

MEMO

**North
Lincolnshire
Council**

To: Mark Niland, Development Management
From: Andrew Taylor, Place Planning & Housing
Your Ref: PA/2021/1330
Date: 22 February 2022

Subject: Outline planning permission for up to 20 dwellings with all matters reserved for subsequent consideration (resubmission of PA/2020/672)
Land off Scotter Road/High Street, Messingham

Summary

- The site supports common and widespread habitats and has some potential for protected and priority species.
- Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek a net gain in biodiversity in accordance with Policy CS17, the National Planning Policy Framework and Biodiversity Metric 3.0

Thank you for consulting Place Planning & Housing on the above application and on the Preliminary Ecological Appraisal report, which was provided yesterday.

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 surveyor noted potential for nesting birds, foraging bats, hedgehogs, badgers and limited potential for reptiles and amphibians. One building, labelled as the "ancillary shed" was deemed to have low potential to support roosting bats. However, this building appears to be outside the red line boundary of the application, so is not directly threatened by development: though indirect effects such as light overspill and loss of foraging habitat are possible.

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.

Existing Biodiversity Value

The site supports bare ground, a building, hedgerow, scrub, poor semi-improved grassland and ruderal species. These habitats are all common and widespread, but are ascribed habitat value within Biodiversity Metric 3.0.

Evaluation

The proposal is for up to 20 dwellings within 0.67 hectares (nearly 30 dwellings per hectare), with 0.29 hectares of the site proposed for public open space. Depending on the nature of the open space, indeed the buildings, this is likely to make it difficult to achieve a net gain in biodiversity value on-site.

Policy

Core Strategy Policy CS17 is very relevant here:

CS17: BIODIVERSITY

The council will promote effective stewardship of North Lincolnshire's wildlife through:

1. Safeguarding national and international protected sites for nature conservation from inappropriate development.
2. Appropriate consideration being given to European and nationally important habitats and species.
- 3. Maintaining and promoting a North Lincolnshire network of local wildlife sites and corridors, links and stepping stones between areas of natural green space [emphasis added]**
- 4. Ensuring development retains, protects and enhances features of biological and geological interest and provides for the appropriate management of these features [emphasis added]**
- 5. Ensuring development seeks to produce a net gain in biodiversity by designing in wildlife, and ensuring any unavoidable impacts are appropriately mitigated for. [emphasis added]**
- 6. Supporting wildlife enhancements that contribute to the habitat restoration targets set out in the North Lincolnshire's Nature Map and in national, regional and local biodiversity action plans. [emphasis added]**
7. Improving access to and education/interpretation of biodiversity sites for tourism and the local population, providing their ecological integrity is not harmed.

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 application, biodiversity enhancement should be secured by:

- Installing bat bricks, bat access points and/or bat boxes;
- Installing nesting features for bird species such as swift, starling, tree sparrow and house sparrow;
- Restrictions on lighting to avoid impacts on bat roosts, bat foraging areas bird nesting sites and sensitive habitats;
- Provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- Prescriptions for the planting, aftercare and ongoing management of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
- Creation of wetland habitat as part of sustainable drainage;
- 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.

Applying the mitigation hierarchy, mitigation and biodiversity enhancement should be provided on-site as far as possible, with off-site delivery of habitat being a last resort to be taken only after on-site opportunities have been exhausted. In order to make sure that biodiversity net gain is quantified and deliverable, the applicant is advised to make use of Defra's Biodiversity Metric Version 3.0:

[The Biodiversity Metric 3.0 - JP039 \(nepubprod.appspot.com\)](https://nepubprod.appspot.com)

Recommended Conditions

"No development shall take place until the applicant or their successor in title has submitted a biodiversity metric assessment and biodiversity management plan to the local planning authority for approval in writing. The document shall include:

- details of measures required to provide more than 1% biodiversity net gain in accordance with the Defra biodiversity metric 3.0 compared to the baseline Phase 1 Habitat Map in the submitted Preliminary Ecological Appraisal report dated June 2021;
- details of sensitive working practices to avoid harm to bats, hedgehogs, reptiles, amphibians, badgers and nesting birds;
- details of bat boxes and bat bricks to be installed on at least 15% of dwellings;
- details of swift boxes and sparrow terraces to be installed on at least 15% of dwellings combined;
- details of nesting sites to be installed to support a variety of other species starling, house sparrow and tree sparrow;
- restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- prescriptions for the retention, planting and aftercare of native trees, shrubs, hedgerows and UK origin perennial wildflowers of high biodiversity value;
- details of wetland habitat to be created and managed as part of sustainable drainage;
- procedures for monitoring and ongoing management of created habitats;
- prescriptions for the provision of a wildlife gardening leaflet for each new resident;
- proposed timings for the above works in relation to the completion of the dwellings.

Biodiversity units should be delivered on site, within the red line boundary shown on the submitted Location Plan.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy, and paragraphs 174 and 180 of the National Planning Policy Framework.”

“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 15th 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 North Lincolnshire Core Strategy.”

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/2010/1004/uksi_20100490_en_1)

http://www.legislation.gov.uk/uksi/2010/1004/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 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.

Reptiles

The adder, common lizard, grass snake and slow worm are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).