

Date: 21 October 2024  
Our ref: 486539  
Your ref: PA/2023/1124



Ed Senior  
North Lincolnshire Council  
Business Development  
Church Square House  
30-40 High Street  
Scunthorpe  
DN15 6NL  
[planning@northlincs.gov.uk](mailto:planning@northlincs.gov.uk)

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

T 0300 060 3900

## BY EMAIL ONLY

Dear Ed Senior,

**Planning consultation:** Planning permission for the development of 599 dwellings and lake, along with associated infrastructure, including landscaping, public open space and play area, pedestrian and cycle links, pumping station and sub-station.

**Location:** Lincolnshire Lakes, Land east of M181 and north of Burringham Road, Scunthorpe.

Thank you for your consultation on the above dated 27 August 2024. We advise this advice letter is read alongside our previous advice letter dated 07 February 2024.

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.

Natural England provided a consultation response dated 17 September 2024. Natural England has reviewed this advice and determined that it was incorrect and therefore wishes to withdraw its advice dated 17 September 2024 and replace it with this consultation response.

Please note that the only amendment to this consultation response from the original, is the addition of reference to the Humber Estuary Special Protection Area (SPA) into the recreational disturbance section. This designated site should have been referenced in this section in the original response, and we provide this amendment to correct this error.

### 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 Humber Estuary Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA). and Ramsar. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following further information is required:

- Further assessment of loss and/or disturbance to functionally linked land associated with the Humber Estuary Ramsar/SSSI, including wintering/passage bird surveys.
- Further assessment of potential recreational disturbance impacts to the Humber Estuary SAC/SPA/Ramsar/SSSI.

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/landscapes and advice on other issues is set out below.

## **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)**

### **Additional information required**

#### Functionally linked land

##### *Wintering/passage bird surveys*

In our previous advice letter dated 07 February 2024, and subsequent email dated 22 May 2024, we advised the following information was obtained to support the Habitats Regulations Assessment (HRA).

- Wintering and passage bird surveys to determine bird usage of the fields within and surrounding the proposed development site by Ramsar species. We recommend that the surveys follow the Vantage Point Survey methodology detailed in Annex C.

We note that the current consultation relates to a Lincolnshire Lakes Wintering Bird Survey report (dated 13 August 2024), which was uploaded to the planning portal on 27 August 2024. We note that the surveys detailed in this report do not cover the proposed development site, as stated in 1.1, 2.1, 4.6, and 4.7 and demonstrated in Figure 1 (site map). The report states that the habitat at the proposed development site is considered comparable to the habitat at the areas surveyed and suggests that these surveys are therefore sufficient for assessing whether the proposed development site comprises functionally linked land. However, Natural England do not consider that the surveys undertaken for the blue line area indicated in Figure 1 (and therefore outside of the red line boundary for the proposed development), are applicable for assessing whether the proposed application site is functionally linked to the Humber Estuary Ramsar.

As noted in our email dated 22 May 2024, we welcome that spring passage surveys have been completed for the proposed development site (March and April 2024), however, we continue to advise that full wintering/passage surveys are required to determine whether the site is functionally linked to the Humber Estuary protected sites. Please refer to Annex C (attached to this consultation response email) for further information around our recommended survey methodology.

##### *Desk-based assessment*

Alongside passage/wintering surveys as detailed above, we provided advice in our response dated 07 February 2024 around the records centre data desk-based assessment carried out in the shadow HRA. We note that further clarification around these points has not yet been provided and advise that this should be provided alongside the additional survey assessment above. Please find these comments again below:

- Natural England notes that two records centres – LERC and NEYEDC – were referred to in the shadow HRA, with the NEYEDC bird records only referred to regarding two species in

Table 6: European golden plover and Bar-tailed godwit. This is inconsistent with the information given in Section 3.3 of the Shadow HRA, where it states that NEYEDC found records of three species: Eurasian Marsh Harrier, Ruff, and Common Redshank. Natural England advises that justification for the intermittent use of these two records centres and clarity on the source of records is provided.

- Natural England notes that the Shadow HRA finds it unlikely that large numbers of golden plover will use the site, despite the habitat being suitable, due to the enclosed nature of the site. Natural England disagrees with this reasoning due to the large size of the proposed development site.
- Natural England notes that no bird records were referred to for the waterbird assemblage in the shadow HRA and advises that this information is required to inform the HRA.

### Recreational disturbance

We note that further assessment of recreational disturbance has not yet been provided and advise that this should be provided alongside the additional assessment above. Please refer to our advice 07 February 2024 again below.

Natural England notes that the proposed development is approximately 2.5km from the Humber Estuary Special Area of Conservation (SAC) and Ramsar site, and 12km from the Humber Estuary Special Protection Area (SPA). This planning application is part of allocation SS7 of the emerging 2020 – 2036 North Lincolnshire Local Plan. Due to the application site falling within the Zone of Influence for recreational disturbance impacts on the designated sites, we advise that it is not possible to rule out likely significant effects from potential recreational pressure / disturbance impacts to the Humber Estuary SAC / SPA / Ramsar at the screening stage of the HRA. An appropriate assessment should therefore be undertaken to further assess recreational disturbance impacts, with any relevant mitigation measures included where appropriate.

If a Suitable Alternative Natural Greenspace (SANG) is being proposed to mitigate for recreational disturbance impacts, we advise that Natural England's SANG guidance (attached alongside this letter) should be considered in designing a SANG. This guidance has been produced since the Local Plan was adopted. It should be noted that this document is specific to the SANG creation for the Thames Basin Heaths, although the broad principles are more widely applicable. Such provisions can help minimise any predicted increase in recreational disturbance/ pressure by containing the majority of recreation within and around the development site boundary away from the European site.

As a minimum, we advise that such provisions should include:

- High-quality, informal, semi-natural areas of 8 ha per 1000 population.
- Circular dog walking routes of 2.3 - 2.7 km within the site.
- Signage/information leaflets to promote these areas for recreation.
- Dog waste bins.
- A commitment to the long-term maintenance and management of these provisions.

### Air quality

We note that the Local Planning Authority's ecologist has provided updated comments on air quality dated 01 July 2024. This confirms 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". We therefore concur that impacts resulting from air quality on the Humber Estuary SAC, Ramsar or SSSI can be ruled out, and we have no further comments to make in relation to air quality.

## **WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)**

### Humber Estuary Site of Special Scientific Interest (SSSI)

Natural England notes that the application site is located in close proximity to Humber Estuary SSSI. Natural England considers that the proposed development could have potential significant effects on the interest features for which the sites have been notified. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. Our advice regarding the potential impacts upon the Humber Estuary SSSI coincides with the advice set out 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.

Further general advice on the 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 [laura.tyndall@naturalengland.org.uk](mailto:laura.tyndall@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,

Laura Tyndall  
Yorkshire and Northern Lincolnshire Area Team  
Natural England