

# Fulford Parish Council

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Dear Hannah

**Re: 17/00971/FUL - Variation of condition 9 of permitted application 12/00384/REMM to alter bat mitigation strategy and removal of condition 13 to allow landscaping works on land south of plots 137 to 159 - Germany Beck Site East Of Fordlands Road York**

This letter sets out the Parish Council's initial observations but should further information be provided, we may wish to provide additional comments.

## Procedure

We appreciate your confirmation that the LPA will comply with the 2011 EIA Regulations but we note that Persimmon has still not submitted an ES, despite this being a requirement for s73 applications where EIA applies. We therefore trust that Persimmon will be required to submit an updated ES and will then fully comply with the EIA advertising procedure.

## Condition 9

The justification offered for delaying the mitigation further into the future is said to be the 'nature of the engineering works' but these works were entirely foreseeable and it should come as no surprise that Persimmon has found it impossible to implement the mitigation. The Parish Council's letter to the LPA of 19<sup>th</sup> March 2014 (re AOD/14/00417) explained how the raised road would prevent the planting of any trees in the short term:

*More importantly, the Strategy Report fails to mention that the section of road within the South West Meadow will be raised on embankment to bring it above flood levels, meaning that the road surface at hop-over 1 will be around 2 metres above current ground levels..... Consequently, it will be impossible to plant the proposed "larger standard trees" between the pedestrian walkway and road in advance of its construction as suggested (Figure 4b) and this hop-over will provide no benefit in the short term.*

The very unfortunate decision to locate the site compound between the former care home and the access road has exacerbated the situation further because, due to its presence, none of the other mitigation measures proposed, such as willow panels, tree belts and wildflower planting can be implemented either.

The condition was imposed in order to provide necessary measures as mitigation for adverse impacts arising from the loss of bat habitat and the considerable impacts of the new access road. It is surely an unacceptable situation that Persimmon has been in breach of this condition since development commenced especially considering that the main habitat removal took place in the winter of 2014.

The situation also underlines the importance of completing the A19 junction and access road as quickly as possible in order that replacement planting can be commenced.

If further delay is unavoidable, compensation should be provided to mitigate the harm caused.

Condition 13 – reserved matters

*Notwithstanding the submitted plans, no approval is hereby given for the landscaping of the area of land to the south of plot numbers 137 to 159, which includes the Archaeological Zone.*

*Reason: This is because this area of land falls within the Germany Beck Nature Park and is therefore covered by Condition 10 of the Outline planning permission.*

The reason for the imposition of this condition confirms that the landscaping of the archaeological zone is covered by outline condition 10 as it forms part of the nature park. The landscaping scheme for the area south of plots 137 to 159 has already been agreed (AOD/14/00357) and can be implemented after the drainage works have been completed. We therefore query why reserved matters condition 13 needs to be deleted at all.

Thank you for consulting us.

Yours sincerely.

Rachel Robinson  
**Clerk to Fulford Parish Council**