suggests a large increase in air pollution. The prevailing wind direction will direct pollution towards North Ferriby. The only barrier to prevent this is the permeable Long Plantation. The application does not contain adequate air pollution mitigation measures that would protect local residents from the inevitable increase in pollutants resulting from the development. The application is therefore contrary to Strategy Document 2016 policy ENV6 (Managing environmental hazards).

### **Light Pollution**

- 3.57 There are serious concerns relating to lighting that emanates from the site. In order to ensure safe operations, significant lighting is required around the site. The application is supported by lighting information, which shows no overspill into North Ferriby.
- 3.58 However, none of the assessments show how the development may impact nearby residents. A particular concern is views into the site from residential properties within North Ferriby and from The Wolds Way. Whilst no light is shown to spill over the boundary, proposed lighting will be clearly visible when viewed from these locations. The levels of lighting will cause a significant disturbance to residents and as such will be contrary to Strategy Document 2016 policy ENV6 (Managing environmental hazards).
- 3.59 The lighting strategy proposed will deter species from using adjacent land around the site, and will have a significant impact upon the ecological potential of Long Plantation, particularly to species such as bats and breeding birds. This reinforces the concern that the proposals are unable to achieve an ecological net gain, as required by the NPPF. The application must directly assess the impact on lighting and ecology.

### **Engagement**

- 3.60 Prior to the submission of the planning application, the applicant did not hold any public event to inform the local residents / businesses or understand key concerns. All consultation attempts have therefore been retrospective. The applicant held a virtual event on 23 November. However, only 100 people were able to attend, but given technical issues, members of the public were unable to access the event and it was abandoned. A second event was run on 2 December, which did not allow an appropriate level of feedback and only 6 residents were allowed to speak before closure of the meeting. These limited efforts highlight how measures were taken far too late in the process to be meaningful and the public has not therefore had a fair chance to influence the application as required through national and local planning policy.

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- 3.61 There have also been issues regarding accessing the documents that form part of the application. These have been unavailable at times. This does not allow the public opportunities to review in depth. A formal widely advertised public consultation should be requested of the applicant in the interest of good practice and necessary public engagement.
- 3.62 The lack of public engagement ahead of submission of the planning application is clearly contrary to chapter 4 of the NPPF, which encourages early engagement, as well as the Council's own Statement of Community Involvement.

### **HEYwoods Community Forest**

- 3.63 The Site lies within the HEYwoods Community Forest area. The aim of the initiative is to increase woodland cover and the improve the management of existing trees and associated habitats. It notes that when combined, the East Riding of Yorkshire and Kingston upon Hull areas have only approximately 2.6% woodland cover, significantly less than the national average of approximately 8.4%. In order to continue a green theme, planting should be inclusive through all development across East Riding. It has significant positive effects such as flood elevation, screening, ecological benefits, as well as providing a more attractive setting.
- 3.64 The HEYwoods group seek to work closely with developers to improve the local environment and deliver tree and woodland projects, often with a community focus. The planning application makes no reference of being within the designated HEYwoods Community Forest area. The levels of planting proposed across the site are disappointing when compared to the scale of built form proposed. This application is therefore a missed opportunity to contribute towards the aims of the HEYwood Community Forest. Concerns regarding the landscape masterplan are noted above, and the lack of reference to the Community Forest is in direct conflict with policy ENV5.



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## **4.0 PLANNING BALANCE**

- 4.1 In line with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development plan consists of the Allocations Document and Strategy Document 2016.
- 4.2 Save Ferriby 2020 is aware of the employment allocation on the site, and the extant outline planning permission. It does not object specifically to employment uses on the site. However, the planning application represents a significant shift away from the policy wording and is therefore considered to be contrary to policy MELT-E.
- 4.3 This report identifies a raft of planning matters which clearly demonstrate the application does not meet the aims and objectives or the criteria of the relevant planning policies.
- 4.4 The National Planning Policy Framework 2019 highlighted the three overarching objectives of sustainable development, namely economic, social and environmental objectives. The application is deficient when considered against all three of these objectives.

### **Economic Objective**

- 4.5 In line with the economic objective, local job creation is supported. However, there are serious concerns regarding the level of jobs that are proposed. The distribution sector is highly autonomised and predicted employment levels appear inflated in light of other similar schemes identified. It is suggested little weight is given to the 1,300-1,500 predicted job figure unless further evidence is provided through a socio-economic study.
- 4.6 The application seeks one single building for one single occupier on the plot. The planning policy for area MELT-E clearly did not envisage this scenario, and the capacity of the site has increased 130% since the original outline. The ability of the site to provide a diverse range of employment to support Hull is removed, and such businesses will no doubt have to relocate further from their target markets. The application does not seek to justify the departure from the aims and objectives of policy MELT-E.

### **Social Objective**

- 4.7 This report highlights key concerns. The application does not seek to respect the existing village population which is located just 40m from the site boundary at its nearest point.

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The quantum of development proposed is significantly beyond the sites capacity and requires built form within 100m of the site boundary. Concerns regarding the noise impact assessment that supports the application are summarised above and shown in full within appendix 2. The site will be visible in the landscape from North Ferriby and the Wolds Way. The lack of effective public consultation means residents concerns have not been heard and taken into account.

### **Environmental Objective**

- 4.8 In terms of environmental objectives, the planning application does not contain sufficient information to allow an objective assessment as to how the application would sit in the landscape. Given the size of the building and its height of 22.6m, such information should be considered essential. The applicant is placing too much emphasis on the existing tree belt at Long Plantation as a screening and buffering barrier to North Ferriby. As noted, it is deciduous in nature and the proposed reinforcement and bunding will not overcome visual harm. The lack of reference to the Wolds Way public right of way and views towards the site is a serious concern.
- 4.9 There is a little attempt to integrate landscaping into the site layout, with the car park feature in particular being a very urban setting with no landscape breaks. It is doubtful that the proposals will secure a net gain in biodiversity as required by the NPPF. There has also been no attempt to demonstrate how the proposals would impact upon the setting of the North Ferriby Conservation Area.
- 4.10 The impact upon the environment is severe and the lack of environmental impact assessment does not allow for a robust assessment. As noted, there are serious concerns regarding the ecological information that supports the application. Survey work requires updating, and the ecological impact assessment requires significant clarification and additional information in order to meet the aims of the NPPF and local plan policy.
- 4.11 Given the factors raised within the report, as well as the factors raised within the objection letters (which total over 500 at present), it is clear that the application would have a serious harmful impact and does not satisfy the three sustainable objectives within the NPPF. The benefits of the proposal are therefore far outweighed by the harm identified.
- 4.12 Furthermore, the application is not in accordance with the highlighted parts of the development plan. This report identifies further documentation that is essential in order of the application to be objectively considered by officers or members.
- 4.13 As such, the planning application should be refused.

# **APPENDIX 1**

## **Technical Review of Ecological Impact Assessment by Wold Ecology Ltd**

## **WOLD ECOLOGY LTD**

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**Land south east of Brickyard Lane Roundabout, Melton, East  
Riding of Yorkshire, HU14 3HB.**

**Planning reference is20/03555/STPLF**

### **ECOLOGICAL REVIEW**

## 1.0 INTRODUCTION

- 1.1 In November 2020, Wold Ecology was commissioned by the Save Ferriby 20 Group to undertake an assessment of the ecological survey data in support of the proposed erection of the 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 – referred to in this document as the Application Site. The planning reference is 20/03555/STPLF.
- 1.2 In order to accomplish the brief, a desk top study and a walkover survey (with permission from the landowner) was undertaken by Wold Ecology staff during December 2020.
- 1.3 The following documents obtained from the planning portal were included also within the assessment:
- 20\_03555\_STPLF-ECOLOGICAL\_IMPACT\_ASSESSMENT-3855088
  - 20\_03555\_STPLF-  
INFORMATION\_TO\_INFORM\_A\_HABITAT\_REGS.\_ASSESSMENT  
\_\_\_SHADOW\_APPROPRIATE\_ASST.-3855074 3 of 3
  - 20\_03555\_STPLF-  
INFORMATION\_TO\_INFORM\_A\_HABITAT\_REGS.\_ASSESSMENT  
\_\_\_SHADOW\_APPROPRIATE\_ASST.-3855075 1 of 3
  - 20\_03555\_STPLF-  
INFORMATION\_TO\_INFORM\_A\_HABITAT\_REGS.\_ASSESSMENT  
\_\_\_SHADOW\_APPROPRIATE\_ASST.-3855093 2 of 3
  - 20\_03555\_STPLF-LANDSCAPE\_MASTERPLAN-3855069
  - 20\_03555\_STPLF-LANDSCAPE\_PROPOSALS\_PLAN-3855061
  - 20\_03555\_STPLF-LOCATION\_PLAN-3855054
  - 20\_03555\_STPLF-PROPOSED\_SITE\_PLAN-3855053
- 1.4 Comments from Natural England and stakeholders have also been considered within this assessment.
- 1.5 Wold Ecology Ltd was established in 2006 and are experienced in providing a bespoke service for environmental management and ecological assessments. Wold Ecology employs several experienced and qualified staff/associates to undertake specialist ecological contracts.
- 1.6 Wold Ecology Ltd provides a wide range of specialised advice aimed at integrating business with nature. We specialise in ecological surveys, land management planning and site assessments which include:
- **European Protected Species Surveys**  
Bats, Birds, Great Crested Newts, Water Vole, Badger, Crayfish and Fungi surveys. Phase 1 and Phase 2 NVC Habitat Surveys and Ecological Impact Assessments.
  - **Ecological Impact Assessments and Preliminary Ecological Appraisals •**  
**European Protected Species Licenses**  
Bat Licenses - Chris Toohie is one of 186 Natural England Registered Consultant (November 2020) who can hold a Natural England Bat Mitigation Class Licence.  
Great crested newt development license holders. Implementation of licenses (amphibian fencing, destructive searches, watching briefs and post development monitoring).
  - **Arboricultural Surveys.**  
Arboricultural Impact Assessments, Root Protection Zones and CAD drawings.

- **Ecological Construction Method Statements and Ecological Enhancements Plans.**
- **Ecological Clerk of Works.**

- 1.7 Wold Ecology Ltd is committed to working towards the conservation of our natural heritage and supports the Wolds Barn Owl Study Group, Driffeld Millennium Green, Filey Bird Observatory, Cornfield Project (Ryedale Folk Museum), Butterfly Conservation (Yorkshire Branch) and RSPB projects with volunteer staff time and financial resources.
- 1.8 Wold Ecology Ltd is an Associate Member of the RSPB and Corporate Member of the Bat Conservation Trust.
- 1.9 The team of ecologists reviewing the application are members of the Chartered Institute of Ecology and Environmental Management. Collectively, the team have over 60 years of experience as ecological consultants, specialising in ornithological and European protected species surveys, Ecological Impact Assessments and Habitat Regulation Assessments.
- 1.9 The shadow Habitat Regulation Assessment and EcIA have also been reviewed by a separate Local Authority Planning Ecologist.

## **2.0 DESK TOP STUDY**

### **2.1 General description**

- 2.1.1 The Application Site is located on the western edge of North Ferriby village, in a rural location. The Application Site is 25.5 ha and primarily comprises two arable fields bounded by arable land to the south and west, mixed plantation woodland and residential dwellings to the east and infrastructure to the north. A railway line also runs adjacent to the southern boundary.
- 2.1.2 Habitats within 2km surrounding the Application Site comprises low lying agricultural land dominated by arable production, suburban habitats, industrial units and the River Humber including mud flats, riparian zones and open water. Woodland cover within 2km is limited due adjacent land use but occurs as Long Plantation along the eastern boundary, as plantations (Terrace Plantation/Bow Plantation) and shelterbelts adjacent to farms and small holdings.
- 2.1.3 The River Humber (approximately 550m south and connected to the Application Site by Long Plantation) is an important habitat corridor, primarily due to the riparian habitats and the undisturbed nature of the river bank in the region (the city of Hull being an exception). On a local level, the railway line with adjacent scrub and tree cover also provides linear connectivity to the Humber Bridge Country Park Local Nature Reserve (3.5km east) and indirectly to important ecological habitats at Welton Waters and Brough Airfield. Long Plantation and the adjoining Terrace Plantation and Bow Plantation to the north west creates a 3.5 km corridor of mixed broadleaf woodland between the River Humber and the edge of the Yorkshire Wolds at Welton; the Wolds in that area include pasture and mixed woodlands. Habitat connectivity within 2km is also provided by hedgerows, hedgerows with trees and ditches that drain the predominant arable land and provide some habitat connectivity to the wider countryside.
- 2.1.4 A summary of the surrounding habitat is (radius of < 2km from the site):
- Buildings – farm buildings and residential properties
  - Hedgerow
  - Mature trees and woodland
  - Long Plantation
  - Bow Plantation
  - Terrace Plantation
  - Whinny Clump (Plantation)
  - Arable
  - Mature private gardens
  - Ponds and watercourses
  - Humber Estuary
  - River Humber
  - Grazed pasture

## 2.2 Desktop Study.

2.2.1 Natural England, the North & East Yorkshire Ecological Data Centre (NEYEDC), [www.magic.gov.uk](http://www.magic.gov.uk), social media, local authority planning portal and Wold Ecology employees, field surveyors and network of associate ecologists were consulted in order to obtain any ecological information that they hold of relevance to the Application Site and surrounding area.

2.2.2 The desk top study identifies land parcels of nature conservation value within 2 km of the Application Site. Relevant extracts from associated documentation are highlighted below. The following data resources were searched:

- Sites of Special Scientific Interest (SSSI)
- Special Protection Areas (SPA)
- National Parks
- National Reserves
- Special Areas of Conservation (SAC)
- Ramsar sites
- Areas of Outstanding Natural Beauty (AONB)
- Local Nature Reserves (LNR)
- Local wildlife sites (LWS) or equivalent
- Natural England Habitat Inventories
- Natural Character Area documentation
- European protected species records
- UK Biodiversity Action Plan habitats and species records
- Local Biodiversity Action Plan habitats and species records
- Notable species records

2.2.3 International Designated Sites

2.2.3.1 The following International Designated Sites lie within 2 km of the Application Site (see figure 1):

<i>Designation</i>	<i>Name or location of site</i>	<i>Grid Reference</i>
Special Area of Conservation Special Protection Area Ramsar site	Humber Estuary	SE982245

2.2.3.2 Humber Estuary Ramsar site, SAC, SPA and SSSI.

- The River Humber is the second-largest coastal plain estuary in the UK, and the largest coastal plain estuary on the east coast of Britain. It is a muddy, macro-tidal estuary, fed by the Rivers Ouse, Trent and Hull, Ancholme and Graveney. Suspended sediment concentrations are high, and are derived from a variety of sources, including marine sediments and eroding boulder clay along the Holderness coast. This is the northernmost of the English east coast estuaries whose structure and function is intimately linked with soft eroding shorelines. Habitats within the Humber Estuary include 1330 Atlantic salt meadows and a range of sand dune types in the outer estuary, together with subtidal sandbanks (H1110 Sandbanks which are slightly covered by sea water all the time), extensive intertidal mudflats (H1140 Mudflats and sandflats not covered by seawater at low tide), glasswort beds (H1310 *Salicornia* and other annuals colonising mud and sand), and 1150 coastal lagoons. As salinity declines upstream, reedbeds and brackish saltmarsh communities fringe the estuary. These are best-represented at the confluence of the Rivers Ouse and Trent at Blacktoft Sands. Upstream from the Humber Bridge, the navigation



channel undergoes major shifts from north to south banks, for reasons that have yet to be fully explained. This section of the estuary is also noteworthy for extensive mud and sand bars, which in places form semi-permanent islands. Significant fish species include 1099 river lamprey *Lampetra fluviatilis* and 1095 sea lamprey *Petromyzon marinus* which breed in the River Derwent, a tributary of the River Ouse.

- The Humber Estuary comprises 37000 ha and is a nationally important site with a series of nationally important habitats. These are the estuary itself (with its component habitats of intertidal mudflats, sandflats and coastal saltmarsh) and the associated saline lagoons, sand dunes and standing waters. The site is also of national importance for the geological interest at South Ferriby Cliff (Late Pleistocene sediments) and for the coastal geomorphology of Spurn. The estuary supports nationally important numbers of 22 wintering waterfowl and nine passage waders, and a nationally important assemblage of breeding birds of lowland open waters and their margins (Natural England 2004).
- The Humber Estuary is a large macro-tidal coastal plain estuary with high suspended sediment loads, which feed a dynamic and rapidly changing system of accreting and eroding inter-tidal and sub-tidal mudflats, sandflats, saltmarsh and reedbeds. The estuary supports a full range of saline conditions from the open coast to the limit of saline intrusion on the tidal rivers of the Ouse and Trent.
- The Humber Estuary supports a breeding bird assemblage of lowland open waters and their margins, including nationally important numbers of bittern, marsh harrier *Circus aeruginosus*, avocet and bearded tit *Panurus biarmicus*. Breeding bitterns first returned to the estuary in 2000, following an absence of over 20 years, and breeding avocets were first recorded here in 1992. The numbers of avocets in particular have increased substantially in recent years. The following species also contribute to the assemblage: little grebe *Tachybaptus ruficollis*, great crested grebe *Podiceps cristatus*, mute swan *Cygnus olor*, shelduck, gadwall *Anas strepera*, shoveler *Anas clypeata*, pochard, tufted duck *Aythya fuligula*, water rail *Rallus aquaticus*, little ringed plover *Charadrius dubius*, snipe *Gallinago gallinago*, redshank, common tern *Sterna hirundo*, cuckoo *Cuculus canorus*, kingfisher *Alcedo atthis*, yellow wagtail *Motacilla flava*, grasshopper warbler *Locustella naevia*, sedge warbler *Acrocephalus schoenobaenus*, reed warbler *Acrocephalus scirpaceus*, and reed bunting *Emberiza schoeniclus*. The distribution of the breeding species that make up the assemblage is concentrated within (although not restricted to) the clay pits, lagoons and reedbeds at Far Ings – Barton, Read's Island and Blacktoft Sands.

## 2.2.4 Nationally Designated Sites

### 2.2.4.1 The following National Designated Sites lie within 2 km of the Application Site (see figure 2):

Designation	Name or location of site	Grid Reference
Sites of Special Scientific Interest	Humber Estuary	SE982245
	Melton bottom Chalk Pit	SE969271

### 2.2.4.2 Melton Bottom Chalk Pit is described by Natural England as:

- Melton Bottom Chalk Pit displays an extensive exposure of Chalk, overlying the Lias with marked unconformity, and is the type locality for the Welton Chalk Formation. There is also an excellent section of the Ferriby Chalk Formation and the best exposure of the Black Band in England. The last named is a remarkably late Cenomanian organically rich band marking an anoxic event and is only seen in the most north-easterly Chalk outcrops. Such deposits are common in deep oceanic sediments but rare in the Chalk, this horizon representing the spread of such conditions southwards from the deeper portions of the North Sea Basin. The Chalk Pit is located 950m north west and will not be impacted upon by the proposed development.

- **Reasons for Notification:** The Humber Estuary is a nationally important site with a series of nationally important habitats. These are the estuary itself (with its component habitats of intertidal mudflats and sandflats and coastal saltmarsh) and the associated saline lagoons, sand dunes and standing waters. The site is also of national importance for the geological interest at South Ferriby Cliff (Late Pleistocene sediments) and for the coastal geomorphology of Spurn. The estuary supports nationally important numbers of 22 wintering waterfowl and nine passage waders, and a nationally important assemblage of breeding birds of lowland open waters and their margins. It is also nationally important for a breeding colony of grey seals *Halichoerus grypus*, river lamprey *Lampetra fluviatilis* and sea lamprey *Petromyzon marinus*, a vascular plant assemblage and an invertebrate assemblage.
- **Estuary** - The Humber Estuary is a large macro-tidal coastal plain estuary with high suspended sediment loads, which feed a dynamic and rapidly changing system of accreting and eroding intertidal and subtidal mudflats, sandflats, saltmarsh and reedbeds. The estuary supports a full range of saline conditions from the open coast to the limit of saline intrusion on the tidal rivers of the Ouse and Trent. The range of salinity, substrate and exposure to wave action influences the estuarine habitats and the range of species that utilise them. These include a breeding bird assemblage, winter and passage waterfowl, river and sea lamprey, grey seals, vascular plants and invertebrates.
- The extensive mud and sand flats support a range of benthic communities, which in turn are an important feeding resource for birds and fish. Wave exposed sandy shores are found in the outer/open coast areas of the estuary. These change to the more moderately exposed sandy shores and then to sheltered muddy shores within the main body of the estuary and up into the tidal rivers.
- The lower saltmarsh of the Humber is dominated by common cordgrass *Spartina anglica* and annual glasswort *Salicornia communities*. Low to mid marsh communities are mostly represented by sea aster *tripolium*, common saltmarsh grass *Puccinellia maritima* and sea purslane *Atriplex portulacoides* communities. The upper portion of the saltmarsh community is atypical, dominated by sea couch *Elytrigia atherica* (*Elymus pycnanthus*) saltmarsh community. In the upper reaches of the estuary, the tidal marsh community is dominated by the common reed *Phragmites australis* fen and sea club rush *Bolboschoenus maritimus* swamp with the couch grass *Elytrigia repens* (*Elymus repens*) saltmarsh community. On the southern coastal fringe of the estuary on the north Lincolnshire coast, a wide range of saltmarsh communities are present. Good height zonations are found, with levee development along creeks creating extensive depressions holding waterlogged saltmarsh types. Upper saltmarsh is common here. These saltmarsh communities are an integral part of the functioning dynamic estuarine system. They provide nutrients for the mudflats and sandflats and feeding and roosting areas for nationally important numbers of ducks, geese and waterfowl.
- **Saline lagoons** - Within the Humber Estuary SSSI there are good examples of four of the five physiographic types of saline lagoon. These are the isolated lagoon at Humberston Fitties, the silled lagoon at Northcoates 'Point A', the percolation lagoon at Northcoates 'Point B', and the sluiced lagoons at Blacktoft Sands. These lagoons support a number of notable lagoon specialist species including the lagoon sand shrimp *Gammarus insensibilis*, the amphipod *Gammarus chevreuxi*, the chironomid midge *Glyptotendipes barbipes* and a breeding colony of avocets *Recurvirostra avosetta*.
- **Sand dunes** - The sand dunes within the Humber Estuary are features of the outer estuary on both the north and south banks particularly on Spurn and along the Lincolnshire coast south of Cleethorpes. Examples of both strandline, foredune, mobile, semi-fixed dunes, fixed dunes and dune grassland occur on both banks of the estuary and along the coast. Native sea buckthorn *Hippophae rhamnoides* scrub also occurs on both sides of the estuary. The nationally scarce, bulbous meadow grass *Poa bulbosa* is found on the sand dunes at Cleethorpes, and the nationally scarce suffocated clover *Trifolium suffocatum* is found at Spurn.

