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Our ref: 454338
Your ref: PA/2023/1607



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BY EMAIL ONLY

Dear Tanya Coggon

Planning consultation: Residential development with vehicular and pedestrian access, landscaping & infrastructure; formation of a new roundabout junction on Barton Road.

Location: Land south of A1077, Barrow Road, Barton-Upon-Humber

Thank you for your consultation on the above dated 16 October 2023 which was received by Natural England on 25 October 2023

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

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on the Humber Estuary Special Protection Area (SPA)/Special Area of Conservation (SAC)/Ramsar/Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- A Habitats Regulation Assessment (HRA).
- Additional passage and wintering bird surveys for wintering waders and wildfowl.

Without this information, Natural England may need to object to the proposal.

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

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

Additional Information required

1. Provision of a Habitats Regulation Assessment

The application site is within or in close proximity to European designated sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations').

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. 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.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

Natural England notes that the proposal is located approximately two kilometres from the Humber Estuary Special Protection Area (SPA) and Special Area of Conservation (SAC) which are European sites. The site is also listed as the Humber Estuary Ramsar site and notified at a national level as Humber Estuary Site of Special Scientific Interest (SSSI). In the absence of a Habitats Regulations Assessment (HRA) Natural England are unable to provide detailed comments on the proposal.

We recommend you obtain the following information to support the Habitats Regulations Assessment (HRA):

- i. Consideration of the impact of the proposal on functionally linked land associated with the Humber Estuary SPA/Ramsar, i.e. the fields adjacent to the site. The term 'functionally linked land' describes an undesignated area of land or sea present outside of a designated site which nonetheless is considered to be critical to or necessary for sustaining a feature for which a nearby protected site has been designated. We advise that the potential for loss of functionally linked land and/or construction/operational impacts on birds using adjacent functionally linked land, should be considered in assessing what, if any, potential impacts the proposal may have on European sites. To inform your FLL assessment, the use of appropriate source/s is suggested, for example:
 - Consultation with the Council's Ecologist.
 - A data search from appropriate source/s, such as the local Ecological Data Centre.
 - Consultation with local bird groups and other organisations that may hold relevant data.
 - A desk-based assessment - using aerial photography, mapping, habitat maps and relevant ecological literature – of the suitability for SPA birds of the habitats present on the proposed site and adjacent fields.

Wintering and passage bird surveys to determine bird usage of the site by SPA/Ramsar species should also be undertaken. We recommend that the surveys follow the methodology outlined within this response below (*Passage and wintering bird surveys for wintering waders and wildfowl*) and include the fields adjacent to the proposed development site. Annex B attached includes a list of the component species of the waterbird assemblage feature of the SPA.

- ii. Consideration of increased recreational disturbance to nearby designated sites during the operational stage of the project. Due to the close proximity of the proposed development to the Humber Estuary SAC/SPA/Ramsar, the proposed development could lead to increased

recreational pressure on the designated site. The potential for recreational disturbance impacts on the Humber Estuary as a result of the proposed development (both alone and in combination with other plans and projects) should therefore be considered in the HRA. Natural England advises that there is currently not enough information provided in the application to determine whether the likelihood of significant effects from recreational pressure can be ruled out. If potential impacts are identified, mitigation measures for recreational disturbance which can be implemented if required should be considered, for example Suitable Alternative Natural Green Spaces (SANGS) and Project Access Monitoring and Management Schemes (PAMMS).

