PLACE PLANNING & HOUSING- NATURAL ENVIRONMENT

MEMO

North Lincolnshire Council

To: **Dean Watson, Development Management**

From: **Andrew Taylor, Place Planning & Housing**

Your Ref: **PA/2025/254**

Date: **12 March 2025**

Subject: **Hybrid planning permission comprising of outline, with all matters reserved for up to 550 dwellings, a local centre (use Class E), associated landscaping, drainage and other infrastructure works. Full Planning permission for the construction of a new vehicular access off the M181/A1077(M) roundabout, a pedestrian and cycle link to Scotter road, a pumping station, earthworks and off-plot drainage, ecological and associated landscaping and infrastructure works**
Land East of M181/A1077(M), Burringham, SCUNTHORPE, DN17 1US

Summary

- **Though the existing landscape is not highly valued, the development will represent a significant landscape change alongside gateway routes to Scunthorpe.**
- **Landscaping in accordance with the Adopted Landscape Assessment and Guidelines document is proposed, and the Lincolnshire Lakes Strategic Design Guide has been taken into account.**
- **I shall provide the Habitats Regulations Assessment in due course.**
- **I will be able comment on badger matters once I have seen the confidential survey report.**
- **Proposals will affect water voles, common lizards and breeding birds.**
- **>10% BNG should be achievable and enforceable at the reserved matters stage. Some details of the proposals will need to be amended.**
- **There may be a need for a section 106 agreement to secure monitoring fees.**
- **Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek a measurable net gain in biodiversity in accordance with the Lincolnshire Lakes Area Action Plan, Lincolnshire Lakes Design Codes, Policy CS17, the National Planning Policy Framework and the statutory Biodiversity Metric.**

Thank you for consulting Place Planning & Housing on the above planning application.

EIA Screening
See comments on PA/SCR/2025/251, provided separately.

Landscape
The Adopted Landscape Assessment and Guidelines document (SPG5) gives the following guidance for this area, which lies on the boundary of two local character areas (relevant excerpts only):

> **Flat Drained Farmland – Althorpe, Amcotts, East and West Butterwick, Owston Ferry**
>
> **Landscape Strategy:**
> Enhance the remaining landscape structure, ensuring that future developments in farming practice do not continue to weaken the area's character[…]. Where possible enhance wildlife potential.
>
> **Landscape Guidelines:**
> […]
> In places hedgerow and occasional tree planting should be encouraged to reinforce existing landscape structure without damaging the open characteristics. Smaller areas of tree planting should be targeted towards farmstead areas softening their presence in the landscape, reflecting the pattern of linear shelterbelts already common to the area. Planting is also appropriate around settlements with the exception of riverside strip farming areas.
> New hedgerow planting should look to reinstate historic field boundaries in areas where hedgerow removal is still in evidence.
> […]
> Any new planting should reflect existing in species, size, and regularity to create consistency throughout the character area. […]
> New built development within the open countryside should be sited within existing farmstead and agroindustrial areas, reflecting the local vernacular and being integrated with the surrounding area by a competent landscape enhancement scheme.
> Tree planting similar in size and density to the surrounding area should be encouraged along the base of the M180 embankment to reduce the impact of this visually intrusive engineering structure.
> […]
> Ensure maintenance and survival of linear drainage ditches and dikes. Where possible a diverse range of emergent plant species should be encouraged to create new and important ecological and wildlife habitats.
>
> **Wooded Springline Farmland – West of Scunthorpe**
>
> **Landscape Strategy:**
> Create a balance between the elements of settlement, recreation, wildlife protection and intensive arable crop farming all found in this small but active area, whilst enhancing the landscape structure.

Landscape Guidelines:

Enhance and conserve the balance between thick woodland cover and open arable fields with limited boundary tree and hedgerow planting.

The predominantly open structure of the fields are similar to those in the floodplain landscape; limited planting should be encouraged to reinstate hedgerows and areas of field tree planting without being detrimental to the area's open character.

[…]

Local species should be planted in new woodland areas to provide consistency with surrounding landscape.

[…].

Conserve the well-maintained drainage ditches following the rectilinear field structure. Particularly in areas adjacent to woodland cover, emergent plant species should be encouraged adding ecological and wildlife diversity to this intensively farmed area.

It is vital that the few remaining areas of ecological and wildlife importance are both conserved and maintained for short term survival and long term prosperity.

Tree planting should be encouraged along the base of the engineered embankments of the M180; planting areas should replicate existing tree cover to assist integration of the road whilst lowering the visual impact of the major transport corridor.

Areas of open water require good management to create a balance between wildlife and recreation requirements and ecological development.

Attention should be paid to the urban fringe areas to the west of the area. Areas of woodland, heath and scrub require strict management for public recreation and to stop urban littering and degradation already in existence.