- **Standing waters** - The most extensive area of standing waters on the Humber occurs at Barton and Barrow. The complex of disused clay pits vary in size and salinity and are a mosaic of open waters. Similar pits occur at other locations on the estuary, such as at Faxfleet and Haverfield Pits. The pits support important breeding birds such as marsh harriers *Circus aeruginosus* and bittern *Botaurus stellaris* and provide roosting and feeding areas for waterfowl.
- **Wintering and passage waterfowl species** - The estuary regularly supports 22 species of wintering waterfowl in nationally important numbers. These are bittern, dark-bellied brent goose *Branta bernicla*, shelduck *Tadorna tadorna*, wigeon *Anas penelope*, teal *Anas crecca*, pochard *Aythya ferina*, scaup *Aythya marila*, goldeneye *Bucephala clangula*, oystercatcher *Haematopus ostralegus*, avocet, ringed plover *Charadrius hiaticula*, golden plover *Pluvialis apricaria*, grey plover *Pluvialis squatarola*, lapwing *Vanellus*, knot *Calidris canutus*, sanderling *Calidris alba*, dunlin *Calidris alpina*, black-tailed godwit *Limosa*, bar-tailed godwit *Limosa lapponica*, curlew *Numenius arquata*, redshank *Tringa totanus* and turnstone *Arenaria interpres*.
- In addition, nine species of passage waders regularly occur in nationally important numbers on the Humber Estuary. These are: ringed plover, grey plover, sanderling, dunlin, ruff *Philomachus pugnax*, black-tailed godwit, whimbrel *Numenius phaeopus*, redshank and greenshank *Tringa nebularia*.
- Wintering waterfowl and passage waders are widely distributed throughout the site, the distribution of individual species reflecting habitat distribution and species ecology. For example, the sandier sediments of the outer estuary are characterised by an assemblage including knot and grey plover, while the largest concentrations of wigeon are found in the saltmarshes of the upper estuary. At high tide, large mixed flocks are concentrated into key roost sites which are at a premium due to the combined effects of extensive historical land claim, coastal squeeze and the acute lack of grazing marsh and grassland on both banks of the estuary.
- **Breeding bird assemblage of lowland open waters and their margins** - The Humber Estuary supports a breeding bird assemblage of lowland open waters and their margins, including nationally important numbers of bittern, marsh harrier *Circus aeruginosus*, avocet and bearded tit *Panurus biarmicus*. Breeding bitterns first returned to the estuary in 2000, following an absence of over 20 years, and breeding avocets were first recorded here in 1992. The numbers of avocets in particular have increased substantially in recent years.  
The following species also contribute to the assemblage: little grebe *Tachybaptus ruficollis*, great crested grebe *Podiceps cristatus*, mute swan *Cygnus olor*, shelduck, gadwall *Anas strepera*, shoveler *Anas chapeata*, pochard, tufted duck *Aythya fuligula*, water rail *Rallus aquaticus*, little ringed plover *Charadrius dubius*, snipe *Gallinago*, redshank, common tern *Sterna hirundo*, cuckoo *Cuculus canorus*, kingfisher *Alcedo atthis*, yellow wagtail *Motacilla flava*, grasshopper warbler *Locustella naevia*, sedge warbler *Acrocephalus schoenobaenus*, reed warbler *Acrocephalus scirpaceus*, and reed bunting *Emberiza schoeniclus*. The distribution of the breeding species that make up the assemblage is concentrated within (although not restricted to) the clay pits, lagoons and reedbeds at Far Ings – Barton, Read's Island and Blacktoft Sands.
- **Grey seals** - The Humber Estuary supports one of the largest grey seal breeding colonies in England with a high rate of pup production compared to other UK sites.
- **River lamprey and sea lamprey** - The Humber Estuary acts as an important migration route for both river lamprey and sea lamprey between coastal waters and their spawning areas. Both species are present in the estuary to some degree all year round, although numbers increase during summer and autumn periods when migration takes place.
- **Vascular plant assemblage** - The site supports an important vascular plant assemblage, including at least ten nationally scarce species. These are characteristic of coastal and wetland habitats. They are bulbous foxtail *Alopecurus bulbosus*, bulbous meadow-grass, divided sedge *Carex divisa*, sea buckthorn, slender hare's-ear *Bupleurum tenuissimum*, spiral tasselweed *Ruppia cirrhosa*, rush-leaved fescue *Festuca arenaria*, curved hard-grass *Parapholis incurva*, suffocated clover and sea clover *Trifolium squamosum*. Common couch sub-species *Elytrigia repens* ssp. *arenosa* has also been included as a notable taxon. In addition, the Humber is of

phytogeographical interest, with several scarce species of vascular plant occurring at or close to the northern or southern limits of their range on the east coast of Britain. Invertebrate assemblage Assemblages of terrestrial and aquatic invertebrates are well represented across the Humber Estuary and its hinterlands. These include many scarce and threatened species across a range of taxa, especially the Coleoptera and Lepidoptera. For example, the sand dunes at Spurn support the ground beetle *Amara lucida*, the white colon moth *Sideridis albicolon* and the shore wainscot moth *Mythimna litoralis*. Saltmarshes such as those at Welwick provide foraging grounds for the solitary bee *Colletes halophilus*, which is closely associated with the flowers of sea aster *tripolium*. Sea aster is also the larval food plant for the starwort moth *Cucullia asteris*. Further upstream, brackish and freshwater reedbeds support the reed-beetle *Donacia clavipes* and the silky wainscot moth *Chilodes maritimus*, both of which are associated with common reed. Areas of willow *Salix spp.* scrub within reedbeds are also important and are the larval food plant of the cream-bordered green-pea moth *Earias clorana*. Fully aquatic species include the water beetles *Agabus conspersus* and *Helophorus fulgidicollis*.

## 2.2.5 Locally Designated Sites

2.2.5.1 The following locally designated sites lie within 2 km of the Application Site (see figure 3):

### 2.2.5.1.1 East Yorkshire Local Wildlife Sites

Site Id	Site Name	Grid Reference	LWS Status
SE9525-07	Long Plantation North Ferriby	SE982252	Deleted LWS
SE9525-09	North Ferriby Ings and Field	SE987252	Designated LWS
SE9525-05	Swanland Verge	SE977275-SE979278	Deleted LWS
SE9525-06	Melton Clay Pit	SE970272	Designated LWS
SE9525-04	Melton Bottoms	SE971279	Designated LWS
SE9525-08	Welton Water Reedbed	SE963248	Candidate LWS

## 2.2.6 Natural England Habitat Inventories

2.2.6.1 All the Natural England Priority Habitat inventories were searched, including the woodland inventory and grassland inventory. The following areas of notable habitat from the Habitat Inventories list were found within 2 km of the Application Site (see Figure 4).

### Ancient Woodland Inventory

Version: Ancient Woodlands

July 2019

Habitat type	Location or comments
Ancient and Semi-Natural Woodland	Eg name of wood, general location
Planted Ancient Woodland Sites	

### Priority Habitat Inventory

Version: Priority Habitats Inventory

August 2017

Habitat type	Location or comments
Deciduous woodland	Several parcels throughout search area
Saline lagoons	E of Brough Aerodrome
Mudflats	N bank Humber Estuary
Coastal saltmarsh	Between saline lagoons and mudflats
Traditional orchard	W side B1231 NE of North Ferriby



Figure 1.

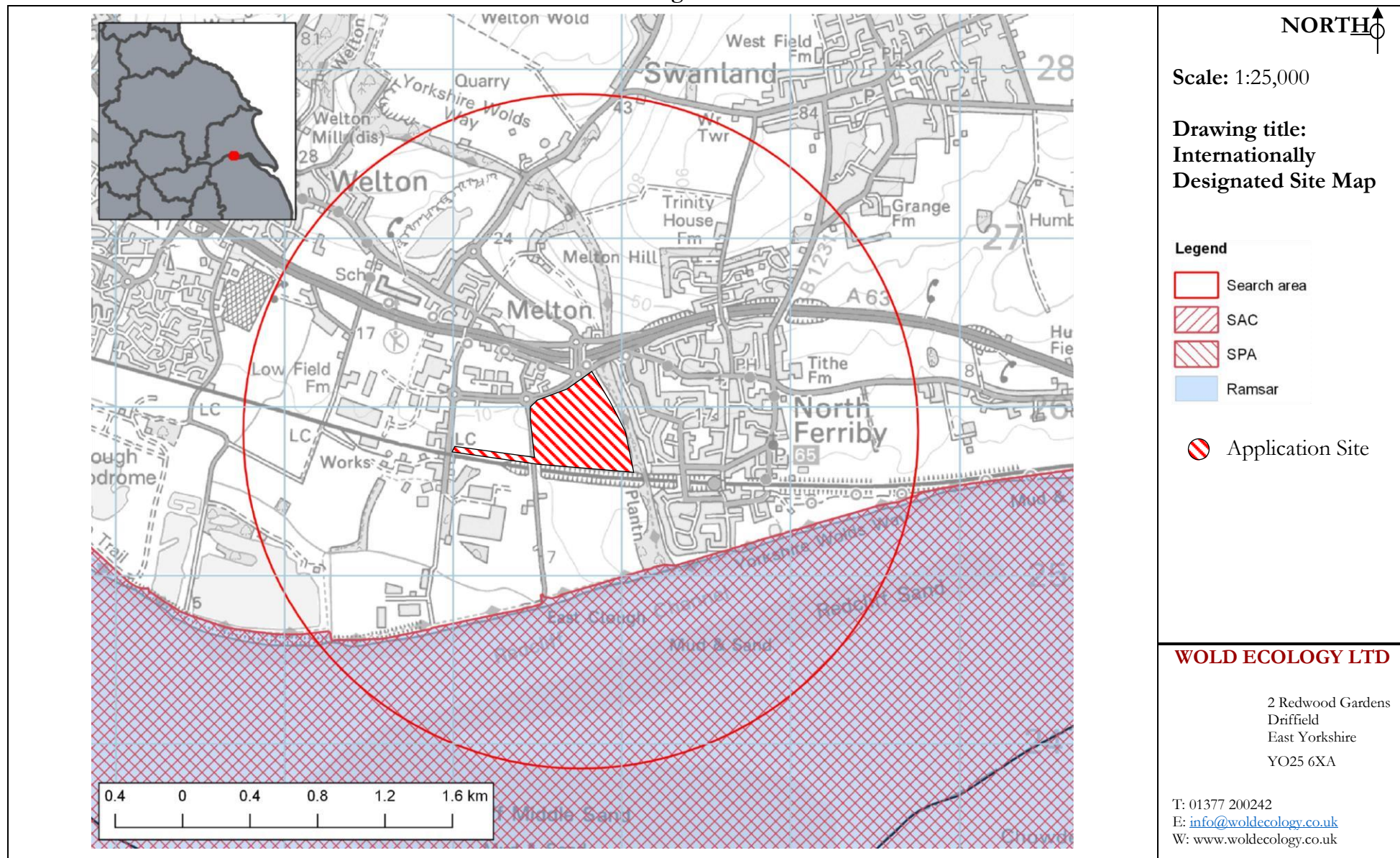




Figure 2.

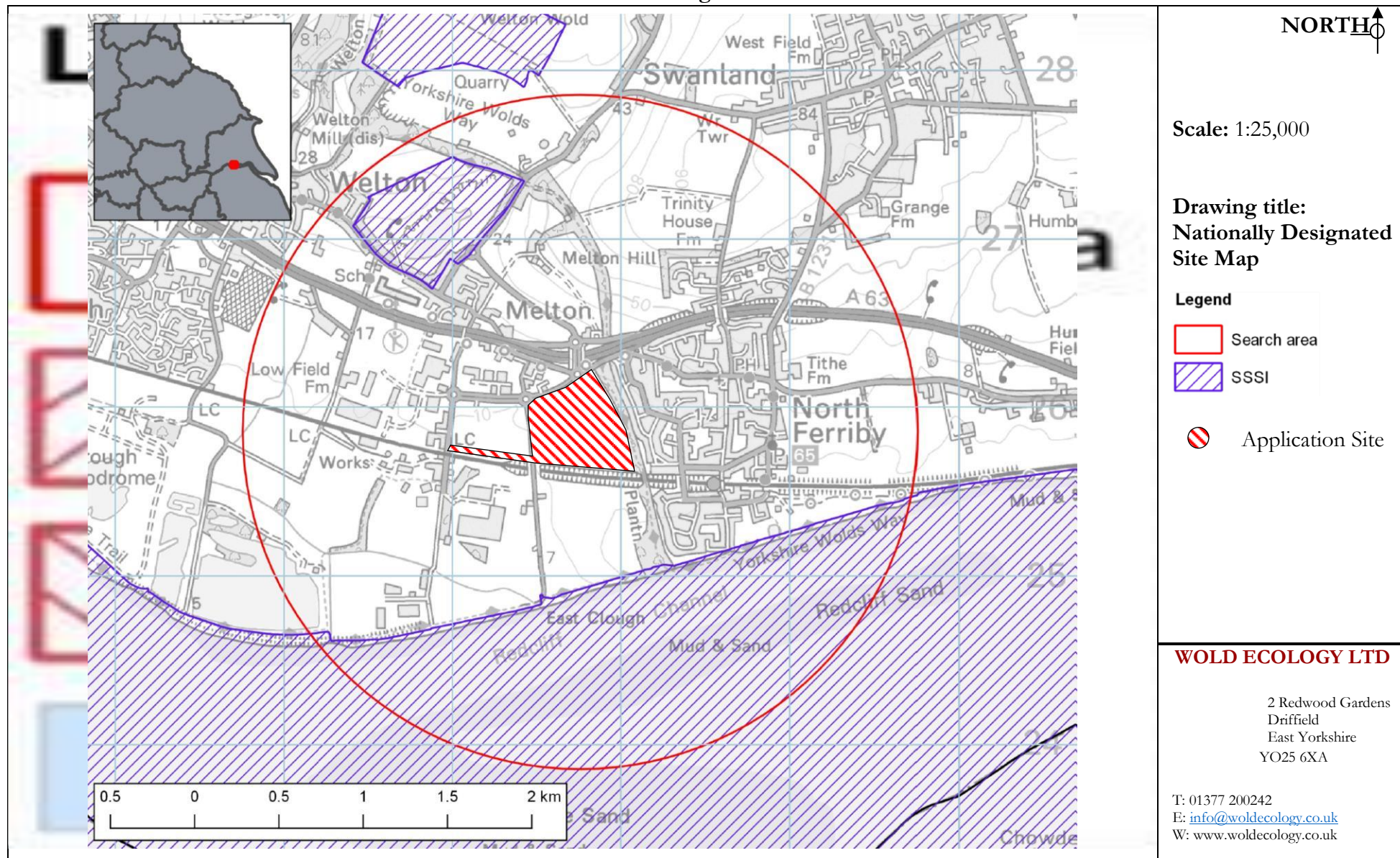




Figure 3.

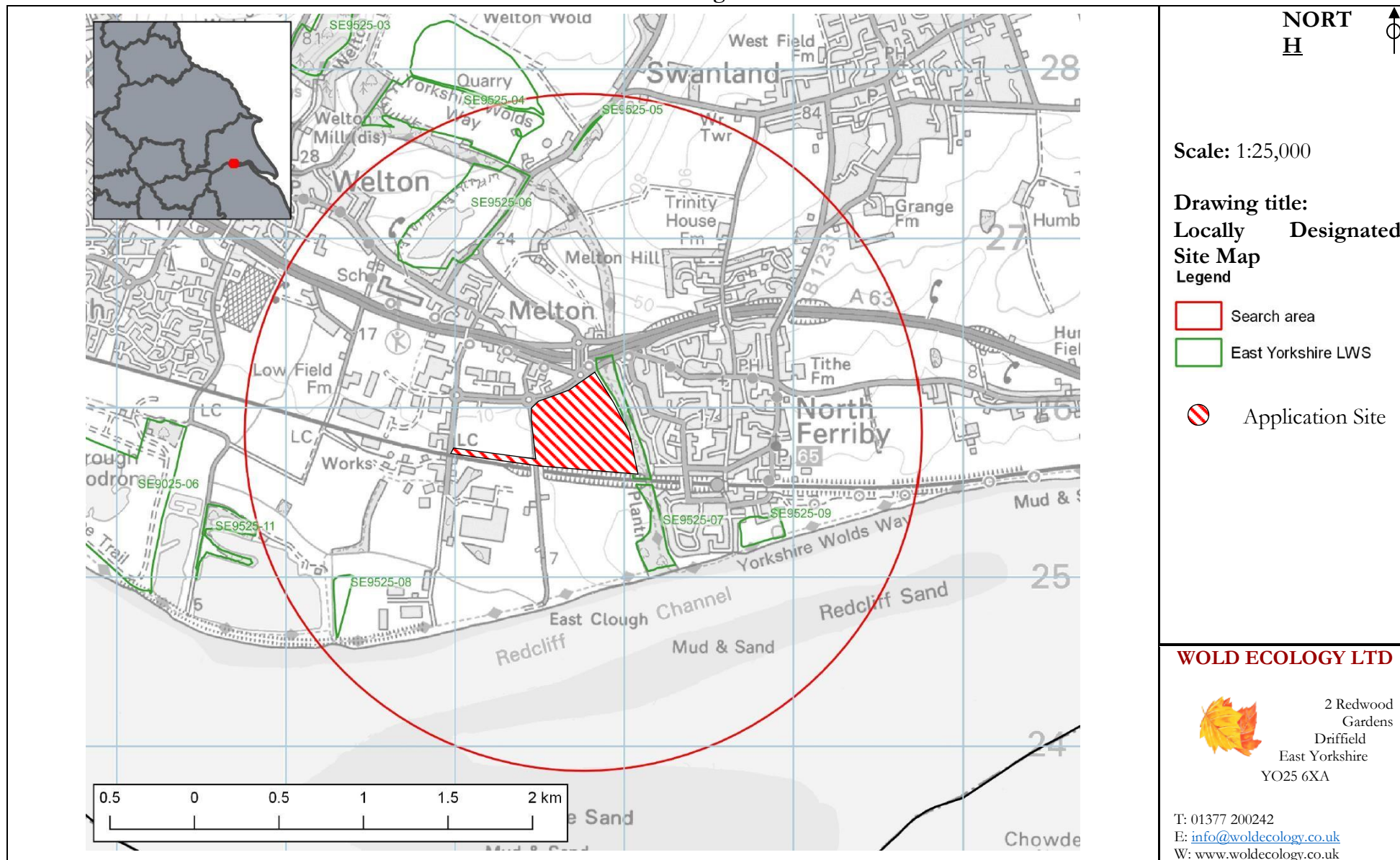
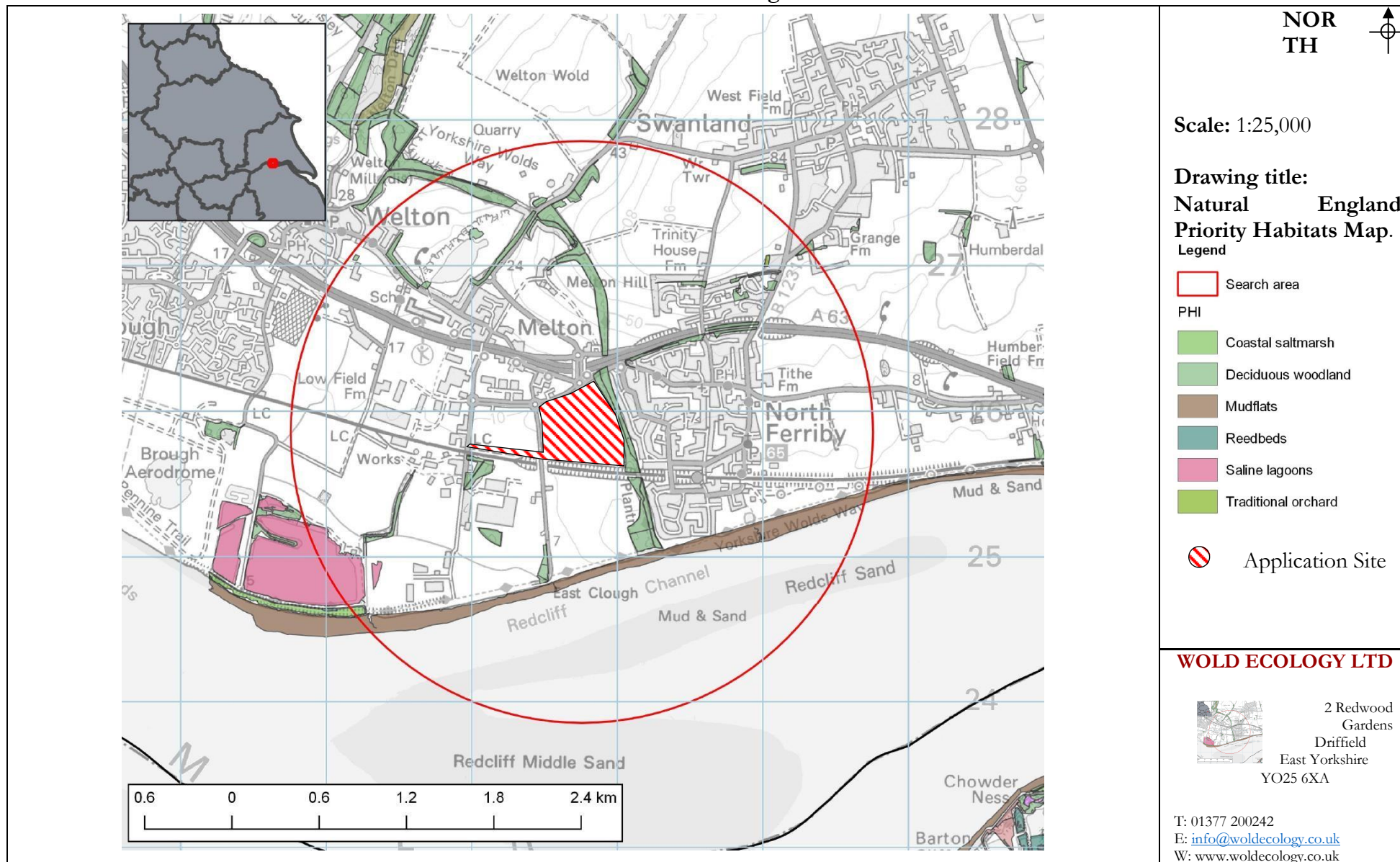


Figure 4.