- iii. Consideration of air quality impacts in the project's operational stage. Natural England advises that if the proposed development will result in >1000 average annual daily traffic (AADT), or could lead to a process contribution of >1% of critical loads/levels, on roads within 200m of the Humber Estuary SPA/SAC then the potential for impacts to designated sites should be considered further. The process contribution of NO_x and NH₃, and the subsequent contribution of nitrogen deposition at the site due to the increased traffic should be included, along with an assessment of the potential impact of the inputs on vegetation. Please see Natural England's published [guidance](#) on assessment of road traffic emissions. There are currently two models which can be used to calculate the ammonia concentration and contribution to total N deposition from road sources. One of these models is publicly available and called CREAM ([Air Quality Consultants – News – Ammonia Emissions from Roads for Assessing Impacts on Nitrogen-Sensitive Habitats \(aqconsultants.co.uk\)](#)) and there is another produced by National Highways.
- iv. Consideration of in-combination impacts from other relevant projects and plans. 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. Plans or projects that should be considered in the in-combination assessment include, for example, the following:
 - The incomplete or non-implemented parts of plans or projects that have already commenced.
 - Plans or projects given consent or given effect but not yet started.
 - Plans or projects currently subject to an application for consent or proposed to be given effect.
 - Projects that are the subject of an outstanding appeal.
 - Ongoing plans or projects that are the subject of regular review.
 - Any draft plans being prepared by any public body.
 - Any proposed plans or projects published for consultation prior to application.

Where consideration of in-combination effects is required, its necessary extent must be decided on a case-by-case basis. In Natural England's opinion the competent authority can apply their professional judgment when considering the scope of the in-combination assessment. An exhaustive search for relevant plans and projects by a competent authority is normally required to comply with the Habitats Regulations. However, a pragmatic approach to identifying the most pertinent ones may need to be taken where there is a large number of proposals. Where a competent authority chooses to take a more pragmatic approach, suitable justification should be provided.

2. Passage and wintering bird surveys for wintering waders and wildfowl

Natural England recognises that three surveys for the site have been carried out during the months of August, September and October 2022 as part of this proposal. = Humber Estuary SPA bird species are present in greatest numbers during the winter and spring passage seasons,.. Therefore we recommend that further surveys are completed for the passage and wintering seasons, using the

methodology outlined below.

We recommend that 'amended' vantage point (VP) surveys (principally following Nature Scot methodologies^[3]) are undertaken of the site and surrounding fields to provide an overview of bird usage. It would be useful to record birds in flight especially if the application may have the potential to affect bird flight lines. We would expect to see commentary of birds landing and taking off from within and out of the development site. The surveys should cover open arable land within the proposed site boundary, as well as land adjacent to the development that could be affected and provides the potential to support designated site species. The survey results should also provide some understanding of how the birds use the site as well as presence/ absence. We recommend two wintering bird surveys per month between October to March inclusive.

As well as wintering waterbirds, the Humber Estuary provides safe feeding and roosting sites for species migrating between breeding sites in the arctic and subarctic, and wintering grounds in southern Europe and Africa. The Humber Estuary is therefore important for waterbirds on passage in spring and autumn as well as those species that stay all winter. Therefore, if there is potential for passage SPA bird species to be using the site, we recommend bird surveys during the autumn passage period (two surveys per month between August to October inclusive) and spring passage period (two surveys per month between March to mid-May) to determine the population status of passage birds.

The surveys should cover different tidal states and for sites which may potentially affect high tide roosts, observations should be conducted from two hours before high tide to two hours after high tide. Consideration should also be given to surveys in poor weather/ visibility conditions as large movements of birds can be observed at this time. If waders or waterfowl have the potential to use the development site, Natural England also recommends nocturnal surveys. Natural England recommends that several visits should be completed to determine if the site and/or surrounding areas play a regular role in supporting SPA species at night. Guidance on nocturnal surveys can be found at [Nocturnal bird surveys | Bird Survey Guidelines](#). The nocturnal survey design should take this guidance into account, and the approach should be justifiable in the assessment.

VP surveys may also need to take account of surveys at dusk and dawn, depending upon the bird species (i.e. geese and swans). If geese and swans have the potential to use the development site or surrounding area, we would expect to see surveys 1 hour before and 1 hour after, dusk and dawn during the respective bird survey season (i.e. winter, spring and autumn passage (as above)).

The Humber Estuary SPA qualifies under article 4.2 of the European Commission Bird Directive (79/409/EEC) in that it supports an internationally important assemblage of waterbirds. Please refer to Annex B for further guidance on the 'main component species' of the assemblage.

