

# MEMO

**North  
Lincolnshire  
Council**

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**To:** Ed Senior, Development Management  
**From:** Andrew Taylor, Place Planning & Housing  
**Your Ref:** PA/2023/1124  
**Date:** 22 September 2023

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**Subject:** Planning permission for the development of 599 No. dwellings and lake, along with associated infrastructure, including landscaping, public open space and play area, pedestrian and cycle links, pumping station and sub-station. Lincolnshire Lakes, Land east of M181 and north of Burringham Road, Scunthorpe

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## Summary

- Though the existing landscape is not highly valued, the development will represent a significant landscape change alongside gateway routes to Scunthorpe.
- Landscape and visual impacts need to be considered in terms of the adopted Landscape Assessment and Guidelines and GLVIA3.
- The proposal meets some of the local landscape guidance, but provides a smaller habitat buffer along Burringham Road than was envisaged.
- The applicant must provide the information reasonably required for us to carry out a Habitats Regulations Assessment.
- Planning conditions will be required to safeguard and provide enhancement for the protected and priority species identified.
- We still need to see the full Biodiversity Metric 4.0 assessment
- If permission is ultimately granted, there will be a need to secure a measurable net gain in biodiversity in accordance with the Lincolnshire Lakes Area Action Plan, Policy CS17, the National Planning Policy Framework and Biodiversity Metric 4.0

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

## **Landscape**

Though the existing landscape is not highly valued, the development will represent a significant change alongside gateway routes to Scunthorpe.

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

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

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

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

#### **Landscape Strategy:**

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

#### **Landscape Guidelines:**

[...]

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

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

[...]

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

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

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

[...]

Ensure maintenance and survival of linear drainage ditches and dikes. Where possible a diverse range of emergent plant species should be

encouraged to create new and important ecological and wildlife habitats .

### **Wooded Springline Farmland – West of Scunthorpe**

#### **Landscape Strategy:**

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

#### **Landscape Guidelines:**

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

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

[...]

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

[...].

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

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

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

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

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

[...]

I have ticked above () those areas where the proposal meets, or could be conditioned to meet, the Landscape Guidelines. The proposal shares some characteristics with the adopted design guide for Lincolnshire Lakes, although it provides a significantly smaller landscape buffer along Burringham Road than was envisaged in the design guide.

## Habitats Regulations

At the pre-application stage (PA/SCR/2022/1), I advised as follows:

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

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

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

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

- A plan, in Shapefile, pdf or Jpeg format, showing the location of the proposals in relation to the boundaries of the Humber Estuary SAC, SPA and Ramsar site.
- A habitat survey of the application site and surrounding areas, with particular reference to habitat features that may support breeding, wintering or passage birds associated with the Humber Estuary SPA and Ramsar Site.
- Details of likely construction and operational lighting, noise and visual disturbance levels.
- Details of any proposed foul and surface water drainage, along with any proposed measures to avoid harm to the Humber Estuary.
- Details of bird populations and assemblages associated with the Humber Estuary that could be affected by disturbance due to recreational visits.
- Information on existing background levels of recreational disturbance.

- Projections of any likely increase in disturbance – clearly showing the any assumptions and the basis upon which this has been calculated.
- Any measures proposed to discourage recreational disturbance.
- Links to previous studies of recreational disturbance of birds using the Humber Estuary: <https://www.humburnature.co.uk/resources/reports>
- Recent wintering and passage survey information sufficient to assess the usage of the application site and adjacent SSSI units by birds associated with the Humber Estuary SPA and Ramsar Site see- survey standards below:

Wintering/ passage birds	Surveys should be carried out by a competent person between July and March (inclusive). Attention should focus on species listed in the Humber Estuary SPA/Ramsar citations (and relevant assemblages), Schedule 1, BAP and red/amber listed species of conservation concern. Use of the area for roosting, loafing and feeding should be described. One count per week should take place across the whole site within two hours either side of the high tide. A number of evening/crepuscular visits will also be required. Natural England may recommend visits at other states of the tide. Areas of the site may be excluded from the survey by agreement if the habitat is unsuitable. The report should describe details of any weather conditions, wider bird movements or disturbance which may be relevant in interpreting bird numbers. If counts are regularly affected by adverse weather conditions or disturbance to the birds, then repeat/replacement counts may be requested at the discretion of North Lincolnshire Council. In such a case, it would be worth seeking our advice at the earliest possible opportunity. I would recommend early reporting of the first few weeks' results as this may enable the frequency of surveys to be revised by agreement.
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On 12 September, Natural England advised as follows:

“No assessment has been provided of the potential impacts that the proposal will have on the Humber Estuary SAC/Ramsar.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>2</sup>. The [Conservation objectives](#) for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

There is, therefore, currently insufficient information for you to undertake a Habitats Regulation Assessment of the proposed development. We advise you to obtain the following information:

- Information relating to potential impacts on the Humber Estuary SAC/Ramsar. We advise that the following ecological impact pathways should be considered: potential loss of/disturbance to functionally linked land,

recreational disturbance impacts, water quality impacts and air quality impacts.”