## **2.3 Natural Character Areas**

- 2.3.1 National Character Areas (NCAs) divide England into 159 distinct natural areas. Each is defined by a unique combination of landscape, biodiversity, geodiversity, and cultural and economic activity. Their boundaries follow natural lines in the landscape rather than administrative boundaries, making them a good decisionmaking framework for the natural environment. As part of its responsibilities in delivering the Natural Environment White Paper, Biodiversity 2020 and the European Landscape Convention, Natural England is revising its National Character Area profiles to make environmental evidence and information easily available to a wider audience.
- 2.3.2 NCA profiles are guidance documents which will help to achieve a more sustainable future for individuals and communities. The profiles include a description of the key ecosystem services provided in each character area and how these benefit people, wildlife, and the economy. They identify potential opportunities for positive environmental change and provide the best available information and evidence as a context for local decision making and action.
- 2.3.3 The Application Site lies within Natural Character Area 41 Humber Estuary and is summarised below:
- 2.3.3.1 The Humber Estuary National Character Area (NCA) focuses on the open and expansive waters of the Humber where it flows in to the North Sea and the adjacent low-lying land. Several major rivers flow into the Humber, including the Trent, Don, Aire, Ouse and Hull, thus draining one-fifth of England. This is a low-lying estuarine landscape, with extensive stretches of intertidal habitats including mudflats, salt marsh and reedbeds, coastal dunes and wetlands along the side of the estuary. The estuary is of international significance, as a Ramsar site and is designated as a Special Protection Area for the large flocks of overwintering, migratory and breeding birds. The estuary is also designated as a Special Area of Conservation for its geomorphology and range of intertidal habitats, its lampreys and breeding colonies of grey seals. The area is particularly important for its dynamic geomorphological processes, the most notable of which form the everchanging, long, remote Spurn peninsula, now designated as Heritage Coast.
- 2.3.3.2 The adjacent land has largely been reclaimed, resulting in large fields bounded by ditches, which form high-quality arable cropping land. There is very little woodland in the rural areas, where the many ditches form important networks linking the few other semi-natural habitats.
- 2.3.3.3 There are strong contrasts within this landscape. Much of it is open and expansive, with long views and tranquil and remote places, such as Spurn Point, Blacktoft and Skitter Ness, or quiet rural areas dominated by farming. These areas contrast with the large towns such as Hull and Immingham, with the industrial complexes, and with the estuary itself which is a busy trading route.
- 2.3.3.4 Key challenges include integrating the development pressures associated with the towns and ports with the protection and enhancement of the landscape and the internationally significant habitats and species. Rising sea levels are another challenge which, when combined with flood flows in the many big rivers that flow into the estuary, can cause major flood events. Addressing the coastal squeeze that is affecting the important intertidal habitats is another challenge, as is understanding and

allowing the natural dynamic estuarine processes, in particular those that shape the Spurn peninsula.

2.3.3.5 The following Statements of Environmental Opportunities (SEO) are relevant to the Application Site:

- **SEO 2:** Encourage a strategic approach to the planning of land uses around the estuary to address the pressures of climate change and development, ensuring that natural processes continue to function, the estuary's biodiversity value is protected and enhanced, and its open and expansive character is retained.
- **SEO 3:** Work with landowners and managers to incorporate more habitats and features into the farmed landscapes that improve biodiversity, address water quality and availability, and contribute to landscape character.
- **SEO 4:** Improve green infrastructure links between urban and rural areas, and seek opportunities for public enjoyment of the open, expansive landscape and its dynamic coastal features and wildlife.

## 2.4 European Protected Species records (relevant to the Application Site)

### 2.4.1 Badger

- Badger *Meles* is recorded within the 2km radius surrounding the Application Site (source – NEYEDC 2020 and Wold Ecology network pers comm).

### 2.4.2 Bats

- There are records of brown long-eared bat *Plecotus auritus*, noctule *Nyctalus noctula*, Natterer's bat *Myotis nattereri*, Daubenton's bat *Myotis daubentonii*, whiskered bat *Myotis mystacinus*, soprano pipistrelle *Pipistrellus pygmaeus* and common pipistrelle *Pipistrellus* within the surrounding 5km radius of the Application Site. (source – NEYEDC 2020 and Wold Ecology network pers comm). Wold Ecology bat records date from 2006 and include over 1000 bat activity surveys.
- Wold Ecology bat activity surveys have identified the following roosts within 5km of the Application Site:

Date	Taxon Name	Common Name	Location	County	Grid reference	Record Type	Abundance
May 2020	<i>Plecotus auritus</i>	Brown long-eared	Church View, Welton	E. Yorkshire	SE 95993 27331	Day	2
June 2016	<i>Pipistrellus pipistrellus</i>	Common Pipistrelle	Tranby Fields	E. Yorkshire	TA 01725 27055	Day	1
July 2016	<i>Plecotus auritus</i>	Brown long-eared	Tranby Fields	E. Yorkshire	TA 01725 27055	Day x 2	4
July 2016	<i>Pipistrellus pipistrellus</i>	Common Pipistrelle	Humber Growers, Welton	E. Yorkshire	SE 95759 26836	Day	1
May 2016	<i>Pipistrellus pipistrellus</i>	Common Pipistrelle	Humber Growers, Welton	E. Yorkshire	SE 95759 26836	Day	1
Nov/Dec 2014	<i>Pipistrellus pipistrellus</i>	Common Pipistrelle	South Hunsley School, Melton	E. Yorkshire	SE 96803 26655	Hibernation	2
August 2011	<i>Pipistrellus pipistrellus</i>	Common Pipistrelle	39 East Dale Road, Melton	E. Yorkshire	SE 96788 26725	Day	1

August 2011	Pipistrellus pipistrellus	Common Pipistrelle	2 Holly Hill, Welton	E. Yorkshire	SE 96266 27243	Day	2
2008	Natterer's	Myotis nattereri	Welton Mill, Welton	E. Yorkshire	SE 96070 27637	Maternity	20
2008	Pipistrellus pipistrellus	Common Pipistrelle	Welton Mill, Welton	E. Yorkshire	SE 96070 27637	Day	2
2008	Plecotus auritus	Brown long-eared	Welton Mill, Welton	E. Yorkshire	SE 96070 27637	Day x 5	7

- The following Natural England development licenses are located within 2km of the Application Site (source - magic.gov.uk):

Specie	Distance from site	Destruction of a breeding site	Destruction of a resting site
Common pipistrelle	930m: NW	N	Y
Common pipistrelle	1km: NW	N	Y
Common pipistrelle	1.7km: NW	N	Y
Common pipistrelle	2km: W	N	Y
source - magic.gov.uk and Wold Ecology.			

#### 2.4.3 Great crested newts

- Great crested newt *Triturus cristatus* is recorded within the surrounding 2km radius with records at:

Location	Distance from site	Direction
Basket Pond, North Ferriby	1.4m	E
source – NEYEDC 2020		

- Great crested newt *Triturus cristatus* is recorded at the Humber Bridge Country Park with population counts for the small upper pond (TA01912573) of 85 individuals and the lower pond (TA01912573) of 173 individuals (source – East Riding of Yorkshire Countryside Access Team and NEYEDC 2020).
- Wold Ecology great crested newt survey during 2016 identified a large population of 192 great crested newts in a single survey at the Humber Bridge Country Park. The great crested newt breeding ponds are 3.7km east of the Site.
- There are no Natural England eDNA records within 2km of the Application Site (source - <https://naturalengland-defra.opendata.arcgis.com/datasets/great-crested-newts-edna-pondsurveys-for-district-level-licensing-england>).
- There are no great crested newt Natural England development licenses within 2km of the Application Site (source – www.magic.gov.uk).

2.4.4 Water vole

- Water vole *Arvicola amphibious* is recorded within the surrounding 2km radius with records at:

Location	Distance from site	Direction
Brough Airfield	2km	W
source – NEYEDC 2020 and Wold Ecology network pers comm		

2.4.5 Otter

- Otter *Lutra lutra* is recorded within the surrounding 2km radius with records at:

Location	Distance from site	Direction
River Humber	550m	S
source – NEYEDC 2020 and Wold Ecology network pers comm		

2.4.6 Reptiles

- There are no reptile records within 2km of the Application Site (source – NEYEDC 2020).
- Grass snakes have been recorded at Brough Airfield and along the River Humber (source – Wold Ecology network pers comm).

2.4.7 A field survey was undertaken by Wold Ecology ecologists on 9<sup>th</sup> December 2020. The descriptions within section 4.0 of the Ecological Impact Assessment (FPCR, October 2020) are representative of the habitats on site.

**3.0 Plot E, Melton Park, North Ferriby. ECOLOGICAL IMPACT ASSESSMENT (EcIA). FPCR, October 2020.**

**3.1 General Comments.**

- 3.1.1 Overall, the majority of information presented is clear and follows the CIEEM EcIA guidelines. However, the Wold Ecology Ltd review and assessment has identified the following.
- 3.1.2 The CIEEM EcIA guidelines state that ‘while it is only essential to assess and report significant residual impacts that remain after mitigation measures have been taken into account, it is good practice to make clear the significant effects in the absence of mitigation and the residual significant effects following mitigation’ (CIEEM 2019). The EcIA does not include a clear assessment of impacts in the absence of mitigation or compensation for the receptors identified.
- 3.1.3 **Recommendation** - Impacts in the absence of mitigation or compensation for all ecological receptors (species and habitats) should be provided separate to the assessment of residual effects following mitigation to clearly identify the impact of the development and clarify the requirement for ecological mitigation within the site. It would also be beneficial to include a table which identifies the impact assessment without mitigation and impact assessment with mitigation. This should be included in the EcIA.
- 3.1.4 EcIA guidelines (CIEEM, 2019) require that cumulative impacts and effects on ecological receptors are considered. During the last 5 years, land adjacent to the Application Site has been developed continually and there is no in-combination assessment of any of the Planning Applications (most recent 20/00595/STPLF) on adjacent land and within 2km.
- 3.1.5 **Recommendation** - Cumulative impacts and effects on ecological receptors should be included as a section within the EcIA, even if no additional effects are anticipated.
- 3.1.6 In addition, the scheme shows little evidence of the implementation of the mitigation hierarchy as required in BS42020:13 Biodiversity Code of Practice (Section 5.2), CIEEM EcIA guidelines.

### 3.2 Desk top study

3.2.1 The desktop study and consultation with the North and East Yorkshire Ecological Data Centre undertaken in December 2019 refers to a 1km search area.

3.2.2 **Recommendation** - update the desk top study to include a 2km data search for notable/protected species and non-statutory sites.

### 3.3 Habitat connectivity

3.3.1 The River Humber is an important habitat corridor, primarily due to the riparian habitats and the undisturbed nature of the river banks (the city of Hull being an exception). On a local level, the railway line with adjacent scrub and tree cover also provides linear connectivity to the Humber Bridge Country Park Local Nature Reserve (3.5km east) and indirectly to important ecological habitats at Welton Waters and Brough Airfield. Long Plantation and the adjoining Terrace Plantation and Bow Plantation to the north west creates a 3.5 km corridor of mixed broadleaf woodland between the River Humber and the edge of the Yorkshire Wolds at Welton; the Wolds in that area comprise pasture and mixed woodlands.

3.3.2 **Recommendation** - Although fragmentation of habitats and the Application Site occurs as a result of new housing estates and the A63 dual carriageway, the EcIA should be updated to reflect the importance of habitat connectivity that the adjacent woodlands/scrub/riparian habitats provide.

### 3.4 Great crested newt *Triturus cristatus*

3.4.1 Section 4.51 states *'One ephemeral area of standing water was noted on Site during the December survey, subsequent site visits during the breeding bird surveys confirmed that this area was dry from April onwards.'*

3.4.2 Section 4.53 states *'Great crested newt aquatic surveys were conducted in support of a previous application on ponds P2, P3 and P4 during spring 2011, with a further suite of surveys conducted on ponds P2, P3, P4, P5 and P8 during spring 2012. Great crested newts were not recorded within any of the ponds surveyed.'*

3.4.3 Section 4.54 states *'The seven ponds within 500m of the Site are isolated from any other waterbodies in the wider landscape, severely limiting the potential for colonisation of these waterbodies by great crested newt since the previous presence/likely absence surveys undertaken in 2011/2012. On this basis it is concluded that great crested newts are considered absent from the site and will not be subject to detailed assessment.'*

3.4.4 Survey data for great crested newts should be less than 2-4 survey seasons old (<https://www.gov.uk/guidance/great-crested-newts>). Based on current information, the most up to date survey data from this site is for surveys undertaken in 2012 and is therefore 8 years old. Isolation alone is an insufficient argument over a timescale of 8 years given studies like Kupfer (1998) documenting great crested newts moving in excess of 1km, with an immature animal moving 1,300m in 7 weeks. The closest known great crested newt pond is located 1.4km east and is connected to the Site by hedgerows and the railway line although these optimum habitat corridors extend the distance to approximately 1.7km.

3.4.5 Albeit with reduced likelihood, 8 years would still provide ample time for natural colonisation from the wider landscape which includes large populations at Humber Bridge Country Park (linked to the site by a railway line and associated scrub/vegetation) and a population at Blasket Pond. Regardless of natural colonisation, there remains the possibility of great crested newt being transferred by wildlife into waterbodies on site.

3.4.6 **Recommendation** - Update great crested newt assessment on all waterbodies within 250m of the Application Site including presence/absence surveys between April and June 2021. This would help to determine whether the impact on this species is still considered negligible or whether further mitigation and compensation is required.

### 3.5 Wintering birds

3.5.1 The WeBS data for spring/autumn passage and low tides presented in the EcIA relates to survey data from 2005 – 2011 and 2003/2004 respectively. WeBS Online (BTO/WWT/RSPB/JNCC) suggest data is present until 19<sup>th</sup> October 2020.

3.5.2 **Recommendation** - Current WeBs data for Brough Haven to North Ferriby and immediately adjacent North Ferriby to Hessle should be obtained and included within the assessment.

3.5.3 **Recommendation** - The wintering bird survey is based on surveys undertaken between October 2017 and March 2018 and whilst the survey methodology complied with best practice, it is recommended that a justification as to why this data (which is 3 years old) is still considered to be current should be included within the EcIA.

3.5.4 The Application Site occurs 550m north of the River Humber. In many instances, the larger the visual stimuli the greater the disturbance response is in birds; however, this is not always the case and a large plant undertaking vigorous work which may cause less disturbance than a single worker walking along a flood bank, particularly if walking onto the water margin. A single sudden sound will generally cause more disturbance than a constant or regular noise regardless of noise level, e.g. a dropped piece of scaffold at 65dB will cause a greater disturbance reaction than ongoing vibration piling at 80dB. Habituation to a stimuli will also usually entail a reduction in the level of reaction - this applies to both visual and noise related disturbance. An exception to this is if multiple stimuli occur at the same time e.g. walkers, works and planes. In this case, an effect called facilitation may occur, where a greater reaction than expected is observed.

3.5.5 Generic water-bird responses to disturbance from a range of activities including construction work based on a range of research papers, but in particular, those included in Davidson & Rothwell 1993 and in relation to the Application Site can be seen in the table below.

Regular piling noise (above 70db)	Moderate
Irregular piling noise (50db-70db)	Moderate
Regular noise (50db-70db)	Moderate to low
Occasional movement of crane	Moderate to low
Noise below 50db	Low
Activity behind screen	Low

3.5.6 Water bird activity.

a) High Level Disturbance Stimuli –

- Sudden single noise of over 60dB (at the bird) e.g. single or initial pile impact, dropping of piles on hard surface in undisturbed environment.
- Continuous/repetitive noise over 72dB (at the bird) e.g. ongoing percussive or Movax vibro-piling (depending on receptor distance).
- Close proximity of activities to birds e.g. works or works access undertaken less than 100m from bird activity
- Workers operating outside of plant e.g. single operative working on the bank may have a greater impact than an operational excavator or other plant.
- Workers vacating plant e.g. when an operator vacates an excavator or other plant, then disturbance levels can increase.
- Works access e.g. access by operators along bank crest to and from plant can have a greater disturbance effect than the plant operation.
- Large/fast moving machinery e.g. slow-moving vehicles can have a lower impact than fast. However, vehicles stopping can cause a flight response.
- 3rd parties accessing along the foreshore. Often difficult to account for and manage, but restriction to public access can be effective mitigation.

b) Moderate Disturbance Stimuli

- Sudden noises of 55-60dB (at the bird) e.g. as above (55-60dB can be moderate or high depending on context).
- Continuous/repetitive noises 60-72dB (at the bird) e.g. as above.
- High level disturbance activities that have reduced impact due to habituation. As above, but if ongoing, habituation can occur reducing impact.
- Slow moving/small plant. Plant movement can cause disturbance at any speed. However, vehicles coming to a halt can on occasion increase response.

c) Low Level Disturbance Stimuli

- Noise of less than 55dB (at bird). This is often below background levels.
- Noise of 55-72dB in a highly disturbed environment e.g. with background ambient noise levels of >60dB.
- Moderate level disturbances that have reduced impact due to habituation. As above but with regular occurrence increasing habituation.
- Works that are out of sight of birds and create a low-level noise e.g. behind bank - but overflying birds may respond and locate away from works.
- High level works where the birds are always over 500m away (before start up). This may be reduced to a 300m radius with habituation.
- Moderate level works where the birds are over 300m away (before start up). Potential for further slight range reduction with habituation (c. 250m).

3.5.7 **Recommendation** - A detailed impact assessment is included within the EcIA including control measures. These may include timing of works, access restrictions to the field to the south and enhanced screening.



