

Sarah Gibbs' Objection to Danone Harrogate Spring Water 20/01539/REMMAJ

I wish to begin my objection to the new plans (20/01539/REMMAJ) by challenging a recent comment made in our local press by Richard Hall. He stated that with these new plans there would "be no loss". I dispute this. There would be, without any doubt, great losses if North Yorkshire Council accepted this development:



Loss of Asset of Community Value woodland and public amenity: an area planted by the people for the people with 20 years growth that goes far beyond the surface level. A thin strip of younger trees on privately owned land, and younger trees on site with zero guarantees for maintenance and unacceptable, hazardous management plans, does not compensate.

A loss of biodiversity and valuable habitat for the protected and priority species that currently inhabit Rotary Woods. The site and surrounding woodland area cannot be improved by the construction of a new building in its place. The 'Preliminary Ecological Appraisal Report' demonstrates this, where 'Habitats of Low/Very Low Distinctiveness' were identified to be on the existing site (or nearby farmland). Therefore, replacing an established woodland with an extension of the existing building would result in more habitats of low/very low distinctiveness.

A loss of trust, faith and hope in our council for those adults and children who planted these woods and who were told that they were creating a more sustainable future for the long-term, and for those 819+ members of the public who have voiced their desires to protect our woodland.

A loss of common sense during a climate emergency (declared by NYCC executive July 2022), at a time when hundreds of climate scientists state that we must 'end deforestation now' and preserve and protect existing woodland along with creating new (IPCC Report on Climate Change, 2024).

A loss of integrity from Council. The primary use of this planning is warehousing and storage. It is not necessary to develop into our woodland, therefore the planners have a natural duty to make use of existing space, and our council should encourage this. This development could, and should, be located elsewhere. Our Council must prioritise people and the planet over profit.

A documented Biodiversity Net Gain loss.

A loss of hope for North Yorkshire Council to achieve 'net-zero neutrality by 2030'.

A loss for the reputation of my hometown, Harrogate. We want our town to be leading in the fight against climate breakdown, not part of the problem.

A loss for the Global South, where the water bottle industry is perpetuating water poverty.

A loss for the planet: 2,000,000 single-use plastic bottles currently being produced, shipped globally and left to pollute the planet and proposed deforestation of a woodland at optimal carbon sequestration to accommodate this pollution.

Along with these stated losses, I wish to detail further reasons to object to 20/01539/REMMAJ new plans, under the following subheadings: 1: Three Special Statutes, 2: Carbon Capture, 3: Bats and Badgers, 4: Conflicts with Local and National Policy, 5: Noise, Congestion, and Safety, 6: Hazardous Woodland Management Plan, 7: Biodiversity Net Loss, 8: Building Scale and Development Platform Increase, 9: Our Right to Bid, 10: Wet Woodland, 11: Not a Necessity

1. Three Special Statutes

Danone HSW plans result in a loss of landscape character. Rotary Wood is a public amenity, and key characteristics should be recognised and be protected by its special statuses. Consideration must be given to the statuses that Rotary Wood has been assigned by local government and national government/loss of landscape character. Consideration should include the protections/formalities that these statuses afford them. These statuses are:

1. Deciduous Woodland Priority Habitat (DEFRA)
2. Asset of Community Value (North Yorkshire Council)
3. Special Landscape Area (North Yorkshire Council)

Environmental and Social Amenity Loss: This space is valued not only for its biodiversity but also for its contributions to the community's environmental and social amenity. The development's potential to harm mature trees, biodiversity, and possible wet woodland further undermines the space's ecological integrity, which the community values and relies upon for environmental education, nature appreciation, and personal wellbeing.

Lack of Alternative Spaces for Community Use: If this land is developed, the community lose access to an irreplaceable, 20 year mature green space, with few or no alternative sites available nearby. This unique space's accessibility and environmental qualities are difficult to replicate elsewhere, amplifying the community impact of its potential loss.

Impact on Local Heritage and Community Identity: The designation of this land as an ACV reflects its role in local heritage and identity. Removing or altering this space risks diminishing its cultural value and the sense of place it provides to the local community. This development could negatively impact community cohesion and erode local heritage by replacing a cherished community space with industrial use.

a. **Deciduous Woodland Priority Habitat**

DEFRA lists Rotary Wood as Deciduous Woodland Priority Habitat

Source: <https://magic.defra.gov.uk/home.htm>

Deciduous woodland is a priority habitat in England as defined by the Natural Environment and Rural Communities Act 2006.

