

Date: 21 October 2024
Our ref: 446012
Your ref: PA/2023/1124



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BY EMAIL ONLY

Dear Tanya Coggon,

Planning consultation: PA/2023/1124 Proposal for 599 No. dwellings and lake, along with associated infrastructure.

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

Thank you for your consultation on the above dated 09 August 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 12 September 2023. Natural England has reviewed this advice and determined that it was incorrect and therefore wishes to withdraw its advice dated 12 September 2023 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.

Insufficient information provided

There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Please provide the information listed below and re-consult Natural England. Please note that you are required to provide a further 21 day consultation period, once this information is received by Natural England, for us to respond.

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) and Special Protection Area (SPA) 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.

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

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/SPA/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.

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

Sites of Special Scientific Interest

No assessment has been provided of the potential impacts the proposal will have on the Humber Estuary SSSI. Our advice regarding the potential impacts upon the Humber Estuary SSSI coincides with our advice regarding the potential impacts upon the Humber Estuary SAC/SPA/Ramsar as detailed above.

Other advice

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

Please note that we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.

On receipt of the information requested, we will aim to provide a full response within 21 days of receipt. Please be aware that if the information requested is not supplied, Natural England may need to consider objecting to the proposal on the basis of potential harm to the above designated site.

Should the developer wish to explore options for avoiding or mitigating effects on the natural

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/>

environment with Natural England, we recommend that they use our [Discretionary Advice Service](#).

Please send further correspondence, marked for my attention, to consultations@naturalengland.org.uk quoting our reference 446012.

Yours sincerely,

Laura Tyndall
Yorkshire and Northern Lincolnshire Area Team
Natural England