### 3.6 Curlew

- 3.6.1 Around North Sea coasts, the preferred wintering habitats are large estuarine mudflats (Lack 1986), with fields adjacent to estuaries providing important supplementary feeding habitat for curlew over winter particularly during high tide (Townshend 1981; Stillman et al. 2005).
- 3.6.2 Curlew are a species which prefers open landscapes with wide visibility, unbroken by forest or woodland, or by ravines and other features permitting surprise approach. This includes excessively dense vegetation causing enclosure and making feeding unsuitable without risk of predation. Height and density of vegetation, frequency and extent of bare damp or wet patches, nature and frequency of disturbance, and gradualness of change in traditionally occupied territories are significant influences, as also is fairly wide-ranging habit which enables different acceptable combinations to be found within territory overlapping 2 or more habitat types (Cramp and Simmons 1980).
- 3.6.3 Previous bird surveys by FPCR identified curlew using the Application Site, and particularly the adjacent field to the south. Additionally, Cutts et al (2016) identified the southern field as being used by curlew for loafing/feeding in winter/early spring before arable crops grow too high. FPCR recorded a peak count of 23 curlew within the Application Site, which represents 0.8% of the estuary population (based on a five-year peak mean of 2743 for the period 2011/12 – 2015/16). The field to the south (winter cereal) was utilised as a foraging and roosting resource during the winter period. Numbers ranged from 0 – 34 (mean of 16), with the peak count representing 1.2% of the estuary population. Previous FPCR wintering bird surveys conducted between 2009/2010 and 2010/2011 recorded a significantly higher peak count of 130 curlew within the field to the south of the railway.
- 3.6.4 The 2010/2011 FPCR survey suggests that curlew are unlikely to make regular use of the field to the south of the railway line for night-time feeding or roosting. Waders on the Humber are known to feed during both day and night according to the tide times (Woodward et al 2015). MacDonald (2009) also noted that nocturnal feeding habitat was currently unknown for many parts of the Humber and hence some of the fields that do not appear to be used during the day may become important at night. MacDonald (2009) states 'it is therefore important that any decisions regarding mitigation should take account of the uncertainties about the nocturnal usage of fields in the area'. This is particularly relevant with respect to the Application Site and may result in the presence of larger numbers of curlew and different species (e.g. golden plover) that were not recorded during the diurnal surveys.
- 3.6.5 **Recommendation** - As the proposed development will be a 24 hour facility, further nocturnal surveys would establish the exact impact of the proposed development on estuarine waders, which may be notably higher than the diurnal surveys suggest. Nocturnal surveys should be undertaken in support of the EcIA and Habitat Regulations Assessment.
- 3.6.6 On the Humber Estuary, curlew appear to use inland areas only for feeding, and at relatively low densities. Some fields seem to be preferred and are used year after year, possibly related to lack of disturbance, to high density of earthworms, or both. MacDonald (2009) carried out a comprehensive literature review of curlew, as well as other key wader species, and found that habitats with relatively short sward heights were

preferred, mostly within 1km of the estuary, with both arable and grassland habitats favoured.

- 3.6.7 The annual variation of crop grown in the southern field has not been assessed within the EcIA. During winter 2020/2021, the field to the south of the Application Site contained a winter crop with a high/dense structure, unsuitable for curlew. The occurrence of unsuitable winter sown crops being grown in the field to the south the Application Site may become more important to curlew once the Application Site is lost to development. In the event of the Application Site being developed and the field to the south containing tall/dense crops (i.e. turnips, sprouts, swede, miscanthus, winter root vegetables, oil seed rape) unsuitable for wintering curlew, the importance of the Application Site for curlew may be undervalued. The impact assessment assumes that the southern field will remain suitable for wintering curlew and this may not be the case.
- 3.6.8 **Recommendation** - Mitigation is implemented for estuarine birds notably curlew or strict limitations of crop type/sowing time is implemented on the field to the south of the site. The report by FPCR also highlights a number of ways to retain and encourage breeding agricultural and woodland bird species on site, with mitigation for wintering passerines like buntings. It is recommended that further provision of winter feeding is considered.
- 3.6.9 Section 6.12 states *'The implementation of the already agreed mitigation measures outlined above, together with incorporation of the other methods listed, subject to detailed designs, would result in a Neutral effect on curlew within the offsite fields to the south'*.
- 3.6.10 **Recommendation** - Details of the agreed the mitigation and consent documentation should be provided. It is unknown if the agreed mitigation was for a B8 development and for a building height of between 22.6m and 25m?
- 3.6.11 Section 6.17 states *'An indirect impact could arise from an increase in visitors to Long Plantation Woodland from employees from the scheme going on a short lunchtime walk. This could lead to increased disturbance and trampling of flora within the woodland'*.
- 3.6.12 **Recommendation** – A justification why only short woodland walks would be undertaken should be included within the EcIA? The River Humber is approximately 5-10 minute walk from the southern boundary of the Site and the views of the Humber Bridge and the river would probably be quite attractive to the staff and could easily be completed within a 30 - 60 minute lunch break. The EcIA appears to have overlooked the recreational pressure and disturbance from the 1500 staff plus contractors at the warehouse and this impact should be included within the EcIA.
- 3.7 Hedgehogs**
- 3.7.1 Section 4.7.5 states that *'hedgehogs are common and widespread'*. Hedgehog numbers have fallen by as much as 50 per cent since 2000, and it is believed there are now fewer than one million hedgehogs in Britain. The hedgehog population was estimated around 30 million in the 1950s.
- 3.7.2 **Recommendation** – A hedgehog method statement including safe working practices should be included within the Construction Environmental Management Plan and that the Wildlife Enhancement Plan includes measures that will provide compensatory habitat for this species.

### 3.8 Reptiles

3.8.1 Reptiles are recorded within the wider area and whilst the majority of the Site is unsuitable for reptiles, marshy grassland and ecotones have some value.

3.8.2 **Recommendation** – A reptiles method statement including safe working practices should be included within the Construction Environmental Management Plan and that the Wildlife Enhancement Plan includes measures that will provide compensatory habitat for this species group.

### 3.9 Bats

3.9.1 Although the inspection of trees T4 and T6 concluded that the trees had low/moderate suitability for roosting bats, there is no justification as to why bat activity surveys for these trees were not undertaken.

3.9.2 Section 3.8 of the Bat Report states, *'In accordance with Chapter 6 in 'Bat Surveys for Professional Ecologists: Good Practice Guidelines'4, where this inspection categorised a PRF or tree as containing moderate or high bat roosting potential then further surveys would be necessary'*. T4 is categorised as having Moderate Suitability, there is no evidence in the bat report that an emergence survey has been undertaken for tree T4.

3.9.3 The level of survey to give confidence in a negative result is summarised as (Bat Surveys for Professional Ecologists, 3<sup>rd</sup> Edition. Bat Conservation Trust, 2016):

Low Roost Suitability	Moderate Roost Suitability	High Roost Suitability
One survey visit. One dusk emergence or dawn re-entry survey.	Two separate survey visits. One dusk emergence survey and a separate dawn re-entry survey.	Three separate survey visits. At least one dusk emergence survey and a separate dawn reentry survey. The third visit could either be dusk or dawn.
May to August.	May to September with at least one survey between May to August.	May to September with at least two surveys between May to August.

3.9.4 **Recommendation** – A further bat activity survey is undertaken between May and August to identify if roosting bats are present within T4.

3.9.5 Section 6.36 states *'The detailed lighting scheme should take into account measures set out in Guidance Note 08/18; Bats and Artificial Lighting in the UK31 to ensure that existing and new habitat resources are not negatively affected by artificial lighting during the operational phase'*.

It is unclear if the lighting scheme has taken into account the aforementioned guidance. Wold Ecology have worked on sites close to large warehouses and we have been aware of light pollution especially on cloudy nights that appear to reflect light back to ground level. Wold Ecology bat surveyors have worked on sites where head torches have been not been required to write notes and this has purely been from light pollution from a large warehouse within 100m; very few bats were observed during the emergence and return surveys. Whilst we do not claim to be lighting experts, the lighting strategy must clearly ascertain the impacts from accumulative light pollution to the wider area.

#### 4.0 Construction Environmental Management Plan (CEMP)

- 4.1 The details within the CEMP are quite vague and it is not clear if they will reduce impacts. For example, Page 5 states *‘Loading and unloading of vehicles, dismantling of site equipment such as scaffolding or moving equipment or materials around the site to be conducted in such a manner as to minimise noise generation and where practical to be conducted away from sensitive receptors.’*
- 4.2 **Recommendation** - The terminology used in this section needs clarification to explain in detail how noise generation can be minimised using practical easily understood methods. Using terms as; *‘such a manner’* can be confusing and *‘sensitive receptors’* without detailed clarification of what the sensitive receptors are.
- 4.3 Page 5 states *‘Careful consideration will be given to planning construction traffic haul routes’*
- 4.4 **Recommendation** - these considerations need detailed clarification to minimise the possibility of confusion, especially relating to which routes have the greatest impact.
- 4.5 Page 15 states *‘If construction activities occur after dusk then lighting will be kept to a minimum with directional lighting used to minimize light spill onto areas of retained or newly created trees/shrubs/hedgerow.’*
- 4.6 **Recommendation** - Further details are required as to how exactly this will be achieved? It would also be beneficial to identify dark corridors on a site plan.
- 4.7 The CEMP does not include reptiles, hedgehogs, mammals or amphibians. For example, mobile species could fall and become trapped in trenches/excavations.
- 4.8 It is difficult to assess if the relatively vague prescriptions in the CEMP are feasible and will lessen impacts to receptors.
- 4.9 **Recommendation** – Inclusion of detailed prescriptions to reduce impact to ecological receptors and to assess the feasibility of prescriptions. It would be beneficial to include a table which summarises the impacts without mitigation and impacts with mitigation.

## **5.0 Shadow Habitat Regulations Assessment**

- 5.1 The applicant has provided a report on information to inform a habitat regulations assessment to inform the Council as the Competent Authority in their assessment of likely impacts on the designated features of the Humber Estuary protected site. In the most part, the assessment is robust and construction activities are closely aligned.
- 5.2 Under section 63 of the regulations, the applicant must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required and take the opinion of the general public, as it considers appropriate.
- 5.3 In this instance, there are concerns that the evidence provided is not suitably up to date given the omission of key and relevant projects in the immediate area within the in-combination assessment. Namely, the numerous major infrastructure projects (built and un-built) at the Gibson Lane industrial park to the west of the Application Site. The footprint of these and the Brough development has led to loss of significant areas of fringe functional land that whilst not significant alone, could lead to cumulative impacts on overwintering species associated with the Humber Estuary. As a number of these projects are not yet built, in-combination impacts of noise during the construction periods should also be assessed, if the development within 500m are undertaken concurrently.
- 5.4 In combination assessment has undertaken a scoping exercise in relation to other project and plans but relies heavily on Natural England's assessment and does not assess the cumulative impacts of SPA species displacement from agricultural land. Of particular note is the absence of the proposal to erect a number of turbines to the west of the proposal, several of which are yet to be installed. Projects include, but are not restricted to 14/01499/STPLFE, 14/03951/STPLFE and 16/01231/STVARE. The erection of an approved anaerobic digestion plant 18/03116/CM has recently seen an application submitted to move the location closer to the Humber Estuary.
- 5.5 There are concerns of the validity of the wintering bird data for this project, given that it dates back to 2017/18. This data is insufficiently robust to show whether there will be a likely significant effect either alone or in-combination with other relevant projects. Given that the 2017/18 data recorded 0.84% of the overwintering population of curlew (2013/14 – 2017/18) within the Application Site, additional data should be provided to allow a robust assessment of impacts to SPA species, particularly in light that the most recent 5 year mean has fallen to 2695 birds for 2014/15 – 2018/19.
- 5.6 Recreational impacts have been scoped out; however, the assessment does not review the impact of visitor pressure. There will be extended periods where delivery trucks and vans have reached their time limit or when employees wish to take rest breaks. The edge effects of people using the area more should be

assessed particularly if site safety pressures mean use of facilities within the warehouse are limited for external visitors.

- 5.7 In light of the concerns in relation to impact on SPA species, it is considered reasonable that robust and up to date wintering bird survey data is provided in support of this application, without which it is considered that the council are unable to make a scientifically rigorous assessment of the impacts on designated features either alone or in-combination. Based on the scale and nature of the scheme, the request is not considered to be disproportionate. The provision of such information is required in order to meet the requirements of Regulation 61 of the Habitat Regulations.
- 5.8 Mitigation measures in relation to noise and visual impacts on the significant overwintering population to the south of the railway line are welcomed but potential displacement effects on Humber Estuary (SPA) birds cannot be accurately assessed given the age of the data. In the absence of such information as outlined above, it is not currently possible for the East Riding of Yorkshire Council to conclude that the application will not lead to adverse effects on the integrity of the Humber Estuary SPA.



# **APPENDIX 2**

## **Technical Review of Noise Impact Assessment by Nova Acoustics Ltd**



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03/12/2020

**Project Number:** 5365JJ

**Site Address:** Melton West, Plot E

NOVA Acoustics Ltd has been commissioned to undertake a technical review of a noise impact assessment associated with the development of the site at Melton West, Plot E into a warehouse and distribution facility, planning classification B8.

The 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 has been submitted to East Riding of Yorkshire Council.

The noise impact assessment associated with the application ref. A118212 was undertaken by WYG on behalf of the developers.

To date, there are 338 public comments associated with the application 334 of which are objections.

The local environmental protection team have provided comment on the application dated Wednesday 18<sup>th</sup> of November 2020 however none of the comments relate to the noise impact from the proposed development. Given the noise impact assessment for the proposed development was submitted on the 27<sup>th</sup> of October 2020 it is assumed that the local environmental protection team have seen and reviewed this report however this can not be confirmed at this time.

In section 1.1 of the noise impact assessment the WYG reference conversations with the local environmental health officer as follows:

*'Telephone discussions were held with Mr Tom Pitt, Environmental Health Officer of East Riding of Yorkshire Council on Friday 2<sup>nd</sup> October 2020, to determine an appropriate assessment methodology. WYG proposed an assessment in accordance with BS 8233 and BS 4142, which was accepted by Mr Pitt as the most appropriate guidance to adopt. It was agreed that the assessment of fixed plant would be in accordance with BS 4142 and limits would be set to achieve 10dB below the background sound level. For delivery operations, including HGV movements and unloading, a BS 4142 assessment would be carried out and, where necessary mitigation proposed to achieve a cumulative Low Impact of site operations. Additionally, a cumulative noise intrusion assessment of all operations, including staff car parking would be carried out in accordance with BS 8233.'*

NOVA Acoustics Ltd would agree that the BS4142 methodology is appropriate in scenarios where industrial /commercial noise impact requires assessment however BS8233 is not an appropriate standard of assessment.

BS8233 states that the standard should be used to assess 'Anonymous Noise' such as transport noise from road and rail. It also goes on to indicate that when assessing industrial noise sources,





which can be classed as non-anonymous noise the standard methodology used should be BS4142. Given this, the cumulative BS8233 noise intrusion assessment outlined in the report should not be considered when assessing the noise impact from the site.

Having undertaken a review of the measurement methodology and noise survey result NOVA acoustics Ltd would generally agree with the appropriateness of the measurement locations and results presented within the report.

As indicated in the report, there were five short term measurement positions and four long term measurement positions. Meteorological data has been presented for the sort term measurements however it is not indicated where or how this was obtained. It is assumed that this weather data were measured at the site during the short term survey however this point should be clarified.

The weather data stated in the report has been compared with met office weather data from the closest permanent weather station at Swanland approximately 2.5km away presented below.

<b>Historical Weather Conditions</b>				
<b>Time period</b>	<b>Air temp (°C)</b>	<b>Rainfall mm/h</b>	<b>Prevailing Wind Direction</b>	<b>Wind Speed (m/s)</b>
11/12/2019 – 14:40 – 14:55	4.4	0.0	S	0.9
11/12/2019 – 15:10 – 15:25	4.4	0.0	S	0.9
11/12/2019 – 15:55 – 16:10	4.8	0.0	SW	0.9
11/12/2019 – 16:10 – 16:25	4.7	0.0	SW	0.5
11/12/2019 – 19:40 – 20:10	2.3	0.0	SW	0.5
11/12/2019 – 20:10 – 20:25	2.1	0.0	SW	0.5
11/12/2019 – 22:55 – 23:10	0.7	0.0	SW	0.5
11/12/2019 – 23:25 – 23:40	0.7	0.0	SW	0.5
11/12/2019 – 23:40 – 23:55	0.7	0.0	SW	0.5

*Table 1.0 – Weather Summary*

As can be seen, the met office weather data above indicate different weather conditions to what is presented in the WYG report. Whilst the weather conditions presented above fall within the parameters in BS7445:2003 - Description and measurement of Environmental Noise, Part 1 – Guide to quantities and procedures & Part 2 – Guide to the acquisition of data pertinent to land use this inconsistency may indicate further inconsistencies with regards to assessing the weather conditions and long term noise data in conjunction.

The noise data from the long term measurement has been assessed against local weather conditions during the noise survey however no long term weather data of long term measurement time histories have been presented within the assessment so this cannot be confirmed.



The noise survey was undertaken between 6/12/2019 – 17/12/2019 over an approximate 11 day period which equates to approximately 176 hours of day time (07:00 – 23:00) noise data and 88 hours of night time (23:00 – 07:00) noise data.

As can be seen in the results table, Table 4.3 of the report the data set has been reduced to a minimum of 36 hours of usable day time data and 24 hours of usable night time data.

Given the large amount of noise data that has been removed from the assessment due to poor weather, this may indicate the baseline noise survey is not representative. Weather conditions during the survey need to be fully clarified, as well as any sections of noise data that have been removed from the analysis and assessment.

A review of the plant noise assessment in section 5.1 indicates that the associated plant with the development has not yet been specified and example noise levels data has been used. There is no indication as to where this data has been obtained. However, this has been used to define a plant noise limit level which is an approach NOVA acoustics Ltd generally agrees with.

The assessment references rooftop-mounted BSP plant units only, however, a brief review of the plans indicates that there will also be no.2 substations, sprinkler tanks and a pump house the plans indicate these will be located along the eastern facade of the building in close proximity to the closest NSR. These sources should be detailed within the assessment.

A +2 dB rating penalty for barely audible tonal components has been applied however no justification from this has been provided. Given the proposed amount of building services and plant in relation to the location of the noise-sensitive receptors, it is assumed that there could be clearly perceptible tonal components from the plant noise at the surrounding NSR. Thus a conservative assessment should be undertaken and a + 4 dB tonally penalty should be applied for clearly audible tonal components.

Further to the above, it is also highly likely that the plant and services associated with the development will operate intermittently especially if they are to be used for heating/cooling or refrigeration as the plant will only likely operate sporadically dependent on the temperature parameters. Given this, a further +3 dB rating penalty should have been applied to the plant noise assessment.

Given the above, the rating noise levels at the surrounding NSRs could legitimately be 5 dB higher than stated within the BS4142 assessment outlined in the report.

When applying the further 5 dB rating penalties we note that at the vast majority of the noise sensitive receptors the rating noise levels would fall outside of the criteria discussed with the Environmental Health Officer 10 dB below the background sound level.

As discussed in the previous section of this letter BS8233 noise criteria should not be used to assess non-anonymous noise sources such as industrial noise. This is clearly stated in the standard and thus section 5.2 of the noise impact assessment should be discounted completely.

Section 5.3 of the WYG report undertakes a cumulative BS4142 noise impact assessment. The report states the cumulative BS4142 assessment includes analysis of 'HGV movements, unloading, parking, staff parking and building services plant'. However, noise breaking out of the building envelope seems to not have been assessed, given the size of the building and the fact the façade and roof would propagate sound as an area source this is an omission that needs to be included in the assessment.

Generally, we would expect internal noise levels within the development to fall in line with the Noise at Work Regulations 2005 and range from 80 – 85 dB.



It is assumed that the building will be constructed of a composite steel sheet such as Kingspan KS1000 with a sound reduction of 24 dB  $R_w$ .

Using the formula  $L_1 - R - 6$  we would expect sound pressure levels breaking out of the façade of 55 dB. The plans indicate the footprint of the building to 51,861 m<sup>2</sup> it can be assumed that the roof of the building is the same size. Given this simple example, we would expect the roof alone to have a potential sound power level of 102 dBA when assuming  $L_1 + 10\log(S)$ .

When further including the sound power levels and area propagation of the façades and roof of the proposed development this could lead to a significant increase in noise levels at the surrounding NSRs and alter the outcome of the assessment. Noise breaking out of the building envelope should be assessed to ensure the full extent of the potential noise impact is accounted for.

Further to the above in section 5.3, it is stated that a +3 dB rating penalty has been applied to account for deliveries, although not specifically stated within the noise impact assessment, it is assumed that this penalty has been applied for the intermittency of deliveries to the site.

As indicated in section 5.3 the cumulative assessment does include plant noise but the above seems to disregard any potential tonal elements to the noise emissions of the mechanical plant and services and/or HGV engines and reversing alarms. This contradicts the plant noise assessment in section

5.1 where a tonal correction has been applied to the plant.

Were this extra +2dB penalty to be applied to the rating noise levels it can be seen that, at the most exposed NSR, the rating noise levels would fall 4 dB above the background sound level in the night time. This equates to 'Adverse Impact' when assessed in accordance with BS4142.

As discussed above given the size and amount of plant to be installed as part of the development tonal components will likely be clearly audible at the surrounding Noise Sensitive Receptors.

Given this, we would expect +4 dB penalty to be applied to for potential tonal components associated with the noise emissions from site.

It should also be noted that delivery noise can legitimately be considered to have impulsive features such as HGV trailers contacting with loading bay doors, loading ramps, pallet trucks and forklifts etc and, therefore, an impulsivity rating penalty should have been applied. As with the tonal component penalty, given the location and number of the loading bays, it is highly likely that any impulsive components will be audible and thus a +6 dB rating penalty should have been applied to ensure a conservative assessment or as a minimum +3 dB.

Assuming a +4 dB tonality penalty and a +6dB impulsivity penalty are applied to the cumulative noise emissions we would expect the rating noise levels as stated in Table 5.6 of WYG Report to raise by 10 dB considering a worst-case scenario.

At the most exposed NSR, the rating level in the day would fall + 6 dB above the background sound levels which indicates 'Adverse Impact' in accordance with BS4142. During the night time we would expect the rating noise levels to fall 12 dB above the background sound levels this indicates 'Significant Adverse Impact' When assessed in accordance with BS4142.

