North Lincolnshire Council

Habitats Regulations Assessment

Stage 1 Significance Test and Stage 2 Appropriate Assessment, March 2022

Planning permission to create a lorry park with associated car parking, external lighting columns and landscaping.

Land at junction of Victory Way/Falkland Way, Humber Bridge Industrial Estate, Barton-Upon-Humber

Planning permission to create a lorry park with associated car parking, external lighting columns and landscaping.

Land at junction of Victory Way/Falkland Way, Humber Bridge Industrial Estate, Barton-Upon-Humber

Significance Test

Title of Plan

Planning permission to create a lorry park with associated car parking, external lighting columns and landscaping.

Location of Plan or Project /Application

Land at junction of Victory Way/Falkland Way, Humber Bridge Industrial Estate, Barton-Upon-Humber

Ordnance Survey Grid Reference: TA038226

International Nature Conservation Sites

Humber Estuary Special Protection Area (SPA)

Humber Estuary Special Conservation Area (SAC) and Ramsar site

Description of Project

The proposal is for the construction of a lorry park with ancillary car parking, security fencing, lighting and landscaping.

The site is located to the north of Falkland Way, Barton upon Humber. The site sits to the east of Victory Way comprising an open area of cleared scrub land extending to approximately 2.55 hectares, set between existing industrial development to the south, east, and west. The Humber Estuary SPA and Ramsar site lies around 110 metres to the north (Pioneer Pit – Humber Estuary SSSI unit 131).

Use – the site will be used to accommodate HGVS prior to loading and unloading.

Scale – The site is circa. 2.55ha of which 2.085ha will be hardstanding. The security fencing is proposed to be 2.4m high.

Layout – The site will be accessed off Victory Way operating a one-way system around the site for HGVs. The site consists of 156 HGV parking spaces, 50 car parking spaces and 1 motorcycle space. The site will be lit by luminaires installed at no more than 10m above ground level.

The Habitats Regulations Assessment Process

The process is described in detail in Circular 06/2005. The Council has followed the Circular as closely as possible. The main stages in the process are as follows. Note that if there are no harmful effects on the features of the International Nature Conservation Sites, or if these effects can be prevented, not all of the stages will be required.

- Determination of Likely Significant Effect
- Appropriate Assessment with regard to site Conservation Objectives.
    - Determine whether there will be an Adverse Effect on the Integrity (AEOI) of the International Nature Conservation Sites with reference to all the relevant interest features.
    - Consider possible restrictions and conditions.
    - Consider alternative approaches.
    - Consider any Imperative Reasons of Over-riding Public Interest (IROPI).

Put simply, the Local Planning Authority can only grant planning permission if, at a given stage above, in can be ascertained that the proposal would not adversely affect the integrity of the International Nature Conservation Sites. Even if, at a late stage in considerations, IROPI were found to apply, compensatory measures would need to be provided.

Circular 06/2005 describes the key decision to be made as follows:

> "In the light of the conclusions of the assessment of the project's effects on the site's conservation objectives, the decision-taker must determine whether it can ascertain that the proposal will not adversely affect the integrity of the site(s). The integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified. It is not for the decision-taker to show that the proposal would harm the site, in order to refuse the application or appeal. It is for the decision-taker to consider the likely and reasonably foreseeable effects and to ascertain that the proposal will not have an adverse effect on the integrity of the site before it may grant permission. If the proposal would adversely affect integrity, or the effects on integrity are uncertain but could be significant, the decision-taker should not grant permission, subject to the provisions of regulations 49 and 53 as described below."
>
> "..In the Waddenzee judgment, the European Court of Justice ruled that a plan or project may be authorised only if a competent authority has made certain that the plan or project will not adversely affect the integrity of the site. "That is the case where no reasonable scientific doubt remains as to the absence of such effects". Competent national authorities must be "convinced" that there will not be an adverse affect and where doubt remains as to the absence of adverse affects, the plan or project must not be authorised, subject to the procedure outlined in Article 6(4) of the EC Habitats Directive regarding imperative reasons of overriding public interest." – ODPM 2005.

Box 1- Government Guidance on the Determination of Likely Significant Effect (LSE) (www.gov.uk accessed 20 May 2021)

Screening
This step is a simple assessment to check or screen if a proposal:

- is directly connected with or necessary for the conservation management of a European site
- risks having a significant effect on a European site on its own or in combination with other proposals

You should consider the proposal's integral design features or characteristics, such as its layout, timing and location to inform your screening decision. These may mean that any risk to a European site is avoided and you do not need to do an appropriate assessment.

At this stage, you should not consider any mitigation measures included by the proposer for the purpose of avoiding or minimising risk to a European site. These mitigation measures need to be considered at the appropriate assessment stage.

Conservation management proposals
You must first check if the whole proposal is for the conservation management of the habitats or species for which the European site has been designated. If it is, you do not need to carry out an appropriate assessment.

You must continue screening the proposal if it contains:

- conservation management that could negatively affect a different feature or a different European site
- non-conservation management activities, such as development, commercial operations or recreational events

Assess the likely significant effect
You must check if the proposal could have a significant effect on a European site that could affect its conservation objectives.

You should check if there's a risk or possibility of a significant effect based on the evidence. You should only consider real, not hypothetical risk.

[…]

You should consider:

- the area over which the proposed activity would take place
- any overlaps or interaction with the protected features of a site in a direct or indirect way
- the effect of any essential parts of the proposal, such as its location, timing or design

If you cannot rule out the risk of the proposal having a significant effect, you will need to do an appropriate assessment.

Check for combined effects
Your proposal alone may have an effect on a European site that's not significant. You must check if this effect could combine with any other proposal planned or underway and affects the same site, that on its own also does not have a significant effect. If, in combination, your proposal could have a significant effect on the European site, you will need to do an appropriate assessment.

Check for proposals being dealt with by other competent authorities, such as:

- applications for a new permission
- applications to change an existing permission
- granted permissions that have not begun or been completed
- granted permissions that need renewing
- plans that have been drafted but not yet adopted

A proposal, alone or in combination with other proposals, could cause a significant effect on a European site if there's:

- a reduction in the amount or quality of designated habitats or the habitats that support designated species
- a limit to the potential for restoring designated habitats in the future
- a significant disturbance to the designated species
- disruption to the natural processes that support the site's designated features
- only reduction or offset measures in place

If there's no likely significant effect on the site, either alone or in combination, then you do not need to carry out an appropriate assessment.

You should record your screening decision and your reasons for it.

Determination of Likely Significant Effect under the Conservation of Habitats and Species Regulations 2017 (as amended)

1. North Lincolnshire Council does not consider that the plan or project is directly connected with, or necessary to, the management of the Humber Estuary Special Protection Area (SPA) and Ramsar site or Humber Estuary Special Conservation Area (SAC) for nature conservation.

2. North Lincolnshire Council is of the opinion that the plan or project is likely to have a significant effect alone or in combination with other plans and projects on the Humber Estuary Special Protection Area (SPA) and Ramsar site.
   North Lincolnshire Council is of the opinion that the plan or project is not likely to have a significant effect alone or in combination with other plans and projects on the Humber Estuary Special Conservation Area (SAC).

Reasons for Likely Significant Effect (LSE) determination:

Potential hazards to the features of the International Nature Conservation Sites that have been considered are as follows:

- Construction noise disturbance of SPA qualifying species, including breeding bittern, marsh harrier and wintering waterfowl.

  The applicant has provided limited bird survey data from desktop studies. In addition, North Lincolnshire Council has carried out a data search with the Lincolnshire Environmental Records Centre. Many of the records available are only attributable to Barton Clay Pits generally, not the application site, the nearby Barton Tileyards East or the nearest SSSI unit (Pioneer Pit).

  The Lincolnshire Wildlife Trust Pasture Wharf Nature Reserve description describes Pioneer Pit as follows:

  "Pioneer Pit has gin-clear freshwater, with low nitrate and chloride concentrations and apart from fringes and stands of reed and reedmace is rich in other wetland flora. Marginal vegetation includes branched bur-reed, reed sweet grass, reed canary grass and water cress. The list of aquatic species is long, some examples being: Nuttall's waterweed, marestail, rigid hornwort, water lily and fan-leaved water crowfoot. A notable aquatic plant which is present in this SSSI i hair-like pond weed. Such a rich wetland flora engenders an abundant and varied assemblage of species higher up the food chain. Breeding birds include mute swan, little grebe and good numbers of reed and sedge warbler. Bittern and bearded tit are recorded there occasionally."

  Applying the precautionary principle in the absence of detailed survey data, we must assume that Pioneer Pit may support wintering waterfowl of the Humber Estuary assemblage in numbers that may exceed 1% of the Humber population of a given species. This is the threshold which Natural England considers to represent significant numbers. Given the habitats present, Pioneer Pit is not considered likely to support wading birds in significant numbers. However, bittern may be present on occasion. Neither the application site nor Barton Tileyards East is considered likely to support birds associated with the Humber Estuary SPA/Ramsar in significant numbers.

