

Mrs Hannah Blackburn  
City of York Council  
West Offices  
Station Rise  
York YO1 6GA

19<sup>th</sup> March 2015

Dear Hannah,

**Re: AOD/14/00357 | Details required by Conditions 10 (Nature Park), 11 (Nature Park Management Plan), 15 (Environmental Management Scheme), 16 (Environmental Management Scheme), 20 (Environmental Management Scheme) and 35 (Car club) of outline planning approval 01/01315/OUT | Germany Beck Site East Of Fordlands Road York**

Fulford Parish Council notes the additional information provided and makes the following comments on the details as revised.

### **Conditions 10 (Nature Park)**

*10. Prior to the commencement of development of the site a detailed scheme for the Germany Beck Nature Park shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall comply generally with the details set out in the Updated Development Principles Report (as amended). Amongst other matters it shall provide appropriate provision for car parking and cycle storage, and for the use of locally sourced plant stock where available. It should also detail methods of management and measures to monitor the flood regime in relation to the Germany Meadow SINC. The scheme shall be carried out in accordance with the phasing arrangements set out in the Updated Development Principles Report (as amended).*

### **Revised Landscape Plans 1939/16D - 18D**

- The 2012 ES update affirms that *".....all parcels of land between the new road and the Beck which will remain in the floodplain will be reinstated using native grasses and willow scrub which will withstand the intermittent flooding regime"* (10.17). However, it appears from Drawing 1939/16D that no planting is proposed for the land south of the new access road in the area between the A19 and Fordlands Road. The junction and road in this area is supported by vertical walling along most of its length: consequently, the view from the footpaths along the southern bank of the beck and from Fordlands Road and the playing field will be extremely bleak without any planting to soften the impact. Furthermore, the impact on the bat-commuting corridor will be even more extreme.

#### **New flood meadow:**

- The Table of response comments states: *"The new Flood Meadow will include a water-filled channel running through its centre but otherwise it will NOT hold water except in times of exceptional flood conditions"*. This does not comply with the principles set out in the UDPR: *"Germany Beck will remain on its existing alignment and water will be channelled into a series of pools, the water levels of which will be controlled by weirs. The basin will be modelled to create a range of wet and marginal habitats"*. (UDPR P21) The plan illustrates the series of pools that are intended to create the wetland habitat, which differs from the narrow channel as now proposed. The Landscape Management Specification and accompanying plans fail to explain or illustrate the nature of wetland planting proposed and we therefore consider that further details are required.

- Drawing 1939/18D illustrates a looped pathway in the new woodland area with a single access point from Germany Lane. This is not sufficient to allow convenient public access and conflicts with the statement at 1.1.3: *New Woodland Area* “A footpath will pass through the area from east to west connecting with existing tracks to form a comprehensive network of paths”. It also conflicts with the drawing in the UDPR (page 21) and the final Masterplan (page 16), which shows a through route (with bridge) from the Millennium Way that connects areas north of the beck through the park to Germany Lane.
- A very short stretch of path is shown crossing the beck at the site of the downstream outfall but no details are provided for a bridge crossing at this point.

South West Meadow:

- Plan 1939/16D illustrates the area previously proposed for the foul water pumping within the SW meadow. This proposal was omitted at reserved matters stage and the plan should therefore be amended to reflect this change and should include landscaping proposals for this area.
- Except for the roadside path along the access road, no paths, cycleways or seating areas are proposed within the two parcels of land in the meadow despite these areas being an integral part of the Nature park, where full public access should be assured.

Germany Meadow SINC and new woodland area:

- Plan 1939/17D illustrates a single looped pathway in the new woodland area but only accessible from a single point along Germany Lane, with no access provided from the public footpath running along the west side of the meadow. This conflicts with the drawing in the UDPR (page 21), which shows a connecting route.

Notwithstanding the applicant’s assurance that car-parking and cycle-storage for the Nature Park is shown on the accompanying plans, these details are not visible on the plans available online. We would appreciate clarification on this point.

**Landscape Management Specification (and appendices)** dated 19 Feb 2015.

Invasive species - Himalayan Balsam

2.2 “Year 1. Undertake works to remove Himalayan Balsam from Germany Meadow in line with Method Statement (see Appendix B)”

- The removal of Himalayan Balsam from the site is very much supported but we are concerned that the removal only applies to Germany Meadow whereas the species is now dominant along the lengths of the Germany Beck corridor (on both banks) from the A19 all the way to Tunnel Dyke. We ask for assurances that all areas affected will be cleared before any development commences, in line with the Method Statement 3.1: *After all removal work has been completed, the developer can commence the on-site preparation works and construction can begin*”.

1.2.8: *Tenure: “.....Persimmon Homes (Yorkshire) will transfer the ownership of the site to a dedicated management company. The management company (and therefore the management of the site) will be funded by an annual rent charge levied on each property”.*

We request reassurances that Fulford parish Council will be consulted when the management agreement is drawn up in order to ensure that all Fulford residents and the wider community are guaranteed full and unrestricted access to all areas of the Nature Park and open space within the development in perpetuity.