Further to the above given the noise breaking out of the envelope of the building has not been considered the impact could potentially be even higher.

In conclusion, a review of the WYG Noise Impact Report has been undertaken. The following points have been raised and do need further clarification:



- The data omitted due to bad weather and the weather conditions throughout the long terms survey needs clarifying.
- The rating penalties applied to the plant noise assessment need to be clarified and reassessed.
- The BS8233 noise intrusion assessment should be discounted as this standard and noise criterion should not be applied to assessing industrial /commercial noise.
- It should be clarified whether noise breaking out of the building envelope has been assessed or not. Should it be found not to have been assessed the assessment should be revised to include this.
- The rating penalties applied to the cumulative noise assessment need to be clarified, reviewed and adjusted accordingly. These should include intermittency, tonal component and impulsivity penalties as outlined in BS4142:2014.

Kind regards

Jamie Barratt-Gibson, *MSc, MIOA, MIET*.

Senior Acoustic Consultant

Approved By:

Adam Martin, *MSc, MIOA, MCIEH, MIET, MInstSCE*

Director & Principal Acoustic Consultant

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TOWN PLANNING  
MASTERPLANNING & URBAN DESIGN  
ARCHITECTURE  
LANDSCAPE PLANNING & DESIGN  
INFRASTRUCTURE &  
ENVIRONMENTAL PLANNING  
HERITAGE  
GRAPHIC COMMUNICATION  
COMMUNICATIONS & ENGAGEMENT  
DEVELOPMENT ECONOMICS

## APPENDIX 2

### of NORTH FERRIBY PARISH COUNCIL INTERIM OBJECTION

Letter from Ashtons Legal



East Riding of Yorkshire Council  
County Hall  
Beverley  
East Riding of Yorkshire  
HU17 9BA

Date: 16th December 2020  
Our Ref: BMG/LXD/293933-0001  
Your Ref:  
Direct No: 01806 533242  
Direct Fax: 01223 323370  
Email: Bob.McGeady@ashtonslegal.co.uk  
Dept: Commercial Property

Dear Sirs

### Planning Application 20/03555/STPLF

We are instructed by North Ferriby Parish Council in relation to the above application. Please take this letter as my client's formal response to the application. Whilst my clients do not object to the principle of the development they are very concerned that certain proposals within the application will cause significant and unnecessary harm to the neighbourhood and in particular the existing open space previously provided in accordance with a section 106 agreement relating to other development nearby. For the reasons which follow my clients take the view that without major revision the application is insufficiently detailed and the impact inadequately assessed such that it cannot be approved in its current form. Whilst it is hoped that the Council will act properly and responsibly and deal with the issues raised my clients have asked me to make it clear that they will seriously consider making an application for judicial review if permission is granted at this time.

I now turn to the substance of my client's concerns.

### Existing Open Space

This area has been provided in accordance with a section 106 agreement of 2004. In that agreement there was a requirement to provide the Open Space and maintain the Plantation. The reason behind the requirement to provide these areas of land was to ensure that there was a separation between the development but also to provide an area that residents at large could use for the purposes of recreation. That has occurred since the works to provide the open space were completed and the land transferred to the Council and the area is much used and of great amenity to nearby residents. Whilst of more recent vintage but nevertheless of great relevance this area fulfils the function of open space as defined in the NPPF. The definition is;

"All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as visual amenity."

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Fornham Business Court A list of  
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Bury St Edmunds  
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Regulation Authority. (Recognised  
Partners of Ashtons Legal is open to

Ashtons Legal is authorised and regulated by the Solicitors  
Body Number: 45826)  
inspection at the



**DX:** 57200 Bury St Edmunds [www.ashtonslegal.co.uk](http://www.ashtonslegal.co.uk) Bury St Edmunds | Cambridge | Ipswich | Norwich | Leeds

On any reasonable interpretation it cannot be said that this area does not fulfil all of the above functional requirements. For these reasons it is incumbent upon the council to ensure that any proposals which diminish or reduce the ability of this area to continue to perform its important original function should not be approved without specific and quantifiable benefits to the wider area. The current proposals do not even begin to address this issue. Not only is there a quantitative but also a qualitative diminution in the area as a result of the proposals the effect will be to completely neuter the original requirements for provision in the first instance. There is nothing in the application proposals that seeks to either address this issue or to seek to diminish the impacts. As such the proposals cannot be approved in their current form.

### **Landscape Partnership Report**

My clients have commissioned The Landscape Partnership, a specialist environmental and landscape consultancy, to appraise the proposals as currently submitted. As you will see they have concluded that the proposals are seriously deficient in a number of aspects. These deficiencies are such that the application is incapable of being granted planning permission at this time. I deal with each one in turn.

The principal concern is that there are no dimensions shown on the submitted plans. This calls into question the validity of the LVA which has been submitted. A proper LVA that can be relied upon to determine an application must actually make it clear what has been assessed. The lack of dimensions within the planning documentation and the LVA singularly fails to meet the required standard. As it stands, the LVA cannot be relied upon given the serious deficiency in that it cannot be said that the impact has been properly assessed when the assessor cannot have been able to assess the impact of the proposals when such important aspects such as the height, profile, gradient and width of the proposed bunds are not shown on the submitted plans.

A further inadequacy relates to the assessment which only considers the summer impact. It makes no attempt to consider the impact during the times of year when the trees will not be in full leaf thus exacerbating the impact of the proposals. In any event, The Landscape Partnership consider that the proposals will seriously diminish the amenity of the area and not actually achieve the stated purpose.

The LVIA must, therefore, be undertaken properly, resubmitted and re-consulted upon if the Council proposes to continue to consider determining this application.

With regard to the proposals there is a serious issue with the qualitative interference with the current users of the open space. The proposals will result in a situation where virtually 100 % of the current available recreation area will be lost. All that will be left is the path which cannot be regarded as open space. As mentioned above without quantified justification in the public interest this loss cannot be justified in either recreational or landscape terms. The proposals would also be contrary to Policy C3 of the Council's Local Plan Strategy Document.

This states as follows;

### **“Policy C3: Providing public open space for leisure and recreation**

- A. Proposals should maintain and/or enhance the quantity, quality and accessibility of open space and address any shortfalls in provision, when measured against the standards set out in Table 12.



- B. Development that increases demand for open space will be required to address this demand in line with Part A of this Policy. Where practicable, open space should be provided on-site and link in well with other green infrastructure features as described in Policy ENV5.
- C. Proposed open space, including open space required to make up existing shortfalls in provision, will be identified in the Allocations Document or a Neighbourhood Development Plan.
- D. Existing and proposed open spaces are shown on the Policies Map. Proposals resulting in the loss of an existing open space, sports and recreational buildings and land, will only be supported where:
  - 1. Assessments of existing provision against local standards demonstrate the land is surplus to requirements for all of the functions that open space can perform; or
  - 2. Replacement open space to an equivalent standard or better, in terms of quantity, quality and accessibility, is provided; or
  - 3. The development is for alternative sports and recreation provision, for which there is a deficit; and
  - 4. The loss of open space would not have an unacceptable detrimental impact on the amenity or character of the area.”

The proposals fall foul of A and D1 to 4 of the policy. As such they cannot be supported.

The Landscape Partnership draw attention to the function and usability of the proposed bunds. They come to the very clear conclusion that the proposals cannot be regarded as open space since they would be wholly inaccessible to the general public through height, profile and vegetation cover, thus falling foul of Policy C3. There is no reasoned justification that would enable the Council to consider making an exception to policy. However, in light of the current use of the open space and the function it fulfils it is difficult to imagine that any justification could enable an exception to be made.

Finally, the Landscape Partnership draw attention to a number of aspects relating to the tree planting proposals and the impact on existing trees and vegetation. As regards the existing situation the Council cannot seriously countenance a situation where, in addition to losing usable and valued open space, it will put the existing trees and vegetation in a position where they are likely to suffer degradation through the extension of the engineered bund into their root protection areas (as illustrated in the Arboricultural Assessment). Such a decision would be perverse.

As regards the current proposals The Landscape Partnership make the point that “. Woodland is proposed on the bunds, but bunds are not ideal growing conditions (drainage, exposure, etc.) and it is likely to be some years before planting becomes sufficiently established to begin to screen views.” Even if approved the standard replanting condition would need to be amended to ensure that any planting that fails is replaced. My clients suggest that a suitable period would be 10 years but that should not be taken as any indication that my clients accept that the current proposals are in any way acceptable. Further, and of more importance is the securing of a robust management and maintenance regime to ensure the plants etc are weeded and irrigated and thrive. This should be for 10 years.

It is, however, an issue that will need to be considered as and when properly thought out proposals are submitted in the future.

The Recommendations for Further Study are not optional but necessary to ensure that the council has relevant, pertinent and substantial information to enable it to make a proper decision that would not be susceptible to a judicial review challenge.

## **Operational Issues**

Finally, I am instructed that following the reporting of issues associated with a similar depot in Kent my clients have tried to raise the issue of facilities for drivers. There is currently no provision shown. I am instructed that the Council has told my clients that these are operational issues and not something for the planning application. That is completely wrong in that whilst they are operational issues they fall into the same category as the operational issues of hours of working and lighting schemes etc. In light of current experience this is not an issue that can be left and is something the council must consider as part of the planning application. The Council must ensure that adequate facilities are provided to deal with an anticipated issue in light of current experience of the operation of these types of facilities.

## **Summary and Conclusions**

There are serious deficiencies in the submitted material and the Council must, as a minimum obtain the further information as set out in The Landscape Partnership report. Further, the proposals themselves require a complete rethink especially in relation to the overall approach to the important area of open space. Such new proposals must ensure that they achieve compliance with Policy C3. Any planning permission granted which does not take account of the above is very likely to be set aside on the basis of unreasonableness or irrationality.

Yours faithfully

A handwritten signature in black ink, appearing to read 'B McGeady', is shown within a rectangular frame.

**Bob McGeady Consultant Ashtons Legal**

## APPENDIX 3 of NORTH FERRIBY PARISH COUNCIL INTERIM OBJECTION

### The Landscape Partnership Report

Land south-east of Brickyard Lane  
roundabout,  
Melton, East Riding of Yorkshire  
Hacheston, Suffolk

**Review of landscape and visual  
aspects of planning application**

for

North Ferriby Parish Council

Planning | 16<sup>th</sup> December 2020

Contact:

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The Landscape Partnership Ltd is a practice of Chartered Landscape Architects, Chartered Ecologists and Chartered Environmentalists, registered with the Landscape Institute and a member of the Institute of Environmental Management & Assessment and the Arboricultural Association.

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Registered in England No. 2709001

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- 1 Introduction
- 2 Summary of the site's planning background
- 3 Review of PA 20/03555/STPLF
- 4 Recommendations for further study

# 1 Introduction

## 1.1 Background to the review

---

- 1.1.1 The Wykeland Group has applied to the East Riding of Yorkshire Council (ERYC) for full planning permission for the erection of a single building with a total gross internal area of 186,940m<sup>2</sup> and a main parapet height of 22.667m, with two small roof access areas extending to a height of 25.617m. The building would be used for warehousing and distribution and the site would be accessed at two locations from Brickyard Lane, the industrial estate access road which lies to the west of the site.
- 1.1.2 The application was submitted to ERYC on 27.10.2020 and validated the same day as planning application No. 20/03555/STPLF. It is currently pending decision.
- 1.1.3 The site is located to the south of Monks Way East and its junction with the A63, and east of Brickyard Lane, in the civil parish of Welton, Hull. The settlement of North Ferriby is located to the east of the site and Melton to the north-west. It is currently allocated as a strategically important employment site in the adopted East Riding Site allocations DPD (2016) under Policy Melt-E.
- 1.1.4 The site is currently an undeveloped plot within the wider Melton West Business Park and comprises two agricultural fields divided by an access track, bordered on the northern side by hedgerow. The application boundary also includes a strip of land to the west to allow for future drainage connections and extends around the land where a new roundabout is proposed on Brickyard Lane that has recently been approved via planning application ref: 20/02150/STPLF.
- 1.1.5 The site itself forms part of a wider development known as the Melton Industrial Estate as defined on the Site Allocations Proposals Map. A commercial and industrial development site to the south of the A63, the east of Gibson Lane, north of the Hull and Selby Railway. The 39ha site encompasses the northern section of Brick Lane. It is separated on its eastern side from the residential areas of North Ferriby by a belt of woodland known as Long Plantation.
- 1.1.6 This wider area has been subject to many employment planning permissions in the past, with the most recent being a hybrid application approved in 2011 (ref: 11/00613/STPLF/STRAT). This covered a wider area than the current application site and delivered a hybrid consent for B1, B2, and B8 uses.
- 1.1.7 A common consideration of the current and previous applications is the landscape treatment afforded to the eastern boundary of the site, in order to safeguard the residents of North Ferriby and Long Planation. The space assigned to this treatment varies between the applications and likewise the composition and function of the landscape buffer.

## 1.2 Landscape context

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- 1.2.1 The following description of the site and its landscape context is paraphrased and extended from the Landscape and Visual Appraisal accompanying the current application.
- 1.2.2 The site comprises two largely flat agricultural fields located to the south of Monks Way East/ A63 interchange. It is bound to the west by Brickyard Lane, with part of the site extending into the

adjacent field to allow for future drainage connections. To the east the site is bordered by mature woodland at Long Plantation, which separates the site from the village of North Ferriby.

- 1.2.3 The site's fields include boundary hedgerows and a fragmented hedgerow that follows a line west to east within the centre of the site. Agricultural access into the site is from Brickyard Lane, with an access track running beside the central hedgerow.
- 1.2.4 Following the northern boundary of the site is a footway-cycleway. This follows a course parallel to the embanked Monks Way East-Melton Road, which rises above the site at the A63 interchange by up to c.10m. The footway-cycleway includes an underpass below Monks Way East that provides a connection between the settlements of Melton and North Ferriby.
- 1.2.5 North of Monks Way East is the Sandpiper Public House and a group of residential properties at Melton Fields.
- 1.2.6 The A63 provides the main transport to Hull from the M62 motorway. Close to the site, the route lies in cutting and effectively by-passes the settlements of Elloughton, Brough, Melton and North Ferriby.
- 1.2.7 To the north of the site and the A63 there is a noticeable change in the landform with the flat lowlying landscape of the Humber Estuary making way to the rising lands of the Yorkshire Wolds at Melton Hill.
- 1.2.8 Beyond the A63 corridor are the villages of Melton and Welton that lie to the north-west, c. 0.7km and 2km from the site respectively. To the north-east, beyond Melton Hill, is the village of Swanland, around 2km from the site.
- 1.2.9 Long Plantation, which forms a linear and contiguous belt of mature woodland, extends northwards from the edge of the River Humber up to the Melton Road and the A63. A section of the Yorkshire Wolds Way long distance path follows a line through the centre of woodland providing connections to a further long-distance path, the Trans Pennine Trail, which follows the Humber Estuary to the south.
- 1.2.10 Beyond Long Plantation is the residential edge of North Ferriby, which includes nearby housing at Plantation Drive, The Triangle and Parkfield Avenue. North Ferriby extends to the east with the older parts of the village focussed along the High Street. Further east is the settlement of Hessle (c.4.5km from the site) and in the wider landscape and further east still is the urban area of Hull.
- 1.2.11 The site's southern boundary - which is not defined on the ground - lies within an agricultural field near to the Hull and Selby Railway line. The rail line is set in a shallow cutting and is bordered by intermittent vegetation, which includes a tall group of trees near the Brickyard Lane rail bridge (Melton Bridge). Beyond the rail line is an arable field that extends to Red Cliff and the shoreline of the River Humber.
- 1.2.12 The Humber Estuary forms an open and expansive landscape to the south. The striking visual feature of the Humber Bridge that rises above the landscape lies to the east at Hessle, around 4.5km from the site.
- 1.2.13 The site's western boundary is primarily defined by Brickyard Lane which connects with Monk Way East. Brickyard Lane, which includes several industrial and commercial units, bridges the rail line before reaching Whinny Clump and then East Clough on the edge of the Humber.



- 1.2.14 To the west of Brickyard Lane are agricultural fields that are allocated for employment use under Policy Melt-E. The area around Gibson Lane includes several residential properties, a number of industrial and commercial buildings, and two wind turbines. Further to the west is Melton West Business Park which comprises commercial and employment buildings.

### **1.3 Objectives of this report and extent of review**

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- 1.3.1 The Landscape Partnership has been instructed to undertake an independent review of the landscape and visual-related components of the planning application by North Ferriby Parish Council. The purpose of the review is to provide advice and commentary on the accuracy and reliability of the documents, to help the parish council compile an informed consultation response to the application, with particular regard to the appropriateness and practicability of the landscape treatment proposed along the eastern edge of the site, and its amenity value as accessible open space for use by the local community.
- 1.3.2 In doing so, The Landscape Partnership reviewed documents and plans accompanying the application, and in particular the Landscape and Visual Appraisal (LVA) prepared by FPCR Environment and Design Ltd (FPCR).
- 1.3.3 The objectives of the review are to:
- review the methodology used for the LVA;
  - review the judgements made about the effects of the proposed development on sensitive landscape and visual receptors; and
  - identify any further work that should be undertaken in order that ERYC can make an informed judgement on the likely effects of the proposed development on landscape character and visual amenity.
- 1.3.4 The review considers only landscape and visual aspects of the application.
- 1.3.5 It should be noted that The Landscape Partnership has not undertaken a site visit and has not prepared its own LVA or LVIA, and that any comments made regarding the judgements within the assessment are made on the basis of information provided within the FPCR LVA and reference to online mapping and aerial photographs.
- 1.3.6 The findings are to be used by the parish council in representations to ERYC, for it to consider when determining the planning application.
- 1.3.7 The review of the LVA was undertaken by Simon Neesam, a Technical Director of The Landscape Partnership and a Chartered Landscape Architect with over 25 years' experience. He holds a degree and a postgraduate diploma in Landscape Architecture and became a fully qualified Chartered Member of the Landscape Institute in 1994. Simon has a wide range of experience in landscape architecture and landscape planning, and has undertaken projects for private clients as well as national, regional, and local public sector bodies throughout the UK. He has carried out landscape assessments, visual impact assessments, and acted as expert witness for a variety of projects including major out-of-town retail facilities, highway schemes, renewable energy developments, landfill and mineral schemes, flood alleviations schemes, and new housing, often within sensitive landscapes or at potentially contentious locations.

## 1.4 Overview of EYRC's approach to open space

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### 1.4.1 ERYC definition for open space for new development<sup>1</sup> [TLP emphasis]:

*Open space includes all open space of public value and can belong to the council, a private organisation or an individual. The only condition is that the land must be safely accessible by the community.*

*Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors, and country parks. It can provide health and recreation benefits to people living and working nearby; have ecological value and contribute to green infrastructure, as well as being an important part of the landscape and setting of built development.*

*New developments for more than 10 houses, or 1,000m<sup>2</sup> of floor space, must make provision for new open space. New open space can be provided on-site, or in certain circumstances, a contribution ('commuted sum') will be sought from the applicant.*

### 1.4.2 This requirement is set out in Policy C3 of the East Riding Local Plan Strategy Document.

*Policy C3: Providing public open space for leisure and recreation*

- A. Proposals should maintain and/or enhance the quantity, quality and accessibility of open space and address any shortfalls in provision, when measured against the standards set out in Table 12.*
- B Development that increases demand for open space will be required to address this demand in line with Part A of this Policy. Where practicable, open space should be provided on-site and link in well with other green infrastructure features as described in Policy ENV5.*
- C Proposed open space, including open space required to make up existing shortfalls in provision, will be identified in the Allocations Document or a Neighbourhood Development Plan.*
- D Existing and proposed open spaces are shown on the Policies Map. Proposals resulting in the loss of an existing open space, sports and recreational buildings and land, will only be supported where:
  - 1. Assessments of existing provision against local standards demonstrate the land is surplus to requirements for all of the functions that open space can perform; or*
  - 2. Replacement open space to an equivalent standard or better, in terms of quantity, quality and accessibility, is provided; or*
  - 3. The development is for alternative sports and recreation provision, for which there is a deficit; and**

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<sup>1</sup> <https://www.eastriding.gov.uk/planning-permission-and-building-control/planning-policy-and-the-localplan/open-space-on-new-developments/> accessed 03.12.2020

*4. The loss of open space would not have an unacceptable detrimental impact on the amenity or character of the area.*

1.4.3 The East Riding Local Plan (2012-2029) Policies Map includes Long Plantation as Open Space

1.4.4 East Riding Local Plan: Open Space Supplementary Planning Document, Adopted November 2016, defines open space as:

*All open space of public value, not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.*

## 2 Summary of the site's planning background

### 2.1 Overview

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2.1.1 The following paragraphs provide a potted history of the site's planning background, as it relates to the development of proposals for landscape treatment on the eastern boundary of the site.

### 2.2 PA 01/03878/STOUT

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2.2.1 On 08.11.2001, outline planning permission was granted at land to the east and west of Brickyard Lane, Melton, East Riding of Yorkshire for the "*Erection of buildings for B1, B2 and B8 use, car parking, landscaping and associated works*". The red line on the eastern boundary of the site was offset from Long Plantation by c.50m, with the intervening space annotated on drawings as Green Space or Open Space.

