

MEMO

**North
Lincolnshire
Council**

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

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

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 design code 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.
- The revised biodiversity metric assessment is acceptable.
- Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek a measurable net gain in biodiversity in accordance with Policy CS17, the National Planning Policy Framework and the Statutory Biodiversity Metric.
- Further conditions may be required as a consequence of the Habitats Regulations Assessment.

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

Landscape

My previous comments dated September 2023 still apply.

Habitats Regulations

A shadow Habitats Regulations Assessment (sHRA) has been submitted. This discusses species and interest features that are unlikely to occur on or near the application site in some detail, but fails to address the points raised in my memo of September 2023 or the subsequent Natural England letter of February 2024.

The submitted in-combination assessment is restricted to recent planning applications within 1 km of the application site. I do not consider this to be acceptable. It is necessary to consider all plans and projects, for which information is available, that could affect the interest features likely to be affected by the proposal.

I have reviewed the submitted Ecological Air Quality (Road Vehicle Exhaust Emissions) Assessment. The consultants have applied appropriate methods in terms of Natural England Commissioned Report NECR200 and Natural England Report NEA001, focusing on those parts of the Humber Estuary SSSI, SAC and Ramsar site that lie within 200 metres of roads that could experience an increase in traffic flows due to the project. The report indicates that the project would not create a predicted change of daily traffic flows of 1,000 AADT (Annual Average Daily Traffic) or more, either alone or in combination with other plans or projects, at Keadby Bridge (A18) or Burringham Road. Thus, there is no likely significant effect on the Humber Estuary SSSI, SAC or Ramsar site due to vehicle exhaust emissions. I shall incorporate this finding into the Habitats Regulations Assessment in due course.

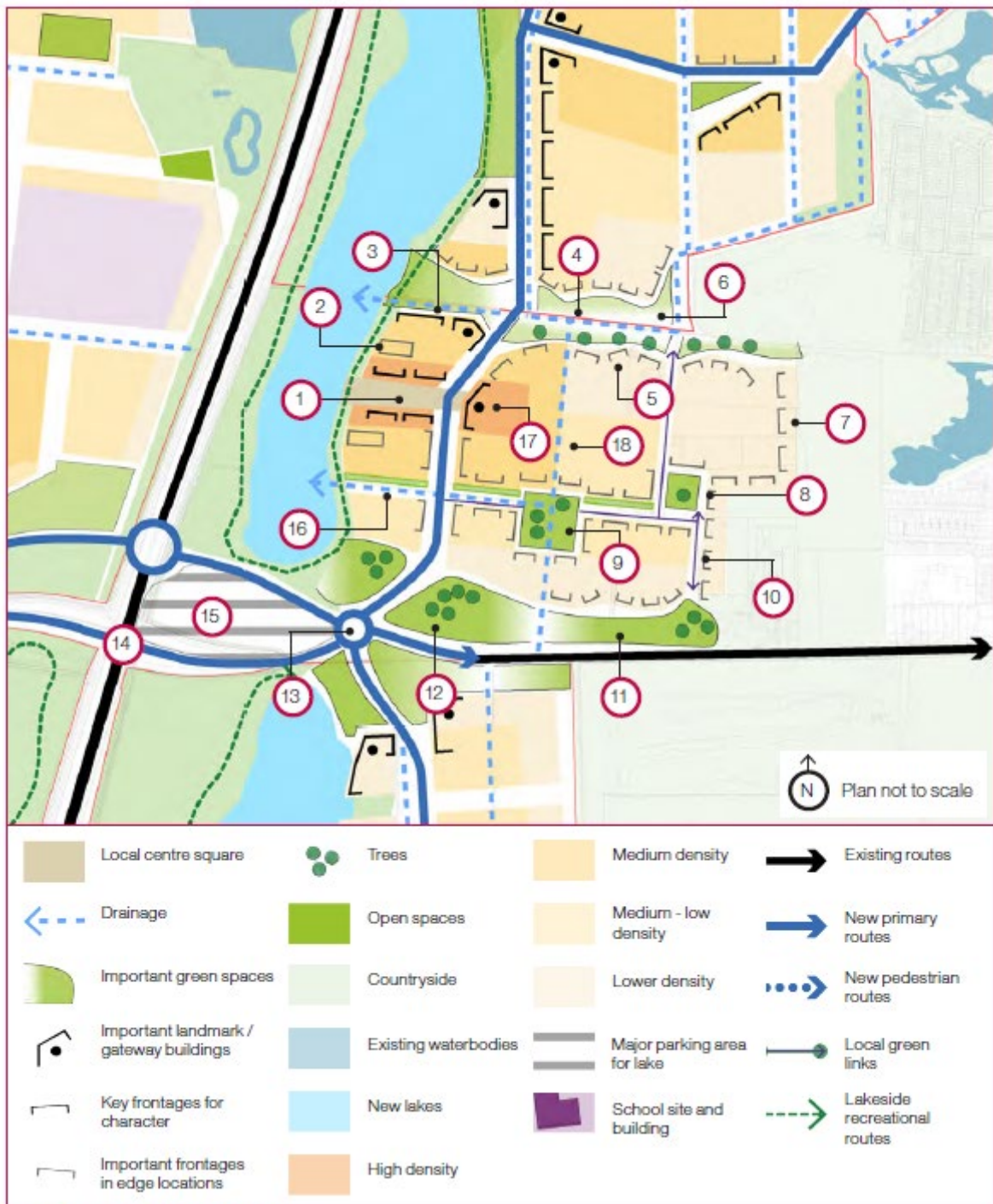
Protected and Priority Species

My previous comments dated September 2023 still apply.

