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Date : 8th June 2025
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c/o Nik Wilson
P & N Design.

Dear Nik,

Planning Ref: PA/2024/1214

Planning permission to erect new workshop unit at The Old Tile Works Restaurant, The Old Tile Yard, Barton, upon Humber. DN18 5RF

With reference to the comments from Natural England (16th April 2025) and the planning ecologist (28th March 2025), please find below responses to those comments.

A plan showing the proposal site in relation to the Humber Estuary SAC, SPA and Ramsar site – see figure 1.

Records of breeding and wintering bittern and marsh harrier and wintering and passage waterbirds using land within 200 metres of the site boundary.

The attached excel spreadsheet documents all records of birds within 2km of the Application Site including bittern, marsh harrier, passage and wintering wildfowl and waders.

Schedule 1 Listed Birds and Birds of National Importance

This site lies adjacent (within 10m) to the Humber Estuary SSSI/SPA/Ramsar and within 60m of the Humber Estuary SAC. It also sits adjacent to the complex of old Humber Bank clay pits which includes the Far Ings, Chowder Ness and Water's Edge sites, also protected and multi-designated for birds. Being positioned within close proximity to this exceptional bird habitat for breeding, passage and wintering, any development on the Application Site must be undertaken with extreme sensitivity to birdlife.

Below is Table 1 containing bird species of conservation priority which do or could occur in suitable habitat at the adjacent Far Ings complex or on the Humber Estuary SAC/SPA/SSSI/Ramsar. The level of protection for each species is stated. Whether these birds would use the site in, or out, of the breeding season or on passage, and whether the species are wetland or terrestrial species, is also included.

Table 1. Bird species of Conservation Priority

	Wildlife & Countryside Act Schedule 1	Birds of Conservation Concern		Water birds given consideration by adjacent Humber Estuary designations	Birds of open water, marginal habitat or reedbed	Birds of terrestrial habitats
		RED LIST	AMBER LIST			
Bittern	✓		✓			
Avocet	✓		✓			
Spotted Crake	✓		✓			
Garganey	✓		✓			
Black-necked Grebe	✓		✓			
Mediterranean Gull	✓		✓			
Marsh Harrier	✓		✓			
Kingfisher	✓		✓			
Little Ringed Plover	✓					
Spoonbill	✓		✓			
Black-winged Stilt	✓					
Bearded Tit	✓					
Cetti's Warbler	✓					
Marsh Warbler	✓	✓				
Savi's Warbler	✓	✓				
Pochard (non-breeding)		✓				
Curlew (non-breeding)		✓		✓		
Long-tailed Duck (non-breeding)		✓		✓		
Scaup (non-breeding)		✓		✓		
Hen Harrier (non-breeding)		✓				
Lapwing		✓		✓		
Ringed Plover (non-breeding)		✓		✓		
Black-tailed Godwit (non-breeding)		✓		✓		
Herring Gull (non-breeding)		✓				
Turtle Dove		✓				
Willow Tit		✓				
Grasshopper Warbler		✓				
Starling		✓				
Fieldfare (non-breeding)		✓				
Redwing (non-breeding)		✓				
Mistle Thrush		✓				
House Sparrow		✓				
Redpoll		✓	✓			
Linnet		✓				
Mute Swan			✓			
Greylag			✓			
Wigeon (non-breeding)			✓	✓		
Gadwall			✓			
Teal			✓	✓		
Mallard			✓	✓		
Shoveler			✓			