2.2.2 A Section 106 Agreement was made between the ERYC and Ashtenne Humberside No.1 Limited, dated 08.11.2001, to facilitate the transfer of the Open Space to ERYC.

2.2.3 Para 2.1 of the Section 106 notes that the landscape works for the open space shall not include the provision paving, play spaces, benches, and similar hard landscape proposals.

### 2.3 PA 03/05511/STVAR

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2.3.1 On 06.10.2004, approval was given for a:

*Variation of conditions 1 and 2 relating to outline planning application no. 01/03878/STOUT for the erection of buildings for use within Classes B1, B2 and B8, car parking, landscaping and associated works.*

2.3.2 Condition 18 of the resultant decision notice noted [TLP emphasis]:

*The masterplan referred to in Condition No.1 shall include details of:*

- (i) a 15 metre wide area of landscaping along the boundary of Melton Grange, and*
- (ii) a landscaping strip to the far eastern boundary to reflect in area the adjoining open land between the far eastern site boundary and Long Plantation.*

*Works required to meeting (i) and (ii) above shall be completed before the commencement of any works on the site, or within such longer periods as may be agreed in writing with the Local Planning Authority.*

*This condition is imposed in the interests of the visual and residential amenities of the area. It is likely that landscaping in this context will mean an element of mounding and planting.*

### **Section 106 Agreement**

- 2.3.3 A Section 106 Agreement, undated bar the year 2004, was made between the ERYC and Ashtenne Humberside No.1 Limited, to facilitate the transfer of the Open Space to ERYC.
- 2.3.4 The agreement noted:
- Commencement of development excludes soil investigation, archaeological investigation, demolition and clearance, drainage preparation works.
  - ‘The Land’ was defined as “*all that land comprising the application site, the open space and the plantation*”.
  - ‘The Open Space’ “*means an area of land to be laid out as open space between the Application Site and the Plantation approximately in the position shown edged and hatched in green on the Plan but whose boundary may be varied from time to time provided that the area within such boundary is not less than the area shown hatched green on the plan.*” NB: reference to specific areas, e.g. “*no less than 4ha*” have been struck out.
  - ‘The Plantation’ “*means an area of land comprising not less than 10.677ha situate in the approximate position shown edged and hatched brown....*”
- 2.3.5 The attached First Schedule notes:
- Prior to Commencement of Development to submit to the Council for the Council’s written approval (such approval not to be unreasonably withheld) a scheme of works for the laying out and landscaping of the Open Space (“the Open Space Works”) which scheme of works for the avoidance of doubt shall not include the provision of paving play spaces benches and similar hard landscaping.*

## **2.4 PA 08/30799/CONDET**

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- 2.4.1 An application to release Condition 18ii of PA 03/05511/STVAR was made under PA 08/30799/CONDET and approved on 21.05.2008.
- 2.4.2 The following information was prepared:
- Stephen George & Partners drawing No. 8213 SK008 Rev B: Typical site section through eastern boundary, dated 01.09.2006
  - Stephen George & Partners drawing No. 8213 SK016 Rev A: Typical site section through eastern boundary 1 of 2, dated 03.04.2008
  - Stephen George & Partners drawing No. 8213 SK017: Typical site section through eastern boundary 2 of 2, dated 03.04.2008.

- LCD drawing No. 3653-01: Proposed detailed planting plan, dated 22.04.2008, together with accompanying plant schedule dated 29.04.2008

2.4.3 Early consultation was sought from EYRC by submission of drawing No. 8213 SK08 Rev B. The accompanying covering letter (Indigo Planning to ERYC) dated 02.10.2006 notes that drawing 8213-SK08 Rev B “shows the indicative profile of the landscaping strip between the development plots and the protected open space along the eastern edge of the site”.

2.4.4 And continues:

*As illustrated on the enclosed drawing, the landscaping strip will run from the boundary with the GSI in the north to the railway line in the south and will be profiled, up to a maximum of 8.9m high. As required by condition 18, it will extend in total to the same area as the open space, and as previously agreed with the Council, the plan form of the landscape strip may vary along its length, depending upon the layout of adjacent development plots, but will not exceed the maximum height and maximum width parameters illustrated on the enclosed drawing.*

*The enclosed drawing has been prepared to supplement the information recently submitted in respect of the Masterplan (pursuant to conditions 1 and 18 of the above consent). It is proposed that the landscape strip will be landscaped/planted in order to enhance its overall appearance and a detailed landscape scheme will be submitted at a later date for the Council’s approval. At this stage, however, we would be grateful if the Council could confirm their agreement to the principle of the proposed approach.*

2.4.5 Drawing No. 8213 SK016 Rev A illustrates typical cross sections through the eastern boundary of Melton Park, Plot E, showing the relationship between the industrial units, the open space and Long Plantation. A bund, described as a ‘Landscape Strip’, that varies between 28.030m and 54.052m wide and 2.57m and 8.9 high, with 1:3 side slopes (with a flat top of varying width) and planted with shrubs is shown along the eastern edge of the industrial units, which typically have a ridge height of 8.730m. Between the bund and Long Plantation is an area of open space that varies between 46.944m and 49.071. The trees within Long Plantation are illustrated with a height of 15m and the residential dwellings beyond with a height of 7.38m

2.4.6 The drawing suggests that the landscape strip (e.g. the bund) would have a footprint of 5.2 acres (2.1ha). No area is given for the public open space but assuming an average width of 48m and a length of c.680m, would give an area of c.3.264ha.

2.4.7 The bund would be planted with a native woodland mix on the lower slopes, supplemented with feathered trees, together with a native shrub mix around the base of the bund and on the upper levels.

2.4.8 The A63 passes along the northern boundary some 10.825m above the level of the site, and therefore above the maximum height of the bund assuming the site is level.

2.4.9 It would appear that the approved landscape works would achieve the desired effect on safeguarding any views from residential areas in North Ferriby and that they would mitigate views experienced by walkers on the Yorkshire Wolds Way through Long Plantation and users of the new Open Space.

- 2.4.10 As suggested in Condition 18, the landscape proposals included planting and an element of mounding, as well as more accessible areas.

## **2.5 PA 11/00613/STPLF**

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- 2.5.1 On 05.07.2011, a hybrid application was approved on land to the east and west of Brickyard Lane, Melton. This consisted of:

- (a) Outline application for Erection of buildings for Employment Use (B1, B2 and B8) with associated access, car parking, landscaping and works (Access to be considered); and*
- (b) Full application for Erection of a Distribution Warehouse and Offices at Plot 21 of the Masterplan.*

- 2.5.2 The Indicative Masterplan shows the site divided into plots. The developed area between Brick Lane and Long Plantation is annotated as Zone E, which equates to the Zone E illustrated on PA 03/05511/STVAR

- 2.5.3 A 'Landscape Strip – B' is shown along the eastern edge of Plot E that appears to have a similar footprint to that illustrated on the drawings accompanying PA 08/30799/CONDET. The area between the landscape strip and Long Plantation is labelled as 'Open Space'.

- 2.5.4 The ERYC Senior Planning Officer Trees and Landscape notes in their consultation response dated 30.04.2011:

*I have visited the area and considered the detailed information received relating to the above application and would support the principles to be adopted in relation to the landscape elements of the development.*

*The report prepared by FPCR Environment & Design Ltd is a comprehensive Arboricultural appraisal of the existing landscape features and I would fully support their recommendations.*

*Whilst it would be highly desirable to retain the recorded veteran Oak trees (T3 and T11), I note that this may not be possible due to the layout of the development and would therefore, wish to see appropriate mitigation provided in the immediate locality.*

*I would welcome future involvement with the Replacement Planting Strategy to be submitted as a Reserved Matter, which should include the above mitigation and provide a long term commitment to improving the landscape character of the area.*

- 2.5.5 Condition 15 of the Decision Notice noted:

*Before any plot is commenced full details of both hard and soft landscape works for that plot together with a programme of implementation shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of this phase or as may be otherwise agreed in writing by the Local Planning Authority.*

*These details shall include:*

- *proposed finished levels or contours*

- *means of enclosure ...*
- *a programme for the implementation of the landscaping works*
- *a scheme for future maintenance of the open areas.*

2.5.6 Condition 16 relates to the approval and programme of the landscape works, and includes a note [TLP emphasis]:

*“This condition is imposed because a well designed landscaping scheme can enhance the living environment of future residents, reduce the impact of the development on the amenities of the existing residents and help to integrate the development into the surrounding area.”*

2.5.7 Condition 29 notes that: *“The Landscape Strips A and B shall be created and planted in accordance with an approved scheme prior to the first occupation of any of the units on Plot E”.*

2.5.8 Under the title Reason for Decision, it is noted:

*This eastern part of the site is sufficient distance (130m+) from residential properties in North Ferriby not to adversely affect their residential amenities, subject to further details which will be forthcoming with future reserved matters applications. A large landscaping strip is proposed to provide a further buffer to the development.*

2.5.9 And

*The development would be acceptable in terms of trees and landscape subject to further details to be included in future reserved matters applications. ...*

2.5.10 Broadly, the 2011 scheme would deliver similar a landscape strip and open space as the 2008 scheme.

2.5.11 Reference to photographs provided by North Ferriby Parish Council suggests that works to construct the bund associated with the landscape strip have commenced in the south-eastern corner of the site, close to the railway line. The earthworks appear to have a well-established grass cover and evidence of occasional young trees and encroaching shrubs such as bramble. This suggests that the works are some years old.

2.5.12 Similarly, aerial photographs (e.g. Google Earth March 2020) show an area of disturbed ground with a vegetated cover in the south-eastern corner of the site, measuring c.140m in width (east to west), and extending in a northerly direction by up to c.125m. Google Earth’s elevation tool (albeit necessarily a relatively crude measure) suggests that area has a broadly bund shaped profile, with a central highpoint of c.17m AOD. The ground levels on the southern edge of the site vary between 12m and 13m AOD, suggesting the early bund has a maximum height of some 4m to 5m.

2.5.13 Reference to SK016 Rev A suggests the completed bund in this vicinity should have a top height of 8.9m.

2.5.14 Reviewing historical aerals via Google Earth shows that the earthworks were present (in a similar form) on 27.04.2015. Albeit with less vegetation cover. The earthworks are absent from the next oldest aerial – 31.12.2007.

## 3 Review of PA 20/03555/STPLF

### 3.1 Background

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- 3.1.1 Planning application 20/03555/STPLF for the *“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”* was received and validated by ERYC on 27.10.2020. It is currently pending consideration.
- 3.1.2 The site broadly encompasses a parcel of land bound, approximately, by Monks Way East to the north, Long Plantation to the east, the railway (including a buffer) to the south and Brickyard Lane to the west. Whilst the red line is exclusive of Long Plantation, it is inclusive of the footprint of Landscape Strips A and B and the open space as promoted in the schemes approved under permissions PA 03/05511/STVAR, PA 08/30799/CONDET and 11/00613/STPLF.
- 3.1.3 The Landscape Proposals Plan shows a wider developed area east of Brickyard Lane than was the case for the approved schemes, extending into the area of those schemes that was proposed for landscape bunding.

### 3.2 Proposed scheme

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- 3.2.1 Drawings submitted with the application include:
- FPCR drawing No. 9619-L-01 Rev B: Landscape Proposals Plan
  - FPCR drawing No. 9619-L-02 Rev C: Illustrative Sections
  - FPCR drawing No. 9619-L-05 Rev A: Landscape Masterplan
  - Arcadis drawing No. HUL-ARC-SW-XX-DR-CE-00 Rev 05: Site Finish Levels Layout
- 3.2.2 The following observations are made regarding the landscape proposals:
- a. Between the edge of the developed area and Long Plantation, a string of four bunds with a north-south orientation is proposed in the area allocated for Open Space in the approved schemes.
  - b. No levels or contours are provided as to the height of the bunds. A path (unlabelled on the drawing but annotated on the following cross sections as a ‘New Recreational Route’) winds through the depressions between the bunds alternating between their eastern and western sides and providing access between an unresolved point within the northern end of Long Plantation and the southern end of the plantation, close to the railway line.
  - c. The bunds would be clothed with *“Woodland Glade Tall Herb Grassland”* within which would be planted lozenges of woodland.
  - d. The current scheme provides no freely accessible open space.
- 3.2.3 Reference to the Site Finish Levels Layout suggests that the bunds would have varying top heights, generally between 18.2m and 19.5m, with the northern most bund up to 23.3m. It is not clear



where the datum is and it is assumed, but not explicit, that these levels are metres AOD. Some levels are shown on the site-ward side of the bund, but it is not clear whether these are existing levels or reduced ground levels (see notes below relating to illustrative sections). No levels are shown to the outside of the bunds, so it is not possible to judge the ultimate height(s) of the bunds.

- 3.2.4 The Illustrative Sections show a 'new landscape corridor' c.50 m wide along the eastern edge of the developed area that would comprise a bund, c.50m wide, planted to create 'New woodland, grassland and hedgerow habitats'. No levels or top heights are provided for the earthworks.
- 3.2.5 The following observations are made:
- a. The current scheme provides a 'landscape corridor' some 50m wide, as compared to the approved schemes, which included a landscape strip that varied between c.27m and c.54m, together with an additional swathe of accessible open space that remained around 47m wide, to give a total width between c.74m and c.100m
  - b. From visual observation, it would appear that the developed area would be sunk below existing ground levels. Although no levels are shown on the sections, and mindful of the accuracy of scaling from a pdf, the top of the bund in Section AA' would be c.14m above formed ground on the site-ward side and c.9m high as experienced from the outward side. This is at variance to the Finished Site Levels drawing which notes a top height for this bund as c.21m and a siteward level of 14.6m, to give a bund height of only 6.4m (compared to c.14m) as experienced from within the site.
  - c. Woodland is proposed on the bunds, but bunds are not ideal growing conditions (drainage, exposure, etc.) and it is likely to be some years before planting becomes sufficiently established to begin to filter or screen views.
  - d. Further, the bunds' heights and their close proximity to the viewer (particularly in relation to Long Plantation) are such that they would themselves be incongruous features, preventing views out from Long Plantation to a sense of openness beyond. Once clothed with vegetation, they are likely to result in shading within the plantation.
  - e. The landscape corridor proposed comprises a string of planted mounds, and a snaking path. This could not be considered to be 'open space'. The gradients of the bunds are such that they would be inaccessible to most of the general public and, in any event, they would be planted or seeded to form rough grassland.

### **3.3 Arboricultural Assessment**

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- 3.3.1 The Arboriculture Assessment was undertaken by FPCR and dated October 2020.
- 3.3.2 The following observations are made (no commentary is provided in this review as to the findings the assessment):
- a. The assessment includes FPCR drawing No. 9619-T-01 Rev B: Tree Survey Plan, dated October 2020, which shows Long Plantation as Category A – Trees/Groups of High Quality (BS 5837:2012). The drawing is not clear but Long Plantation appears to be G8 (i.e. Group 8).

- b. Appendix A: Tree Schedule, notes that G8 comprises ash, English oak, sycamore, silver birch, elm, hawthorn, cherry, beech, and horse chestnut, with heights varying between 3m and 20m. The age class is described as young/mature and the overall condition as good. The required root protection area radius beyond the group was noted to be 8.4m.
- c. A root protection area is shown on FPCR drawing No. 9619-T-02 Rev B: Tree Retention Plan, dated October 2020.
- d. On the Tree Retention Plan, the proposed engineered bunds are clearly shown to extend into Long Plantation's root protection area in the south-eastern portion of the site. Such overlap is likely to result in compaction to the root zone of trees in Long Plantation and to compromise their long-term viability and thus contribution to the landscape.

### 3.4 Landscape and Visual Impact Appraisal

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3.4.1 The planning application is supported by a Landscape and Visual Appraisal (LVA), prepared by FPCR and dated October 2020.

3.4.2 Para 1.1 notes:

*This is a Landscape and Visual Appraisal (LVA) prepared by FPCR Environment & Design Ltd, as part of a Full Planning Application for a storage and distribution building (Use Class B8) with ancillary office space and associated parking, landscaping, access and ancillary works.*

3.4.3 Paras 1.4 and 1.5 note:

*The purpose of the LVA is to review landscape character and visual amenity, and to assess the resulting landscape and visual effects of the Proposed Development (i.e. that is presented by this Full Planning Application) on the receiving landscape receptors<sup>3</sup> and visual receptors<sup>4</sup>.*

*The landscape and visual effects are assessed in relation to the development as described within the Planning Statement and the Design & Access Statement, and as identified on the application plans which includes the Site Layout.*

3.4.4 Footnotes define:

- Landscape Character as “A distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse [GLVIA3 definition]”; and
- Visual Amenity as “The overall pleasantness of the views people enjoy of their surroundings, which provides an attractive visual setting or backdrop for the enjoyment of activities of people living, working, recreating, visiting or travelling through an area [GLVIA3 definition]”

3.4.5 The LVA considers the likely landscape and visual effects of the entire development; this review considers only aspects that relate to the effectiveness of the landscape proposals for the eastern edge of the development.

### Methodology

- 3.4.6 The LVA has been prepared using a methodology based on the Guidelines for Landscape and Visual Impact Assessment, Third Edition, Landscape Institute and the Institute of Environmental Impact Management and Assessment, April 2013 (GLVIA3). This is the industry standard for preparing Landscape and Visual Impact Assessments and the like.
- 3.4.7 Correctly, the methodology noted that the *“components of this LVA include: baseline studies; a description and details of the Proposed Development; and an identification and description of likely effects arising from the Proposed Development”* [para 2.6], and the *“judgements that are made in respect of landscape and visual effects are a combination of the sensitivity of the receptors and the magnitude of the effect, alongside professional qualitative judgment, which is a very important part of the LVIA process as expressed by GLVIA3”* [para 2.7].
- 3.4.8 The full methodology to be used for the LVA is contained at Appendix A. The overall process followed accords with GLVIA3; however, there are omissions of detail as to how judgements are made that mean it fails to accord with GLVIA3 para 3.28:
- ... The rationale for the overall judgement must be clear, demonstrating:*
- *how susceptibility to change and value together contribute to the sensitivity of the receptor;*
  - *how the judgements about scale, extent and duration contribute to the magnitude of the effects; and*
  - *how the resulting judgements about sensitivity and magnitude are combined to inform judgements about overall significance of the effects.*
- 3.4.9 And para 3.34:
- When drawing a distinction between levels of significance is required (beyond significant/not significant) a word scale for degrees of significance can be used (for example a four-point scale of major/moderate/minor/negligible). Descriptions should be provided for each of the categories to make clear what they mean...*
- 3.4.10 For example, there is no:
- combined sensitivity judgement for landscape and visual receptors;
  - combined magnitude of change for landscape receptors;
  - (for visual receptors) break down of the anticipated magnitude of effect into its component parts of scale/size, geographical extent and reversibility;
  - explanation as to how the sensitivity and magnitude judgements have been combined to give a level of effect; and
  - definition as to what the level of effect criteria of Major, Moderate, Minor and Negligible mean.
- 3.4.11 It is therefore difficult to follow the assessment process or to appraise how the judgements in the LVA have been derived, or whether alternative judgements might be more appropriate.

### **Baseline landscape character and visual analysis**

#### **3.4.12 The following comments are made in regard to Section 5.0**

- a. With regard to Recreational Value, para 5.35 notes: *“There are no Public Rights of Way across the site and it is not publicly accessible. However, during the field work there was evidence of the eastern parts of the site near Long Plantation being used informally by walkers.”*
- b. Landscape value is judged as Medium; it is not considered to be a ‘valued landscape’ within the terms of NPPF. These would appear to be reasonable conclusions.
- c. The description of the baseline views is limited.
- d. With regard to views from North Ferriby, it is noted that most views are blocked by Long Plantation. Para 5.51 notes: *“There are some occasional, albeit heavily filtered views of the site through the woodland of Long Plantation for users of the Yorkshire Wolds Way ... . Consequently, it is judged that there may be a few properties that have first floor views of the site, although it is considered these would be no more than glimpsed views being heavily obscured and filtered by intervening tree cover.”*
- e. With regard to views from the Yorkshire Wolds Way, para 5.66 notes: *“... there are some occasional glimpsed views of the site through the tree line. By and large, however, the intervening structure of trees and vegetation, prevents and obscures views of the site (See Viewpoint 3a-3b, Figure 9-10).”*
- f. Reference to the accompanying photographs suggests the visibility of the site is understated.

Photo Viewpoint 3a illustrates the view from the Yorkshire Wolds Way where it passes over the railway. The foreground is framed by Long Plantation, but open views are available to the site. Vegetation and the roll of the topography block views to the footprint of the site, but open views are available to the air space immediately above.

Photo Viewpoint 3b illustrates the view from the Yorkshire Wolds Way, from a point within Long Plantation. The photo was taken in July 2020 when the leaves are in full leaf. Nonetheless, glimpses of the landscape beyond the plantation are possible through the trees, and this is likely to be expounded in winter months when the trees are devoid of leaves.
- g. Para 5.67 notes that within the Plantation, there are other informal and undesignated routes that have been created off the Yorkshire Wolds Way.
- h. Photo Viewpoint 4 is also taken from the Yorkshire Wolds Way, at an elevated point in the north-eastern corner of the site. From this point, expansive and panoramic views are available out over the site in the foreground and the River Humber beyond, to South Ferriby on the opposite bank.
- i. The value of the visual receptors along the Yorkshire Wolds Way is judged as High.
- j. No reference is made to benefits arising from extant planning permissions or agreements that might not be delivered, were the proposed development to be approved; for example, the provision of accessible open space (in addition to any required landscape mitigation works) between the eastern edge of the developed site and Long Plantation, as delivered by

planning permissions PA 03/05511/STVAR, PA 08/30799/CONDET and 11/00613/STPLF or the Section 106 Agreement dated 2004.