  Noise ratings of construction equipment to be used are not known at the time of writing. "General Site Noise Reduction Measures" have been proposed (CR Reynolds Ltd 2022). However, proposed mitigation measures cannot be considered when determining Likely significant effect (see Box 1 above).

  Assuming that Pioneer Pit may support wintering and passage waterfowl in significant numbers, and given that the controls on construction noise cannot be considered at this stage, then there is a **likely significant effect** on the Humber Estuary

SPA/Ramsar due to construction noise disturbance of SPA qualifying species, including breeding bittern and wintering waterfowl using Pioneer Pit.

- Ongoing noise disturbance of SPA qualifying species. including breeding bittern and wintering waterfowl.

Modelled source noise emissions for the operational Lorry Park are given in the submitted noise assessment (Barnett 2022):

Table 4-2: Modelled Source Emissions

Description	Sound Power Level, Hz								dB(A)
	63	125	250	500	1k	2k	4k	8k	
HGV manoeuvre without reverse alarm (forward movement)	102	93	88	91	92	91	84	75	
HGV manoeuvre with reverse alarm (backwards movement)	102	93	88	91	92	91	90	75	
HGV start and idle	-	-	-	-	-	-	-	-	91
HGV Door Slam	-	-	-	-	-	-	-	-	77

Enzygo consultants have now advised that with noise attenuation due to distance, the effect measured at the nearest boundary of the Humber Estuary SPA/Ramsar is expected to be as follows:

“The predicted noise levels 110m north of the lorry park would be 39dB LAeq,T based on lorry park activities and worst-case PM lorry movements.

For ecological receptors we would normal use the guidance contained in AQTAG09, i.e., using a target noise limit of 55dB LAeq,T at the nest site. Our predictions are 16dB below this limit therefore we don’t expect any impacts on the SPA/Ramsar site.”

- Source: E-mail from Darren Lafon-Anthony dated 23/3/2022.

Whilst Pioneer Pit is not only of importance for nesting birds, the threshold of 55dB LAeq,T is comparable to that used when assessing impacts on wintering and passage waterbirds in the South Humber Gateway.

Therefore, there is no likely significant effect on the Humber Estuary SPA/Ramsar due to ongoing noise disturbance of SPA qualifying species, including breeding bittern, marsh harrier and wintering waterfowl using Pioneer Pit, Barton Tileyards East or the application site.

- Visual disturbance of SPA qualifying species, including breeding bittern, marsh harrier and wintering waterfowl.

Visually, Pioneer Pit is well screened from the application site by large trees along the Barton-New Holland railway line. Therefore, there is no likely significant effect on the Humber Estuary SPA/Ramsar due to visual disturbance of SPA qualifying species, including breeding bittern, marsh harrier and wintering waterfowl using Pioneer Pit.

- Ongoing external lighting with associated effects on the behaviour of SPA qualifying species.

The applicant has submitted an external lighting strategy report, which includes mitigation measures to minimise impacts on ecological receptors (Kelly Taylor & Associates 2022a). The associated drawing shows that, employing these principles, predicted Lux values will tail off from 20-60 Lux at the application site boundary to below 1Lux around 10-15 metres away. Such Lux values are not considered likely to have a significant effect on birds associated with the Humber Estuary SPA/Ramsar site. Given that Pioneer Pit (the nearest SSSI unit) is 110 metres away and is screened by trees, the effect of light overspill is considered to be negligible.

However, proposed mitigation measures cannot be considered when determining Likely significant effect (see Box 1 above).

Assuming that Pioneer Pit may support wintering and passage waterfowl in significant numbers, and given that the controls on lighting cannot be considered at this stage, then there is a **likely significant effect** on the Humber Estuary SPA/Ramsar due to external lighting disturbance of SPA qualifying species, including breeding bittern and wintering waterfowl using Pioneer Pit or flying nearby.

- Surface water drainage and potential pollution of waterbodies and reedbeds in the SPA/Ramsar site.

The applicant has submitted a Drainage Design Philosophy document and Drainage Layout drawing (Edwards 2022 a & b). However, at the time of writing, the Lead Local Flood Authority is maintaining an objection to the planning application, so the drainage solution that is ultimately adopted may differ from the current proposal.

The proposed development involves the construction of a parking facility which will generate approximately 2.085 ha of impermeable area. The proposed surface water drainage system is a gravity system discharging into a below ground attenuation tank under the development. The flow from the attenuation storage will then discharge at a restricted flow rate to the ditch to the north of the development. The submitted drainage document appears to show the flows ultimately discharging into the Humber Estuary SPA/Ramsar site at SSSI unit 129- the Sailing Club Pit. This pit is currently in unfavourable declining condition due to "freshwater pollution - water pollution - agriculture/run off,other" (www.magic.gov.uk).

The Drainage Design Philosophy document states that:

"To protect the water quality of the receiving surface water bodies and groundwaters 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."

However, proposed mitigation measures cannot be considered when determining likely significant effect (see Box 1 above).

Assuming that the Sailing Club Pit may support wintering and passage waterfowl in significant numbers, and given that the controls on pollution cannot be considered at this stage, then there is a **likely significant effect** on the Humber Estuary SPA/Ramsar due surface water drainage and potential pollution of waterbodies and reedbeds in the SPA/Ramsar site.

- Aerial deposition of pollutants due to traffic emissions.

  The submitted Air Quality Assessment concludes that:

  "At the closest point the Proposed Development site boundary is approximately 100 m from the edge of the Humber Estuary [SPA and Ramsar] and the HGV routing is approximately 130 m from the edge of the Humber Estuary [SPA and Ramsar].

Using the DMRB screening model, assuming 260 HGVs and 102 LDVs with a speed of 5 kph, the impact of oxides of nitrogen is predicted to be 0.2 µg/m3 at a distance of 130 m from the road. This equates to an impact of 0.6% of the critical level for oxides of nitrogen. As this is less than 1% of the critical level, the impact at the Humber Estuary can be screened out as insignificant."

If the impact on the SPA/Ramsar is insignificant at a distance of 110 metres, then it may be assumed that the impact on SAC habitats, at a distance of 700 metres, is also insignificant.

Further assessment has revealed that:

The main habitat for Humber Estuary Unit 131 (Pioneer Pit) is "Standing open water and canals".

According to the Air Pollution Information System (APIS), for this habitat, much depends on whether the waters are considered to be P-limited, N-limited or co-limited. Many of the Barton Claypits are in unfavourable condition due to poor water quality (eutrophication). Phosphorus levels are generally high. Many of the pits receive arable run-off (hence high NPK), though this may be less true of Pioneer Pit.

APIS says:

"Eutrophic standing waters

Deposition of ammonia, nitrate and other forms of nitrogen from the atmosphere is unlikely to be the largest source of this nutrient to eutrophic standing waters (Gibson et al. 1992, Gibson et al. 1995, Jordan 1997) and, therefore, in general, N deposition is unlikely to be very harmful to eutrophic standing waters, even when close to sources."

Also:

"A critical load cannot be given for nitrogen, as quantitative relationships between biology and nitrogen concentrations are poorly understood. The nitrogen to phosphorus ratio can be important, with a molar ratio of around 16:1 (7:1 by weight) being the threshold between N- and P-limitation (Wetzel 2001). Impacts could be assessed by deviation from a 'natural' ratio for an individual site."

See: http://www.apis.ac.uk/node/983

In summary:

- Nitrous oxides (NOx) from the proposed development will not exceed 1% of the critical level alone.
- Additional information provided by the applicant shows that the predicted impact is 0.1% of the ammonia Critical Level of 3 μg/m³. Therefore, Natural England advises that likely significant effect from ammonia can be ruled out alone.
- Natural England advise that likely significant effect can be ruled out for nitrogen deposition, based on the information provided.
- 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. Natura England advise that in-combination impacts due to traffic emissions can also be ruled out, based on the information provided.

- Loss of high tide roosts.

As the site has high hedges and is covered by bramble, it is considered to be very unlikely that it would support waders or wildfowl listed in the SPA/Ramsar citations. Therefore, loss of high tide roosts is not considered to be a likely significant effect.

- Effects on SAC-listed habitats and species

The site is almost 700 metres from the SAC, and does not drain into it. Therefore, there is not likely to be a significant effect on the Humber Estuary SAC.

In-combination Plans and Projects.
The proposed project would have the following effects alone. Therefore, it is not necessary at this stage to consider whether this project would act in combination with other plans or projects in relation to these effects:

- Construction noise disturbance of SPA qualifying species, including breeding bittern and wintering waterfowl.
- Ongoing external lighting with associated effects on the behaviour of SPA qualifying species.
- Surface water drainage and potential pollution of waterbodies and reedbeds in the SPA/Ramsar site.