Goldeneye (non-breeding)			✓			
Smew (non-breeding)			✓			
Oystercatcher			✓	✓		
Common Sandpiper (non-breeding)			✓			
Green Sandpiper (non-breeding)			✓			
Spotted Redshank (non-breeding)			✓			
Greenshank (non-breeding)			✓			
Redshank			✓	✓		
Snipe (non-breeding)			✓	✓		
Common Tern			✓			
Black-headed Gull			✓			
Common Gull (non-breeding)			✓			
Lesser Black-backed Gull (non-breeding)			✓			
Great Black-backed Gull (non-breeding)			✓			
Stock Dove			✓			
Short-eared Owl (non-breeding)			✓			
Swift			✓			
Kestrel			✓			
House Martin			✓			
Willow Warbler			✓			
Duncock			✓			
Meadow Pipit			✓			
Bullfinch			✓			
Reed Bunting			✓			
Bar-tailed Godwit (non-breeding)			✓	✓		
Grey Plover (non-breeding)			✓	✓		
Golden Plover (non-breeding)				✓		
Knot (non-breeding)			✓	✓		
Dunlin (non-breeding)			✓	✓		
Sanderling (non-breeding)			✓	✓		
Turnstone (non-breeding)			✓	✓		
Cormorant (non-breeding)				✓		
Shelduck				✓		
Brent Goose (non-breeding)				✓		

	Suitable habitat on adjacent land – Far Ings and Humber Estuary SPA/SAC/SSSI/Ramsar

Wold Ecology assessed the Application Site for the following schedule 1 listed species recorded in the locality, which have the potential to breed within the Application Site and/or adjacent habitats within 200m, or breed elsewhere whilst using the Application Site to forage or roost:

Species	Suitability of Application Site
<p>Avocet <i>Recurvirostra avosetta</i></p>	<p>No suitable breeding habitat within or immediately adjacent to the Application Site. Potential foraging habitat to the north on mudflats associated with the Humber, the Application Site is screened from this by a floodbank and buildings. No suitable habitat within the Application Site or grounds of the garden centre.</p>
<p>Bittern <i>Botaurus stellaris</i></p>	<p>Suitable reedbed habitat recorded to the west of the site and within 200m. This is screened from the site by a scrub belt, birds using this would currently be habituated to low levels of noise disturbance associated with the pottery and garden centre. No reedbed will be lost. No suitable habitat within the Application Site or grounds of the garden centre.</p>
<p>Spotted Crake <i>Porzana porzana</i></p>	<p>Peripheral patches of suitable habitat may be present in wetland areas to the west of the site although the reedbed habitat looked largely unsuitable for breeding but may be used by passage birds. Screened from the site by scrub, a secretive skulking species which is a spontaneous breeder in low densities, unlikely breeds every year. No suitable habitat within the Application Site or grounds of the garden centre.</p>
<p>Firecrest <i>Regulus ignicapilla</i></p>	<p>No suitable breeding habitat occurs within 200m from the Application Site. Scarce in spring and autumn, especially inland. Occasional birds may pass through the site on passage. No suitable habitat within the Application Site or grounds of the garden centre.</p>
<p>Garganey <i>Anas querquedula</i></p>	<p>Adjacent areas of reedbed are not typical garganey breeding habitat due to vegetation structure. Adjacent wetland may be used by passage birds, although this area is screened from the site by scrub and existing buildings. No suitable habitat within the Application Site or grounds of the garden centre.</p>
<p>Black-necked Grebe <i>Podiceps nigricollis</i></p>	<p>Adjacent areas of reedbed are not typical breeding habitat due to vegetation structure and depth. May be used by passage birds, although this area is screened from the site by scrub and existing buildings.</p>
<p>Marsh Harrier <i>Circus aeruginosus</i></p>	<p>Suitable reedbed habitat recorded to the west of the site within 200m. This is screened from the site by a scrub belt, birds using this habitat within 200m would currently be habituated to low levels of noise disturbance associated with the pottery and garden centre. No loss of foraging habitat. No reedbed will be lost. No suitable habitat within the Application Site or grounds of the garden centre.</p>
<p>Hobby <i>Falco subbuteo</i></p>	<p>Mature trees with a suitable canopy for nest construction limited within 200m of the Application Site. Passage birds may use the adjacent habitats. No loss of foraging habitat. The proposed building is part of an existing building network and no suitable habitat within the Application Site or grounds of the garden centre.</p>
<p>Kingfisher <i>Alcedo atthis</i></p>	<p>No banks available for nest excavation. Passage birds may use adjacent wetlands; these are screened from the site by scrub.</p>
<p>Barn Owl <i>Tyto alba</i></p>	<p>No trees or buildings with holes sufficient for breeding will be removed or significantly disturbed. Amenity grassland habitat poor for foraging. No optimum habitat within the Application Site or grounds of the garden centre.</p>