**Proposed development - design**

3.4.13 Section 6.0 describes the proposed development that has been assessed in subsequent chapters.

3.4.14 The following comments are made [TLP emphasis]:

- a. Para 6.2 notes that the design and mitigation measures *“adopted and embedded”* within the scheme include the provision of green infrastructure (GI), *“which is shown on the Landscape Plan ...”*. GI is defined in a footnote as: *“A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities [NPPF]”*
- b. Para 6.4 notes that the proposals *“include carefully considered design measures and landscape strategies to minimise the level of adverse effects on landscape character and visual amenity”*, and to *“deliver opportunities for long term enhancements through, for example, new green space ....”*
- c. Para 6.5, bullet b, notes that the proposals will: *“introduce a variety of connected new habitats and landscape features that can provide long term enhancements for biodiversity, landscape character, recreation and health and well-being.”*
- d. Para 6.6, bullet c, notes that the key elements guiding the development proposals include: *“Ensuring that the development’s GI is multifunctional in its design and management, so that it performs a range of functions, to include benefits for biodiversity, landscape character, recreation, drainage and climate change.”*
- e. Mindful of the above comments, reference to drawing 9619-L-01 Rev B: Landscape Proposals Plan shows that the only landscape proposals that might be described as GI or which could deliver recreation, and health and well-being benefits are along the eastern boundary of the site. The primary purpose of this network of inaccessible bunds is as screening. Whilst they might also provide habitat benefits, any multi-functional benefits in terms of recreation or access for the local population, as defined by GI, would be limited to a winding path between the bunds that for part of its length affords open, close-proximity views across the industrial development to a 22m high building. There is no element of the proposed measures that could be considered to provide open green space for recreation.
- f. Para 6.6, bullet d, notes a further key element was: *“To develop and deliver sensitive well designed strategies that address the development’s relationship and setting with particular components within, or close to the site, such as Long Plantation and the Trans Pennine Trail”*
- g. It is not clear which elements of the landscape proposals address the relationship and setting of the plantation or the Yorkshire Wolds Way (connecting to the Trans Pennine Trail). The footprint of the bunds is such that it would extend into the root protection area of the plantation (see notes elsewhere) and thus compromise its long-term health and viability and contribution to the landscape. Views from the long-distance route, particularly in winter, that

currently included glimpses between trees across arable land would be foreshortened by a high earth bund. From certain sections, e.g. where the route crosses the railway and from more open sections of the plantation, the 22m high building would be seen to rise above the bund.

- h. Para 6.6, bullet e, sub-note I notes that planting would be established along the southern boundary to *“assist in filtering views of the built development from the site, to include users of the Trans Pennine Trail”*. Given the height of the proposed building, it is likely to be many years before any planting provides screening properties. See also notes the difficulties associated with planting on earth bunds.
- i. Sub-note 2 notes: *“Along the eastern part of the site the proposals include a broad (c50m) swathe of new planting and green space that would, in the much longer term, effectively strengthen the woodland of Long Plantation. The corridor provide an extensive area of publicly accessible natural green space with a mix of habitats such as blocks woodland, tree groups and hedgerows, that would be located in varied mixed grassland areas that will be managed for both biodiversity amenity benefits. The design includes earthworks and ground modelling (which are key points of the noise mitigation strategy). A new circular recreational path is provided that would enable connections to be made with connection into Long Plantation and the Yorkshire Wolds Way.”* The planting within the corridor would be in small pockets on raised earth mounds. It would be of a very different character to Long Plantation and it is hard to imagine how it could *“strengthen”* the latter; rather, it would have an adverse effect on its landscape setting and appreciation. Importantly, as noted previously, the corridor as proposed could in no way be considered to provide *“extensive area of publicly accessible natural green space”*, since the earth mounds would be inaccessible due to their profile and vegetation cover and access is restricted to a single path.
- j. The proposed bunds would be substantial elements that would, in themselves, be incongruous features within the landscape. As noted above, there is some ambiguity as to how high the bunds would be. Without confirmation of such information, it is not possible to judge how effective they would be in mitigating any adverse effects on views and, importantly, what effect they themselves would have on landscape character and visual amenity.

### **Landscape effects**

3.4.15 The following observations and comments are made regarding Section 7.0: Landscape effects.

- a. The LVA considers the landscape’s susceptibility to change to be Low. Given its planning context, this would appear to be reasonable.
- b. At a district level, the LVA judges the magnitude of change to landscape to be Medium-Low. This would appear to be reasonable.
- c. At a site and immediate environs level, the LVA judges the magnitude of change to landscape to be High-Medium. This would appear to be reasonable.
- d. Para 7.21 notes that there would be *“no marked effects on the woodland at Long Plantation”*.

- e. Para 7.25 notes: *“The design is considered to be sensitive to Long Plantation (and North Ferriby) with built development set back some distance from the woodland behind a substantial area of new green space and habitat creation.”*
- f. Ref points d and e, such verdict is not to take into consideration the introduction of substantial artificial engineered bunds, and the effects they would have on what is currently a largely level site; the adverse effects that the construction of the bunds within the plantation’s root protection area would have on the trees’ long-term health and viability; nor the adverse effects on the plantation’s landscape setting or the appreciation of the woodland within.
- g. The LVA considers there would be a Moderate Adverse landscape effect, that would reduce to Moderate-Minor Adverse by year 15. Given the extent of the proposed development and the magnitude of change predicted, this effect seems to be underestimated.

3.4.16 In any event, given the various short comings in the scheme design noted above, it is clear that improved landscape mitigation measures could do much to reduce the level of adverse effect associated with the proposed development. Such improvements could include:

- creating a meaningful swathe of truly multi-functional GI along the eastern edge of the site, commensurate with that proposed in previous approved developments, and which therein was found to be appropriate and effective in helping to mitigate adverse effects arising from the (lower and less extensive) proposed development;
- inclusion of an area of accessible open space that would provide the local community with the recreation, health and well-being benefits advocated in Section 7 of the LVA but not delivered in the emerging scheme; and
- provide suitable offsets to any engineering works that would safeguard the health and longterm viability of the trees within Long Plantation.

### **Visual effects**

3.4.17 The following observations and comments are made regarding Section 8.0: Visual effects, and in particular the effects on those representative viewpoints within the LVA that encompass the eastern edge of the site, i.e. Viewpoints 3a, 3b and 4.

- a. With regard to views from the Yorkshire Wolds Way, para 8.26 notes: *“Within Long Plantation this right of way is confined by mature woodland so that visibility across the local landscape towards the site is restricted. The intervening structure of existing trees and vegetation, and the new landscape corridor of planting and earthworks within the eastern part of the site would prevent and heavily obscure views of the proposed building both from the right of way and from other informal undesignated routes within the woodland.”* Reference to the accompanying photographs suggests that clear open views of the proposed building (22m high) would be available from Viewpoint 3a. There is currently limited reference to built form in the photograph and that it would be many years before the planting proposed along the southern edge of the site was sufficiently mature to screen or filter it.

As noted above, within Long Planation, there is visibility out from the Yorkshire Wolds Way in summer months (and so even more so in winter ones); here, the close-proximity of the

proposed engineered bunds are likely to result in an appreciable change to the aspect of the route and the sense of openness beyond the plantation, and thus the experience of those using the walk. From localised points, the new building would be seen to rise above the bund.

- b. Para 8.27 notes: *“As the Yorkshire Wolds Way heads out of Long Plantation and across the interchange, receptors would have elevated views of the Proposed Development, with views of the new building, roads and car parking. Existing buildings are visible within Meltonwest Business Park and Brickyard Lane and the Proposed Development would be seen within that context and that of the highway infrastructure. The presence of the A63-Melton Road-Monks Way interchange, in terms of the level of noise and moving traffic, detracts somewhat from the overall experience.”* Such description makes insufficient reference to the extensive views available across the River Humber to the opposite bank [See LVA Viewpoint Photo 4]. Since the viewpoint is located close to a busy road junction, the focus of the view for uses of the longdistance route is even more likely to be away from the traffic and to the south, thus accentuating the importance of the composition of the view in this direction.
- c. Para 8.28 notes: *“New woodland planting and tree cover around the northern part of the site will help to filter views of the Proposed Development in the longer term.”* However, this fails to note that the introduction of planting here would, in itself, block the opportunity to appreciate the views across the Humber.
- d. Effects are judged to be Major-Moderate Adverse on completion, reducing to Moderate Adverse in the longer term (year 15). The LVA has made such judgements having regard to *“the maturing nature of the GI framework that would help to ‘soften’ the view of the building and built uses”*.
- e. Para 8.29 notes that *“The majority of the Yorkshire Wolds Way within this landscape is contained within woodland at Long Plantation and Terrace Plantation such that views of the Proposed Development would be prevented”*. This is to not take account of the open views from above the railway line (View 3a) and the filtered views (more open in winter) available from View 3b.
- f. It is not clear whether the judgements made acknowledge the loss of views brought about by the introduction of what appear to be substantial engineered earth bunds in close proximity to the viewer, which themselves would be an incongruous addition to the view in what is an otherwise almost level landscape.
- g. Likewise, there is no mention of the loss of long-distance views brought about by the introduction of the bunds and/or planting.

3.4.18 Concern is made as to how the level of visual change could have been calculated given that there is ambiguity in the height of the proposed bund or their profile. Confirmation is required of what levels were assumed in order to know how effective they would be in providing a screen to the proposed development, and to what degree the proposed building (22m high) would be visible above it.



- 3.4.19 Notwithstanding how the judgements have been made, given the level of visual change predicted (e.g. Major-Moderate Adverse), it is important to be able to demonstrate that all has been done to mitigate these adverse effects.
- 3.4.20 One of the purposes of landscape and visual assessment is to identify the effects of development that are likely to be experienced by sensitive landscape and visual receptors, and to use this information to help steer the emerging design proposals, such that the resultant scheme includes appropriate mitigation measures to safeguard landscape character and views. The resultant measures should then be re-tested to demonstrate how adverse effects have been addressed and either negated or brought within acceptable thresholds. It should be possible to reduce the degree of visual effect reported by implementing the following measures to the scheme.
- Increasing the width of the landscape corridor, e.g. to that which was found acceptable to safeguard the visual amenity of residents of North Ferriby and users of the Yorkshire Wolds Way in the earlier approved schemes e.g. planning permissions 03/05511/STVAR, PA 08/30799/CONDET and PA 11/00613/STPLF. In these consented schemes, the total width of the buffer between the developed portion of the site and Long Plantation generally varied between c.100m and c.74m, including a corridor of open space that remained around 47m wide.
  - Recognising the adverse effects that an engineered bund (perhaps up 9m high could have) and creating an appropriate offset between the bund and the viewpoints.

## 4 Recommendations for further study

- 4.1.1 Landscape and visual aspects of the planning application that The Landscape Partnership considers require additional or further study and/or re-assessment before the effects of the proposed development on landscape and visual receptors can be fully understood – and thus the application determined - are considered below.
- Confirmation of how the engineered bunds would be constructed given their relationship to the root protection area of Long Plantation, and how the long-term health and viability of the woodland could be secured.
  - Expansion of the methodology of the LVA to clarify how judgements have been made and better to understand the criteria thresholds.
  - Review of the scheme's stated design principles, to ensure they have been delivered.
  - Review of whether the landscape measures as proposed would truly provide multifunctional green infrastructure, and whether they would deliver the envisaged design principles of introducing *"a variety of connected new habitats and landscape features that can provide long term enhancements for biodiversity, landscape character, recreation and health and wellbeing."* In particular, whether the proposed scheme would provide accessible green space. Consequential review of the LVA and the weighting afforded to multi-functional green infrastructure in judgements when offsetting adverse effects.
  - Review of opportunities to increase the width of the landscape corridor to that which was found acceptable to safeguard the visual amenity of residents of North Ferriby and users of the Yorkshire Wolds Way in the earlier approved schemes e.g. planning permissions 03/05511/STVAR, PA 08/30799/CONDET and PA 11/00613/STPLF.
  - Clarification as to the assumed finished heights of the engineered bunds (e.g. illustrative sections prepared by the Landscape Architects vs the Site Finish Levels drawing), followed by consequential review and reappraisal of the likely landscape and visual effects to reflect the actual dimensions of the bunds and their ability to provide mitigation. Without such actions, it is not possible to rely on the findings of the LVA as part of the decision-making process.
  - Expansion of the LVA to take account of the introduction of what are likely to be substantial engineered bunds into what is currently a largely level landscape, and the consequential adverse effects they themselves would have on landscape character and visual quality.
  - Given the residual adverse effects on landscape and in particular visual receptors that remain, review of the mitigation measures proposed and exploration of how they might be expanded so as to more effectively mitigate the adverse effects arising from the proposed development.

## APPENDIX 4 of NORTH FERRIBY PARISH COUNCIL INTERIM OBJECTION

Medical Report by Dr S Thackray

Dr Simon D R Thackray MB BS MD FRCP  
Consultant Cardiologist  
Clinical Lead for Cardiology – Humber, Coast, and Vale Operational Delivery Network  
Divisional Clinical Director for Medicine – NLAG NHS Foundation Trust  
GMC Number 4037002

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**Medical Report**

**The Impact of Traffic and Traffic Related Particulate Pollution on the Cardiovascular Health and Wellbeing of Residents of North Ferriby and Surrounding Areas of East Yorkshire**

Provided Independently for the use of any and all interested parties. January 2021.

**The Author:**

I am a consultant physician and cardiologist of 15 years duration. Between 2006 and 2014 working as a consultant cardiologist at Hull & East Yorkshire NHS Trust and clinical lead for the department between 2008 and 2013. In 2015 I moved to Northern Lincolnshire and Goole (NLAG) NHS Trust, in 2016 became clinical lead for the department at NLAG, in 2018 was appointed as clinical lead for cardiology across the Humber, Coast and Vale cardiology network, and in 2019 became Divisional Clinical Director for Medicine at NLAG NHS Trust.

My areas of clinical expertise are in coronary heart disease and risk factor management, myocardial infarction (heart attack), and raised blood pressure. I have published extensively in these areas.

**Context:**

Coronary Heart Disease (CHD) is the leading cause of death for men in Hull and the East Riding and Hull and the second leading cause of death for women (ONS 2018). Reducing the death rates and the impact of long term disease on our local population has been a major public health priority for the NHS, Local Authorities, and Charities for thirty years – and this has resulted in hugely improved outcomes for all of us.

Over the last 10 years there has been increasing focus on the role of air pollution as a risk factor for coronary heart disease, with a recognition that vehicle emissions lead to increased risk of cardiovascular disease and death – with the risk being proportional to the proximity and intensity of the traffic.

It is proposed to develop a large distribution centre next to North Ferriby village in the East Riding of Yorkshire which will result in a substantial increase in heavy goods vehicle movements along the A63 corridor and into/ out of the Melton West Industrial area, this report considers the impact of this proposed development on the risk of death and longterm cardio-vascular disease on the residents proximate to the A63 and proposed development site.

### **Summary Opinion:**

The combination of increased particulate pollution (specifically PM 2.5's), ambient nitric oxide / NOx pollution, and noise pollution will lead to an immediate and persistent increase in the risk of coronary heart disease and death for the population of East Riding along the A63 corridor focussed but not limited to the resident population of North Ferriby, Welton, and Elloughton. This will lead to premature deaths which otherwise would not have occurred and will persist until there is a wide scale societal transition from diesel fuel based transport towards electric power plants in heavy Goods Vehicles in the 2030's / 2040's.

The proposed development and the additional disease burden it places locally and on the wider region runs counter to the stated aims from the Public Health Departments of both the East Riding and Hull, and do not appear to have been adequately considered as part of the planning process. The societal and economic impacts of this additional disease burden should be balanced against the projected economic gains of the development to allow a balanced view 'in the round' – as the detrimental effects of the development are sustained at a local or micro-local level and the economic gains typically are accrued in areas much more distant, or even in other countries.

There is little that current technology or contemporary planning practice can do to mitigate the effect of particulate pollution, NOx, or noise on local populations. There is no commensurate reduction proposed in other vehicle traffic and the airborne pollution will enter the local environment on an ongoing basis, representing a significant step increase in the pollution burden for a time period of decades.

All industrial development carries economic upside (assumed as part of a successful business planning process) which often dominates consideration when balanced against less visible and tangible downsides such as health impacts. Local Authorities could be forgiven for this bias as it is recognised they have a strategic responsibility to improve regional economic wellbeing, and health impacts have traditionally been less well articulated. However, the preponderance of contemporary scientific data in the UK outlines the clear danger that air pollution represents to all of us, further it allows a sound basis for analysing the impact of traffic levels as they translate into the number of additional people who will die or suffer serious disease from any sizeable proposal such as the Melton West development. It would be inappropriate of the planning authorities to neglect to consider this important variable and considering the recent ruling from the Southwark Coroner in the death of Ms Ella Kissi-Debra and may leave open the question of liability for future fatal cardiac events if inadequate consideration is given at the outset.

This report considers the impact of airborne pollution on cardio-vascular health and disease – the effect of the same suite of pollutants on respiratory health should also be considered.

One of the recommendations will be to engage an expert Respiratory Physician to consider the impact of the proposed development on the respiratory health of adults and children living or going to school in the area close to the A63.

### **Cardiovascular Disease:**

Within all of us are small and medium sized blood vessels which supply blood to essential organs. If blood supply is interrupted to the heart it leads to heart attack or heart failure and often leads to death. If blood supply to the brain is interrupted it leads to stroke or over the longer term can lead to dementia. These are all conditions that are common in the East Riding and Hull – and lead to a huge loss of life, disability, loss of income, and a major burden on the NHS. It goes without saying that as a society we undertake major endeavours to reduce the impact of these diseases on ourselves and our families. The local NHS in Hull and the East Riding spends tens of millions of pounds each year combating the effect of these conditions and trying to prevent them.

The commonest disease process that causes all of the above is ‘atherosclerosis’ – this is a fatty build up in the wall of the blood vessel that slowly chokes off the blood supply. Unlike the build-up of limescale in a pipe, the areas of atherosclerosis are also prone to flaring up, under the influence of something called inflammation. This flaring up often converts a slow steady build up into something much more sudden and total – and is the basis for most heart attacks and strokes.

We have known for decades certain ‘risk factors’ for atherosclerosis – such as cigarette smoking, high blood pressure, diabetes, and high cholesterol. All of these conditions cause both build up and flare up, but collectively they account for only about 50% of the overall risk – so other factors are at play. One of the key other factors is known to be air pollution – it causes both build up and flare up (WHO report, BHF report).

Dr Mark Millers research group in Edinburgh (Funded by the British Heart Foundation) have shown that what we breathe in has an effect on what happens to our blood vessels. His group have shown that inhaled particulates promote the build-up of atherosclerosis, and also cause flaring up of atherosclerosis. It is widely acknowledged globally that air pollution causes harm – with the World Health Organisation publishing guideline limits on the amount of pollution in the air (there is no known lower safe limit for pollution – rather the target set by the WHO represents a target to drive down overall air pollution). In the UK 11,000 additional deaths each year are due to air pollution (Public Health England 2018) with the majority of these caused by cardio-vascular disease.

### **Traffic and Air Pollution:**

Air pollution is a combination of gases and particulates that you breathe in. The gases are nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), sulphur dioxide (SO<sub>2</sub>), and carbon monoxide (CO).

Particulates are essentially small motes of soot, ranging in size down to 0.1 micrometres in size. It is the smaller of these particles (2.5 and below) that are of particular concern as they easily enter our bodies via the lungs and persist in the body.

They are formed by two mechanisms, firstly the combustion (burning) of fuels – and are especially prevalent from diesel powered vehicles. In the area of the A63 road traffic is the dominant source of air pollution and particulates – with diesel traffic being the principal source.

The second source of particulates (and often under-recognised) are brake particles, tyre breakdown products, and particles re-suspended in the atmosphere due to the passage of traffic.

It is recognised that many other sources of particulates exist (power stations, light industry, domestic coal and wood burning), but diesel fumes represent the largest and most persistent suppliers of particulates into the immediate environment along the A63 corridor. This is acknowledged in the East Riding of Yorkshire Council Air Quality Annual Status Report (2017).

### **Air Pollution on the A63:**

Two key variables inform the consideration of air pollution along the A63 corridor.

- 1) Death rates - Public Health England have published that 5.3% of all mortalities (deaths) in the UK may be linked to air pollution.
- 2) Pollution levels along the A63 corridor are higher (and at points much higher) than other areas (ERoY Council Air Quality Annual Status Report 2017/18)

Death rates:

Considering the first point 1) – there is a clear and significant link between environmental air pollution and the risk of individuals dying in the UK. Public Health England, British Heart Foundation, and the World Health Organisation provide a consensus view.

From this – it seems a reasonable consideration that reduced exposure to air pollution leads to a reduced risk, and by extension increased exposure to air pollution leads to an increased risk of death and disease.