None of the requested information has been provided.

### **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 following submitted documents:

- Ecus Ltd 2023a Lincolnshire Lakes, Scunthorpe Preliminary Ecological Appraisal & Water Vole Survey. Version 5.0
- Ecus Ltd 2023b Lincolnshire Lakes, Scunthorpe – Water Vole Survey Report. Version 4.0
- Ecus Ltd 2023c Lincolnshire Lakes, Scunthorpe. Bat Transect Surveys Report. Version 4.0

The survey methods used and the survey effort deployed are appropriate for the site in question. They are also in accordance with my pre-application advice (PA/SCR/2022/1) and the recommendations of the previous report “Updated Ecological Appraisal of Land West of Scunthorpe, Burringham Road, Scunthorpe DN17 2AD” dated May 2019.

The surveyors recorded no evidence of the following:

- Great crested newts (Natural England has identified the proposal site as being within a "green risk zone" for great crested newts). However, unsurveyed ponds exist off-site.
- Reptiles
- Otters, badgers, brown hare, hedgehog, harvest mouse.
- Water voles on the drain running through the site.
- Bat roosts
- Invasive species.

The surveyors did record evidence of the following:

- Water vole latrines and potential burrows and feeding signs immediately north and south-west of the site.
- Foraging common pipistrelle, soprano pipistrelle and noctule bats (particularly around the edges of the site).
- Potential for badger, hedgehogs and nesting birds.

Potential impacts on protected and priority species include:

- Disturbance, injury or killing of nesting birds, badgers and/or hedgehogs during site clearance and construction.

- Severance of bat foraging habitat and perturbation of bat foraging habitat by external lighting.
- Impacts on water voles through, pollution, habitat change and predation by domestic cats (the latter exacerbating predation by American mink).

Planning conditions will be required to safeguard and provide enhancement for the protected and priority species identified.

### **Existing Biodiversity Value**

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

### **Policy**

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

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

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

Policy G4 is as follows:

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

- New areas of woodland, acid grassland, neutral grassland, wetland and ponds within the areas identified as natural and semi-natural greenspace on the Green Infrastructure Parameters Plan
- Lakes 3 and 4 and surrounding habitats
- New and existing ditches and swales
- New and existing hedgerows
- New and existing trees
- The existing Local Wildlife Sites, including those identified under Policy LC4 Lincolnshire Lakes Area Action Plan - 2016 Page 69 Area Wide Policies
- LC11 areas amenity importance
- Existing farmland

Smaller scale opportunities to deliver green and brown walls & roofs, hibernacula, bird and bat habitat boxes, bird and bat bricks and bat lofts, stone

and log piles and bunds will also assist in providing suitable habitats for key species in the AAP area.

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

### **Biodiversity Enhancement**

The National Planning Policy Framework states that:

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

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

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

[...]

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

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

[...]

and

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

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

- Submission and agreement of biodiversity and landscape management plans and a construction environmental plan

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

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

Where the creation of flower-rich habitats is proposed, particularly on arable soils of high nutrient status, ongoing management must be adequate to maintain botanical species and arrest any succession to coarse and ruderal species. This may entail sensitive cutting or grazing with the removal of arisings.

### **Biodiversity Net Gain (BNG)**

The applicant has submitted BNG baseline report however, I have not seen the Biodiversity Metric 4.0 spreadsheet on which it is based or the post-development habitat proposals, Therefore, it is not possible to assess whether the development, as proposed, would lead to a net gain or a net loss in biodiversity value.

**Recommended Condition**

I can advise on conditions, if appropriate, once we have seen the additional information required.

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

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

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

### **Bats**

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

Wildlife and Countryside Act

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

The Countryside and Rights of Way Act:

[http://www.opsi.gov.uk/acts/acts2000/ukpga\\_20000037\\_en\\_7#pt3-pb8-l1q81](http://www.opsi.gov.uk/acts/acts2000/ukpga_20000037_en_7#pt3-pb8-l1q81)

The Conservation of Habitats and Species Regulations 2017:

[The Conservation of Habitats and Species Regulations 2017](http://www.legislation.gov.uk/uksi/2017/1261/contents)

<http://www.legislation.gov.uk/uksi/2017/1261/contents>

### **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.

### **Badgers**

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

### **Water voles**

The water vole is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Details of the legislation can be found at:

Wildlife and Countryside Act

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

The Countryside and Rights of Way Act:

[http://www.opsi.gov.uk/acts/acts2000/ukpga\\_20000037\\_en\\_7#pt3-pb8-l1q81](http://www.opsi.gov.uk/acts/acts2000/ukpga_20000037_en_7#pt3-pb8-l1q81)