The following pressures, attributable to the project, are so minor that effects in-combination with other plans or projects are not likely:

- Ongoing noise disturbance of SPA qualifying species. including breeding bittern, marsh harrier and wintering waterfowl.
- Visual disturbance of SPA qualifying species, including breeding bittern, marsh harrier and wintering waterfowl.
- Aerial deposition of pollutants due to traffic emissions.
- Loss of high tide roosts.
- Effects on SAC-listed habitats and species

Overall Conclusion

North Lincolnshire Council is of the opinion that an appropriate assessment is required to determine the implications of the project in view of the sites' conservation objectives for the European interest. The appropriate assessment will initially consider the effects of the project alone. The potential impacts requiring appropriate assessment are as follows:

- Construction noise disturbance of SPA qualifying species, including breeding bittern and wintering waterfowl.
- Ongoing external lighting with associated effects on the behaviour of SPA qualifying species.
- Surface water drainage and potential pollution of waterbodies and reedbeds in the SPA/Ramsar site.

Signed  Date 29 April 2022

Designation Natural Environment Policy Specialist

Summary of Determination of Likely Significant Effect (LSE) on International Nature Conservation Site Interest Features

Humber Estuary Special Area of Conservation (SAC) Interest Features

Interest Feature	Likely Significant Effect	Reason
1. Coastal lagoons	No LSE	Feature not found in or near application site
2. Fixed dunes with herbaceous vegetation ("grey dunes")	No LSE	Feature not found in or near application site
3. Atlantic salt meadows (Glauco-Puccinellietalia maritimae)	No LSE	The site is almost 700 metres from the SAC, and does not drain into it. The impact of air pollution on the SAC will be insignificant.
4. Dunes with *Hippophae rhamnoides* sea-buckthorn.	No LSE	Feature not found in or near application site
5. Embryonic shifting dunes	No LSE	Feature not found in or near application site
6. Estuaries	No LSE	The site is almost 700 metres from the SAC, and does not drain into it. The impact of air pollution on the SAC will be insignificant.
7. *Halichoerus grypus* Grey seal	No LSE	Feature not found in or near application site
8. *Lampetra fluviatilis* River lamprey.	No LSE	Feature not found in or near application site
9. Mudflats and sandflats not covered by seawater at low tide	No LSE	The site is almost 700 metres from the SAC, and does not drain into it. The impact of air pollution on the SAC will be insignificant.
10. *Petromyzon marinus* Sea lamprey	No LSE	Feature not found in or near application site
11. *Salicornia* and other annuals colonising mud and sand	No LSE	Feature not found in or near application site
12. Sandbanks which are slightly covered by sea water all the time	No LSE	Feature not found in or near application site
13. Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes")	No LSE	Feature not found in or near application site

Humber Estuary Special Protection Area (SPA) Interest Features

Qualifying species
The site qualifies under **article 4.1** of the Directive (79/409/EEC) as it is used regularly by 1% or more of the Great Britain populations of the following species listed in Annex I in any season:

Annex 1 species	Count and season	Likely Significant Effect	Reason
Avocet *Recurvirostra avosetta*	59 individuals – wintering	No LSE	Habitat at the application site, Barton Tileyards East and Pioneer Pit is not suitable for this species.
Bittern *Botaurus stellaris*	4 individuals – wintering	**LSE**	**Occasionally recorded at Pioneer Pit. In the absence of mitigation measures, construction noise disturbance and external lighting could displace this species.**
Hen harrier *Circus cyaneus*	8 individuals – wintering	No LSE	Not recently recorded as a wintering species.
Golden plover *Pluvialis apricaria*	30,709 individuals – wintering	No LSE	Not recently recorded as a wintering species.
Bar-tailed godwit *Limosa lapponica*	2,752 individuals – wintering	No LSE	Not recently recorded as a wintering species.
Ruff *Philomachus pugnax*	128 individuals – passage	No LSE	Habitat at the application site, Barton Tileyards East and Pioneer Pit is not suitable for this species.
Bittern *Botaurus stellaris*	2 booming males – breeding	**LSE**	**Occasionally recorded at Pioneer Pit. In the absence of mitigation measures, construction noise disturbance and external lighting could displace this species.**
Marsh harrier *Circus aeruginosus*	10 females – breeding	No LSE	No records attributable to the application site, Barton Tileyards East or Pioneer Pit
Avocet *Recurvirostra avosetta*	64 pairs – breeding	No LSE	Habitat at the application site, Barton Tileyards East and Pioneer Pit is not suitable for this species.
Little tern *Sterna albifrons*	51 pairs – breeding	No LSE	Species not recorded

The site qualifies under **article 4.2** of the Directive (79/409/EEC) as it is used regularly by 1% or more of the biogeographical populations of the following regularly occurring migratory species (other than those listed in Annex I) in any season:

Migratory species	Count and season	Likely Significant Effect	Reason
Shelduck *Tadorna tadorna*	4,464 individuals – wintering	No LSE	Not recently recorded as a wintering species.
Knot *Calidris canutus*	28,165 individuals – wintering	No LSE	Habitat at the application site, Barton Tileyards East and Pioneer Pit is not suitable for this species.
Dunlin *Calidris alpina*	22,222 individuals – wintering	No LSE	Habitat at the application site, Barton Tileyards East and Pioneer Pit is not suitable for this species.
Black-tailed godwit *Limosa limosa*	1,113 individuals – wintering	No LSE	Habitat at the application site, Barton Tileyards East and Pioneer Pit is not suitable for this species.
Redshank *Tringa totanus*	4,632 individuals – wintering	No LSE	Habitat at the application site, Barton Tileyards East and Pioneer Pit is not suitable for this species.

Knot *Calidris canutus*	18,500 individuals – passage	No LSE	Habitat at the application site, Barton Tileyards East and Pioneer Pit is not suitable for this species.
Dunlin *Calidris alpina*	20,269 individuals – passage	No LSE	Habitat at the application site, Barton Tileyards East and Pioneer Pit is not suitable for this species.
Black-tailed godwit *Limosa limosa*	915 individuals – passage	No LSE	Habitat at the application site, Barton Tileyards East and Pioneer Pit is not suitable for this species.
Redshank *Tringa totanus*	7,462 individuals – passage	No LSE	Habitat at the application site, Barton Tileyards East and Pioneer Pit is not suitable for this species.

Assemblage qualification:
The site qualifies under **article 4.2** of the Directive (79/409/EEC) as it is used regularly by over 20,000 waterbirds (waterbirds as defined by the Ramsar Convention) in any season:

Interest Feature	Likely Significant Effect	Reason
Over 20,000 waterbirds (waterbirds as defined by the Ramsar Convention) in any season: In the non-breeding season, the area regularly supports 153,934 individual waterbirds	**LSE**	**Assuming that the Pioneer Pit and Sailing Club Pit may support wintering and passage waterfowl in significant numbers there could be impacts from construction noise disturbance, external lighting and water-borne pollution in the absence of mitigation measures.**

Humber Estuary Ramsar Site Interest Features:

Interest Feature	Likely Significant Effect	Reason
Criterion 1: near-natural estuary with the following component habitats:		
Dune systems and humid dune slacks	No LSE	Feature not found in or near application site
Estuarine waters	No LSE	The site is almost 700 metres from the SAC, and does not drain into it. The impact of air pollution on the SAC will be insignificant.
Intertidal mud and sand flats	No LSE	The site is almost 700 metres from the SAC, and does not drain into it. The impact of air pollution on the SAC will be insignificant.
Saltmarshes	No LSE	The site is almost 700 metres from the SAC, and does not drain into it. The impact of air pollution on the SAC will be insignificant.
Coastal brackish/saline lagoons	No LSE	Feature not found in or near application site
Criterion 3: animal species important for maintaining the biological diversity of the biogeographic region:		
grey seals *Halichoerus grypus* at Donna Nook	No LSE	Feature not found in or near application site
natterjack toad *Bufo calamita* at Saltfleetby-Theddlethorpe	No LSE	Feature not found in or near application site
Criterion 5: regularly supports 20,000 or more waterbirds	**LSE**	**Assuming that the Pioneer Pit and Sailing Club Pit may support wintering and passage waterfowl in significant numbers there could be impacts from construction noise disturbance, external lighting and water-borne pollution in the absence of mitigation measures.**

Criterion 6: regularly supports 1% of the individuals in the populations of the following species or subspecies of waterbird in any season

Species	Count and season	Likely Significant Effect	Reason
Shelduck *Tadorna tadorna*	4,464 individuals – wintering	No LSE	Not recently recorded as a wintering species.
Golden plover *Pluvialis apricaria*	30,709 individuals – wintering	No LSE	Not recently recorded as a wintering species.
Knot *Calidris canutus*	28,165 individuals – wintering	No LSE	Habitat at the application site, Barton Tileyards East and Pioneer Pit is not suitable for this species.
Dunlin *Calidris alpina*	22,222 individuals – wintering	No LSE	
Black-tailed godwit *Limosa limosa*	1,113 individuals – wintering	No LSE	Habitat at the application site, Barton Tileyards East and Pioneer Pit is not suitable for this species.
Bar-tailed godwit *Limosa lapponica*	2,752 individuals – wintering	No LSE	Not recently recorded as a wintering species.
Redshank *Tringa totanus*	4,632 individuals – wintering	No LSE	Habitat at the application site, Barton Tileyards East and Pioneer Pit is not suitable for this species.
Golden plover *Pluvialis apricaria*	17,996 individuals – passage	No LSE	Not recently recorded as a wintering species.

