

MEMO

**North
Lincolnshire
Council**

To: Tanya Coggon, Development Management
From: Andrew Taylor, Place Planning & Housing
Your Ref: PA/SCR/2022/2
Date: 01 April 2022

Subject: EIA screening request relating to the reduction of the permitted red line boundary in relation to PA/2015/0396 Lincolnshire Lakes, land off Burringham Road

Summary

- Though the existing landscape is not highly valued, the development will represent a significant landscape change alongside gateway routes to Scunthorpe.
- It is unclear whether EIA is required from an ecological perspective.
- Landscape and visual impacts need to be considered in terms of the adopted Landscape Assessment and Guidelines and GLVIA3.
- The applicant must provide the information reasonably required for us to carry out a Habitats Regulations Assessment.
- Updated protected and priority species surveys will be required before the application is determined. The results will reveal the need for more detailed species surveys.
- If permission is ultimately granted, there will be a need to secure a measurable net gain in biodiversity in accordance with the Lincolnshire Lakes Area Action Plan, Policy CS17, the National Planning Policy Framework and Biodiversity Metric 3.0

Thank you for consulting Place Planning & Housing on the above EIA screening request. I shall set out below the same response as for PA/SCR/2022/1, which relates to the same red line boundary. However, if you need an opinion purely relating to the reduction in the red line boundary then please give me a ring to further explain what is needed.

EIA Screening

The applicant has identified that the proposal is Schedule 2 development in relation to the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 2017. They have further identified that the proposals exceeds relevant indicative screening thresholds.

In terms of landscape, a landscape and visual impact assessment will be required. Though the existing landscape is not highly valued, the development will represent a significant change alongside gateway routes to Scunthorpe.

In terms of ecology, the level of significance is not known. The only likely significant effects relate to the Humber Estuary SAC, SPA and Ramsar site. However, the nature of this impact will not be known until adequate passage and wintering bird surveys have been carried out and recreational disturbance assessments have been made. Applying the precautionary principle, you may wish to screen the project as requiring EIA. Either way, the applicant will need to provide the information reasonably required for a Habitats Regulations Assessment (see below).

Landscape

Landscape and visual impacts need to be considered in terms of the adopted Landscape Assessment and Guidelines and the Countryside Design Summary. I also recommend the use of the Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA3, 2013), produced by the Landscape Institute and the Institute of Environmental Management & Assessment.

Core Strategy Spatial Objective 10, policies CS5 and CS16 and Saved Local Plan Policies LC7 and RD2 should also be considered.

The Adopted Landscape Assessment and Guidelines document (SPG5) gives the following guidance for this area, which lies on the boundary of two local character areas (relevant excerpts only):

Flat Drained Farmland – Althorpe, Amcotts, East and West Butterwick, Owston Ferry

Landscape Strategy:

Enhance the remaining landscape structure, ensuring that future developments in farming practice do not continue to weaken the area's character[...]. Where possible enhance wildlife potential.

Landscape Guidelines:

[...]

In places hedgerow and occasional tree planting should be encouraged to reinforce existing landscape structure without damaging the open characteristics. Smaller areas of tree planting should be targeted towards farmstead areas softening their presence in the landscape, reflecting the pattern of linear shelterbelts already common to the area. Planting is also appropriate around settlements with the exception of riverside strip farming areas.

New hedgerow planting should look to reinstate historic field boundaries in areas where hedgerow removal is still in evidence.

[...]

Any new planting should reflect existing in species, size, and regularity to create consistency throughout the character area. [...]

New built development within the open countryside should be sited within existing farmstead and agroindustrial areas, reflecting the local vernacular and being integrated with the surrounding area by a competent landscape enhancement scheme.

Tree planting similar in size and density to the surrounding area should be encouraged along the base of the M180 embankment to reduce the impact of this visually intrusive engineering structure.

[...]

Ensure maintenance and survival of linear drainage ditches and dikes. Where possible a diverse range of emergent plant species should be encouraged to create new and important ecological and wildlife habitats.

Wooded Springline Farmland – West of Scunthorpe

Landscape Strategy:

Create a balance between the elements of settlement, recreation, wildlife protection and intensive arable crop farming all found in this small but active area, whilst enhancing the landscape structure.

Landscape Guidelines:

Enhance and conserve the balance between thick woodland cover and open arable fields with limited boundary tree and hedgerow planting.