Natural England has generally advised that if $\geq 1\%$ of a Humber Estuary bird species population could be affected by a proposal, alone or in combination with other plans or projects, then further consideration is required. However, where species are particularly vulnerable due to declines in the Humber population, then it may not be appropriate to rely on the 1% of the estuary population as the critical threshold. Mitigation measures may be required where lower numbers of vulnerable species are using a site that is proposed for development.

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

Sites of Special Scientific Interest

Natural England notes that the application site is located in proximity to the Humber Estuary SSSI. Based on the plans submitted, Natural England considers that the proposed development could have potential significant effects on the interest features for which the Humber Estuary SSSI site

^[3]Scottish Natural Heritage: Recommended bird survey methods to inform impact assessment of onshore wind farms (March 2017- Version 2).

has been notified. Natural England requires further information in order to determine the significance of these impacts. Our advice regarding the potential impacts upon the Humber Estuary SSSI coincide with our advice regarding the potential impacts upon the Humber Estuary SPA/SAC/Ramsar as detailed above.

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

Other advice

Further general advice on the protected species and other natural environment issues is provided in Annex A.

If you have any queries relating to the advice in this letter please contact on louis.jones@naturalengland.org.uk. For any new consultation, or to provide further information on this consultation please send your correspondence to consultations@naturalengland.org.uk. Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our [Discretionary Advice Service](#).

Please consult us again once the information requested above has been provided.

Yours sincerely

Louis Jones
Lead Advisor, Sustainable Development, Yorkshire and Northern Lincolnshire Area Team

Annex A – Additional advice

Annex A – Additional advice

Natural England offers the following additional advice:

Landscape

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

Best and most versatile agricultural land and soils

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

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling separate guidance on soil protection for site restoration and aftercare is available on [Gov.uk](#) website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#).

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

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

Local sites and priority habitats and species

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

Priority habitats and Species are of particular importance for nature conservation and are 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 on [Gov.uk](#). 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

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

Annex A – Additional advice

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 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.

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. It is anticipated that major development (defined in the [NPPF glossary](#)) will be required by law to deliver a biodiversity gain of at least 10% from January 2024 and that this requirement will be extended to smaller scale development in April 2024. For nationally significant infrastructure projects (NSIPs) it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

Further information on the timetable for mandatory biodiversity net gain can be found [here](#). Further general information on biodiversity net gain can be found [here](#).

The Government's [Biodiversity Metric](#) should 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 the [Biodiversity Metric](#) and is designed for use where certain criteria are met.

We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife. .

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 the [Biodiversity Metric](#) and is available as a beta test version.

Further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain can be found in government [Planning Practice Guidance](#).

Green Infrastructure

Natural England's [Green Infrastructure Framework](#) provides evidence-based advice and tools on how to design, deliver and manage green infrastructure (GI) . GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the [15 Green Infrastructure Principles](#). The Green Infrastructure Standards can be used to inform the quality, quantity and type of green infrastructure to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Annex A – Additional advice

GI mapping resources are available [here](#) and [here](#). These can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

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 urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

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](#).

Annex B: Humber Estuary Special Protection Area: non-breeding waterbird assemblage

The Humber Estuary Special Protection Area (SPA) qualifies under article 4.2 of the European Commission Bird Directive (79/409/EEC) in that it supports an internationally important assemblage of waterbirds. Confusion can arise concerning which species to consider when assessing the Humber Estuary SPA non-breeding, waterbird assemblage feature.

Natural England recommends focusing on what are referred to as the 'main component species' of the assemblage. Main component species are defined as:

- a) All species listed individually under the assemblage feature on the SPA citation (i.e. the species that qualified in 2004 when the site was designated).
- b) Species which might not be listed on the SPA citation but occur at site levels of more than 1% of the national population according to the most recent Humber Estuary Wetland Bird Survey (WeBS) 5-year average count.
- c) Species where more than 2000 individuals are present according to the most recent Humber Estuary WeBS count.

The assemblage qualification is therefore subject to change as species' populations change. It should be noted that species listed on the citation under the assemblage features, whose populations have fallen to less than 1% of the national population, retain their status as a main component species and should be considered when assessing the impacts of a project or plan on the Humber Estuary SPA.