[…]

The applicant has submitted a Landscape and Visual Impact Assessment (LVIA), which has been carried out to the appropriate standards. Most visual impacts are considered to be minor or moderate, though major visual impacts are expected during the construction phase for users of Brumby Common Lane. Similarly, very localised major landscape effects are expected during the construction phase.

Landscaping in accordance with the Adopted Landscape Assessment and Guidelines document is proposed, and the Lincolnshire Lakes Strategic Design Guide has been taken into account, though some details of seed mixes and tree selection require further consideration.

Habitats Regulations
The application site lies within 2.1 km of the Humber Estuary Special Area of Conservation (SAC) and Ramsar site and 10.9 km of the Humber Estuary Special Protection Area (SPA). Natural England has advised that the application could have the following likely significant effects:

- Displacement of passage and wintering waterbirds from "functionally linked land": species such as curlew, lapwing, golden plover and pink-footed goose.
- Increased recreational disturbance of breeding, wintering and passage birds associated with the Humber Estuary SPA and Ramsar site, due to a significant increase in the population within a short travel time of the Estuary.
- Air quality impacts from traffic.

A Habitats Regulations Assessment is required. In accordance with government guidance, "The competent authority will require the applicant to provide such information as may reasonably be required to undertake the assessment." In this case, the applicant has provided the following information:

- Wintering Bird Report, dated January 2025.
- Recreational Impacts Technical Note.
- Air Quality Assessment (and clarification note).

I shall carry out the Habitats Regulations Assessment using this information and consult Natural England accordingly. I'll send you an update in due course.

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 site has been subject to several protected and priority species surveys for the Lincolnshire Lakes Area Action Plan and planning application PA/2013/1001. Updated survey reports have now been provided for all relevant protected and priority species:

- Reptiles:
  - survey methods were OK;
  - one common lizard was recorded near Brumby Common West;
  - common toads (amphibians) were found to be widespread,
  - mitigation required includes sensitive working methods and measures to control domestic cats.

- Great crested newts (GCN):
  - survey methods were OK;
  - eDNA testing has confirmed absence of GCN within all suitable waterbodies within 250m of the Site.

- Bats:
    - survey methods were OK (transect surveys and checks for roost potential in trees);
    - the following common species utilise the site: common pipistrelle, soprano pipistrelle, noctule, brown long-eared bat and Myotid species;
    - Nathusius pipistrelle was also recorded on site;
    - low numbers of bats were recorded overall;
    - no trees had roosting features.

- Water voles:
    - survey methods were OK;
    - water vole field signs (burrows, latrines and feeding remains) were recorded on several lengths of ditch;
    - ditches with water voles will be impacted by road construction, resulting in partial culverting and fragmentation of the habitat. The introduction of housing is likely to increase predation by domestic cats.
    - mitigation required includes habitat creation, vole trapping and translocation and measures to control domestic cats. Mink trapping is also proposed- this should ideally be planned to complement Waterlife Recovery Trust trapping activity in the area.

- Breeding birds:
    - survey methods were OK;
    - probable/possible breeding species included the following priority species: grey partridge, lapwing, skylark, song thrush, linnet, yellowhammer, reed bunting;
    - habitat proposals, such as the water vole mitigation area may be expected to benefit some species, but not others.

Water vole survey results for this area have fluctuated widely since the initial surveys carried out for Lucent in May 2012. It is not known to what extent the variation is real or whether it is an artefact of identification errors or varying survey effort. For water vole mitigation, mink trapping may be as important as ditch habitat creation. Measures to discourage predation by domestic cats are also important.

Reptile populations in North Lincolnshire are very small and fragmented, so measures to conserve and enhance common (viviparous) lizard populations will be important.

Existing Biodiversity Value

2012 surveys revealed notable aquatic flora in some ditches, including opposite-leaved pondweed and beaked tasselweed (Snell 2012). Updated surveys appear to show that this is no longer the case. However, all ditches appear to have been subject to intensive management by the Internal Drainage Board immediately prior to the September habitat survey, raising the possibility that species that would otherwise be visible may have been hard to

find at the time of survey. The water vole survey report indicates that ditches were more densely vegetated in June of the survey year. Water quality and the potential for ditch restoration and enhancement may therefore need to be considered as part of the project.

Potential impacts on Brumby Common West Local Wildlife Site and neighbouring priority habitats, such as lowland dry acid grassland need to be considered.

Policy

Policy CS4 of the Core Strategy states that Lincolnshire Lakes will provide a "significant wildlife habitat." Policy CS17 also applies.