The predominantly open structure of the fields are similar to those in the floodplain landscape; limited planting should be encouraged to reinstate hedgerows and areas of field tree planting without being detrimental to the area's open character.

[...]

Local species should be planted in new woodland areas to provide consistency with surrounding landscape.

[...].

Conserve the well-maintained drainage ditches following the rectilinear field structure. Particularly in areas adjacent to woodland cover, emergent plant species should be encouraged adding ecological and wildlife diversity to this intensively farmed area.

It is vital that the few remaining areas of ecological and wildlife importance are both conserved and maintained for short term survival and long term prosperity.

Tree planting should be encouraged along the base of the engineered embankments of the M180; planting areas should replicate existing tree cover to assist integration of the road whilst lowering the visual impact of the major transport corridor.

Areas of open water require good management to create a balance between wildlife and recreation requirements and ecological development.

Attention should be paid to the urban fringe areas to the west of the area. Areas of woodland, heath and scrub require strict management for public recreation and to stop urban littering and degradation already in existence.

[...]

Humber Estuary Site of Special Scientific Interest (SSSI) and other designated sites

For this location, Natural England's SSSI Impact Risk Zone Tool indicates that Natural England should be consulted on:

"Large non residential developments outside existing settlements/urban areas where footprint exceeds 1ha."

and

"Any residential development of 50 or more houses outside existing settlements/urban areas.."

This application meets these criteria, so there is a need to consult Natural England on this occasion. Natural England has indicated that, "It is Natural England's advice, on the basis of the material supplied with the consultation, that there are potential likely significant effects on statutorily designated nature conservation sites or landscapes and further assessment is required."

Habitats Regulations

The application site comprises large arable fields, with long sight-lines unobscured by trees or hedgerows, which appear suitable to support passage and wintering flocks of bird species associated with the Humber Estuary SPA and Ramsar Site. Potential species include curlew, lapwing, golden plover and pink-footed goose. Although previous surveys carried out for the Lincolnshire Lakes Area Action Plan did not identify significant numbers of wintering or passage waterbirds in these fields, the survey results are now rather old and require updating.

The proposal appears to have a number of likely significant effects on the interest features of the designated sites. These include:

- Water-borne pollution- depending on the drainage and foul water proposals.
- Displacement of passage and wintering waterbirds from "functionally linked land": species such as curlew, lapwing, golden plover and pink-footed goose.
- Increased recreational disturbance of breeding, wintering and passage birds associated with the Humber Estuary SPA and Ramsar site, due to a significant increase in the population within a short travel time of the Estuary.

As competent authority, we therefore need to carry out a Habitats Regulations Assessment of the project. In accordance with government guidance, "The competent authority will require the applicant to provide such information as may reasonably be required to undertake the assessment." In this case, the information required will include, but not be limited to:

- A plan, in Shapefile, pdf or Jpeg format, showing the location of the proposals in relation to the boundaries of the Humber Estuary SAC, SPA and Ramsar site.
- A habitat survey of the application site and surrounding areas, with particular reference to habitat features that may support breeding, wintering or passage birds associated with the Humber Estuary SPA and Ramsar Site.
- Details of likely construction and operational lighting, noise and visual disturbance levels.
- Details of any proposed foul and surface water drainage, along with any proposed measures to avoid harm to the Humber Estuary.
- Details of bird populations and assemblages associated with the Humber Estuary that could be affected by disturbance due to recreational visits.
- Information on existing background levels of recreational disturbance.
- Projections of any likely increase in disturbance – clearly showing the any assumptions and the basis upon which this has been calculated.
- Any measures proposed to discourage recreational disturbance.
- Links to previous studies of recreational disturbance of birds using the Humber Estuary: <https://www.humburnature.co.uk/resources/reports>
- Recent wintering and passage survey information sufficient to assess the usage of the application site and adjacent SSSI units by birds associated with the Humber Estuary SPA and Ramsar Site see- survey standards below:

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| Wintering/ passage birds | Surveys should be carried out by a competent person between July and March (inclusive). Attention should focus on species listed in the Humber Estuary SPA/Ramsar citations (and relevant assemblages), Schedule 1, BAP and red/amber listed species of conservation concern. Use of the area for roosting, loafing and feeding should be described. One count per week should take place across the whole site within two hours either side of the high tide. A number of evening/crepuscular visits will also be required. Natural England may recommend visits at other states of the tide. Areas of the site may be excluded from the survey by agreement if the habitat is unsuitable. The report should describe details of any weather conditions, wider bird movements or disturbance which may be relevant in interpreting bird numbers. If counts are regularly affected by adverse weather conditions or disturbance to the birds, then repeat/replacement counts may be requested at the discretion of North Lincolnshire Council. In such a case, it would be worth seeking our advice at the earliest possible opportunity. I would recommend early reporting of the first few weeks' results as this may enable the frequency of surveys to be revised by agreement. |
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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>.

