

Date: 21 October 2024
Our ref: 462569
Your ref: PA/2023/1124



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BY EMAIL ONLY

Dear Ed Senior,

Planning consultation: 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.

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

Thank you for your consultation on the above dated 21 December 2023, which was received by Natural England on the same date.

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 07 February 2024. Natural England has reviewed this advice and determined that it was incorrect and therefore wishes to withdraw its advice dated 07 February 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 information is required:

- Further information relating to potential impacts on the Humber Estuary SSSI/SAC/SPA/Ramsar as part of the Habitats Regulations Assessment including: recreational disturbance; air quality; loss of/disturbance to functionally linked land associated with the Humber Estuary Ramsar
- Wintering and passage bird surveys.

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)

Internationally designated sites

The application site is within or in close proximity to a European designated site (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'). The application site is in close proximity to the Humber Estuary Special Area of Conservation (SAC), Special Protection Area (SPA), and Ramsar which are European sites. The site is also listed as the Humber Estuary Ramsar site¹ and notified at a national level as Humber Estuary Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

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 have². 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.

Natural England notes that a Habitats Regulations Assessment (HRA) has been produced and that the assessment concludes that the likelihood of significant effects arising from the proposal can be ruled out, both alone and in-combination.

Natural England notes that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

On the basis of information provided, Natural England advises that there is currently not enough information to rule out the likelihood of significant effects. Natural England therefore advises that your authority should not grant planning permission at this stage.

¹ Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

² Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

Natural England advises that additional information is required in order to fully assess the proposal.

Additional Information required

Functionally linked land

Natural England considers that the proposed development may have the potential to impact on birds using functionally linked land associated with the Humber Estuary Ramsar. 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 should be considered in assessing what, if any, potential impacts the proposal may have on European sites.

In particular, we recommend you obtain the following information 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 and include the fields adjacent to the site.

Please note that the HRA likely significant effect test identifies whether there is a credible risk that the project might undermine the conservation objectives for the European site. In this case, we advise that likely significant effect cannot be ruled out at the screening stage, due to the proximity to the Humber Estuary Ramsar site and potential habitat suitability for Ramsar birds. Therefore, we advise that the bird survey results, and other relevant data should be considered at the appropriate assessment stage of the HRA and Natural England must be consulted on any appropriate assessment your authority may decide to make.

Natural England notes that Lincolnshire Environmental Records Centre (LERC) and the North & East Yorkshire Ecological Data Centre (NEYEDC) bird records provided in the shadow HRA (dated December 2023) are now outdated and it is Natural England's advice that bird surveys need to be undertaken. We have referred to the requirement of bird surveys within our engagement with the emerging North Lincolnshire Local Plan.

Natural England also 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. Also, 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 also 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.

We recommend that passage and wintering bird surveys for wintering waders and wildfowl are undertaken. Further guidance on passage and wintering bird surveys is provided in Annex C.

Recreational disturbance

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 impacts from traffic

Designated sites within 200m of a road which will experience a significant increase in traffic movements should be assessed for impacts due to air pollution from traffic. When undertaking an assessment of the potential impacts during the construction or operation phase of the development there will need to be clarification provided on which roads will be used to access the development site, and the number of predicted vehicle movements. Natural England has produced [guidance](#) for assessing the impacts of air pollution due to traffic.

Ammonia emissions from road traffic could make a significant difference to nitrogen deposition close to roads. As traffic composition transitions toward more petrol and electric cars (i.e., fewer diesel cars on the road) – catalytic converters may aid in reducing NOx emissions but result in increased ammonia emissions – therefore consideration of the potential for impacts is needed (see [Air Quality Consultants - News - Ammonia Emissions from Roads for Assessing Impacts on Nitrogen-Sensitive Habitats \(aqconsultants.co.uk\)](#)).

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.

Natural England notes that the Revised Transport Assessment provided (dated 21 December 2023) refers to a predicted traffic assignment which was undertaken to determine the likely distribution of development traffic across the highway network. The results of this are displayed in figure 5 and table 12, and sections of the route leading to zone "L" of the gravity model falls within 200 metres of the Humber Estuary SAC/Ramsar. Therefore, air quality impacts on the Humber Estuary SAC/Ramsar from increased traffic movements should be assessed; demonstrating clearly the number of daily vehicle movements in proximity to the Humber Estuary SAC/Ramsar.

In-combination assessment

The HRA will need to consider 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 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.

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

Sites of Special Scientific Interest

Natural England notes that the application site is located in close proximity to 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 site has been notified. Our advice regarding the potential impacts upon the above SSSIs coincide with our advice regarding the potential impacts upon the European sites 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 at Annex A.

If you have any queries relating to the advice in this letter, please contact me on 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