Source: <https://www.gov.uk/government/publications/definition-of-trees-and-woodland/definition-of-trees-and-woodland>

The Natural Environment and Rural Communities Act 2006 states:

“The Secretary of State must, as respects England, publish a list of the living organisms and types of habitat which in the Secretary of State's opinion are of principal importance for the purpose of conserving [F1or enhancing] biodiversity.”

b. Special Landscape Area

The Harrogate Local Plan 2014-2035 Policy GS2 Growth Strategy designates Pinewoods, which Rotary Wood is part of, as a Special Landscape Area (SLA). The document clearly states that we must avoid significant loss of key characteristics that contribute to the quality of the special landscape area and the setting of Harrogate, Knaresborough and Ripon. This would happen if Danone Harrogate Spring Water were granted planning permission.

c. Assets of Community Value (ACV)

The Pinewoods has been an ACV since 4th March 2015. It is registered as such on North Yorkshire Council's Register of Assets of Community Value.

<https://www.northyorks.gov.uk/community-and-volunteering/community-rights/register-assets-community-value/register-assets-community-value/pinewoods>

An 'asset of community value' is an asset that furthers the social wellbeing or social interests of the local community (or has done in the recent past). With 20 years growth, we can walk through a peaceful woodland with natural screening from the noise of the existing plant. The maturing tree line opposite the plant offer privacy and soften the hard built landscape. Young trees do not suffice.

2. Carbon Capture

I object to the removal of Rotary Wood, a maturing woodland that is a well-loved and well-used Asset of Community Value. It is an efficient carbon capture store; much needed to help combat the climate emergency. Danone HSW plan to replace the current 45 species of trees that exist in Rotary Wood with just 18 species. The action of removing the woodland does not take into consideration the importance of the carbon captured by Rotary Wood both now and in the future as it continues to mature. We must think globally. Rotary Wood plays a key part in the solution to the global climate emergency.

Danone HSW states that it's revised submission (Addendum Planning Statement) that it will include:

3:1 tree planting ratio, with approximately 1,500 trees being planted to replace the 500 trees removed to facilitate the development.

There is no current tree count (trees greater than 7.5cm diameter at breast height) for Rotary Wood. The true number of trees under threat is unknown. It should also be noted that Danone HSW plans only show 18 species of trees being planted on two sites totalling 1,165 trees, which is not 3:1 as promised.

See document references:

- BIODIVERSITY_NET_GAIN_ASSESSMENT-8317085

- REVISED_OFFSITE_LANDSCAPE_GA_PLAN__REV_E
- REVISED_LANDSCAPE_HARD_AND_SOFT_GA_PLAN__REV_E

One of our most powerful weapons in the fight against climate change are trees:

- 213 million tonnes of carbon stored in UK woodlands
- 400+ tonnes of carbon per hectare locked up in trees, roots and soil.

Source: [Woodland Trust](#)

Trees have other benefits:

- Prevent flooding
- Reduce city temperature
- Reduce air pollution
- Keep soil nutrient-rich
- Natural screening
- Economic value
- Reduce crime levels
- Create shade

Trees are our allies in the fight against a changing climate, yet just 13% of the UK's land area is covered by trees (compared with an EU average of 37%). We need more trees, and we need to protect the ones we already have.

The [Environmental Improvement Plan](#) has a target of increasing tree canopy cover to 16.5% by 2050 through both woodland creation and supplemental tree planting. However, [Forestry Commission KPI](#) data shows that, since 2015, development has been responsible for approximately half of the total woodland loss recorded in England.

The proposed development involves site clearance (Rotary Wood) and the expansion of the existing bottled water facility including services and infrastructure.

In addition, plans to plant mature trees are missing details regarding the higher level of maintenance that they would require, not to mention the cost. The Pinewoods Conservation Group currently maintain The Pinewoods, including Rotary Wood. This is a group of unpaid volunteers who stand against this development. It would be an insult to expect them to maintain Danone HSW's greenwash while Council and corporation profit.

3. Bats

I object to the new plans considering the new evidence detailed below and provided as part of my objection (Bat Survey Report, November 2024). Rotary Wood is of "moderate suitability" to the local bat population, which data shows to be moderate to high in areas. Not low.

5,501 bat detections were documented in a survey this year, including UK Biodiversity Action Plan (BAP) priority species. Bats are protected under UK and European legislation. The proposed development by Danone HSW may be contravening the laws that protect the bat population which uses Rotary Woods.

Bats and their roosts are afforded full legal protection under both UK and European legislation:

- The Conservation of Habitats and Species Regulations 2017
- Habitats Directive into UK Law and The Wildlife and Countryside Act 1981

It is illegal to:

- Deliberately disturb a bat
- Deliberately kill, injure or capture a bat
- Damage, destroy or obstruct access to a breeding site or resting place (note: this applies to both deliberate and reckless actions)

Any works which may contravene the protection afforded to bats requires derogation from the provisions of the legislation, in the form of a licence from Natural England.

Two bat surveys have been conducted at Rotary Wood by two separate professional ecologists:

- Smeeden Foreman - commissioned by Save Rotary Wood & Pinewoods Conservation Group - May, June, July, August, and October 2024
- Brooks Ecological - commissioned by Danone HSW - September 2023 and May 2024

Both surveys concluded that there are at least 7 species of bats using Rotary Wood and the surrounding areas for commuting and foraging. *'Bat species included within the UK BAP priority species list'* (Smeeden Foreman 3.2.2 Interim Bat Survey Report, September 2024).