Little-ringed Plover <i>Charadrius dubius</i>	No suitable breeding areas within or immediately adjacent to the Application Site. No suitable habitat within the Application Site or grounds of the garden centre.
Cetti's Warbler <i>Cettia cetti</i>	Breeding Habitat present within 200m of the Application Site. May use scrub/reed bed interface along western boundary. Likely already habituated to low level noise on site. No loss of habitat will occur. No suitable habitat within the Application Site or grounds of the garden centre.
Marsh Warbler <i>Acrocephalus palustris</i>	No suitable breeding habitat present within the Application Site. No suitable breeding habitat noted within 200m of the site.
Bearded Tit <i>Panurus biarmicus</i>	Suitable reedbed habitat recorded to the west of the site within 200m. This is screened from the site by a scrub belt, birds using this would currently be habituated to low levels of noise disturbance associated with the pottery and garden centre. No loss of foraging habitat and reedbed. No suitable habitat within the Application Site or grounds of the garden centre.
Bird records for the site, (Site Record column of the attached excel sheet), are deemed unreliable when only partial grid references (e.g., four-figure grid references) are provided, as these almost certainly pertain to birds recorded in suitable habitats adjacent to the Application Site rather than within it.	

The potential impacts relevant to the Humber Estuary SPA/SAC/Ramsar/SSSI include:

- **Water Quality** – Changes in the quality of water composition in the watershed as a result of development in or near to the designated site, and increased pollution that could alter the water quality entering the water network and could damage vegetation and habitats/species at these sites. **Neutral impact** due to changes to the drainage layout IE surface water directed to crate soakaways approximately 36m from the boundary directed into the existing on site foul drainage system see drawing 3152-4a & 5a.
- **Habitat/Species Disturbance** – Disturbance both to habitats and to species travelling to the national site network through ecological isolation and fragmentation if development restricts migratory routes to designated sites and/or that impacts on food resources or breeding grounds.

The diagram below from Waterbird Disturbance Mitigation Toolkit (University of Hull, 2013) illustrates the seasonality of disturbance sensitivity and shows birds are less sensitive in the summer months.

Seasonal Waterbird Sensitivity Summary by Functional Group

Broad monthly sensitivity of waterbird groups in relation to construction works												
Broad Functional Group	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Feeding Wildfowl	H	H	H	M	M	L	L	L	M	M	H	H
Roosting Wildfowl	H	M	M	M	L	L	L	M	H	M	H	H
Small Feeding Waders	H	M	H	H	M	0	0	M	M	H	H	H
Large Feeding Waders	H	M	H	M	L	0	0	M	H	H	H	H
Roosting Waders	H	M	L	L	L	0	0	M	H	H	H	H
General Sensitivity	H	H	H	H	M	L	L	M	H	H	H	H

- The Application site is less than 10m from the Humber Estuary and the Waterbird Disturbance Mitigation Toolkit (University of Hull, 2013). This document adopts a low noise figure of 55db and an acceptable noise level of 70db. These criteria are also typically adopted for large-scale construction works that are far more disruptive than the proposed workshop.

Generic guidelines at present are precautionary for consenting requirements and employ an approach distance to 300m and a low noise threshold figure of 55dB (possibly based on research by Wintermans in 1991 which recorded no effect of shooting on roosting waders where noise levels did not exceed 55dB e.g. a level where no effect occurred rather than a threshold where effect commenced).