Knot *Calidris canutus*	18,500 individuals – passage	No LSE	Habitat at the application site, Barton Tileyards East and Pioneer Pit is not suitable for this species.
Dunlin *Calidris alpina*	20,269 individuals – passage	No LSE	Habitat at the application site, Barton Tileyards East and Pioneer Pit is not suitable for this species.
Black-tailed godwit *Limosa limosa*	915 individuals – passage	No LSE	Habitat at the application site, Barton Tileyards East and Pioneer Pit is not suitable for this species.
Redshank *Tringa totanus*	7,462 individuals – passage	No LSE	Habitat at the application site, Barton Tileyards East and Pioneer Pit is not suitable for this species.
Criterion 8: migration path on which fish stocks, either within the wetland or elsewhere, depend:			
River lamprey *Lampetra fluviatilis*		No LSE	Feature not found in or near application site
Sea lamprey *Petromyzon marinus*		No LSE	

Humber Estuary Citations and Conservation Objectives

European Site Conservation Objectives for Humber Estuary Special Area of Conservation Site Code: UK0030170

With regard to the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- **The extent and distribution of qualifying natural habitats and habitats of qualifying species**
- **The structure and function (including typical species) of qualifying natural habitats**
- **The structure and function of the habitats of qualifying species**
- **The supporting processes on which qualifying natural habitats and habitats of qualifying species rely**
- **The populations of qualifying species, and,**
- **The distribution of qualifying species within the site.**

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Qualifying Features:

H1110. Sandbanks which are slightly covered by sea water all the time; Subtidal sandbanks

H1130. Estuaries

H1140. Mudflats and sandflats not covered by seawater at low tide; Intertidal mudflats and sandflats

H1150. Coastal lagoons*

H1310. *Salicornia* and other annuals colonising mud and sand; Glasswort and other annuals colonising mud and sand

H1330. Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

H2110. Embryonic shifting dunes

H2120. Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes"); Shifting dunes with marram

H2130. Fixed dunes with herbaceous vegetation ("grey dunes"); Dune grassland*

H2160. Dunes with *Hippophae rhamnoides*; Dunes with sea-buckthorn

S1095. *Petromyzon marinus*; Sea lamprey

S1099. *Lampetra fluviatilis*; River lamprey

S1364. *Halichoerus grypus*; Grey seal

* denotes a priority natural habitat or species (supporting explanatory text on following page)

This is a European Marine Site

This site is a part of the Humber Estuary European Marine Site. These Conservation Objectives should be used in conjunction with the Conservation Advice document for the EMS. Natural England's formal Conservation Advice for European Marine Sites can be found via GOV.UK.

*** Priority natural habitats or species**

Some of the natural habitats and species for which UK SACs have been selected are considered to be particular priorities for conservation at a European scale and are subject to special provisions in the Habitats Regulations. These priority natural habitats and species are denoted by an asterisk (*) in Annex I and II of the Habitats Directive. The term 'priority' is also used in other contexts, for example with reference to particular habitats or species that are prioritised in UK Biodiversity Action Plans. It is important to note however that these are not necessarily the priority natural habitats or species within the meaning of the Habitats Regulations.

Explanatory Notes: European Site Conservation Objectives

These Conservation Objectives are those referred to in the Conservation of Habitats and Species Regulations 2017 as amended from time to time (the "Habitats Regulations"). They must be considered when a competent authority is required to make a 'Habitats Regulations Assessment', including an Appropriate Assessment, under the relevant parts of this legislation.

These Conservation Objectives and the accompanying Supplementary Advice (where available) will also provide a framework to inform the measures needed to conserve or restore the European Site and the prevention of deterioration or significant disturbance of its qualifying features.

These Conservation Objectives are set for each habitat or species of a Special Area of Conservation (SAC). Where the objectives are met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving Favourable Conservation Status for that species or habitat type at a UK level. The term 'favourable conservation status' is defined in regulation 3 of the Habitats Regulations.

Publication date: 27 November 2018 (version 3). This document updates and replaces an earlier version dated 31 March 2014 to reflect the consolidation of the Habitats Regulations in 2017.

With regard to the natural habitats and/or species for which the site has been designated (the Qualifying Features listed below);

Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.

Subject to natural change, to maintain or restore:

- The extent and distribution of qualifying natural habitats and habitats of qualifying species;

European Site Conservation Objectives for Humber Estuary Special Protection Area Site Code: UK9006111

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- **The extent and distribution of the habitats of the qualifying features**
- **The structure and function of the habitats of the qualifying features**
- **The supporting processes on which the habitats of the qualifying features rely**
- **The population of each of the qualifying features, and,**
- **The distribution of the qualifying features within the site.**

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Qualifying Features:

A021 *Botaurus stellaris*; Great bittern (Non-breeding)
A021 *Botaurus stellaris*; Great bittern (Breeding)
A048 *Tadorna tadorna*; Common shelduck (Non-breeding)
A081 *Circus aeruginosus*; Eurasian marsh harrier (Breeding)
A082 *Circus cyaneus*; Hen harrier (Non-breeding)
A132 *Recurvirostra avosetta*; Pied avocet (Non-breeding)
A132 *Recurvirostra avosetta*; Pied avocet (Breeding)
A140 *Pluvialis apricaria*; European golden plover (Non-breeding)
A143 *Calidris canutus*; Red knot (Non-breeding)
A149 *Calidris alpina alpina*; Dunlin (Non-breeding)
A151 *Philomachus pugnax*; Ruff (Non-breeding)
A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)
A157 *Limosa lapponica*; Bar-tailed godwit (Non-breeding)
A162 *Tringa totanus*; Common redshank (Non-breeding)
A195 *Sterna albifrons*; Little tern (Breeding)
Waterbird assemblage

This is a European Marine Site

This SPA is a part of the Humber Estuary European Marine Site (EMS). These Conservation Objectives should be used in conjunction with the Conservation Advice document for the EMS. Natural England's formal Conservation Advice for European Marine Sites can be found via GOV.UK.

Explanatory Notes: European Site Conservation Objectives

These Conservation Objectives are those referred to in the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations'). They must be considered when a competent authority is required to make a 'Habitats Regulations Assessment' including an Appropriate Assessment, under the relevant parts of this legislation.

These Conservation Objectives, and the accompanying Supplementary Advice (where this is available), will also provide a framework to inform the management of the European Site and the prevention of deterioration of habitats and significant disturbance of its qualifying features

These Conservation Objectives are set for each bird feature for a Special Protection Area (SPA).

Where these objectives are being met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving the aims of the Wild Birds Directive.

Publication date: 21 February 2019 (version 4). This document updates and replaces an earlier version dated 30 June 2014 to reflect the consolidation of the Habitats Regulations in 2017.

The Humber Estuary Ramsar site conservation objectives

Criterion 2: Conservation objective for the internationally important wetland, hosting an assemblage of threatened coastal and wetland invertebrates

Subject to natural change, maintain* the wetland hosting an assemblage of threatened coastal and wetland invertebrates in favourable condition, in particular:

- Saltmarsh communities
- Coastal lagoons

Criterion 3: Conservation objective for the internationally important wetland, supporting a breeding colony of grey seals *Halichoerus grypus*

Subject to natural change, maintain* the **wetland hosting a breeding colony of grey seals** in favourable condition, in particular:

- Intertidal mudflats and sandflats

Criterion 5: Conservation objective for the internationally important wetland, regularly supporting 20,000 or more waterfowl

Subject to natural change, maintain* the **wetland regularly supporting 20,000 or more waterfowl** in favourable condition, in particular:

- Intertidal mudflats and sandflats
- Saltmarsh communities
- Tidal reedbeds
- Coastal lagoons

Criterion 6: Conservation objective for the internationally important wetland, regularly supporting 1% or more of the individuals in a population of one species or sub-species of waterfowl

Subject to natural change, maintain* the **wetland regularly supporting 1% or more of the individuals in a population of one species or sub-species of waterfowl** in favourable condition, in particular:

- Intertidal mudflats and sandflats
- Saltmarsh communities
- Tidal reedbeds
- Coastal lagoons

Note: The Ramsar site conservation objectives for **criterion 2 & 3** interest focus on the condition of the habitats that support or host species of international importance. Information on the status of the species in terms of national and international population and distribution trends will be used to inform judgements made with regards to the management and protection of the sites.