- 5,501 bat detections were made by Smeeden Foreman
- 565 bat detections were made by Brooks Ecological

Smeeden Foreman concluded:

*"5.1.1 Results from the combined night-time bat walkover (NBW) and automated bat detector (ABD) surveys indicate the site is of **moderate suitability** for foraging and commuting bats with a minimum of seven species recorded using the site. All of these species are included as priority species within the Harrogate Species Action Plan (SAP)."*

Further findings support the importance of Rotary Wood to the local bat population for commuting, foraging and sheltering. This includes the importance of the woodland centre to UK BAP priority species soprano pipistrelle. If this development were enabled, this area would be destroyed, resulting in habitat loss for a UK BAP priority species. This is unacceptable.

"5.1.5 The site is located between mature woodland associated with the adjacent Pinewoods and the priority woodland designated within the Birk Crag Local Nature Reserve (LNR). The site is therefore considered to represent an important component of the commuting, foraging and sheltering routes/flightpaths used by bats moving between these locations. The relatively young age and diversity of the on-site woodland in comparison to the adjacent mature woodland, also likely enhances the ecological niches present within the local area."

"5.1.3 The proportion of Myotis to Pipistrellus species detected at both automated survey sites increased from 20% - 38% between ABD1 and ABD 2 suggesting an increased representation of Myotis species within central woodland relative to common and soprano pipistrelle bats...This

increased association between Myotis species and the centre of the woodland is typical, as Myotis species are considered to be closed-habitat specialists, able to forage within woodland effectively. In comparison, common and soprano pipistrelle prefer edge habitats, accounting for their increased presence at ABD 1.”

In addition, Smeeden Foreman conclude that roosts on site cannot be fully discounted due to insufficient investigation of trees:

“5.1.4 NBW and ABD surveys do not provide an accurate assessment of bat roost presence or bat roosting habitat suitability. Trees within Rotary Wood are generally considered to be of low suitability for roosting bats due to the relatively young age of trees and the limited potential for suitable roost features associated with damage and decay, features more typical of mature trees. It should be noted, however, that a detailed investigation of trees has not been undertaken as part of this assessment and the presence of suitable roost features (and therefore roosts) cannot be fully discounted. The mature woodland surrounding Rotary Wood supports a substantial number of potential roost features, including bat boxes. It is, therefore, anticipated that habitat within the younger woodland on site provides immediate foraging habitat for bats emerging from and returning to roosts within the wider woodland. This is supported by the findings of this bat assessment during the 2024 active season.”

Smeeden Foreman demonstrate bat activity to be moderate to high in areas, depicted in illustrations within the report.

Brooks Ecological conclude that bat activity is low:

“Bat activity surveys, undertaken during the autumn and spring activity seasons, have found the Site to attract low levels of bat activity, attributed to common bat species.”

However, council must consider the following:

Smeeden Foreman completed *“three surveys to cover the spring season (April-May), summer season (June, July, August), and the autumn season (September-October). These surveys consisted of stationary observation for half an hour after sunset followed by a two-hour period of a walked transect route following guidance outlined within the latest Bat Conservation Trust’s ‘Bat Surveys: Good Practice Guidelines’ (Collins, 2023)”*. These surveys were completed consecutively within season.

Brooks completed *“walked transects (were undertaken) in September and May: 26.09.2023 and 16.05.2024”*. With only one survey completed near the end of the season in 2023, and one more completed in the spring season (May), this is not following good practice and as such, will not show the reality of the bat population and value of the woodland.

There are distinct discrepancies when comparing both reports.

Such discrepancies highlight the problems involved when a corporation pays for a survey. This reinforces the need for councils to arrange independent surveys. It should not be the responsibility of a grass roots campaign group or conservation charity to ensure a fair and unbiased report is made. Danone HSW have done the bare minimum, despite having much greater financial resources than the Pinewoods Conservation Group. This would suggest, to me, an intent to mislead the planning process.

Source: Smeeden Foreman - Interim Bat Survey Report, 20595, September 2024

Source: Smeeden Foreman – Bat Survey Report, 20595, November 2024

Source: Brooks Ecological - ER-5017-07 – Bat Activity Survey – Spring Update, June 2024

Additional legal protection is sometimes provided by the following:

Wildlife and Countryside Act 1981

Animal Welfare Act 2006

Hunting Act 2004

“Badgers are also listed in Appendix III of the Convention on the Conservation of European Wildlife and Natural Habitats [5].”

Government guidance lists the “*Activities that can harm badgers.*” Many of these are activities that would take place if the proposed development were granted permission: “*noise, additional lighting or vibration,*” “*excavation,*” “*using chemicals,*” “*tree felling and timber extraction,*” and “*construction or repair of flood defences or watercourses.*”

Sources:

Why are badgers protected by law? | Badger Trust

PROTECTION OF BADGERS ACT | Badger Trust

Badgers: protection and licences - GOV.UK

4. Conflicts with National and Local Policy

Danone HSW’s plans are in direct conflict with national and local policy.