A 70dB noise threshold has however been developed over a period of years, based on published data as well as findings from primary observations (e.g. Cutts & Allen, 1999; Cutts, Phelps & Burdon, 2008 and Cutts & Hemingway 2010).

Anything below 55db is classed as low impact. 70db is considered an 'acceptable' dose level.

The chart on Pg 9 of the aforementioned document shows the birds responses to disturbance from a range of activities, impacts relevant to the proposal are categorised mostly as low impact.

Regular noise (50db - 70db):	Moderate to Low
Occasional movement of crane:	Moderate to Low
Noise below 50db:	Low
Long-term plant only on crest:	Low
Activity behind flood bank (inland):	Low

Timing of construction works during September and October will ensure nesting birds on adjacent land will remain undisturbed. Birds using the mud flats and banks of the River Humber will not be impacted upon as they are over 100m from the Application Site and at that distance noise levels during construction and operation will be below 5db.

No likely significant effects are likely during the construction phase and a **neutral impact** due to the distance to the River Humber, timing of works and construction method statement.

No likely significant effects are likely during the operation phase and a **neutral impact** due to all activities within the workshop being less than 50db.

See below for functionally linked land assessment.

- **Recreational/Visitor Pressure** – Disturbance to habitats and to species as a result of development, if it significantly increases the number of people and dogs visiting designated sites and the associated added pollution and contamination of sites because of a larger footfall. The workshop is required to enhance the functionality of the garden centre and will not encourage an increase in visitors. The adjacent Far Ings is open to the public and already a popular tourist destination, especially with bird watchers. **Negligible impact** due existing and adjacent site usage.
- **Roads and Footpath network** – distance to designated sites in relation to the road network and the feasibility of air, noise, and light pollution from increased traffic on the roads, due to a higher population or greater accessibility or numbers of people through and across the surrounding area. **Negligible impact** due to the proposal not increasing visitors to the garden centre, the existing site noise level from the established garden centre will not be increased during the operation phase and no new footpaths to be created onto the Humber Estuary SPA/SAC/SSSI/Ramsar.
- **Species movement** – distance between the proposed development site and the national site network and the location of other important habitats within the impact zone such as functional land, Sites of Special Scientific Interest (SSSI), Country Parks, Biological Heritage Sites and Local Nature Reserves. **Neutral impact** as the majority of the proposal is minor and no habitats that could support bird species detailed in this report will be lost – see below regarding functionally linked land.

FUNCTIONALLY LINKED LAND ASSESSMENT.

The following bird species are qualifying features of the Humber Estuary SPA:

Bird species	Comment
<i>Botaurus stellaris</i> ; Great bittern (Non-breeding & Breeding) <i>Tadorna tadorna</i> : Common shelduck (non-breeding) <i>Circus aeruginosus</i> : Eurasian marsh harrier (Breeding) <i>Circus cyaneus</i> : Hen harrier (non-breeding) <i>Recurvirostra avosetta</i> : Pied avocet (Non-breeding & Breeding) <i>Calidris canutus</i> : Red knot (non-breeding) <i>Calidris alpina alpina</i> : Dunlin (Non-breeding) <i>Philomachus pugnax</i> : Ruff (Non-breeding) <i>Limosa limosa islandica</i> : Black-tailed godwit (non-breeding) <i>Limosa lapponica</i> : Bar-tailed godwit (non-breeding) <i>Tringa totanus</i> : Common redshank (non-breeding) <i>Sterna albifrons</i> : Little tern (Breeding) Waterbird assemblage	Habitat within the Application Site unsuitable to support these species.

