

MEMO

**North
Lincolnshire
Council**

To: Tanya Coggon, Development Management
From: Andrew Taylor, Place Planning & Housing
Your Ref: PA/2021/1755
Date: 13 January 2022

Subject: Planning permission to erect 14 dwellings and improvements to vehicular access
Land off Main Street, Sturton, DN20 9DL

Summary

- This application should not be determined, except for a refusal, until a bat survey has been carried out and we have considered the findings.
- We need to check the Biodiversity Metric 2.0 calculation.
- Current proposals appear to offer little in the way of biodiversity enhancement.
- I do not support the proposal as it stands.

Thank you for consulting Place Planning & Housing on the above application.

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 report. The survey methods used and the survey effort deployed are appropriate for the site in question. The application site comprises paddocks of relatively species-poor rough grassland with areas of fruit trees (orchard) and native hedgerow. There are scattered ivy-covered trees. The heritage value of the fruit trees is not known- we do not know the fruit varieties. It is possible that the orchard may constitute a priority habitat.

In terms of protected and priority species, one ivy covered ash tree has the potential to support bats roost. A bat activity survey is recommended in the report, but does not appear to have been carried out. The site also supports nesting birds and has the potential to support species such as hedgehog and badger.

Natural England has identified the proposal site as being within a “green risk zone” for great crested newts- a European Protected Species. The potential for harm to great crested newts (and thus an offence) is therefore low on this site.

Planning Circular 06/2005 states that “It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.”

As the tree with bat roost potential appears likely to be removed, the application should not be determined, except for a refusal, until the bat activity survey has been carried out.

Biodiversity Enhancement

The National Planning Policy Framework states that:

“174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils [...]

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

[...]

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

[...]

and

“180 d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of

their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate..”

With this proposal, the applicant has submitted an biodiversity net gain calculation which appears to show that a biodiversity net gain can be achieved with a relatively conventional housing density, with much of the area being taken by houses, and roads and relatively little provision of habitat. This seems improbable, given our experience of other similar schemes where existing grassland and trees are replaced by housing. Also it is not clear how the loss of orchard trees has been compensated for. Therefore, it will be important to request the full Biodiversity Metric 2.0 spreadsheet for checking in this case.

The proposal relies in part on the provision of moderate quality wildflower meadow in the housing estate road verges. This also seems unrealistic, given the potential for harm due to car parking, insensitive mowing, road salt application etc.

Any provision of bird and bat boxes is unclear.

Overall conclusion

I do not support the proposal as it stands. If biodiversity provision can be improved, and if we have sight of the additional information required, it may be possible to provide a more positive response.

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

Andrew Taylor
Natural Environment Policy Specialist

Annex- 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-l1q81

The Conservation of Habitats and Species Regulations 2017:

[The Conservation of Habitats and Species Regulations 2017](http://www.legislation.gov.uk/uksi/2010/10490/1)

<http://www.legislation.gov.uk/uksi/2010/10490/1>

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 in 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.