“*We will halt the decline in our biodiversity so we can achieve thriving plants and wildlife.*” The Environmental Improvement Plan, 2023

Danone HSW’s proposed plan to destroy an existing established woodland and replace it with a plastic bottle making facility is in direct conflict with both national and local policy. These policies include:

- Local Nature Recovery Strategy
- The Harrogate District Local Plan 2014 - 2035
- North Yorkshire Climate Change Strategy Delivery Pathway: Supporting Nature to Thrive
- The North Yorkshire Council Climate Change Strategy 2023-2030
- Environmental Improvement Plan

The Harrogate District Local Plan 2014 - 2035 acknowledges that we are in a climate emergency. It states:

“*7.17 In the UK the Climate Change Act (2008) sets a legal framework to deliver an 80% reduction in greenhouse gas emissions below 1990 levels by 2050. In response the Harrogate Borough Council Carbon Reduction Strategy identifies that the district should make a proportional contribution to reducing carbon dioxide (CO₂) emissions and sets a local target to reduce emissions by 57% by 2030, which is in line with the UK Carbon Budget.*”

“Over the last 10 years the district's CO2 emissions have decreased by 20.7%, however, Yorkshire and the Humber has seen a 26.8% reduction and England a 28% fall (DBEIS,2017).”

The expansion of Danone HSW will create a colossal carbon footprint. The business model is far from sustainable and conflicts with local and national government policies.

Allowing the production of more plastic will create more CO2. In a study recently published in Nature Sustainability, the researchers reveal that the global carbon footprint of plastics has doubled since 1995, reaching 2.2 billion tons of CO2 equivalent (CO2e) in 2015. The Danone HSW manufactures PET plastic bottles. It takes up to 450 years for PET plastic to break down and as it does, it releases methane (one of the most potent atmospheric greenhouse gases).

- 1.8 billion tonnes of carbon emissions a year from global plastic production, use and disposal
- 5% of the global carbon budget is expected to be spent on global plastics production by 2040
- Only 10% of the 142 million tonnes of plastic packaging produced each year is effectively recycled. The remainder is sent to landfill, incinerated or leaked directly into the environment representing £60 billion to \$90 billion lost value

<https://www.wrap.ngo/what-we-do/prevent-problem-plastics>

Danone HSW is Britain's largest independent bottled water supplier, and it keeps on growing and producing more plastic. The company's main spring is sourced from an aquifer in the millstone grit series, below the Harrogate Pinewoods. In 2016 Danone HSW grew by more than 20 per cent, vastly out-performing market growth of around eight per cent, with sales surging to more than seven million bottles.

In 2019 the company's sales surged by more than 11 per cent, three times the market growth for plain bottled water in the UK. In 2024, at a public consultation, Jake Carnell, Head of Public Affairs at Danone, claimed that they created and shipped 200 million bottles per annum.

Plastics show the strongest production growth of all bulk materials and are already responsible for 4.5% of global greenhouse gas emissions.

The Organisation for Economic Co-operation and Development (OECD) estimates that the life-cycle emissions of plastics – which includes the production of the material and its disposal – was 1.8 billion tonnes. This is measured in carbon dioxide equivalents, which accounts for the various warming impacts of different greenhouse gases. Around 90% come from the production stage – that is, converting fossil fuels into plastics.

OECD writes that without stronger policies, plastics' production and use are projected to increase by 70%, from 435 million tonnes (Mt) in 2020 to 736 Mt in 2040, with only 6% of plastics coming from recycled sources. In parallel, mismanaged plastic waste, i.e. plastics that at the end of their lives are dumped, inadequately disposed of or littered, will increase by almost 50% (from 81 Mt annually in 2020 to 119 Mt annually in 2040). Leakage of mismanaged plastics into the environment, including their release into rivers, oceans and on land, will increase by 50%.

"The key message that people should take away is that the plastics crisis is a climate crisis hiding in plain sight." Carroll Muffett, Head of the Centre for International Environmental Law.

This all conflicts greatly with the North Yorkshire Council Climate Change Strategy 2023-2030. Cllr Greg White, Executive Member for Climate Change, writes:

“Together, with communities and businesses, we can take actions to tackle the causes and impacts of climate change in line with Government policy and our national legal obligation to be net zero by 2050 and local ambition to be the first carbon negative region by 2040.”

On page 6 of the strategy, it states the ambition as being greater:

“The Council aims to be carbon neutral by 2030.”

North Yorkshire Climate Change Strategy Delivery Pathway: Supporting Nature to Thrive:

“Build the evidence base locally to prioritise areas (geographic and habitat) or urgent action to protect and restore nature sites and improve air and water quality and light pollution.”