<p>Article 4.2 Qualification (79/409/EEC) An Internationally Important Assemblage of Birds</p> <p>In the non-breeding season, the area regularly supports 153,934 waterfowl (5 year peak mean 1996/7 to 2000/1)</p> <p>Including:</p> <p><i>Anas crecca</i> Eurasian teal, <i>Anas penelope</i> Eurasian wigeon, <i>Anas platyrhynchos</i> Mallard, <i>Arenaria interpres</i> turnstone, <i>Aythya ferina</i> pochard, <i>Aythya marila</i> Scaup, <i>Botaurus stellaris</i> bittern, <i>Bucephala clangula</i> goldeneye, <i>Calidris alba</i> sanderling, <i>Calidris alpina alpina</i> dunlin, <i>Calidris canutus</i> knot, <i>Charadrius hiaticula</i> ringed plover, <i>Haematopus ostralegus</i> oystercatcher, <i>Limosa lapponica</i> bar tailed godwit, <i>Limosa limosa islandica</i> black tailed godwit, <i>Philomachus pugnax</i> ruff, <i>Recurvirostra avosetta</i> pied avocet, <i>Tadorna tadorna</i> shelduck, <i>Tringa nebularia</i> greenshank, <i>Tringa totanus</i> redshank</p>	<p>Habitat within the Application Site unsuitable to support these species.</p>
<p><i>Branta bernicla bernicla</i> Brent goose, <i>Numenius arquata</i> curlew, <i>Numenius phaeopus</i> whimbrel, <i>Pluvialis apricaria</i> golden plover, <i>Pluvialis squatarola</i> grey plover, <i>Vanellus vanellus</i> lapwing.</p>	<p>Habitat within the Application Site suitable to support these species. The presence of scrub and buildings forms a significant predator shadow. This tree, scrub cover and buildings will provide cover for predators, further reducing the value of the Application Site.</p>

In the vicinity of the River Humber, it is customary to give consideration to water- and wading birds up to 7km inland from the seawall, as though such land constituted an extension of the Ramsar site. This is because such birds may require open, inland habitats to sit out the highest tides, or use inland fields for feeding. Species with a conservation priority most likely to utilise fields on the landward side of the seawall are curlew, oystercatcher, redshank, black-tailed godwit, dunlin, turnstone, golden plover and lapwing. Knot, grey plover, bar-tailed godwit, ringed plover and Sanderling rarely use inland fields.

In addition, the Application Site is considered to be of negligible value to waders/wintering birds associated with the Humber Estuary, primarily due to the following reasons:

- Small size of the Application Site reduces the potential to support larger populations of birds.
- Large expansive open fields of value to loafing and foraging waders, curlews, gulls and passerines offer unhindered sight lines are absent within the Application Site.
- The adjacent scrub cover and buildings offer cover used by predators.
- The Application Site is approximately 0.1ha and the enclosed nature of the Application Site does not allow a 200m sight line for 360° over the whole site.
- The presence scrub forms a significant predator shadow. This cover will provide cover for predators, further reducing the value of the Application Site.
- It is considered that the well-kept lawn grassland, situated between buildings comprising the majority of the Application Site is suboptimal for roosting and feeding wading birds owing to the enclosure of the site and frequent disturbance.

- The list contains some Schedule 1 species (see Table 2) with extremely limited UK distributions which do not occur on this part of the Humber bank, e.g. black-winged stilt, spoonbill, garganey, black-necked grebe, spotted crake, Mediterranean gull, Savi's warbler and marsh warbler. This does not mean, however, that they may not occur in the future.

However, disturbance to adjacent land will be reduced through the following:

