

MEMO

**North
Lincolnshire
Council**

To: Emmanuel Hiamey, Development Management
From: Alicia Morley, Place Policy & Strategy
Your Ref: PA/2024/1198
Date: 07 November 2024

Subject: Planning permission to erect a three bedroom bungalow
Land Adjacent 40 High Street, Crowle DN17 4LD

Summary

- No protected or priority species surveys will be required.
- The de minimis exemption to BNG applies.
- Planning conditions are proposed to seek a measurable net gain in biodiversity in accordance with Policy CS17 and the National Planning Policy Framework.

Thank you for consulting Place Policy & Strategy on the above application.

Protected and Priority Species

I have considered this application in accordance with Natural England's standing advice for protected species- <http://www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/default.aspx>.

The application site is a commercial site manufacturing concrete fence posts and panels, consisting of artificial unvegetated unsealed surface.

On that basis, the application has negligible potential for protected or priority species. No protected or priority species surveys will be required.

Biodiversity Enhancement

The National Planning Policy Framework states that:

“180. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils [...]

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

[...]

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

[...]

and

“186 d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate...”

With this proposal, biodiversity enhancement should be secured by:

- Installing bat boxes and nest boxes on the new dwelling
- Restricted lighting to avoid impacts on nesting birds, bat roosts and bat foraging areas
- Installing hedgehog highways to allow movement of hedgehogs through fencing
- Planting trees and shrubs of high biodiversity value

Biodiversity Net Gain (BNG)

The application states this single dwelling development is exempt from Biodiversity Net Gain under the *de minimis* exemption.

The Biodiversity Gain Requirements (Exemptions) Regulations 2024 note that:

***De minimis* exemption**

4.— (1) The biodiversity gain planning condition does not apply in relation to planning permission for development which meets the first and second conditions.

(2) The first condition is that the development does not impact an onsite priority habitat.

(3) The second condition is that the development impacts—

- (a) less than 25 square metres of onsite habitat that has biodiversity value greater than zero; and
- (b) less than 5 metres in length of onsite linear habitat.

The application site does not support a priority habitat. There are no linear habitats on-site. The habitat on-site is all “Artificial unvegetated, unsealed surface”, which has zero biodiversity value. Therefore, the *de minimis* exemption to BNG applies. No biodiversity metric will be required.

Recommended Condition

“The development hereby permitted shall be carried out in strict accordance with a biodiversity management plan which has first been submitted to and approved in writing by the local planning authority.

The plan shall include:

- a) Details of at least one integral bat roosting feature to be installed;
- b) Details of at least one integral nestboxes to be installed;
- b) Restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- c) Provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- d) Prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- e) Proposed timings for the above works in relation to the occupation of the dwelling.

All approved features shall be retained thereafter for the lifetime of the development.

Reason: To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.”

“The development hereby permitted shall not be first occupied or brought into use until a report providing evidence of compliance with the Biodiversity Management Plan approved pursuant to condition [INSERT CONDITION NUMBER] above has been submitted to and approved in writing by the local planning authority.

Reason: To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.”

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

Alicia Morley
Ecologist

Annex- 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/2010/10490/1)

<http://www.legislation.gov.uk/uksi/2010/10490/1>

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.