Yorkshire Water Corporate Affairs Advisor, Sarah Robinson states in email correspondence that:

“Harrogate Spa Water Ltd are one of our consented traders. They have a consent to discharge their trade effluent to public sewer and we treat this at Harrogate North STW.”

Due to the nature of production, namely plastic and the potential of primary and secondary microplastics, the impact on our water quality is of a grave concern.

The ‘Microplastics Yorkshire Water Position Statement’ (May 2022), states that *“There is no current regulatory requirement for Yorkshire Water to routinely monitor for microplastics. There is also no current standard method for the analysis of microplastics”*, despite acknowledging the potential. This increases concerns regarding the potential of water pollution from Danone HSW current plant and raises further concerns of increased pollution to our land and water if this expansion were to be enabled. This is not protecting or improving our water quality, it is doing the exact opposite.

The North Yorkshire Council Climate Change Strategy 2023-2030 states:

“The food that we eat, the water we use, the clothes we wear and the businesses that drive our economy are reliant on the health of the natural world ecosystem, and this is under threat. Climate change will make this worse as animals and plants lose their habitats and cannot adapt to changing temperatures and acidity of the oceans. The numbers and variety of plant and animal life, described as ‘biodiversity’ is not just a ‘nice to have’, it is essential.”

“We must ensure that land managers in the public, private and community sector support nature in the way that the land is managed. For NYC, this includes public open spaces such as parks and play areas, highway verges and street trees, coastal areas and the county farm estate.”

The Environmental Improvement Plan (2023) states: *“We will halt the decline in our biodiversity so we can achieve thriving plants and wildlife.”* Allowing the creation of more plastic bottle production and destroying an established woodland in the process is clearly at odds with national policy.

North Yorkshire Council's declaration of a Climate Emergency (July 2022) does not support this proposed development when considering the negative implications globally. In previous LPA discussions and decisions made to refuse past Reserved Matters connected to the proposed expansion of the Danone HSW plant (19/05245/DVCMAJ), councillors referred to the global negative implications of plastic pollution. They also highlighted Harrogate's global position in having a chance to become a town leading the fight for climate justice, as opposed to a town perpetuating the problem. This still stands to date and is more relevant considering current scientific research on climate change (IPCC Climate Change Report 2023) in which hundreds of scientists globally state the need to 'End Deforestation Now.' - [AR6 Synthesis Report: Climate Change 2023 — IPCC](#)

5. Noise, Congestion and Safety

The proposed development raises several concerns around noise, congestion and safety. Increased noise from construction activities, operational processes, and traffic (especially HGVs) will have both short and long-term negative effects on humans and wildlife. Increased traffic will result in congestion, air pollution and will impact on road safety. Concerns are:

- Disturbance to local wildlife
- Increased noise levels affecting residential amenity
- Loss of privacy
- Insufficient infrastructure to support increased traffic flow
- Traffic congestion
- Impact on road safety
- Noise and air pollution from increased traffic

Disturbance to Local Wildlife: Increased noise from construction activities, operational processes, and traffic (especially HGVs) is likely to disrupt the behaviour of local wildlife. Species inhabiting the woodland and surrounding areas are sensitive to noise disturbances, which can affect their foraging, breeding, and nesting patterns.

Prolonged noise and light pollution may lead to reduced biodiversity or a decrease in population as sensitive species relocate. Nocturnal animals, such as certain bat and owl species identified in local biodiversity surveys, are particularly susceptible to noise and light pollution. Noise during nighttime operations or increased traffic flow could disrupt their natural behaviours, impacting foraging success and overall ecosystem health in these habitats.

Increased Levels Affecting Residential Amenity: nearby residents will likely experience increased noise from both daytime operations and the influx of traffic. This constant background noise can diminish quality of life, causing potential sleep disturbances and general discomfort. Increased traffic noise may also make nearby outdoor spaces less enjoyable, further impacting local amenity.

Loss of Privacy: the proposed wall is still 'subject to structural engineer' ('Revised Proposed Ground Floor Plan REV J) and as such is unreliable. Unlike the current tree line buffer zone we have, a wall does not offer adequate screening from noise or light pollution for the public or local fauna. The appearance would not offer the public the same sense of privacy that the current tree buffer zone provides.

Potential for Cumulative Noise Effects: with both construction and operational noise, combined with increased vehicle movement, there is a risk of cumulative noise effects, particularly impacting residents and wildlife near the boundaries of the development site. Without effective mitigation, these cumulative impacts could have long-term effects on both human and animal wellbeing.

Traffic Congestion: the proposed development is likely to increase traffic on surrounding roads, particularly during operational hours. Increased congestion could lead to slower travel times, especially on routes used by residents and visitors, impacting accessibility to and from the site.

Impact on Road Safety: the anticipated increase in heavy goods vehicles (HGVs) for transportation of materials and products raises concerns about road safety, particularly for pedestrians and cyclists. With local roads potentially ill-equipped to handle additional HGV traffic, the risk of accidents could increase.