**Appendix A – Schedule of Tree Work** revised February 2015

The schedule has been amended to avoid felling trees that may contain bat roosts but omissions and inconsistencies remain:

Table 1

- It lists the trees that are due to be felled but fails to acknowledge that a large number were felled more than a year ago. The schedule is therefore inaccurate and confusing.
- We note that T13 and T14 have been deleted from the list and will not now be felled. This is welcome but concern remains that the real reason for the proposed felling is that recently submitted drainage plans indicate new drains are proposed directly underneath both trees and that they will nevertheless be lost. It underlines the importance of providing an over-arching and up to date tree report as an update to the ES that takes account of all arboricultural, ecological and drainage issues for the whole site.

Table 2

- This table lists trees where surgery is proposed such as removal of deadwood or significant crown reductions but it still includes trees that were identified in the ERAP Survey as having features suitable for bats and assessed as Category 1 and 2 trees (eg, G6, T44 and G50). The consultant does not seem to appreciate that even minor tree surgery can cause harm to roosts and to any bats present.
- The list also recommends surgery for T26, T39 and T71 which are all manifestly suitable for roosting bats but which the ERAP Survey failed to identify. The schedule should be amended to take this into account.

Table 3

- This table has been added and lists those trees where no action is to be taken until they have been re-surveyed by a suitably-qualified ecologist. No timescales are given as to when this will be undertaken and whether advance notice will be given to the LPA. Without these details, the LPA will be unable to ensure compliance.
- It fails to include the “dead” Ash within G25 that was identified as a category 1\* tree by ERAP. This tree is located in very close proximity to areas where sheet-piling will be undertaken.
- It also includes T67 and identifies it as a Category 1\* tree but this tree is not even mentioned in the ERAP Report/Addendum to the ES of January 2013.

### Condition 11 (Management Plan)

*11. Prior to commencement of development, a management plan for the Germany Beck Nature Park shall be submitted to and approved in writing by the Local Planning Authority. The management plan will be based on English Nature's published guidance on the preparation of management plans for nature conservation. The management plan will also include:*

- a) The establishment of a monitoring programme to establish hydrological patterns.*
- b) The establishment of an annual vegetation monitoring programme.*
- c) The development of a programme of wildlife and nature conservation enhancement.*
- d) A scheme detailing the methods of management and measures to monitor the flood regime in relation to the Germany Meadow SINC*

The condition clearly states: “*The management plan will be based on English Nature's published guidance on the preparation of management plans for nature conservation*”. This guidance is still extant and available on Natural England's website but the submitted management plan follows altogether different guidance as set out in para 1.1.4. The document does not even mention, yet alone follow NE's published guidance, which (amongst other matters) sets out a requirement for identifying and consulting with stakeholders during the preparation of such plans.

Taken as a whole the submitted information is insufficient to satisfy the wording of Condition 11.

## Condition 15

*15. Construction work shall not begin until a scheme for protecting the dwellings in School Lane, Tilmire Close and Low Moor Avenue and the occupants of the Fordlands Road Care Home from noise from the construction works has been submitted to and approved in writing by the local planning authority; works which form part of the scheme in relation to a particular phase of the development shall be completed before any part of that phase of construction commences.*

Paragraph 12 of the CEMP describes only one specific proposal to address noise levels at along School Lane and Tilmire Close but fails to refer to the Fordlands Care Home at all: *“Site management will undertake physical (non instrumental) monitoring of noise levels once a day along neighbouring boundaries – Plots 1, 25-48 School Lane and Plots 643-652 & 655 – Tilmire Close. Monitoring should increase dependent on the activities being undertaken on site”.*

The Inspector’s Report makes clear that he expected specific controls in addition to the CEMP and certainly assumed hoardings would be provided in certain circumstances:

*24.167: The agreed conditions designed to protect aspects of the environment do not include the measures entailed in the noise assessment of the construction work. This assumed, for example, the erection of an acoustic barrier between dwellings and construction activities in certain circumstances. The condition now recommended is intended to provide a mechanism to secure that, or any other measure, assessed to be necessary (condition 15). It is to provide specific control in addition to the environmental management scheme (for minimising the creation of noise, vibration and dust during the site preparation and construction phases of the development) provided for under another condition (condition 20). It is possible that the former could be part of the latter. But, because I think that there are circumstances where construction noise could be intrusive, I think that separate control is warranted. That is especially so for the occupants of the Fordlands Road Care Home. There I think that additional limitations would be required; I suggest that all works involving the construction of the spine road and within 30m of the Fordlands Road Care Home should be limited to no more than 4 hours on any one day (condition 18).*

Paragraph 12 of the CEMP describes only one specific proposal, which is to monitor noise levels once a day along School Lane and Tilmire Close but it makes no reference to the Fordlands Care Home or Low Moor Avenue. Furthermore, the information contained within the CEMP is mainly generic and often vague and is therefore insufficient to satisfy the wording of Condition 15:

- It does not identify sensitive receptors, which (as well as School Lane, Tilmire Close and the Care Home, include properties on Fulford Mews, Main Street south and Fulford School.
- It fails to describe how the monitored noise levels will be logged or what mitigation will be employed if high levels are recorded.
- It fails to specify the conditions under which acoustic hoarding will be erected or where.
- *“The developer shall ensure that disruptive sound levels will be kept to a minimum”* is a meaningless statement without any specification of what sound levels are considered disruptive or what measures will be put in place to deal with it.
- *“Use of mains electrical power wherever possible with the use of generators kept to a minimum”* is also too vague. It should state that mains electrical power will be connected in order to avoid the use of generators completely, especially in noise sensitive areas.