Natural England advises that the main component species of the Humber Estuary SPA non-breeding waterbird assemblage include (October 2022):

a) *Species listed individually under the assemblage feature on the SPA citation:*

- Avocet, *Recurvirostra avosetta* (non-breeding)
- Bar-tailed godwit, *Limosa lapponica* (non-breeding)
- Bittern, *Botaurus stellaris* (non-breeding)
- **Black-tailed godwit, *Limosa limosa islandica* (non-breeding)¹**
- **Brent goose, *Branta bernicla* (non-breeding)¹**
- **Curlew, *N. arquata* (non-breeding)¹**
- **Dunlin, *Calidris alpina alpina* (non-breeding)¹**
- **Golden plover, *Pluvialis apricaria* (non-breeding)¹**
- Goldeneye, *Bucephala clangula* (non-breeding)
- Greenshank, *T. nebularia* (non-breeding)
- Grey plover, *P. squatarola* (non-breeding)
- Knot, *Calidris canutus* (non-breeding)
- **Lapwing, *Vanellus vanellus* (non-breeding)¹**
- **Mallard, *Anas platyrhynchos* (non-breeding)¹**
- Oystercatcher, *Haematopus ostralegus* (non-breeding)
- Pochard, *Aythya farina* (non-breeding)
- **Redshank, *Tringa totanus* (non-breeding)¹**
- Ringed plover, *Charadrius hiaticula* (non-breeding)
- **Ruff, *Philomachus pugnax* (non-breeding)¹**
- Sanderling, *Calidris alba* (non-breeding)

¹ Species known to use non-wetland habitats (e.g. arable farmland and/or grassland/pasture)

- Scaup, *Aythya marila* (non-breeding)
- **Shelduck, *Tadorna tadorna* (non-breeding)¹**
- **Teal, *Anas crecca* (non-breeding)²¹**
- Turnstone, *Arenaria interpres* (non-breeding)
- **Whimbrel, *Numenius phaeopus* (non-breeding)¹**
- **Wigeon, *Anas Penelope* (non-breeding)¹**

And

b) Species which are not listed on the SPA citation but occur at site levels of more than 1% of the national population according to the most recent Humber Estuary Wetland Bird Survey (WeBS) 5-year average count:

- Green sandpiper, *Tringa ochropus* (non-breeding)
- **Greylag goose, *Anser anser* (non-breeding)¹**
- **Little egret, *Egretta garzetta* (non-breeding)¹**
- **Pink-footed goose, *Anser brachyrhynchus* (non-breeding)¹**
- Shoveler, *Anas clypeata* (non-breeding)
- **White-fronted goose, *Anser albifrons* (non-breeding)¹**

As stated above, the assemblage qualification is subject to change as species' populations change; therefore, the appropriate WeBS data should be considered in any assessment and the above list should be used as a guide only.

Please note, the advice set out above should be considered when assessing potential impacts on the waterbird assemblage feature. You will also need to consider potential impacts on species which are not considered to be non-breeding waterbirds but are listed on the citation qualifying under article 4.1 and 4.2 of the Directive. These include:

- **Hen harrier, *Circus cyaneus* (non-breeding)¹**
- **Marsh Harrier, *Circus aeruginosus* (breeding)¹**
- Little tern, *Sterna albifrons* (breeding)
- Avocet, *Recurvirostra avosetta* (breeding)
- Bittern, *Botaurus stellaris* (breeding)

The species marked ¹ in **bold text** are known to use non-wetland habitats (e.g. arable farmland and/or grassland/pasture) and may therefore be the most relevant for assessing potential impacts of a proposed plan/project on birds using functionally linked land associated with the Humber Estuary SPA. However, please note that this list should be used as a guide only; usage may depend on factors such as the habitats available on the site and distance to the Humber Estuary etc. Therefore, assessments of potential impacts on birds using functionally linked land should consider all relevant species and clear justification should be provided if any species are excluded from the assessment.

¹ Species known to use non-wetland habitats (e.g. arable farmland and/or grassland/pasture)