Noise and Air Pollution from Increased Traffic: additional vehicle movements, especially by HGVs, are likely to result in increased noise and air pollution in the vicinity. This could negatively impact the health and wellbeing of residents as well as degrade the quality of the surrounding natural environment.

Insufficient Infrastructure to Support Increased Traffic Flow: the current road infrastructure may not adequately support the anticipated increase in vehicle volume associated with the development. Without significant improvements or modifications to roadways, bottlenecks and access issues could worsen, affecting not only the development site but also local traffic flow.

The Environment Health document states:

“Condition 6 of application 11/01271/OUT should be repeated for this application so that it continues to apply to the whole site. i.e. Noise from the proposed development associated with any plant, machinery, refrigeration equipment, air conditioning units, and similar plant including the cumulative effect of such noise generating sources shall be inaudible at the nearest noise sensitive premises. Such noise generating sources can be engineered at the design stage, by consideration of the location of such sources in relation to the nearest residential premises, both in terms of distance and possible screening.”

“Noise Sensitive Premises” is defined as places where a building's occupants may be resting, sleeping or studying. This includes residential premises, offices, hotels, hospitals, nursing homes and schools. [Noise Sensitive Premises Assessment BS 8233 | Air Tightness Solutions](#)

Within the current objections made, it was noted in a news report (27th February 2024) that one member of the public commented:

“The lorries shake my house as they pass and can wake me up at night.”

There has been no investigation into the current noise levels caused by the plant and machinery, including haulage vehicles. Sounds above 85 decibels are harmful to human hearing.

As far as we are aware, there has been no use of daily or weekly noise exposure calculations to estimate noise exposure.

The proposed development includes onsite office spaces and as such, the noise from the factory would likely be in breach of Condition 6 in relation to these offices. We therefore suggest that these plans are unrealistic in terms of The Control of Noise at Work Regulations 2005.

Sources:

[Harrogate Spring Water plant expansion proposals spark concerns - BBC News](#)

[HSE - Noise: Regulations](#)

[HSE - Noise: Exposure Calculator](#)

6. Hazardous Woodland Management Plan

The proposed management plan by Harrogate Spring Water includes the long-term use of glyphosate: a chemical harmful to humans, the environment, pets and wildlife.

“Use a weed wipe three times in year 1 to kill off weeds—spear thistle, creeping thistle, broad-leaved dock, clustered dock, wood dock, curled dock, nettle, ragwort, and others according to ECoW recommendations.” (Brooks Biodiversity Management Plan, 2024, pg 8)

This is featured in the plan for year 1 of ‘Neutral Grassland’, years 1-5 of ‘Mixed Scrub’, years 1-5 of ‘New Broadleaved Woodland - Off Site Adjacent Land’, years 1-5 ‘New Broadleaved Woodland - Off-Site Crag Lane’, year 1 of ‘Modified Grassland Off Site Adjacent Land’, year 1 of ‘Modified Grassland Off Site-Crag Lane’, and year 1 of ‘Sustainable Urban Drainage System - Attenuation Pond and Marginal Planting.’

The International Agency for Research on Cancer (IARC), the specialised cancer agency of the World Health Organization (WHO), published a study (March 2015) leading to the conclusion that:

“The herbicide glyphosate and the insecticides malathion and diazinon were classified as probably carcinogenic to humans.”

They go on to explain that: *“Glyphosate has been detected in the air during spraying, in water, and in food. The general population is exposed primarily through residence near sprayed areas, home use, and diet...”*

In 2019, the BBC published an article making it public knowledge that a US jury ruled unanimously that glyphosate contributed to causing non-Hodgkin’s lymphoma in a California resident.

“A US jury has found that one of the world’s most widely used weedkillers was a “substantial factor” in causing a man’s cancer.”

The proposed use of weed wipe would likely result in air and water pollution, leading to public health risks. Putting the health of the public at risk is unacceptable.

The FDA recognises that herbicides pose a potential risk to pets, stating that:

“Pets may be at risk of digestive or intestinal problems if they touch or eat plants that have just been sprayed.”

Rotary Wood is frequented by dog walkers. Putting members of the public's pets at risk is unacceptable.

Furthermore, the wildlife population (fauna) on site would also be at risk of poisoning. This includes rabbits, deer and badgers - the latter are a priority species located on site.

Putting local fauna at risk is unacceptable, especially when there are UK BAP Priority Species. It is an offence for a person to wilfully kill or injure a badger (Protection of Badgers Act 1992). The use of a herbicide spray identified by FDA to pose a risk to animals, in an area known to support badger activity, specifically foraging, would arguably be wilful intent to cause injury and possible death.

Government guidance on what must be done to avoid harming badgers includes avoiding the use of harmful chemicals.