Policy

My previous comments dated September 2023 still apply.

The submitted drawings show a site that is considerably more heavily developed (Buildings, "sealed surfaces", vegetated gardens) compared to the approved AAP and design codes (see Village 2 Design Principles overleaf).



Above: Village 2 key design principles

For example, green wedges 4, 11 and 12 above are much reduced in the submitted design, compared to the design principles. The landscaping north of the mini roundabout is outside the red line boundary.

Biodiversity Enhancement

My previous comments dated September 2023 still apply, though the NPPF references have changed slightly.

Biodiversity Net Gain

I have assessed the submitted Statutory Biodiversity Metric and Biodiversity Net Gain (BNG) Strategy Technical Note. Comments collated through our assessment software are set out in Appendix 2. Main points are as follows:

- The baseline map and condition assessments have been provided and appear to be accurate.
- Strategic significance has been applied appropriately to baseline and post-development habitats.
- Proposed created and enhanced post-development habitats are appropriate, realistic and have realistic target condition.

The headline results are as follows:

On-site	Pre-intervention (baseline)		Loss of pre-intervention (baseline) habitats	Post- intervention	Net change	
	Size	BU	BU	BU	BU	%
Area habitats	23.94 ha	48.48	48.48	50.7	2.22	4.58
Hedgerows	0.18 km	2.16	0.0	28.06	25.9	1199.18
Watercourses	1.35 km	2.02	0.27	2.69	0.67	32.98

The metric has been produced fairly and accurately. A measurable net gain of significantly more than 10% has been provided in terms of hedgerows and watercourses, which is welcome. A measurable net gain of over 1% in terms of habitat units is acceptable, given that the application was submitted prior to the introduction of mandatory biodiversity net gain.

Recommended Conditions

“Works shall be carried out strictly in accordance with sections 4.5 to 4.5.55 of the submitted Preliminary Ecological Appraisal & Water Vole Survey Report reference number 17942 dated May 2023.

Reason: To conserve protected and priority species in accordance with saved policy LC5 and policy CS17 of the Core Strategy.”

With Biodiversity Net Gain being a relatively new work area, we are still establishing best practice in terms of planning conditions to secure the establishment of habitats in target condition, monitoring, remedial actions and management for 30 years. A suggested approach is given in Box 1 overleaf:

Box 1 Potential biodiversity management plan condition adapted from BS 42020:2013: Biodiversity — Code of practice for planning and development

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior [... *to the commencement or occupation ...*] of the development [*or specified phase of development*]. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed in order to provide a measurable net gain in biodiversity value in accordance with the submitted Statutory Biodiversity Metric version 4 dated 19 April 2024.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan, for at least 30 years, will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (*where the results from monitoring show that conservation aims and objectives of the LEMP are not being met*) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Further conditions may be required as a consequence of the Habitats Regulations Assessment.

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

Andrew Taylor
Natural Environment Policy Specialist

Appendix 1- 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

The Conservation of Habitats and Species Regulations 2017:

[The Conservation of Habitats and Species Regulations 2017](http://www.legislation.gov.uk/uksi/2010/1004/1)

<http://www.legislation.gov.uk/uksi/2010/1004/1>

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.

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

Appendix 2- Detailed comments on Statutory Biodiversity Metric

Reference C-2 On-Site WaterC' Creation, row 2

Ditch poor conditions is realistic

Reference B-2 On-Site Hedge Creation, row 1

Species-rich native hedgerow welcomed. Good condition is achievable

Reference B-1 On-Site Hedge Baseline, row 1

Species-rich native hedgerow retention welcomed

Reference A-2 On-Site Habitat Creation, row 11

Other neutral grassland-Achievable habitat type and condition, High strategic significance agreed due to inclusion in AAP Design Guide.

Reference A-2 On-Site Habitat Creation, row 10

Small trees proposed in accordance with guidance. moderate condition is achievable. High strategic significance agreed next to lake

Reference A-2 On-Site Habitat Creation, row 9

Small trees proposed in accordance with guidance. moderate condition is achievable.

Reference A-2 On-Site Habitat Creation, row 8

The lake is specified in the AAP Design Guide. Moderate condition is achievable (Evidence provided)

Reference A-2 On-Site Habitat Creation, row 4

Reedbeds are specified in the AAP Design Guide. Moderate condition is achievable.

Reference A-2 On-Site Habitat Creation, row 3

Broadleaved woodland is specified in the AAP Design Guide. Moderate condition is achievable.

Reference A-2 On-Site Habitat Creation, row 2

Modified grassland- Proposed habitat type and condition realistic

Reference A-1 On-Site Habitat Baseline, row 2

Other neutral grassland- Proposed habitat type and condition realistic

Reference A-1 On-Site Habitat Baseline, row 3

Modified grassland- Acceptable condition assessment evidence provided