The Ramsar site conservation objectives for **criterion 5 & 6** interest focus on the condition of the habitats that support the bird populations. This is in recognition of changes in bird populations that

may take place as a consequence of national or international trends or events. Annual counts for qualifying species will be used by Natural England in the context of five-year peak means together with other available information on the national and international population and distribution trends to inform judgements regarding the management and protection of the site.

- Maintain implies restoration if the feature is not currently in favourable condition.

Planning permission to create a lorry park with associated car parking, external lighting columns and landscaping.

Land at junction of Victory Way/Falkland Way, Humber Bridge Industrial Estate, Barton-Upon-Humber

Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)

1 Summary - Record of Appropriate Assessment in accordance with Habitats Regulations Guidance Note 1

1.1 Title of Plan or Project/Application

Planning permission to create a lorry park with associated car parking, external lighting columns and landscaping..

1.2 Location of Plan or Project /Application

Land at junction of Victory Way/Falkland Way, Humber Bridge Industrial Estate, Barton-Upon-Humber

Ordnance Survey Grid Reference: TA038226

1.3 International Nature Conservation Site

Humber Estuary Special Protection Area (SPA)

Humber Estuary Ramsar Site.

1.4 Nature/Description of Plan or Project/Application

The proposal is for the construction of a lorry park with ancillary car parking, security fencing, lighting and landscaping.

The site is located to the north of Falkland Way, Barton upon Humber. The site sits to the east of Victory Way comprising an open area of cleared scrub land extending to approximately 2.55 hectares, set between existing industrial development to the south, east, and west. The Humber Estuary SPA and Ramsar site lies around 110 metres to the north (Pioneer Pit – Humber Estuary SSSI unit 131).

Use – the site will be used to accommodate HGVS prior to loading and unloading.

Scale – The site is circa. 2.55ha of which 2.085ha will be hardstanding. The security fencing is proposed to be 2.4m high.

Layout – The site will be accessed off Victory Way operating a one-way system around the site for HGVs. The site consists of 156 HGV parking spaces, 50 car parking spaces and 1 motorcycle space. The site will be lit by luminaires installed at no more than 10m above ground level.

Date Appropriate Assessment recorded: xxxxxx

1.5 This is a record of the appropriate assessment, required by Regulation 63 of the Habitats Regulations 2017, as amended, undertaken by North Lincolnshire Council in respect of the above plan/project. Having considered that the plan or project would be likely to have a significant effect on the Humber Estuary SPA and that the

plan or project was not directly connected with or necessary to the management of the site, an appropriate assessment has been undertaken of the implications of the proposal in view of the sites conservation objectives.

1.6 Natural England was consulted under Reg.63(3) on 24 March 2022 and replied on 21 April 2022 and 26 April 2022; comments expressed by the organisation have helped to formulate this version of the Habitats Regulations Assessment.

1.7 The opinion of the general public was not formally taken under Reg.63(4).

1.8 The sites' conservation objectives have been taken into account, including consideration of the situation for the site and information supplied by Natural England (See Appendix 3). The likely effects of the proposal on the international nature conservation interests for which the site was designated may be summarised as:

- Construction noise disturbance of SPA qualifying species, including breeding bittern and wintering waterfowl.
- Ongoing external lighting with associated effects on the behaviour of SPA qualifying species.
- Surface water drainage and potential pollution of waterbodies and reedbeds in the SPA/Ramsar site.

1.9 The assessment has concluded that the plan or project as proposed would adversely affect the integrity of the site.

1.10 The imposition of restrictions on the way the proposal is to be carried out has been considered and it is ascertained that:

~~*a) conditions or restrictions cannot overcome the adverse effects on the integrity of the site.~~

~~Or~~

b) the measures listed in section 9 of this document would avoid adverse effects on the integrity of the site.

Signed [redacted] Date 29 April 2022

Designation Natural Environment Policy Specialist

2 Introduction

2.1 The project assessed here is an application for planning permission to create a lorry park with associated car parking, external lighting columns and landscaping. The site is described as “Land at junction of Victory Way/Falkland Way, Humber Bridge Industrial Estate, Barton-Upon-Humber.”

2.2 North Lincolnshire Council has determined that:

2.2.1 The plan or project is not directly connected with, or necessary to, the management of the Humber Estuary Special Protection Area (SPA) and Ramsar site or Humber Estuary Special Conservation Area (SAC) for nature conservation.

2.2.2 The plan or project is likely to have a significant effect alone or in combination with other plans and projects on the Humber Estuary Special Protection Area (SPA) and Ramsar site.

2.2.3 The plan or project is not likely to have a significant effect alone or in combination with other plans and projects on the Humber Estuary Special Conservation Area (SAC) for nature conservation.

2.3 Therefore, as the Competent Authority for the plan or project, North Lincolnshire Council must carry out an appropriate assessment in accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017, as amended.

2.4 This document is the formal record of that process. North Lincolnshire Council has prepared this Habitats Regulations Assessment (HRA), which draws heavily on the information provided by the applicant.

3 The Appropriate Assessment Process

3.1 The process is described in detail in Circular 06/2005. The Council has followed the Circular as closely as possible. The main stages in the process are as follows. Note that if there are no harmful effects on the features of the Humber Estuary, or if these effects can be prevented, not all of the stages will be required.

3.1.2.1 Determination of Likely Significant Effect

3.1.2.2 Appropriate Assessment with regard to site Conservation Objectives.

3.1.2.3 Determine whether there will be an Adverse Effect on the Integrity (AEOI) of the International Nature Conservation Sites with reference to all the relevant interest features.

3.1.2.4 Consider possible restrictions and conditions.

3.1.2.5 Consider alternative approaches.

3.1.2.6 Consider any Imperative Reasons of Over-riding Public Interest (IROPI).

3.2 Put simply, the Local Planning Authority can only adopt the plan if, at a given stage in 3.1 above, it can be ascertained that the proposal would not adversely affect the integrity of the International Nature Conservation Sites. Even if, at a

late stage in considerations, IROPI and no alternatives were found to apply, compensatory measures would need to be provided.

3.3 Circular 06/2005 describes the key decision to be made as follows:

3.3.1 "In the light of the conclusions of the assessment of the project's effects on the site's conservation objectives, the decision-taker must determine whether it can ascertain that the proposal will not adversely affect the integrity of the site(s). The integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified. It is not for the decision-taker to show that the proposal would harm the site, in order to refuse the application or appeal. It is for the decision-taker to consider the likely and reasonably foreseeable effects and to ascertain that the proposal will not have an adverse effect on the integrity of the site before it may grant permission. If the proposal would adversely affect integrity, or the effects on integrity are uncertain but could be significant, the decision-taker should not grant permission, subject to the provisions of regulations 49 and 53 as described below."

3.3.2 "... In the Waddenzee judgment, the European Court of Justice ruled that a plan or project may be authorised only if a competent authority has made **certain** that the plan or project will not adversely affect the integrity of the site. "*That is the case where no reasonable scientific doubt remains as to the absence of such effects*". Competent national authorities must be **"*convinced*"** that there will not be an adverse affect and where doubt remains as to the absence of adverse affects, the plan or project must not be authorised, subject to the procedure outlined in Article 6(4) of the EC Habitats Directive regarding imperative reasons of overriding public interest." – ODPM 2005.

Box 2- Government Guidance on the Appropriate Assessment (www.gov.uk accessed 20 May 2021)

You must carry out an appropriate assessment if you:

- decide there's a risk of a likely significant effect on a European site
- do not have enough evidence to rule out a risk

The assessment should be:

- more detailed and thorough than the screening check
- appropriate for the nature and complexity of the proposal and allow you to carry out the integrity test

Your appropriate assessment should:

- assess the likely significant effects of a proposal on the integrity of the site and its conservation objectives
- consider ways to avoid or reduce (mitigate) any potential for an 'adverse effect on the integrity of the site'

Test the integrity of the site
Your appropriate assessment must show whether an adverse effect on the integrity of the site from the proposal can be ruled out or not.

The integrity of the site will be adversely affected if a proposal could, for example:

- destroy, damage or significantly change all or part of a designated habitat

- significantly disturb the population of a designated species, for example, its breeding birds or hibernating bats
- harm the site's ecological connectivity with the wider landscape, for example, harm a woodland that helps to support the designated species from a nearby European site
- harm the site's ecological function, or its ability to survive damage, and reduce its ability to support a designated species
- change the site's physical environment, for example, by changing the chemical makeup of its soil, increasing the risk of pollution or changing the site's hydrology
- restrict access to resources outside the site that are important to a designated species, for example, food sources or breeding grounds
- prevent or disrupt restoration work, or the potential for future restoration, if it undermines the site's conservation objectives

You must be able to rule out all reasonable scientific doubt that the proposal would not have an adverse effect on the integrity of the site before you can allow the proposal to go ahead.

