



North Lincolnshire Council
Development Control
Civic Centre Ashby Road
Scunthorpe
DN16 1AB

Our ref: AN/2023/134703/01-L01
Your ref: PA/2023/1124
Date: 18 February 2025

FAO Ed Senior

Dear Ed

**Planning permission for the development of 593 dwellings, 200sqm commercial unit (use class E) 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**

Thank you for re-consulting us on this application, on 4 December 2024.

As you are aware, the Environment Agency has been in discussions with North Lincolnshire Council Planners regarding this application since it was first submitted, in the context of its position as part of the wider Lincolnshire Lakes allocation and the need to consider the latest climate change flood risk guidance.

At the Council's request, we refrained from submitting a formal response while discussions continued; however, we have decided it is important to set out our position regarding the application in writing.

Environment Agency position

We have **no objection** to the proposed development, subject to the imposition of conditions, as set out on the following pages.

1. Flood risk

The initial Flood Risk Assessment (FRA), (Alan Wood & Partners, May 2023) used data that had been superseded by the Environment Agency's Jacobs 2023 Trent model and therefore depicts an outdated picture of flood risk in the area.

The most recent FRA (Revision A, November 2024) has simply been amended to address the removal of 6 residential dwellings and addition of one commercial unit or local centre.

We have reviewed the Jacobs 2023 modelling, which indicates that the development site is not impacted by the breach or overtopping (0.5% annual exceedance probability

plus upper end climate change allowance) flood events. The use of this model has been agreed with North Lincolnshire Council for development in the Lincolnshire Lakes area. We therefore have no objection on flood risk grounds.

However, given this application is for a sizable urban extension, which may be developed in phases over several years, future consideration of the most up to date information on climate change and flood risk will be required.

In addition, we understand that the proposed development is viewed as part of the wider Lincolnshire Lakes strategic development allocated in your Core Strategy and developing Local Plan, so flood risk implications need to be addressed in this context. In particular, it is expected that to develop sites to the west of the M181, closer to the River Trent, it will be necessary to raise land levels. It is therefore important to establish whether this could displace floodwater across the Lincolnshire Lakes area, impacting sites such as the current one, and whether this has implications for mitigation measures.

We have provided advice to the Council on the production of a level 2 Strategic Flood Risk Assessment (SFRA) for the Lincolnshire Lakes area using the Jacobs 2023 model, which will consider the proposed Lakes development as a whole and address the H /credible maximum scenario requirements for new urban extensions and new settlements. Planning Practice Guidance (flood risk and coast change section, paragraph 006) supports consideration of this scenario. The SFRA will provide evidence and requirements to inform future site specific FRAs. Work on this is ongoing.

We understand that you may wish to wait for the completion of the updated SFRA before determining this application. However, should you be minded to grant permission before this, we consider that a planning condition will be necessary to address the matters set out above. We suggest the following wording but would welcome discussion.

Condition 1

Prior to the commencement of each phase or sub-phase of development, an updated Flood Risk Assessment (FRA) shall be submitted to and approved in writing by the Local Planning Authority.

The updated FRA shall be in accordance with the latest North Lincolnshire Council Strategic Flood Risk Assessment and the latest requirements of national and local planning policy and associated guidance and shall make use of the best available information on flood risk.

The FRA shall take account of the wider strategic flood risk implications to Lincolnshire Lakes by including the following:

- A consideration of the H credible maximum scenario climate change allowances for sea level rise.
- An assessment of potential flood water displacement resulting from the raised development platforms across the Lincolnshire Lakes area and its impact, if any, on the site subject to this planning permission.

The FRA shall identify appropriate flood risk mitigation measures shown to be necessary in light of the above assessments.

The mitigation measures within the approved FRA shall be fully implemented in accordance with the agreed timing/phasing arrangements, or within any other period as may subsequently be agreed in writing by the Local Planning Authority, and subsequently maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason

To mitigate the risk of flooding to the proposed development and future occupants, ensure safe access and egress to and from the site, and prevent increased flood risk to third parties, in accordance with paragraph 173 of the National Planning Policy Framework, policy CS19 of the North Lincolnshire Core Strategy 2011 and policy F1 of the Lincolnshire Lakes Area Action Plan.

2. Biodiversity

The water vole is a protected species under the Wildlife and Countryside Act and has been found to be present at the proposed development site.

The proposed development will only be acceptable if a planning condition is included requiring a plan to protect against and mitigate any damage to water vole. Without this condition we would object to the proposal because it cannot be guaranteed that the development will not result in harm to water vole.

The ecological enhancements that have been proposed will also require a management plan to be in place. This will ensure the landscape provides a maximum benefit to people and the environment.

Condition 2 - Legally protected species and habitat protection plan

No development shall take place until a plan detailing the protection of and mitigation of damage to water vole, a protected species under the Wildlife and Countryside Act 1981 as amended, and its associated habitat has been submitted to and approved by the local planning authority. The plan must consider the whole duration of the development, from the construction phase through to development completion. Any change to operational responsibilities, including management, shall be submitted to and approved in writing by the local planning authority. The water vole protection plan shall be carried out in accordance with a timetable for implementation as approved.

Reason

To protect the water vole and its habitat within the development site, and to avoid damaging the site's nature conservation value, in accordance with policy CS17 of the North Lincolnshire Core Strategy 2011.

Advice to the applicant

The scheme should be based on the findings of the Water Vole Survey Report, V4.0, May 2023 and the Preliminary Ecological Appraisal and Water Vole Survey, V5.0, May 2023 by Ecus Ltd and the recommendations within these documents. Attention should be given to ensuring that water vole are protected throughout the duration of the development. The scheme should also address impacts from the site once complete, for example through predation by pets and through loss of habitat (through removal of the on-site ditch).

Consideration must be given to improving the site for water vole including all ditches and ponds, which should be kept wet and with suitable habitat, to improve the area in general and therefore offset any impacts. If on-site mitigation and enhancement is

limited, then off-site (as close as possible) options should be developed, which could include ongoing mink control, for example.

This approach is supported by paragraphs 187 and 193 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

Condition 3 - Landscape and ecological management plan

No development shall take place until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include details of:

- how the lake will be designed to contribute to nature and biodiversity improvement on site (including water vole)
- maintenance regimes
- any new habitat created on site and why and how it will benefit biodiversity
- treatment of site boundaries and/or buffers around water bodies
- management responsibilities

Reason

To ensure the protection of wildlife and supporting habitat and to secure opportunities for enhancing the site's nature conservation value, in line with national planning policy and Policy CS17 of the North Lincolnshire Core Strategy 2011.

Informative regarding biodiversity net gain

Under National Planning Policy Framework paragraphs 187 and 193, there is a duty placed upon local authorities to minimise impacts and provide net gains in biodiversity. Net gains should be demonstrated using the most up to date Defra Metric, with arrangements in place to ensure they are maintained/managed for a minimum of 30 years.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

Nicola Farr
Sustainable Places - Planning Advisor