The proposal to use herbicides, where there is a high chance of the chemicals entering the water system, not only potentially increases the threat to pets and wildlife (polluting their drinking water), but it also poses a risk to the surrounding ecosystem as flora will access water run off for growth. How this could negatively impact the surrounding flora, and fauna has not been explored, neither has the impact on the surrounding public's health.

In addition, many of the identified 'weeds' support the insect population (for example, nettle) and, in turn, support the local bird and bat population. As noted above, bat species included within the UK BAP Priority Species List are identified on site.

"The benefits to wildlife are far more wide-ranging and unaffected by their sting, insects and birds find them ideal for both feeding and breeding. Their density and longevity have enabled many insects to develop a life cycle totally dependent on the Common Nettle. The larvae of the Red Admiral, Peacock, Small Tortoiseshell and Comma all feast upon the nutritious leaves, along with a myriad of magnificent moths."

Sources:

www.progreen.co.uk

<https://www.bbc.co.uk/news/uk-wales-55215291>

[Weedkiller glyphosate a 'substantial' cancer factor - BBC News](#)

www.fda.gov

www.legislation.gov.uk

[Protection of Badgers Act 1992](#)

[Badgers: protection and licences - GOV.UK](#)

www.badgertrust.org.uk

www.sussexwildlifetrust.org.uk

7. A Biodiversity Net Loss

The current plans by Danone HSW do not meet the 10% increase in biodiversity value set by the statutory framework for biodiversity net gain (BNG), and they do not offer any legal commitment to achieving the target that can be enforced by the Local Planning Authority (LPA). Although the BNG

obligations do not apply to their planning application, Danone HSW have stated that they are committed to delivering BNG.

Danone HSW states *“2.3.31 ...the Council’s aim is to secure no net loss...”* - Addendum Planning Statement

The “Biodiversity Net Gain Assessment” report (commissioned by Danone HSW) dated 20/11/2023 concluded:

“26. This exercise identifies an overall Net Loss of 3.15 Habitat Units (-20.23%).”

Tom Gordon, MP for Harrogate and Knaresborough, commented:

“To suggest these proposals would be a net gain is misguided at best and green washing at worst. We know it would take years for new trees to mature.”

BNG is a way of creating and improving biodiversity by requiring development to have a positive impact (‘net gain’) on biodiversity. Every planning permission approved is deemed to have been granted subject to the condition that the biodiversity gain objective is met. This objective is for development to deliver at least a 10% increase in biodiversity value.

BNG is:

- A legal agreement that is an obligation to enhance and maintain a habitat
- The legal agreement for offsite gains or significant onsite gains must last for at least 30 years

Source: <https://www.gov.uk/guidance/legal-agreements-to-secure-your-biodiversity-net-gain>

BNG is mandatory from 12th February 2024. BNG makes sure development has a measurably positive impact (‘net gain’) on biodiversity, compared to what was there before development.

Government guidance states that if a planning application for a development was made before day one of mandatory BNG on 12th February 2024, the development is exempt from BNG.

In the document “Addendum Planning Statement” Danone HSW draws attention to this. They state:

“2.3.29 - The PPG is clear that BNG has only been commenced for planning permission granted in respect to an application made on or after 12 February 2024. Permissions granted for applications made before this date are not subject to BNG.”

“2.3.31 ...Whilst now a statutory requirement to provide a 10% increase in BNG, this does not apply to the Site...”

Nevertheless, the document states that:

“2.3.31 Our Client has committed to a 10% net gain over the lifetime of the development.”

and

“2.3.40 A commitment to delivering biodiversity net gain.”

However, without a legal agreement the commitment by Danone HSW cannot be governed or enforced. The council will not be able to achieve its 'aim to secure no net loss.'

Danone HSW have said:

“2.2.2 The Applicant is happy to enter into a S106 agreement with the relevant parties to secure this additional voluntary benefit.”

Unfortunately, Danone HSW is specific that this would only cover the offsite area and not the onsite area (because BNG does not apply to the onsite development). To buy or sell offsite gains, you must have a legal agreement as per government guidance. They enter into this agreement because it is a legal requirement. There are no guarantees for the management of the onsite area.

Even with the use of Crag Lane, the “Biodiversity Net Gain Assessment” report dated 20/11/2023 concluded:

“26. This exercise identifies an overall Net Loss of 3.15 Habitat Units (-20.23%).”

The report made use of the DEFRA Biodiversity Metric Calculation Tool (v4.0), and it was commissioned by Danone HSW from Brooks Ecological.

The current plans by Danone HSW do not “protect” and do not “improve” the land (landscaping). It does not meet the 10% increase in biodiversity value set by the statutory framework for biodiversity net gain.

8. Building Scale and Development Platform Increase

There are major design differences between the December 2016, May 2020, and February 2024 Design and Access Statements. The design has increased from 4,800 square meters to 5,458 square meters.

December 2016 Design: initial concept proposed multiple options with a 4,800 square meter development platform. It emphasized a balanced layout with flexibility to either extend toward the northwestern boundary (with a visible feature elevation) or maintain a more concealed approach with perimeter planting(16_05254_OUTMAJ-Design_...).