The site has been subject to several protected and priority species surveys for the Lincolnshire Lakes Area Action Plan and planning application PA/2015/0396. These surveys should be updated. Key species for consideration are set out in the report "Updated Ecological Appraisal of Land West of Scunthorpe, Burringham Road, Scunthorpe DN17 2AD" dated May 2019.

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 application site is largely arable farmland, but does have biodiversity value in marginal hedgerows and drains and the M180 margins and has the potential to support wintering birds.

Policy

Policy CS4 of the Core Strategy states that Lincolnshire Lakes will provide a "significant wildlife habitat." Policy CS17 also applies.

The Lincolnshire Lakes Area Action Plan includes the following development objective:

"3. To expand North Lincolnshire's strong infrastructure through the provision of green infrastructure (a network of green spaces) which will be effectively distributed to maximise opportunities for habitat/biodiversity creation and other environmental benefits and to enable the achievement of major socio-economic benefits such as environmental, education, recreation, better health and well-being (see Policies G1, G2, G3, G4, G5 & G6)."

Policy G4 is as follows:

"ECOLOGICAL ENHANCEMENT AND NEW HABITAT CREATION Areas specifically identified for ecological and habitat protection, creation or enhancement include:

- New areas of woodland, acid grassland, neutral grassland, wetland and ponds within the areas identified as natural and semi-natural greenspace on the Green Infrastructure Parameters Plan
- Lakes 3 and 4 and surrounding habitats

- New and existing ditches and swales
- New and existing hedgerows
- New and existing trees
- The existing Local Wildlife Sites, including those identified under Policy LC4 Lincolnshire Lakes Area Action Plan - 2016 Page 69 Area Wide Policies
- LC11 areas amenity importance
- Existing farmland

Smaller scale opportunities to deliver green and brown walls & roofs, hibernacula, bird and bat habitat boxes, bird and bat bricks and bat lofts, stone and log piles and bunds will also assist in providing suitable habitats for key species in the AAP area.

Planning applications should include proposals for the creation and enhancement of these areas where appropriate. Planning applications should also individually consider specific impacts of development proposals on biodiversity and associated opportunities for ecological protection and enhancement within their specific site boundaries.”

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, if appropriate impact avoidance, mitigation and compensation measures can be delivered, then further biodiversity enhancement should be secured by:

- Submission and agreement of biodiversity and landscape management plans and a construction environmental plan
- On-going implementation of the management plans.
- Sensitive working practices to avoid harm to water voles, bats and nesting birds.
- Habitat enhancements for water voles and invertebrates.
- Bat lofts, bat bricks, bat boxes.
- Enhanced bat foraging habitat.
- Installation of swift boxes and sparrow terraces on houses.
- Details of the retention, creation, enhancement and on-going management of wet ditches, ponds and other wetlands.
- Design and construction of the lake to maximise biodiversity, with the inclusion of reedbeds and varied wetland habitats.
- Details of the retention, creation, enhancement and on-going management of species-rich grassland and mixed woodland.
- Landscaping using trees, shrubs and hedge plants of high biodiversity value- with a requirement for locally native species in at the edge of the village and in natural habitat.
- Appropriate phasing mechanisms to ensure that significant areas of habitat are created and are becoming properly established before each phase of construction.
- Procedures for monitoring, wardening, control of access and on-going management of created habitats.
- Measures to avoid light, noise and water pollution, flytipping and other factors that would harm habitats and species.
- Formation and operation of an Environmental Steering Group, comprising the developer, the Council and other invited parties, to ensure implementation of environmental works.

Where habitat creation is proposed as mitigation, compensation or planning gain, the underlying survey information should be adequate for regulatory authorities to assess whether the proposals are feasible. In addition to information on species and habitats, it will also be necessary to measure physical conditions including (but not exclusively) soil conditions and hydrology. Where applicable, the applicant should follow the standards set out in Natural England Technical Information Notes.