- A 'buy/hire quiet' policy will be implemented during the procurement stage, to ensure the quietest items of suitable plant are used for each task;
- There will be no piling works associated with this development.
- Vehicles carrying loose aggregate will be sheeted at all times.
- Vehicles will keep to 10mph speed limit on the access track and water suppression will be used to minimise dust when necessary.
- Drop heights into hoppers, lorries and other plant will be minimised to reduce noise.
- Acoustic doors and hoods on plant will be kept closed.
- Construction plant and lorry engines will be switched off when not in use.
- Only sound reduced compressors shall be used, with properly lined and sealed acoustic covers, fitting in accordance with manufacturer's instructions and kept closed wherever the machines are in used, and all ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufacturer.
- Minimise the requirement for vehicles to reverse, thereby minimising the use of reversing alarms.
- No shouting or the use of horns on site unless in an emergency.
- No loud radio or music will be played outside on site.
- The principal access to the site for all deliveries and construction traffic will be along the existing metalled, other roads in the locality are unaffected.
- The compound area, offices, site car parking and storage area (where applicable) will be located adjacent to existing buildings.
- Mobile plant on site will be re fuelled in a designated area, away from drains and all fuel in a bunded storage system. A contingency plan through environmental procedures will also be put in place to deal with any incidents. Spill kits will be provided as part of the compound set up.
- Ensure machinery is properly maintained, check for oil leaks before use.
- Materials will be stored on site in a safe and secure manner away from boundaries.
- There will be no burning of waste on site.
- All waste will be disposed of in skips.
- Good working practices to avoid, reduce and mitigate dust generation, noise and pollution risk must be implemented.

There are limited dust generating activities involved in the proposal, however, standard industry best practice should be secured through a dust management plan as part of an Ecological Construction Method Statement. Dust and aerial pollutant control measures are to be adhered to throughout demolition and construction and include, but not limited to:

- Details of individual responsible for dust management;
- Remove materials that have a potential to produce dust from site as soon as possible, unless being re-used on site. If they are being re-used on-site cover;
- No bonfires or burning of waste materials;
- Only use cutting, grinding or sawing equipment fitted or in conjunction with suitable dust suppression techniques such as water sprays or local extraction;
- Ensure an adequate water supply on the site for effective dust/particulate matter suppression/mitigation, using non-potable water where possible and appropriate;
- If applicable, re-vegetate earthworks and exposed areas/soil stockpiles to stabilise surfaces as soon as practicable;
- Use Hessian, mulches or trackifiers where it is not possible to re-vegetate or cover with topsoil, as soon as practicable;

- Only remove the cover in small areas during work and not all at once;
- Ensure bulk cement and other fine powder materials are delivered in enclosed tankers;
- For smaller supplies of fine powder materials ensure bags are sealed after use and stored appropriately to prevent dust. (IQAM, 2016).
- In dry conditions water bowsers will be used to keep dust to a minimum.
- Dust will also be minimised by the use of pre-mixed lime mortar mixed in an electric mixer so not dry bagged lime or cement used and the cutting of stone to be minimised. However, if cutting is necessary then this will be carried out with water suppressed tools behind an acoustic barrier constructed from straw bales to protect the neighbouring land from the impact of cutting tools.
- Dust suppress tools shall be used for all operations where practicable
- All material waste will be stored in designated areas as per the Site Waste Management plan (skip set up) which are to be isolated from surface drains or other receptors.
- Pre-mixed concrete only should be used

Monitoring

- Regular noise monitoring on site will be carried out by the Site Manager, toolbox talks on noise and dust will be held and he will ensure all equipment conforms to the relevant noise emission standards and reduce unnecessary nuisance, including shouting, bad language, radios and out of hours deliveries.

Timing

All works will be monitored for noise and vibration and any action that will be a source of noise at the site boundary will be restricted to the hours detailed below:

- Details of the intended hours of work during the construction period for activities that will cause noise audible at the site boundary;
- 8.00 – 18.00 hrs Monday to Friday
- 8.00 – 13.00 hrs Saturdays
- No Sunday or Bank Holiday Work
- No deliveries or collections will be made out of these hours.

Standard best practice methods include measures to ensure that surface run-off from the construction site is avoided. All machinery will have spill gear and be stored away from sensitive areas. Materials should be stored away from watercourses and vehicles and machinery should be regularly serviced and in good condition. Works will adhere to the following good construction practices, to ensure that there is a negligible likelihood of such an incident occurring:

- Guidance for Pollution Prevention (GPPs) (in preparation.); and
- Control of Water Pollution from Construction Sites Guidance (CIRIA C532) (**“control of water pollution from construction sites”**)

Yours sincerely



Chris Toohie M Sc. MCIEEM