May 2020 Design: restricted development size to 4,794 square meters, following the existing northern boundary with minimal public visibility. This design adhered strictly to a low-profile, functional form, without elevated or visibly prominent sections(20_01539_REMMAJ-SUPERSE...).

February 2024 Design: expanded to a 5,458 square meter facility with elevated building sections to accommodate site topography. The design includes visible, glazed elevations, breaking from the purely functional form of 2020(20_01539_REMMAJ-DESIGN_...).

9. Our Right to Bid

North Yorkshire Council should have given Pinewoods Conservation Group (PCG: registered charity: 1097890) the Right to Bid for Rotary Wood because of its status as an Asset of

Community Value.

Sources:

<https://www.legislation.gov.uk/ukdsi/2012/9780111525791/contents>

<https://www.legislation.gov.uk/ukpga/2011/20/contents>

<https://assets.publishing.service.gov.uk/media/5a797ea4e5274a6846909fcd/>

[Community Right to Bid - Non-statutory advice note for local authorities.pdf](#)

10. **Wet woodland**

I object to this development on the grounds that there is a possibility that Rotary Wood and surrounding areas are classed as wet woodland, and as such be offered the protection of a such site of special importance.

Wet woodland is one of 65 habitats that have been listed as priorities for conservation action under the UK Biodiversity Action Plan (UK BAP).

Brooks Ecological was commissioned by Harrogate Spring Water Ltd to carry out an assessment of the potential risks to an area described as wet woodland however did not include most of Rotary Wood. The report explains that the reason for this:

“The area to which this assessment applies is shown below in figure 1. Habitat within the red line boundary is described in our PEA report ER-5017-03B (September 2023).”

Note: The referred ‘red line boundary’ is Rotary Wood

Preliminary Ecological Appraisal (PEA) Report ER-5017-03B is not available on the North Yorkshire Council planning online portals. However, Preliminary Ecological Appraisal Report ER-5017-03A is available. It describes that Rotary Wood as Mixed Woodland:

*“38. The majority of the Site area is covered by mixed woodland. This was planted by the local Rotary Club in 2005 over **wet grassland** with a mix of native species.”*

*“81. The Site offers suitable foraging habitat for badgers, with woodland and grassland. **The wet ground conditions** lower the suitability of the Site for sett building.”*

There is suggestion of wet woodland in the language used here, indicated above in bold. *“Wet woodlands, or carrs, grow on poorly drained or seasonally flooded soils.”* [Wet woodlands | WWT](#)

This is supported by the observation that *“The Site however occupies lower-lying ground where soils are heavier and **drainage more impeded**.”*

The area that was assessed was noted to have “potential to develop into, or contribute to the value of, wet woodland.” (Wet Woodland, page 4.) This is in very close proximity to Rotary Wood (the area within the ‘red line boundary’.

The report does not conclude if the surveyed area is wet woodland, to do this requires a UK Habitats assessment.

Finally, the report reaffirms that the area could be wet woodland on page 5:

“Collectively these compartments present an area of relatively new secondary habitat which has the potential to develop into a small area of more valuable wet woodland type habitat.”

The report recognises the potential risk that the SUDs pose the area assessed: *“Un-mitigated, the location of the SUDs Pond has potential to disrupt some of the water issuing within the Site, and intercept some over-land flow which will naturally find its way to the woodland”* (page 5)

Without the UK Habitats Assessment, the true status of these woods is unknown, and as such there is the possibility and probability of causing harm and disruption to a UK BAP conservation area. This is unacceptable.

Source: Brooks Ecological - EN-5017-01 - 21/05/2024

Source: Brooks Ecological - PEA - ER-5017-03A - 04/09/2023

11. Not a Necessity

Though the planning application accommodates a change of use, the building area allocated for plant/production line expansion is a very small portion of what is a very large expansion. Most of the expansion/development seems to be allocated for warehousing, storage and/or offices.

Therefore, there is no immediate requirement for the facility to be co-located and as such, the planners have a natural duty to make use of existing space. Many such spaces exist, for example Nidderdale House Fox Lloyd Jones has existing storage and distribution warehouse available less than a mile from the site.

In doing this, Danone HSW would benefit from instant access to an existing space, instant expansion, instant recruitment, construction cost savings.

Benefits to the Local Authority would include instant business rates income, removal of a politically sensitive issue, aligns with residents and wider sustainable agenda, re-use of existing buildings, instant increase of FTE places, correct use in designated areas, avoid setting a dangerous precedent, protects biodiverse and valued woodland. The development into our ACV woodland is not necessary, nor justifiable.

We are at a tipping point, and we have two choices: climate breakdown or climate restoration. The public have spoken loud and clear. Our council must represent us. The losses are too great. Our people and the planet deserve better.

Regards,

Sarah Gibbs