

# MEMO

**North  
Lincolnshire  
Council**

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**To:** Thea Stockley, Development Management  
**From:** Andrew Taylor, Place Planning & Housing  
**Your Ref:** PA/2022/1829  
**Date:** Monday, 06 February 2023 February 2023

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**Subject:** Planning permission to convert existing farm buildings into seven dwellings  
Roxby Grange Farm, North Street, Roxby, DN15 0BN

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## Summary

- The re-use of buildings is encouraged by the landscape guidelines, but ornamental trees should be replaced with native species.
- This application should not be determined, except for a refusal, until a bat activity survey has been carried out and we have considered the findings.
- Indian (Himalayan) Balsam should be eradicated, if possible.
- If permission is ultimately granted, a revised biodiversity metric will be required, setting out on-site and offsite biodiversity creation enhancement. The improvements should be secured by condition and/or s106.

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

## Landscape

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

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

The Adopted Landscape Assessment and Guidelines document (SPG5) gives the following guidance for this area (relevant excerpts only):

## **Elevated Open Farmland - Hibaldstow, Redbourne, Winterton**

### **Landscape Strategy:**

This is an agricultural landscape that has experienced losses of traditional landscape elements, such as trees, hedges and woodland. Intensification in farm management has been the main cause with field enlargement and farm amalgamation. Landscape strategies should be employed which, whilst seeking to protect and restore remaining landscape elements, offer scope for landscape enhancement, principally through hedgerow renewal and management, combined with tree planting initiatives that include hedgerow trees and new woodland blocks.

### **Landscape Guidelines:**

Seek to conserve the existing village distribution and character by limiting insensitive rural settlement expansion and inappropriate infill of open space by re-using existing redundant buildings and ensuring that new buildings complement the local character.

[...]

Encourage the retention of hedgerows in the landscape and introduce initiatives to replace discontinuous sections of hedgerow. Hedges should be managed regularly to ensure that their robust well-maintained structure is continued.

Trees introduced into hedgerows and the composition of new woodland should match those already represented in the area. Predominantly native broadleaved species such as ash, pedunculate oak and sycamore should be used, occasionally complemented by more exotic species such as bird cherry, hybrid larch and selected pines.

Seek to protect mature trees and shelterbelts occurring around rural settlements, particularly where they provide shelter and a sense of proportion and balance to the built environment. Where such landscape features are poorly represented, strategies should be initiated to seek their appropriate introduction.

The proposal reflects the guidelines insofar as it promotes the re-use of farm buildings. However, the proposed site plan indicates the use of ornamental cultivars, rather than native tree species, which would be incongruous in this open countryside location.

### **Protected and Priority Species**

I have considered this application in accordance with Natural England's standing advice for protected species- <http://www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/default.aspx>.

I have read the submitted preliminary ecological appraisal. The survey methods used and the survey effort deployed are appropriate, as a preliminary survey only, for the site in question. The surveyor recommends bat activity surveys which do not appear to have been carried out. The surveyor also recorded a wide variety of bird nests, including a large number of barn swallow nests which are likely to be lost to development.

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

Therefore, a programme of bat surveys should be requested as soon as possible and the results should be made available before the application can be determined. The bat surveys should be carried out by a licensed and experienced bat worker and should include bat activity surveys in accordance with the standing advice. Local meteorological data should be provided for the survey date(s) along with the survey results. The approach used and survey effort applied must be clearly justified in the survey report to be submitted.

If permission is ultimately granted, bat roosting features will be required, as will replacement nesting sites for barn swallows. The latter can be challenging to deliver, as the species nests in open buildings or features with significant overhangs (such as porches).

### **Invasive Non-native Species**

Indian (Himalayan) Balsam has been recorded on-site. This species is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) and must not be allowed to spread in the wild. Sensitive working practices are required to avoid the spread of this species. The species should be eradicated, if possible.

### **Biodiversity Enhancement**

The National Planning Policy Framework states that:

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

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

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

[...]

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

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve

local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

[...]

and

“180 d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate..”

The applicant has submitted the headline results of a Biodiversity Metric Version 3.1 calculation. We really need to see the submitted spreadsheet, if possible, as some corrections may need to be made. In particular, I think some of the created habitats will need to be recorded as “vegetated garden”.

The metric results indicate that offsite enhancement of grassland is required to deliver a measurable net gain in biodiversity. Unless enhancements to “blue land” in the same landholding can be secured by condition, then a section 106 agreement will be required.

**Recommended conditions**

I can advise on planning conditions (if appropriate) once I have seen the results of the bat activity surveys and a confirmation of the position in relation to off-site habitat creation.

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

**Andrew Taylor**  
**Natural Environment Policy Specialist**

## **Annex- Ecology and Legal Protection**

### **Bats**

All species of bat are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 making all species of bat European Protected Species. Details of the legislation can be found at:

Wildlife and Countryside Act

<http://www.legislation.gov.uk/ukpga/1981/69/contents>

The Countryside and Rights of Way Act:

[http://www.opsi.gov.uk/acts/acts2000/ukpga\\_20000037\\_en\\_7#pt3-pb8-l1g81](http://www.opsi.gov.uk/acts/acts2000/ukpga_20000037_en_7#pt3-pb8-l1g81)

The Conservation of Habitats and Species Regulations 2017:

[The Conservation of Habitats and Species Regulations 2017  
\(legislation.gov.uk\)http://www.opsi.gov.uk/si/si2010/uksi\\_20100490\\_en\\_1](http://www.legislation.gov.uk/uksi/2010/490/1)

### **Nesting birds**

It is an offence under Section 1 of the Wildlife and Countryside Act of 1981(WCA 1981) to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. The WCA 1981 also provides that all wild birds and their eggs are protected and cannot be killed or taken except under licence.