

Date: 26 April 2022
Our ref: 389797
Your ref: PA/2021/2257



Ms Rebecca Leggott
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BY EMAIL ONLY

Dear Ms Rebecca Leggott,

Planning consultation: PA/2021/2257 - Planning permission to create a lorry park with associated car parking, fencing, external lighting columns and landscaping.

Location: Land at junction of Victory Way and Falkland Way, Humber Bridge Industrial Estate, Barton-upon-Humber.

Thank you for your consultation on the above dated 17 March 2022, which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application may:

- have an adverse effect on the integrity of Humber Estuary Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar site
<https://designatedsites.naturalengland.org.uk/>.
- damage or destroy the interest features for which Humber Estuary Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- Implementation of site noise reduction measures.
- Implementation of an external lighting strategy.
- Implementation of drainage and pollution control measures.

We advise that appropriate planning conditions or obligations are attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

Internationally designated sites

Further advice on mitigation

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment (dated March 2022) of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given. These mitigation measures are:

- Site noise reduction measures, as proposed in the “General Site Noise Reduction Measures” (CR Reynolds Ltd 2022), including:
 - Reducing construction-related traffic by undertaking a cut and fill exercise on site to reduce import of fill material required.
 - Plant and equipment used on site to be hired from pre-approved, reputable hire companies.
 - Selection of plant and equipment shall consider noise output.
 - Plant/equipment chosen to be fitted with noise reduction technology and appropriate shrouding etc.
 - All plant and equipment on site shall be maintained in accordance with legal and manufacturer’s requirements and kept in good order whilst on site.
 - All plant operators on site shall be trained in specific plant operations.
 - Plant operators will be advised at site induction not to over-rev plant, or leave plant idling unnecessarily.
 - Where necessary acoustic barriers will be erected around specific operations within the site which may generate excessive noise.
- Measures to minimise lighting impacts on ecological receptors, as outlined in the external lighting strategy report (Kelly Taylor & Associates 2022a). Following these principles, predicted Lux values should decline from 20-60 Lux at the application site boundary to below 1 Lux around 10-15 metres away.
- Drainage and pollution control measures, in line with the currently proposed or revised drainage documents. As stated in the current Drainage Design Philosophy document and Drainage Layout drawing (Edwards 2022 a & b), “*the run-off discharged from the site will be treated using a by proprietary oil interceptors. Surface water run-off from the car parks will pass through a pond feature and bypass oil interceptors and concrete hardstanding for the lorry parking will pass through retention oil interceptors, these are designed to remove the hydrocarbons.*” Natural England notes that the final drainage may differ from these plans; however, we advise that similar appropriate mitigation should be included to prevent silt, nutrients, hydrocarbons and other pollutants from impacting the Humber Estuary SPA/SAC/SSSI.

Natural England welcomes the suggested conditions included in “*Section 9 Register of conditions or restrictions required*” of the HRA.

These measures will need to be strictly implemented by the applicant so that the conclusions of the HRA remain valid. If these measures need to be amended, a new assessment should be undertaken, and Natural England will need to be re-consulted.

Aerial deposition of pollutants due to traffic emissions

As stated in our email response dated 21 April 2022, we advised that further information was required relating to aerial deposition of pollutants due to traffic emissions to inform the Habitats Regulations Assessment (HRA). Thank you for the additional information provided.

To assist you in screening for the likelihood of significant effects on European sites from aerial deposition of pollutants due to traffic emissions, Natural England offers the following advice, based on the information provided:

- the proposal is not directly connected with or necessary for the management of the European site
- the proposal is unlikely to have a significant effect on any European site, either alone or in-combination with other plans and projects, and can therefore be screened out from any requirement for further appropriate assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects alone and in-combination:

- Your assessment has identified that nitrous oxides (NO_x) from the proposed development will not exceed 1% of the critical level alone.
- We note that an assessment of ammonia (NH₃) has not been provided in the HRA. However, the additional information provided shows that the predicted impact is 0.1% of the ammonia Critical Level of 3 µg/m³. Therefore, we advise that likely significant effect from ammonia can be ruled out alone.
- The further information provided by your Authority explains why nitrogen deposition was not included in the air quality assessment. We advise that likely significant effect can be ruled out for nitrogen deposition, based on the information provided.
- Based on your assessment, there are no developments which could act in-combination with the proposed development in relation to aerial deposition of pollutants due to traffic emissions within 200m of the Humber Estuary designated sites. Therefore we advise that in-combination impacts due to traffic emissions can also be ruled out, based on the information provided.

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

Sites of Special Scientific Interest

Our advice regarding the potential impacts upon the Humber Estuary SSSI coincide with our advice regarding the potential impacts upon the Humber Estuary SPA / SAC / Ramsar as detailed above.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

If you have any queries relating to the advice in this letter please contact me on 07385399877 or at Alice.Megaw@naturalengland.org.uk. For any new consultation, or to provide further information on this consultation please send your correspondence to consultations@naturalengland.org.uk.

We would not expect to provide further advice on the discharge of planning conditions or obligations attached to any planning permission.

Should the proposal change, please consult us again.

Yours sincerely

Alice Megaw
Yorkshire and Northern Lincolnshire Area Team

Annex A – Additional advice

Natural England offers the following additional advice:

Landscape

Paragraph 174 of the [National Planning Policy Framework](#) (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#) Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Annex A – Additional advice

[here](#).

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Natural England's [Biodiversity Metric 3.0](#) may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the [Small Sites Metric](#) may be used. This is a simplified version of [Biodiversity Metric 3.0](#) and is designed for use where certain criteria are met. It is available as a beta test version.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside [Biodiversity Metric 3.0](#) and is available as a beta test version.

Annex A – Additional advice

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 100 and 174 of the NPPF highlight the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).