How to assess effects on site integrity
To carry out the assessment and apply the integrity test, you should consider:

- the ecological requirements, conservation objectives and the current conservation status (if known) of the site's designated features that might be affected by the proposal
- each potential effect on the European site, including the risk of combined effects with other proposals, and how they might impact on the site's conservation objectives
- the scale, extent, timing, duration, reversibility and likelihood of the potential effects
- how certain you are of the effects occurring
- mitigation measures that have been proposed or conditions you can attach to avoid or limit the effects
- how confident you can be that mitigation measures will be effective over the whole lifetime of the proposal - for example, the effects of construction, operation and decommissioning

You must consult the relevant SNCB and you should send them a copy of your draft appropriate assessment. You must consider the advice you get back. You should only disagree with the advice if you have a good reason.

You should keep a record of your final appropriate assessment, particularly if you're not following the SNCB's advice. You may need it as evidence if, for example, there's an appeal or freedom of information request.

If you're a local planning authority in England making a decision on planning applications, you should read the guide about appropriate assessments and legal implications on neighbourhood plans and permissions in principle.

Consider mitigation measures
As part of your appropriate assessment, you should consider any mitigation measures that have been included as part of the proposal to remove or reduce potential adverse effects.

You or the proposer can get advice on mitigation measures from the relevant SNCB or an ecological adviser.

You should assess what difference the mitigation measures would make to the effects of the proposal on the site. You must be sure that the mitigation will be effective. To do this, your assessment will need to show:

- how the measures would be implemented and monitored, and how long for
- how you would enforce the measures if you had to
- how certain you are that the measures would work to avoid or reduce effects on the site
- how long it will take for the measures to take effect
- the level of success you expect, or what changes you'd make if monitoring shows the measures may fail

You must make sure that any necessary mitigation measures are put in place now and not wait for adverse effects to happen first.

Attach conditions
If mitigation measures are needed to avoid adverse effects, you should attach conditions or take other necessary steps to make sure the measures are carried out.

You can make conditions flexible. For example, you could remove conditions if it's clear from monitoring that the risk of negative effects is lower than first thought. You should consult the relevant SNCB to make sure the new conditions are still effective.

You should be sure you can enforce the conditions if you need to, and that the proposer is capable of fulfilling them.

Design or method conditions
You can attach conditions to the design features or methods of a proposal to avoid damaging sensitive habitats.

For example, for construction work near a watercourse, you could include the condition of creating a bund to stop sediment or pollution getting into the watercourse.

Timing conditions
You can attach timing conditions to avoid work taking place during sensitive times of year or day.

For example, to avoid disturbing:

- birds, seals and bats during their breeding season
- birds on land or at sea when they're resting or feeding during the winter months

Monitoring conditions
You can attach monitoring conditions to check whether the mitigation measures are working as expected. You can use monitoring as an early warning to identify the risk of any new potential impacts.

Monitoring conditions should clearly state what action the proposer will need to take to make sure adverse effects do not occur if either the:

- impacts are likely to be greater than expected
- mitigation might not be working as expected

[…]

Decide if the proposal passes or fails the integrity test
A proposal will pass the integrity test if your appropriate assessment can show that there is no reasonable scientific doubt that the proposal will not have an adverse effect on the integrity of the site.

This means you can carry out, allow or adopt the proposal - after assessing any other factors that you need to consider - such as noise pollution, landscape damage or flood risk.

If the proposal fails the integrity test because you cannot rule out an adverse effect on site integrity, you must reject the proposal in its current form. This means permission is not granted. The work cannot go ahead or the plan cannot be adopted unless it can pass 3 legal tests and be granted an exception, known as a 'derogation'

4. Description of Development

The proposal is for the construction of a lorry park with ancillary car parking, security fencing, lighting and landscaping.

The site is located to the north of Falkland Way, Barton upon Humber. The site sits to the east of Victory Way comprising an open area of cleared scrub land extending to approximately 2.55 hectares, set between existing industrial development to the south, east, and west. The Humber Estuary SPA and Ramsar site lies around 110 metres to the north (Pioneer Pit – Humber Estuary SSSI unit 131).

Use – the site will be used to accommodate HGVS prior to loading and unloading.

Scale – The site is circa. 2.55ha of which 2.085ha will be hardstanding. The security fencing is proposed to be 2.4m high.

Layout – The site will be accessed off Victory Way operating a one-way system around the site for HGVs. The site consists of 156 HGV parking spaces, 50 car parking spaces and 1 motorcycle space. The site will be lit by luminaires installed at no more than 10m above ground level.

5 Summary of Likely Significant Effects on the International Nature Conservation Sites

5.1 Construction noise disturbance of SPA qualifying species, including breeding bittern and wintering waterfowl.
5.2 Ongoing external lighting with associated effects on the behaviour of SPA qualifying species.
5.3 Surface water drainage and potential pollution of waterbodies and reedbeds in the SPA/Ramsar site.

6 Construction noise disturbance of SPA qualifying species, including breeding bittern and wintering waterfowl.

6.1 Likely Significant Effect

6.1.1. Applying the precautionary principle in the absence of detailed survey data, we must assume that Pioneer Pit may support wintering waterfowl of the Humber Estuary assemblage in numbers that may exceed 1% of the Humber population of a given species. This is the threshold which Natural England considers to represent significant numbers. Bittern may be present on occasion.

6.1.2. Noise ratings of construction equipment to be used are not known at the time of writing. “General Site Noise Reduction Measures” have been proposed (CR Reynolds Ltd 2022).

6.1.3. Assuming that Pioneer Pit may support wintering and passage waterfowl in significant numbers there is a likely significant effect on the Humber Estuary SPA/Ramsar due to construction noise disturbance of SPA qualifying species, including breeding bittern and wintering waterfowl using Pioneer Pit.

6.2 In-combination Effects

6.2.1 Given the discrete nature of the works, it is considered that only projects proximate to the application site are likely to give rise to any possible in-combination effects. No other projects which could have impacts on Pioneer Pit have been identified.

6.3 Conservation Objectives

6.3.1 Without mitigation, construction noise disturbance could prejudice the following elements of the conservation objectives in relation to bittern and the assemblage of wintering and passages waterbirds:

6.3.1.1 The population of each of the qualifying features, and,

6.3.1.2 The distribution of the qualifying features within the site.

6.4 Measures taken to avoid, minimise or mitigate effects

6.4.1 "General Site Noise Reduction Measures" have been proposed (CR Reynolds Ltd 2022). These include:

- 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.

6.5 Conditions or restrictions required.

6.5.1 A planning condition will be required to secure the implementation of the site noise reduction measures (see section 9.1).

6.6 Determination of AEOI.

6.6.1 In the determination of likely significant effect, we recorded the consultants' calculation that:

"The predicted noise levels 110m north of the lorry park would be 39dB LAeq,T based on lorry park activities and worst-case PM lorry movements.

For ecological receptors we would normal use the guidance contained in AQTAG09, i.e., using a target noise limit of 55dB LAeq,T at the nest site. Our predictions are 16dB below this limit therefore we don't expect any impacts on the SPA/Ramsar site."

6.6.2 Consulting BS5228 "Noise and vibration control on construction and open sites", it can be seen that the type of plant required to construct a lorry park (excavators, bulldozers etc) generally has noise ratings similar to, or slightly louder than, the lorries modelled in the operational phase noise assessment. Therefore, the implementation of the site noise reduction measures may confidently be expected to reduce contruction noise levels at the

SPA/Ramsar boundary to a level that is not likely to cause significant disturbance to SPA qualifying species.

6.6.3 Therefore, given the imposition of planning conditions as outlined above, there will be no adverse effect on the Integrity of the Humber Estuary SPA and Ramsar site arising from construction noise disturbance of SPA qualifying species such as breeding bittern and wintering waterfowl.

7 Ongoing external lighting with associated effects on the behaviour of SPA qualifying species.

7.1 Likely Significant Effect

7.1.1 Assuming that Pioneer Pit may support wintering and passage waterfowl in significant numbers, then there is a likely significant effect on the Humber Estuary SPA/Ramsar due to external lighting disturbance of SPA qualifying species, including breeding bittern and wintering waterfowl using Pioneer Pit or flying nearby.

7.2 In-combination Effects

7.2.1 Given the discrete nature of the works, it is considered that only projects proximate to the application site are likely to give rise to any possible in-combination effects. No other projects which could have lighting impacts on Pioneer Pit have been identified.