The relationship between a person's exposure to air pollution and that person's risk of death or disease is likely to be complex. This may be a direct linear relationship (i.e. double the exposure leads to double the risk), but more likely there will be an interplay between the 'dose' of pollution an individual is exposed to, the duration (or daily repetition) of exposure, and the ongoing health status of the individual (asthma, smoking, existing buildup of atheroma in the background, high blood pressure for example). All of these factors will be extremely difficult to quantify and likely will be the focus of intensive research internationally over the coming years. However – it is very likely that dose and duration are key variables, meaning that repeated daily exposure to increased levels of air pollution are more likely to lead to death than one off exposures, or daily exposures to lower levels.

Acknowledging the above – it can be stated that air pollution contributes significantly to overall death rates in the Humber region, and that a majority of the additional death toll is from cardiovascular disease (heart attacks, stroke, heart failure).

The work from research teams in Edinburgh and elsewhere (BHF Report) indicate a role for air pollution and particulates especially in both the build-up of the atheroma disease process and also the flaring up of stable atheroma disease into acute disease such as heart attack and stroke. Air pollution therefore

promotes the development of disease and causes the flaring up of disease into fatal events – a ‘twin strike’.

Cardiovascular disease is common in the East Riding of Yorkshire, with the following Table 1 (NHS East Riding of Yorkshire PHE 2018) showing the % of the population with coronary heart disease – this is almost 50% higher than the rate in the rest of England, and 25% higher than similar benchmarked areas of England.

Key Facts	CCG	Similar CCGs	STP	England
Coronary heart disease prevalence (per cent)	4.8	3.7	4.0	3.2
Heart failure prevalence (per cent)	0.9	1.0	0.8	0.8
CHD admissions (rate per 100,000)	573.2	-	562.1	515.8
Heart failure admissions (rate per 100,000)	149.5	-	168.2	156.9
CHD early mortality (rate per 100,000)	39.8	-	42.7	39.4

There is therefore a high background prevalence of cardiovascular disease already established in the East Riding – as stated earlier – representing the leading cause of death in both the East Riding and in Hull (PHE 2019).

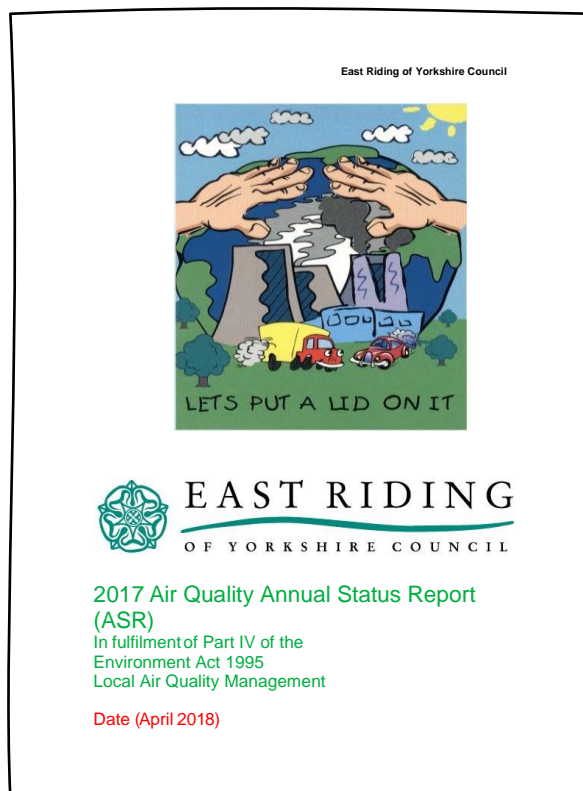
Considering the existing rates of disease and the impact of air pollution together – it is reasonable to state that increased air pollution will lead to an increased number of deaths from coronary heart disease – which is already the largest single cause of death in Hull and the East Riding – this translates into a large effect from pollution acting on a larger vulnerable group. More pollution will directly lead to more deaths.

As coronary heart disease is already common -more people will develop disease, and more patients will see their stable disease flaring up into sudden episodes such as heart attack and stroke. There is therefore a clear relationship between increased pollution and a significant increase in coronary heart disease, heart attack, stroke, and death. The increase would be seen rapidly (with established atheroma disease flaring up) and also over the longterm – with individuals experiencing more atheroma disease build-up than otherwise would have been the case. This will leave a long-term legacy of disease in exposed individuals.

#### Pollution Levels:

Considering the second point 2) – East Riding of Yorkshire Council undertakes monitoring of (some) pollutants in traffic areas across the County including the A63. This is published and open source in the Annual Air Quality Report, which all local authorities are mandated to produce and escalate to Central Government. This is a monitoring exercise, with no targets for pollution reduction.





The conclusion of the above report states:

#### Conclusions and Priorities

Whilst results across the majority of East Riding continue to show a steady downward trend in annual mean nitrogen dioxide concentrations over the last 5 years, two roadside tubes (No.28 & No.35) have again recorded an exceedence of the  $40 \mu\text{g m}^{-3}$  annual mean objective. However, running these results through Defra's fall-off with distance calculator to estimate concentrations at the closest locations of

LAQM Annual Status Report 2017

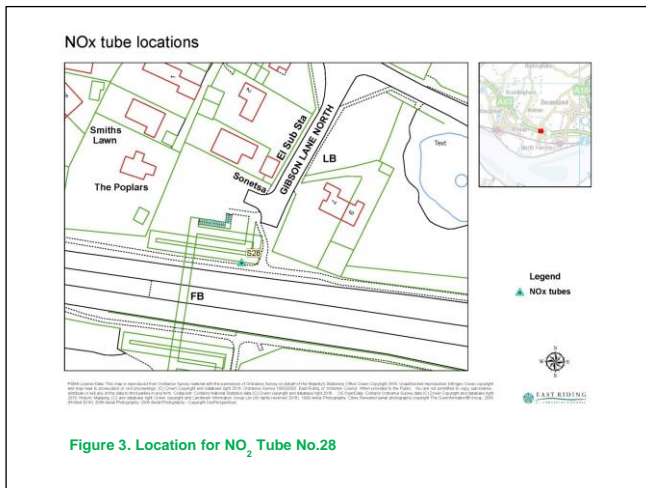
#### East Riding of Yorkshire Council

relevant exposure returns annual mean  $\text{NO}_2$  concentrations of  $30.7 \mu\text{g m}^{-3}$  (for Tube No. 28) and  $37.5 \mu\text{g m}^{-3}$  (for tube No. 35).

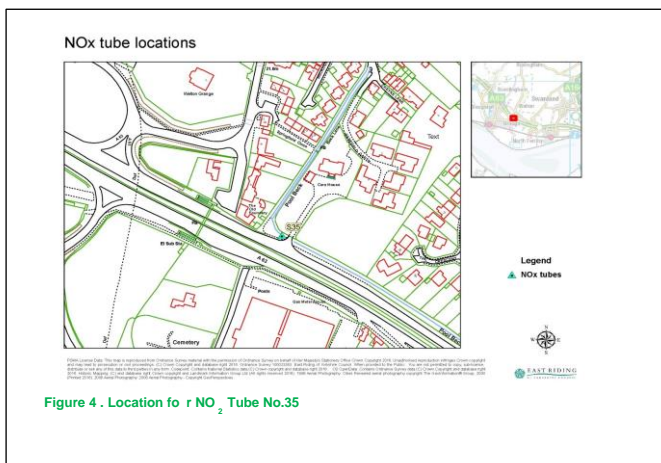
The only pollutant that is (routinely) measured in the region is Nitrogen Dioxide ( $\text{NO}_2$ ) – assumed as a surrogate marker for all other pollutants both gaseous and particulates. The safety of this assumption can be questioned – as gaseous pollutants are implicated in higher levels of respiratory diseases such as asthma, but particulates (BHF data) are more implicated in the development and flaring of atheroma. However – as  $\text{NO}_2$  is higher in high traffic areas, and traffic is the primary source of particulates – there is some validity in using  $\text{NO}_2$  as a surrogate for the more dangerous particulates.

As outlined in the report – the two areas with the highest levels of NO<sub>2</sub> (and therefore likely particulates) are around the A63 at Welton – Tubes 28 and 35..

Site 1: Tube 28



Site 2: Tube 35



It is highly significant these are in areas of i) high traffic volume, ii) high HGV volumes iii) repeated areas of daily high traffic volumes with build up at peak times.

It should be recognised when assessing this data that the points in-between and adjacent to 28 and 35 are subject to very similar patterns of traffic flow (acknowledging the effect of the traffic junction at Welton / A63) and will therefore experience very similar levels of pollution. Air pollution by its very nature is not a focal phenomenon.

([https://ukair.defra.gov.uk/assets/documents/reports/cat11/1212141150\\_AQEG\\_Fine\\_Part particulate\\_Matter\\_in\\_the\\_UK.pdf](https://ukair.defra.gov.uk/assets/documents/reports/cat11/1212141150_AQEG_Fine_Part particulate_Matter_in_the_UK.pdf))

A mitigation put forward in the Air Quality Report is the rapid disbursement of gaseous pollutants at points distant from the recorded areas due to dilution from other air currents. This is a reasonable assumption for gaseous pollutants but is an unreasonable assumption for particulates which will have different properties in air currents, different mechanisms settling out of the atmosphere, differing patterns of accumulation, and differing patterns of electrical charge (essentially static electricity) that influences how they interact with each other and the environment. Weather and atmospheric moisture may also differentially influence the propagation of particulates vs. gaseous pollutants.

What can be deduced from the published data on air pollution (WHO report) is that pollution and particulates do not conveniently limit themselves to the few meters either side of the source – if that were the case, then there would not be an effect on the 1 in 20 people in the UK that pollution contributes to the death of. Very clearly – every person does not spend their time only a few meters from the source of pollution or the side of a road.

The Air quality Report can be challenged as being over simplistic – there are immediately proximate effects of air pollution (within meters of traffic), micro-local (with 10's of meters of traffic), local (within a kilometre) and regional effects (10's of kilometres). To assess risk using one surrogate marker of pollution at only one level is disingenuous.

This medical report seeks to address the micro-local and local effects of particulates – and does not take reassurance from the Air Quality Report. What however can be deduced from the Air quality Report is the peak of air pollutants in the A63 corridor from Elloughton to Ferriby, and this author would agree with Air Quality Report that air pollution is a significant contributor to death and disease and therefore by extension death and disease along the A63 corridor.

Considering both death rates and air pollution on the A63 together – it can reasonably deduced that there are localised areas of significantly higher pollution levels due to traffic on the A63. This air pollution is contributing to the rates of death and disease from coronary heart disease along the urban areas adjacent (1 meter to 1000 meters) from the A63 corridor, and that these are areas with substantially higher existing rates of coronary heart disease – already the leading cause of death locally and regionally.

#### **Increased air Pollution from the Proposed Melton West Development.**

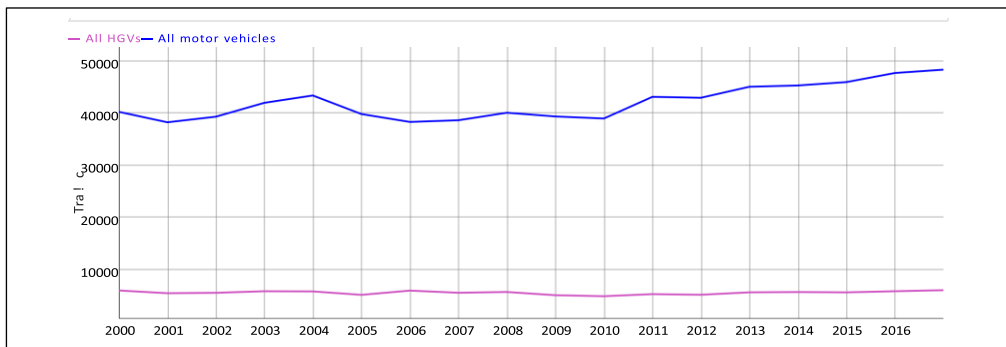
The planning documentation for the proposed development outlines an additional 3,500

(three thousand five hundred) HGV traffic movements over each 24 hour period, each day, 365 days per year along the A63 – it is assumed that the overwhelming majority will arise a number of miles away and terminate a number of miles away.

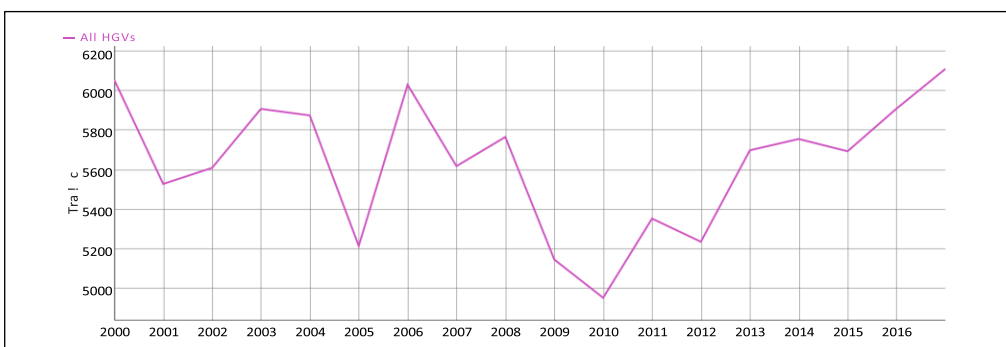
No additional traffic movements have been factored in (employee movements, traffic queuing, HGV 'stacking', cold engine starts).

Existing Traffic Levels – A63 Corridor (source – roadtrafficstats.co.uk) Traffic flows  
A63 North Ferriby.

Blue Line = all motor vehicles. Pink Line = HGV's (fixed and articulated).



Data for HGV's in isolation.



The development will add (at least) an additional 50% to HGV traffic along the local A63 corridor – increasing air pollution from NO<sub>x</sub> and particulates, along with a higher number of fatal and non-fatal road accidents.

Determining the impacts of this increased air pollution inputs can be understood using the methodology commonly employed when analysing traffic and pollution reduction schemes and extrapolating backwards. (<https://bettertransport.org.uk/sites/default/files/researchfiles/MTRU-supplementary-report-on-impacts-of-rail-freight-december-2017.pdf>)

Analysis of road traffic vehicle mix and emission types are well described within this methodology, reflecting contemporary traffic patterns in the UK (for the above paper it also included the M62) and including provision for a proportion of electric cars (but not electric HGV's) – therefore this methodology would become unsound if a significant shift to electric HGV's took place.

HGV's (articulated and rigid) form only 16% of traffic on the M62 – but create 58% of the NOx pollution. A similar proportion of traffic mix is seen on the A63 (from above) – and could reasonably be assumed to be at least equivalent in terms of pollution output. This does not however take into account the slowing, parking, starting, and acceleration of HGV's back on to the A63 carriageway from the proposed site (which will add to the pollution burden disproportionately) – but the extremely complex modelling of local loading conditions on a HGV engine is beyond the scope of this report. It is therefore assumed that HGV's would be in 'steady state' such as in motion on the M62.

The proposed increase in HGV movements to the Melton West site will lead to a modest increase in overall traffic, but a significant increase in HGV traffic (53% increase) undertaking the most polluting traffic activities of exiting, manoeuvring at low speed, and accelerating back on to the carriageway – using exclusively diesel powerplants. This traffic flow will also compound the re-suspension of previously settled particulates back into the local atmosphere.

Using the above methodology and taking 3,500 vehicle movements per day along the corridor –

NOx	17.5% increase
Particulates	12.25% increase

These pollutants will be delivered into the micro-local environment in areas that already demonstrate very high levels of existing gaseous (and particulate) burden.

Significant other background sources of pollution exist, although for the A63 corridor and associated urban areas – traffic is the dominant source in the absence of medium and heavy industry, nearby power generation sites, and significant radon exposure. Pollution output from traffic flow thereby becomes the largest determining factor for environmental pollution in the A63 corridor.

#### **Death Rates for specific cardio-vascular conditions**

Each year 1 in every 1,000 individuals in the UK dies of coronary heart disease. (BHF data)

For the East Riding this is 1 in 820 individuals (NHS ERoY Data 2018)

In the UK (population 66m) 102,000 people suffered a stroke in 2018, with a lifetime risk of 1 in 6 for a man, and 1 in 5 for women. Just over a third (35%) prove fatal (source – stroke.org.uk). The ERoY has very similar incidence (new strokes) and prevalence (people who previously have had a stroke) as the rest of the UK.

In the ERoY one in every 647 people will suffer a stroke each year and a third will die, a further third suffer long term disability.

In addition to every individual who dies from a heart attack or stroke, there are also a large volume of admissions to local Hospitals – with heart attack, stroke, and heart failure being the commonest reason for urgent admission to Hospital in both Hull Hospitals and Northern Lincolnshire Hospitals.

#### **Increased Death and Disease Rates due to Increased Air Pollution.**

Air pollution may be implicated in at least 5.8% of all deaths (PHE data), the impact of air pollution is not spread evenly across all disease and condition types. There is much less evidence to show a role for pollution in cancer, dementia, suicide, frailty, infectious disease – which are major sources of mortality. By extension, the impact of air pollution is mediated through a narrower range of diseases – with good evidence shown above of the effect on cardio-vascular disease and stroke. These are the most common diseases, with the unfortunate consequence that even small increases in air pollution are multiplied into large increases in the risk of death. Cardiovascular disease accounts for about 1/3<sup>rd</sup> of all deaths in the UK, and locally – but will be the dominant disease group were air pollution causes its harm. For this reason the impact of air pollution is likely to be greater than 5.8%, and may range upwards of 10% for cardiovascular disease.

Taking 10% as a baseline contribution from air pollution to cardiovascular disease and mortality, there will be a local increase in this risk due to proposed development as outlined above of 17.5% for NO<sub>x</sub> and 12.25% for particulates. The proportionate contribution of NO<sub>x</sub> and particulates is not fully understood – but assuming that particulates dominate for cardiovascular disease (for reasons outlined above) – we would see 1.25% - 1.5% increase in the absolute overall risk of death and disease from the proposed traffic increase. Looking at the annual population level risk for settlements along the A63 corridor – taking North Ferriby, Melton, Welton, Brough, Elloughton (population 16,246) as an example.

Within this small geographical area the impact of the proposed development and resultant air pollution would increase the number of fatal heart attacks from 19.8 per year to 20.1 – meaning every 10 years an extra 3 people will die from heart attacks who otherwise would have survived.

A similar additional number will suffer a stroke of whom one third will die.

The greatest additional burden would be on admissions to hospital (not including the additional admissions for respiratory illness) with approximately 10 times the number of additional admissions to Hospital.

These figures are for cardiovascular disease only, and do not include the impact of asthma / respiratory illness, increased road traffic accidents, and the effect of noise and other pollutants.

To give some context to this mortality rate – over a 30 year period between construction of the Melton West Development and the eventual complete electrification of road freight traffic the additional air pollution from HGV movements along the A63 will cause two thirds of the number of deaths from heart attack and stroke (n=13) as the Covid-19 pandemic has caused in totality in the same

communities (n=20 between march 2020 and January 2021 – Source ONS). One clearly being the major public health problem of the modern era, the other being a virus with a vaccine based prevention strategy.

### **Summary**

There is a clear relationship between traffic, air pollution, and the risk of death from cardiovascular disease. Increases in traffic, especially HGV's, leads to increases in a range of pollutants that are directly harmful to people and cause deaths.

Industrial developments bring economic benefits which may be felt widely across a region – but the harms from pollution are suffered locally – and those harms will include deaths.

Using widely published methodology, taking a small geographical area close to the A63 it can be conservatively calculated that the proposed increase in traffic volumes as a result of the Melton West distribution centre would lead to 4 deaths every 10 years, and a further 10 individuals suffering a heart attack or stroke who otherwise would have enjoyed a healthy life. This death and disease rate will persist until there is widescale transition to electric power plants in HGV's – which is likely to be beyond 2040.

These numbers do not include the addition burden of respiratory disease, and the risk of fatal and non-fatal road traffic accidents along the A63.

### **Recommendations**

Most individuals recognise the economic benefits that industrial developments bring, however transport based developments – such as the one proposed – are particularly prone to local harms and often very distant benefits.

The metric of death and disease is a difficult variable to introduce into a decision process around planning of capital projects, frequently such decisions are heavily weighted in favour of economic benefits – but should include, for the sake of balance, a consideration of the inevitable number of individuals who will suffer death and disease as a result. These numbers whilst small – because of the profound nature of the impact – require inclusion and consideration in order to facilitate a rounded and transparent deliberative process.

The local population should also consider that the lifestyle that most people lead places a burden of pollution somewhere, and if the development was placed further along the A63 – then the pollution would still enter the local environment to some extent. There is therefore a collective responsibility on society to accept some degree of risk from air pollution as the price we all pay for the goods and amenities we all use. This forms the basis for consideration 'in the round'. However, the A63 corridor and especially the segment from The Humber Bridge to South cave has existing very high levels of gaseous (and very likely particulate) pollution which is already causing death and disease. To impose a step increase in deaths and serious disease into this immediate locality is particularly burdensome.

Additionally, one is mindful of the impact on South Hunsley School – with a likely 20 year duration of increased particulate deposition in the vicinity. The impact is difficult to ascertain – but will almost certainly reverse many of the improvements in cardiovascular health that younger generations have benefited from.

This report has been prepared without prejudice and for the use (unabridged) by any and all parties.

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