
MEMO

**North
Lincolnshire
Council**

To: Scott Jackson, Development Control
From: Andrew Taylor, Environment Team
Your Ref: PA/2019/1107
Date: 11 October 2019

Subject: Planning permission to erect 122 dwellings with associated access, drainage and landscaping
Land west of Dunlin Drive, Scunthorpe

Summary

- The site has limited biodiversity value at present.
- However, previously existing bat foraging habitats have only recently been lost.
- Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek biodiversity enhancement in accordance with the National Planning Policy Framework.

Thank you for consulting the Environment Team on the above application. In making my response, I shall build on the approach taken and principles applies under previous applications PA/2003/0860 and PA/2010/0105.

Protected and Priority Species

I have considered this application in accordance with Natural England's standing advice for protected species- <http://www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/default.aspx>.

I have read the submitted preliminary ecological appraisal. The survey methods used and the survey effort deployed are appropriate for the site in question. In terms of protected or priority species, the site has limited potential, save for nesting birds in boundary trees, due to the high levels of disturbance due to construction works in the area.

Bats

Until recently, there was a row of poplars along the northern boundary of this land parcel. This was identified as an important flight line and foraging area for Pipistrelle bats (ESL 2003). Replacement foraging habitat should be provided as part of the current proposal.

Japanese Knotweed

In 2004, WSP Environmental identified areas of Japanese Knotweed at Lakeside and made recommendations for its eradication. Care should be taken during development of this area to be sure that Japanese knotweed is no longer present.

Existing Biodiversity Value

The site is currently sandy disturbed land with ephemeral/short perennial, ruderal (weedy vegetation) and scrub. Such open mosaic habitats can be of high value for invertebrates; at least in the short term whilst frequent disturbance is ongoing.

However, the site is allocated for housing, has outline planning permission and is affected by building works in the area, limiting the extent and likely duration of any existing biodiversity value.

Evaluation

For PA/2010/0105 covering this area, I provided the following comments (among others):

“Phase 1 of the Lakeside development, along with other recent developments north of Bottesford Beck, has created a hard-landscaped environment that is particularly hostile and impermeable to wildlife. There are no proposals to provide a form of landscaping that will create green networks through Phase 2.

Thus, this application considered cumulatively with Phase 1 and applications PA/2010/0106 and PA/0107 is likely to lead to a significant loss, rather than enhancement of biodiversity across a large area. I would welcome re-submission of the designs to incorporate more green infrastructure, along with the provision of enhancements such as swift bricks and bat roosting features, in accordance with the PPS9 Good Practice Guide, Local Authority Guidance on the Biodiversity duty and the emerging draft revisions of PPS9 and the associated Planning Circular. This will also create a higher quality living environment in accordance with Local Plan Policy DS1 and will help to create some of the required Green Links identified in the Scunthorpe Framework Document (Yorkshire Forward 2005).”

In response, the applicant at the time provided a unilateral undertaking to secure biodiversity enhancements (see Appendix 2).

Similar measures are required here. It would be beneficial to see a greater extent of tree planting, creating linear features, to replace the lost bat foraging habitat. For PA/2010/0105, I also advised as follows:

“Further guidance on trees

Creating a new environment dominated by buildings, roadways and hard landscaping will greatly alter the thermal capacity of the area, potentially making it uncomfortably hot for future residents in the summer. Increased provision of street trees will be necessary for shade and for other reasons as outlined in Guidance Note 13 of the Supplementary Planning Guidance Note on Trees and Development (SPG 11) and paragraph 5.12 of the Manual for Streets (Department for Transport).”

Biodiversity Enhancement

The National Planning Policy Framework states that:

“The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...”

and

“opportunities to incorporate biodiversity in and around developments should be encouraged;”

With this proposal, biodiversity enhancement should be secured by:

- Bat bricks, bat boxes- bat bricks in at least 18 houses.
- Enhanced bat foraging habitat.
- Installation of swift boxes and sparrow terraces on 18 houses each.
- Installation of a variety of other nestboxes/nesting features.
- Providing gaps in boundary fences, to allow the passage of hedgehogs.
- Creation of wetland habitat as part of sustainable urban drainage.
- Landscaping using locally native trees, shrub, hedge plants and wildflowers of high biodiversity value.
- Measures to avoid light, noise and water pollution, flytipping and other factors that would harm habitats and species.
- Providing a wildlife gardening leaflet for each new resident.

Recommended Conditions

“Within 6 months of the commencement of development, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing.

The plan shall include:

- a) Details of bat boxes and bat bricks to be installed on at least 18 houses and retained trees;
- b) Details of swift boxes and sparrow terraces to be installed on at least 18 houses each;
- c) Details of nesting sites to be installed to support a variety of other bird species;
- d) Restrictions on lighting to avoid impacts on bat roosts, bat foraging areas bird nesting sites and sensitive habitats;
- e) Provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- f) Prescriptions for the retention, planting and aftercare of trees, shrubs, hedgerows and wildflowers of high biodiversity value;
- g) Prescriptions for the provision of a wildlife gardening leaflet for each new resident;
- h) Proposed timings for the above works in relation to the completion of the dwellings.

Reason: To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.”

“The Biodiversity Management Plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the 60th and 115th dwelling hereby approved, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the Biodiversity Management Plan.

Reason: To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.”

If you have any questions, please do not hesitate to contact me.

Andrew Taylor
Project Officer (Ecologist)

Appendix 1- Ecology and Legal Protection

Bats

All species of bat are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 making all species of bat European Protected Species. Details of the legislation can be found at:

Wildlife and Countryside Act

<http://www.legislation.gov.uk/ukpga/1981/69/contents>

The Countryside and Rights of Way Act:

http://www.opsi.gov.uk/acts/acts2000/ukpga_20000037_en_7#pt3-pb8-l1g81

The Conservation of Habitats and Species Regulations 2010

http://www.opsi.gov.uk/si/si2010/uksi_20100490_en_1

Nesting birds

It is an offence under Section 1 of the Wildlife and Countryside Act of 1981(WCA 1981) to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. The WCA 1981 also provides that all wild birds and their eggs are protected and cannot be killed or taken except under licence.

Appendix 2 PA/2010/0105- Unilateral Undertaking (attached)