7.3 Conservation Objectives

7.3.1 Without mitigation, external lighting could prejudice the following elements of the conservation objectives in relation to bittern and the assemblage of wintering and passages waterbirds:

7.3.1.1 The population of each of the qualifying features, and,

7.3.1.2 The distribution of the qualifying features within the site.

7.4 Measures taken to avoid, minimise or mitigate effects

7.4.1 The applicant has submitted an external lighting strategy report, which includes mitigation measures to minimise impacts on ecological receptors (Kelly Taylor & Associates 2022a). The associated drawing shows that, employing these principles, predicted Lux values will decline from 20-60 Lux at the application site boundary to below 1Lux around 10-15 metres away. Such Lux values are not considered likely to have a significant effect on birds associated with the Humber Estuary SPA/Ramsar site.

7.5 Conditions or restrictions required.

7.5.1 A planning condition will be required to secure the implementation of the external lighting strategy (see section 9.2).

7.6 Determination of AEOI.

7.6.1 Increased illumination, along with the intrusive appearance of the lights themselves could disrupt the behaviour of waterbirds, enhance their feeding behaviour or cause them to abandon otherwise suitable sites.

7.6.2 However, given the imposition of planning conditions as outlined above, there should be no light spill above the horizontal plane and negligible overspill into the surrounding land. Given that Pioneer Pit (the nearest SSSI unit) is 110 metres away and is screened by trees, the effect of light overspill

is considered to be negligible. Overall, there will be no adverse effect on the Integrity of the Humber Estuary SPA and Ramsar site arising from external lighting disturbance of SPA qualifying species such as breeding bittern and wintering waterfowl.

8 Surface water drainage and potential pollution of waterbodies and reedbeds in the SPA/Ramsar site.

8.1 Likely Significant Effect

8.1.1 The proposed development involves the construction of a parking facility which will generate approximately 2.085 ha of impermeable area. The proposed surface water drainage system is a gravity system discharging into a below ground attenuation tank under the development. The flow from the attenuation storage will then discharge at a restricted flow rate to the ditch to the north of the development. The submitted drainage document appears to show the flows ultimately discharging into the Humber Estuary SPA/Ramsar site at SSSI unit 129- the Sailing Club Pit. This pit is currently in unfavourable declining condition due to "freshwater pollution - water pollution - agriculture/run off,other" (www.magic.gov.uk).

8.1.2 In the absence of any mitigation measures, drainage from the lorry park could carry silt, nutrients, hydocarbons and other pollutants into the Sailing Club Pit.

8.1.3 Assuming that the Sailing Club Pit may support wintering and passage waterfowl in significant numbers then there is a likely significant effect on the Humber Estuary SPA/Ramsar due surface water drainage and potential pollution of waterbodies and reedbeds in the SPA/Ramsar site.

8.2 In-combination Effects

8.2.1 Given the discrete nature of the works, it is considered that only projects proximate to the application site are likely to give rise to any possible in-combination effects. The only other project identified that could lead to increased water pollution of the Sailing Club Pit is the Wren Factory Expansion- planning ref PA/2019/1147.

8.2.2 The Design and Access Statement for that project stated that, "To protect the water quality of the receiving surface water bodies and groundwaters the run-off discharged from the site will be treated using SuDS features. Prior to discharge into the detention basin all the surface water run-off from the car parks and concrete hardstanding will pass through full retention oil interceptors which will remove the hydrocarbons." The submitted Shadow Habitats Regulations Assessment provided further detail of the operation of oil separators in accordance with BS EN 858-1:2002, and in accordance with Pollution Prevention Guideline document PPG3 'Use and design of Oil Separators in Surface Water Drainage Systems'.

8.2.3 Given the control measures in place the Wren Factory Expansion would nit act in-combination with the lorry park project to cause significant pollution of waterbodies and reedbeds in the SPA/Ramsar site.

8.3 Conservation Objectives

8.3.1 Without mitigation, water-borne pollution could prejudice the following elements of the conservation objectives in relation to bittern and the assemblage of wintering and passages waterbirds:

8.3.1.1 The structure and function of the habitats of the qualifying features

8.3.1.2 The supporting processes on which the habitats of the qualifying features rely

8.3.1.3 The population of each of the qualifying features, and,

8.3.1.4 The distribution of the qualifying features within the site.

8.4 Measures taken to avoid, minimise or mitigate effects

8.4.1 The applicant has submitted a Drainage Design Philosophy document and Drainage Layout drawing (Edwards 2022 a & b). However, at the time of writing, the Lead Local Flood Authority is maintaining an objection to the planning application, so the drainage solution that is ultimately adopted may differ from the current proposal.

8.4.2 The Drainage Design Philosophy document states that:

"To protect the water quality of the receiving surface water bodies and groundwaters 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."

8.5 Conditions or restrictions required.

8.5.1 A planning condition will be required to secure the implementation of the currently proposed or revised drainage and pollution control measures (see section 9.3).

8.6 Determination of AEOI.

8.6.1 In the absence of any mitigation measures, drainage from the lorry park could carry silt, nutrients, hydocarbons and other pollutants into the Sailing Club Pit. This could have direct effects on the health, survival and recruitment of bitterns and wintering and passage waterbirds. Further eutrophication of the Sailing Club Pit may lead to changes in algal growth and macrophyte communities in the water column, with knock-on effects further up the food chain in the waterbird assemblage

8.6.2 However, given the imposition of planning conditions as outlined above, potential for the discharge of water-borne pollution will be significantly reduced. Overall, there will be no adverse effect on the Integrity of the Humber Estuary SPA and Ramsar site arising from surface water drainage and potential pollution of waterbodies and reedbeds in the SPA/Ramsar site.

9 Register of conditions or restrictions required.

9.1 Construction noise disturbance of SPA qualifying species, including breeding bittern and wintering waterfowl.

"All site clearance and construction works shall be carried out strictly in accordance with the submitted document, "C.R. Reynolds Ltd. 2022 6 Acre Lorry Park Wren Kitchens Barton upon Humber – Planning Statement."

Reason: To protect features of the Humber Estuary SPA and Ramsar site in accordance with policies CS17, LC1 and LC2"

9.2 Ongoing external lighting with associated effects on the behaviour of SPA qualifying species (adapted from condition proposed by Environmental Protection)

"Any external lighting shall be installed, operated and maintained in accordance with the document "EXTERNAL LIGHTING STRATEGY REPORT at 6 ACRES LORRY PARK FALKLAND WAY, BARTON-UPON-HUMBER. Issue No. S/10451/LSR - 01 February 2022"

Reason: To protect residential amenity and to protect features of the Humber Estuary SPA and Ramsar site in accordance with policies CS17, LC1 and LC2"

9.3 Surface water drainage and potential pollution of waterbodies and reedbeds in the SPA/Ramsar site. (Draft condition proposed: to be finalised upon agreement of a drainage scheme by the Lead Local Flood Authority)

"All surface water drainage infrastructure shall be installed, operated and maintained in accordance with the document ref WREN2-BED-EX-XX-RP-C-0001 "Wren Kitchens, Barton-Upon-Humber: Drainage Design Philosophy. BE Design" and submitted drawing number 0150 Revision P03.

Reason: To protect features of the Humber Estuary SPA and Ramsar site in accordance with policies CS17, LC1 and LC2"

10 Overall determination of AEOI.

10.1 Project without restrictions or conditions.

10.1.1 The proposed project is not necessary for the management of the Humber Estuary SAC, SPA or Ramsar site.

10.1.2 The proposed project would have a likely significant effect on the Humber Estuary SPA and Ramsar site

10.1.3 **Without mitigation, North Lincolnshire Council cannot ascertain that the proposed project would not have an adverse effect on the integrity of the Humber Estuary SPA and Ramsar site.** The sources of the adverse effect on integrity are listed below, along with the International Nature Conservation Site interest features affected:

10.1.3.1 Construction noise disturbance of SPA qualifying species, including breeding bittern and wintering and passage waterfowl.

10.1.3.2 Ongoing external lighting with associated effects on the behaviour of SPA qualifying species- particularly breeding bittern and wintering and

passage waterfowl.

10.1.3.3 Surface water drainage and potential pollution of waterbodies and reedbeds in the SPA/Ramsar site. This could affect wintering and passage waterfowl.