## Condition 16

*16. Construction work shall not begin until a scheme for protecting the occupants of the Fordlands Road Care Home from the noise of traffic on the proposed spine road has been submitted to and approved in writing by the local planning authority. Unless the Local Planning Authority give consent to any variation, those works shall include provision for a 1.8m acoustic screen to be erected beside the northern carriageway of the spine road, of a design and length to be approved by the Local Planning*

The “1.8m acoustic screen to be erected beside the northern carriageway of the spine road ” refers to a permanent wall that must be constructed on the footpath of the spine road as described and illustrated in the UDPR (page 18) which states: “To the north, the Home for the Elderly will be protected by a 1.8 metre brick wall to the rear of the footway, which will act as an acoustic barrier”. The details of the acoustic fence as submitted relate more properly to Condition 15, which applies to noise of construction, rather than noise from the spine road when operational.

We are not aware of any new details being submitted and suggest that the details for this condition should not be approved until appropriate and relevant information is provided.

## Condition 20

*20. Prior to commencement of the development, an environmental management scheme for minimising the creation of noise, vibration and dust during the site preparation and construction phases of the development shall be submitted to and approved in writing by the local planning authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the local planning authority.*

The unattributed CEMP is woefully inadequate and falls far short of what is required for an EIA development of this scale and in this location. Our understanding of the purpose of such documents is to ensure that the project’s actual environmental impacts are consistent with those evaluated in the EIA process. The CEMP is therefore fundamental to the EIA process and should ensure that commitments and predictions made at the planning and assessment stage are carried through to the construction and operation phases. The document will also inform the contractor engaged to undertake the work as well as operational personnel and must therefore contain sufficient and site-specific detail.

Some of the main defects are briefly listed below:

- The document fails to integrate with the assessments, predictions and mitigation commitments contained in the 2012 ES (and update) and has been prepared in isolation from the EIA process.
- It fails to outline the planning consent/approval process and the conditions imposed.
- There is no project description to define the nature and scale of the construction process.
- There are no site plans to show the various features of the site such as the Germany Beck corridor, Germany Beck meadow (SINC), public footpaths, trees/hedges & ditches or where sensitive receptors are located.
- There are no plans to show the location of site facilities & compounds, or construction traffic entrances or routes.
- It fails to refer to the construction of the raised A19 junction and new access road, which are the first elements of the scheme to be commenced and which has the potential for severe environmental effects.

- It fails to identify areas of the site that flood or how to deal with flooding events or drainage problems should they occur and how pollution of the watercourse will be avoided.
- It fails to deal with decontamination works (relevant for the SW Meadow).
- Ecological receptors are not mentioned (it is of concern that Chapter 6 of the 2012 ES dealing with air quality baldy stated that there were no ecological receptors that needed to be considered)! This is particularly important for areas where piling is to be undertaken directly adjacent to Germany Beck and for protection of wildlife generally.
- It fails to mention the SSSI where engineering works directly adjacent to its boundary will be undertaken.
- It fails to mention archaeology and how the archaeological resource will be protected during construction, including the 'archaeological zone' (which we now note has drainage pipes running through it).
- It fails to refer to Condition 18 of the outline consent, which mandates that where piling is to be undertaken within 30 meters of No 1 Fordlands Road, work must be limited to four hours per day.
- It fails to deal with the management of 'routes to school' or public rights of way such as Footpath 7, Germany Lane and Millennium Way.
- With regard to dust levels (para 13), there is no specific information on how the results of monitoring will be logged, what will happen if the dust levels are a nuisance. Again, it does not mention Low Moor Avenue, Fulford Mews, Fordlands Road Care Home, Main Street south and Fulford School.
- No details of timings for commencement or completion dates for the phases of construction phases.
- No objectives listed (which should be project specific and not broad policy statements).

It is already apparent that the archaeological investigations already undertaken have caused conditions within the site and along Germany Lane to significantly deteriorate, thus reinforcing the need for a robust CEMP. We therefore urge you not to approve this plan in its current form.

**Condition 35 (Car club)**

We have no comments to make.

We trust you will take the above comments into account and that you will require Persimmon Homes to provide appropriate and sufficient information before approving the submitted details.

Yours sincerely

Jeanne Fletcher  
Clerk to Fulford Parish Council