Where the creation of flower-rich habitats is proposed, particularly on arable soils of high nutrient status, ongoing management must be adequate to maintain botanical species and arrest any succession to coarse and ruderal

species. This may entail sensitive cutting or grazing with the removal of arisings.

In order to make sure that biodiversity net gain is quantified and deliverable, the applicant should make use of Defra's Biodiversity Metric Version 3.0:

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

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

Andrew Taylor
Natural Environment Policy Specialist

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 2010 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.

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).

Badgers

Planning Circular 06/2005 states that, "The likelihood of disturbing a badger sett, or adversely affecting badgers' foraging territory, or links between them, or significantly increasing the likelihood of road or rail casualties amongst badger populations, are capable of being material considerations in planning decisions."

Water voles

The water vole is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). 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

Appendix 2- Survey Standards

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| Habitat survey | Extended Phase 1 survey with target notes should be carried out and submitted before the application is determined. The results of the Phase 1 survey may reveal the need for more detailed protected or priority species survey. Phase 1 survey should ideally be carried out between May and September. |
| Bat roost survey spec. (buildings and trees) | The bat survey should be carried out by a licensed and experienced bat worker and should include a detailed search for bat field signs. It will also be necessary to carry out at least one dusk/dawn emergence count, using standard methods. Such a survey would need to take place between May and September. Depending on the findings of the first survey, it may be necessary to carry out one or more further dusk/dawn counts, in accordance with the standing advice. Local meteorological data should be provided for the survey date(s) along with the survey results. The approach used and survey effort applied must be clearly justified in the survey report to be submitted. |
| Bats- wide area surveys | Surveys should be carried out by a licensed and experienced bat worker at the appropriate time of year. This should include a search for roosts in trees and buildings and desktop data search for existing records within the vicinity. There should be assessment of bat potential in mature trees. Bat foraging areas and flight lines should be assessed using bat detectors in suitable conditions on a number of dusk/dawn visits in accordance with Mitchell-Jones, A.J. (2004) Bat Mitigation Guidelines. |
| Bats- use of autoID software | Where automated surveys have been carried out, or automated software has been used to identify bat calls, then survey reports must set out the methods used and any limitations to the confidence of identification. Consultants must keep a copy of original sound files, to be made available for checking on request. Records of uncommon or unexpected species must be supported by sonogram evidence. |
| Breeding birds | Surveys should be carried out by a competent person at the appropriate time of year in accordance with the Common Birds Census Methods. In terms of territory mapping, attention should focus on Schedule 1, BAP and red/amber listed species of conservation concern. A number of evening/crepuscular visits will be necessary to assess to use of the area by barn owls and other species for breeding and foraging. |
| Vascular plants | Any notable records of species or communities should be highlighted in the Phase 1 survey. More detailed survey should be carried out at the appropriate time of year where interest is identified in the Phase 1 survey. This should use either Lincolnshire Local Wildlife Site methods or National Vegetation Classification methods to be agreed with the Environment Team. |
| Invertebrates | Phase 1 survey may identify the need to survey for various invertebrate taxa. Such surveys should be carried out by a |

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| | competent person at the appropriate time of year. Taxa surveyed, methods used and the area of search should be described and justified in the submitted reports. |
| Badger Survey Requirements | Surveys should be carried out by a competent person at the appropriate time of year. They should include searches for field signs such as setts (main setts, annexe setts, subsidiary setts and outliers), foraging trails, snuffle holes, latrines, guard hairs, footprints etc. Where badger field signs are discovered, it may be necessary for bait marking studies to be carried out, to reveal the foraging behaviour of each social group. This will enable any potential impacts on badgers to be assessed in accordance with paras 123-124 of Circular 06/05. |
| Water voles | Surveys should be carried out by a competent person at the appropriate time of year in accordance with Dean et al. (2016) The Water Vole Mitigation Handbook. Surveys should cover all wet ditches and water bodies. If any ditches or water bodies are excluded from the search, the criteria used for this selection should be justified in any submitted report. The following link gives the standing advice relating to water voles: http://www.naturalengland.org.uk/Images/Water%20Voles%20Feb11_tcm6-21714.pdf |
| Reptiles | Surveys should be carried out by a competent person at the appropriate time of year in accordance with Gent, T. and Gibson, S. (2003) Herpetofauna Workers' Manual (JNCC). The area of search should be described and justified in the submitted report. |
| Other Species | Any protected or priority species or habitats not listed above should be addressed in the ES if they are revealed through surveys or if there is a reasonable likelihood of them being affected by the proposal. |