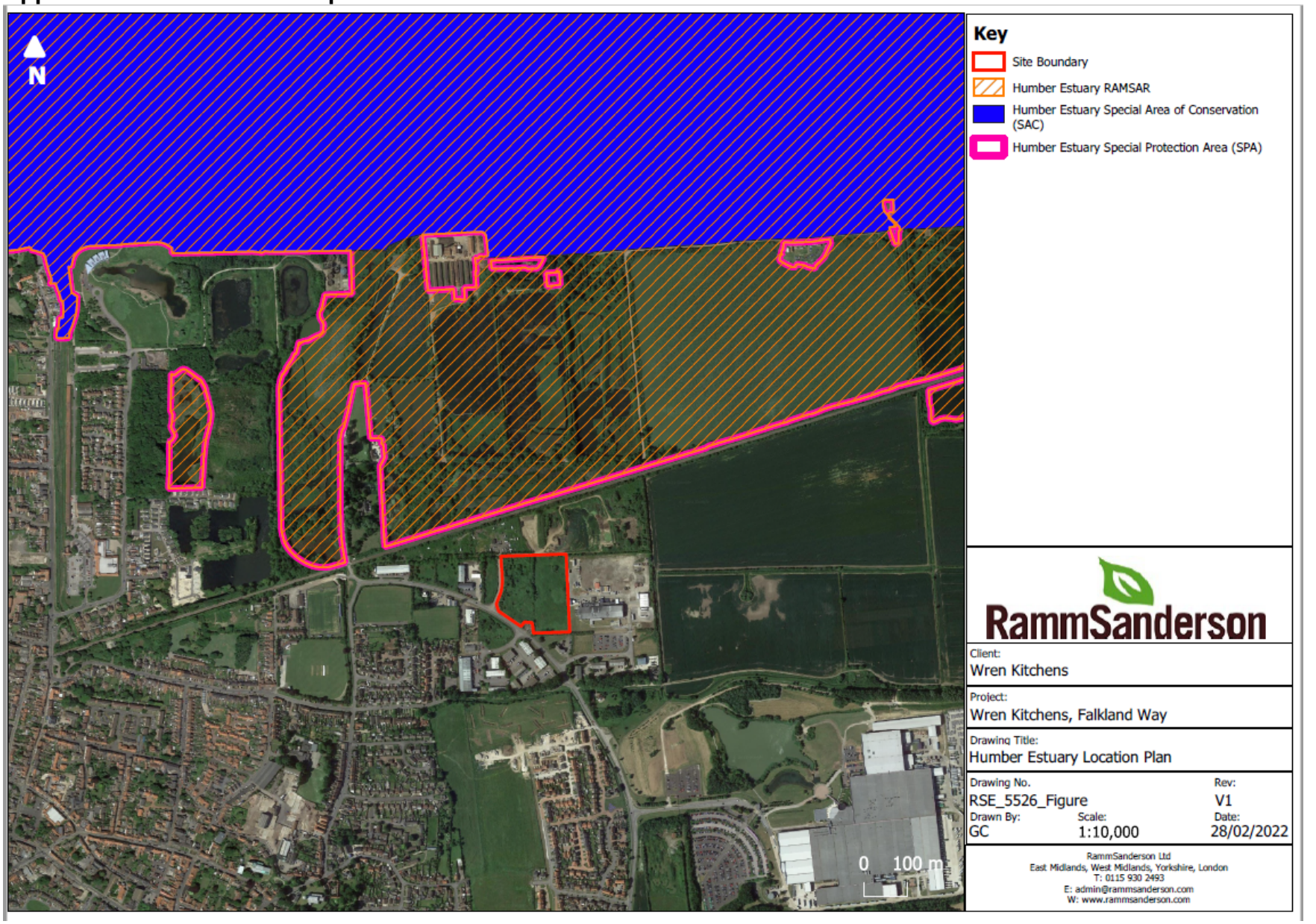
10.2 Project with mitigation

10.2.1 The planning conditions required to remove or minimise adverse effects on International Nature Conservation Site interest features are set out in section 9 above.

10.2.2 Overall, it is possible to ascertain that the proposal will not have an adverse effect on the integrity of the Humber Estuary SPA and Ramsar site alone or in combination with other plans or projects.

Appendices

Appendix 1 - Location of Proposals in relation to the International Nature Conservation Site



Appendix 2 References

Barnett, E. 2022 Noise Impact Assessment Wren Kitchens Transport Yard. Wren Kitchens, Falkland Way, Barton upon Humber, North Lincolnshire. Enzygo Ltd. Unpublished report

Edwards, D. 2022a Wren Kitchens, Barton-Upon-Humber: Drainage Design Philosophy. BE Design. Unpublished report.

Edwards, D. 2022b Falklands Way Logistics Park Drainage Layout. BE Design. Drawing number 0150 Revision P03.

Fichtner Consulting Engineers Ltd. 2022 Wren Kitchens Barton Lorry Park Air Quality Assessment. Unpublished report.

Kelly Taylor & Associates 2022a External Lighting Strategy Report at 6 Acres Lorry Park Falkland Way Barton-Upon-Humber. Unpublished report.

Kelly Taylor & Associates 2022b External Lighting Lux Layout. Drawing number 10451-EXT-01 Revision A

C.R. Reynolds Ltd. 2022 6 Acre Lorry Park Wren Kitchens Barton upon Humber – Planning Statement

Appendix 3 - Consultee responses

From: Megaw, Alice <Alice.Megaw@naturalengland.org.uk>
Sent: 21 April 2022 09:29
To: planningapplications
Subject: PA/2021/2257 Planning Application at Land at junction of Victory Way and Falkland Way, Humber Bridge Industrial Estate, Barton-upon-Humber

FAO Rebecca Leggott

Dear Rebecca,

Thank you for consulting Natural England on PA/2021/2257 (our reference 387205) and agreeing to the extension of time. We advise that further information is required relating to aerial deposition of pollutants due to traffic emissions to inform the Habitats Regulations Assessment (HRA) - Planning permission to create a lorry park with associated car parking, external lighting columns and landscaping (dated March 2022).

Please refer to Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations (NEA001) for further guidance: http://publications.naturalengland.org.uk/publication/4720542048845824.

Nitrous Oxides

Natural England notes that the Barton Lorry Park Air Quality Assessment (dated March 2022) states the "impact of oxides of nitrogen is predicted to be 0.2 µg/m3 at a distance of 130m from the road. This equates to an impact of 0.6% of the critical level for oxides of nitrogen. As this is less than 1% of the critical level, the impact at the Humber Estuary can be screened out as insignificant." We agree with this conclusion for the project alone, based on the information provided.

However, no in-combination assessment has been provided. We advise that the reasoning given in the HRA – "The following pressures, attributable to the project, are so minor that effects in-combination with other plans or projects are not likely" - is not appropriate to rule out in-combination effects in this case. The in-combination requirement makes sure that the effects of numerous small proposals, which alone would not result in a significant effect, are assessed to determine whether their combined effect would be significant enough to require more detailed assessment. We note from Section 8.2 of the Appropriate Assessment that the Wren Factory Expansion- planning ref PA/2019/1147 has been identified as a relevant project, therefore this should be considered in-combination, at a minimum.

Nitrogen Deposition

Please can you confirm why nitrogen deposition (N-deposition) was not considered in the Air Quality Assessment and HRA? As stated in the above Natural England guidance document, traffic emissions can also be a short-range contributor to nitrogen deposition.

Ammonia

In addition, ammonia, along with nitrous oxides (NOx), can contribute to N-deposition in the soil and potential eutrophication of habitats. Whereas background levels of nitrous oxides have shown a steady decline over time due to reduced emissions from vehicles and other sources, levels of ammonia have remained relatively stable over the last 30 years.

Ammonia can be emitted from vehicle exhaust emissions as a by-product of the catalytic conversion process designed to reduce emissions of nitrogen oxide. As traffic composition transitions toward more petrol and electric cars (i.e. fewer diesel cars on the road), catalytic converters may aid in reducing NOx emissions but result in increased ammonia emissions. Ammonia emissions from road traffic therefore could make a significant difference to nitrogen deposition close to roads.

Natural England therefore advise that ammonia sourced from traffic emissions should be included for assessment as the impact from this source on designated sites is currently unclear. For further information please see this report from Air Quality Consultants (AQC) that looks at ammonia emissions from roads for assessing impacts on nitrogen-sensitive habitats. Whilst we are aware that the current CREAM model created by AQC used to assess ammonia emissions from road traffic has not been peer reviewed, at this time it has been recognised as a Best Available Tool and we deem it appropriate to be used where any caveats associated with this model are also considered within the assessment. An assessment based on the best available approach is necessary. The next stage of assessment can then consider uncertainties in the model and site specifics to decide if mitigation needs to be considered.

Please re-consult Natural England once this information has been obtained.

Kind regards,

Alice Megaw

Sustainable Development Lead Adviser

Yorkshire and Northern Lincolnshire Area Team

Foss House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PX

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

Ms Rebecca Leggott
North Lincolnshire Council
Church Square House
30-40 High Street
Scunthorpe
DN15 6NL

BY EMAIL ONLY

Dear Ms Rebecca Leggott,

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

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 incombination 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 (NOx) from the proposed development will not exceed 1% of the critical level alone.
- We note that an assessment of ammonia (NH_3) 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 incombination 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 28I (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

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 and179 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

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

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/biodiver sity/protectandmanage/habsandspeciesimportance.aspx

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.

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 important 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.