The Lincolnshire Lakes Area Action Plan includes the following development objective:

> "3. To expand North Lincolnshire's strong infrastructure through the provision of green infrastructure (a network of green spaces) which will be effectively distributed to maximise opportunities for habitat/biodiversity creation and other environmental benefits and to enable the achievement of major socio-economic benefits such as environmental, education, recreation, better health and well-being (see Policies G1, G2, G3, G4, G5 & G6)."

Policy G4 is as follows:

"ECOLOGICAL ENHANCEMENT AND NEW HABITAT CREATION Areas specifically identified for ecological and habitat protection, creation or enhancement include:

- New areas of woodland, acid grassland, neutral grassland, wetland and ponds within the areas identified as natural and semi-natural greenspace on the Green Infrastructure Parameters Plan
- Lakes 3 and 4 and surrounding habitats
- New and existing ditches and swales
- New and existing hedgerows
- New and existing trees
- The existing Local Wildlife Sites, including those identified under Policy LC4 Lincolnshire Lakes Area Action Plan - 2016 Page 69 Area Wide Policies
- LC11 areas amenity importance
- Existing farmland

Smaller scale opportunities to deliver green and brown walls & roofs, hibernacula, bird and bat habitat boxes, bird and bat bricks and bat lofts, stone and log piles and bunds will also assist in providing suitable habitats for key species in the AAP area.

Planning applications should include proposals for the creation and enhancement of these areas where appropriate. Planning applications should also individually consider specific impacts of development proposals on biodiversity and associated opportunities for ecological protection and enhancement within their specific site boundaries."

Biodiversity Enhancement
The National Planning Policy Framework states that:

> "187. 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 and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;
>
> 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

> "193 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, if appropriate impact avoidance, mitigation and compensation measures can be delivered, then further biodiversity enhancement should be secured by:

- Submission and agreement of biodiversity and landscape management plans and a construction environmental plan
- On-going implementation of the management plans.

- Sensitive working practices to avoid harm to common lizards, water voles, bats, badgers and nesting birds.
- Habitat enhancements for common lizards, water voles and invertebrates.
- Bat lofts, bat bricks, bat boxes.
- Enhanced bat foraging habitat.
- Installation of swift boxes and sparrow terraces on houses.
- Details of the retention, creation, enhancement and on-going management of wet ditches, ponds and other wetlands.
- Design and construction of the lake to maximise biodiversity, with the inclusion of reedbeds and varied wetland habitats.
- Details of the retention, creation, enhancement and on-going management of species-rich grassland and mixed woodland.
- Landscaping using trees, shrubs and hedge plants of high biodiversity value- with a requirement for locally native species in at the edge of the village and in natural habitat.
- Appropriate phasing mechanisms to ensure that significant areas of habitat are created and are becoming properly established before each phase of construction.
- Procedures for monitoring, wardening, control of access and on-going management of created habitats.
- Measures to avoid light, noise and water pollution, flytipping and other factors that would harm habitats and species.
- Formation and operation of an Environmental Steering Group, comprising the developer, the Council and other invited parties, to ensure implementation of environmental works.

Where habitat creation is proposed as mitigation, compensation or planning gain, the habitat management and monitoring plan must be adequate for regulatory authorities to assess whether the proposals are feasible. In addition to information on species and habitats, it will also be necessary to measure physical conditions including (but not exclusively) soil conditions and hydrology. Where applicable, the applicant should follow the standards set out in Natural England Technical Information Notes.

Where the creation of flower-rich habitats is proposed, particularly on arable soils of high nutrient status, ongoing management must be adequate to maintain botanical species and arrest any succession to coarse and ruderal species. This may entail sensitive cutting or grazing with the removal of arisings.

Applying the mitigation hierarchy, mitigation and biodiversity enhancement should be provided on-site as far as possible, with off-site delivery of habitat being a last resort to be taken only after on-site opportunities have been exhausted.

Biodiversity Net Gain (BNG)
I have assessed the submitted Statutory Biodiversity Metric and Biodiversity Net Gain (BNG) Plan. Comments collated through our assessment software are set out in Appendix 2. Main points are as follows:

- It has been very difficult to match metric habitat parcels to mapped areas. For some habitats with multiple entries, the applicant's assessment has had to be taken at face value, without checking. Similarly, few explanatory notes have been provided in the metric.
- Habitat interventions with delayed starts are not clearly mapped, evidenced or explained.
- The baseline map and condition assessments have been provided and appear accurate.
- Strategic significance has been applied appropriately to baseline and post-development habitats.
- Proposed created and enhanced post-development habitats are mostly appropriate, realistic and have realistic target condition.
- The proposals are mostly in close agreement with local habitat priorities.

In terms of key details:

- Loss of lowland dry acid grassland priority habitat is not acceptable. This habitat must be retained and buffered, to comply with the mitigation hierarchy, Area Action Plan and policy CS17. This will also help to provide habitat for protected species, such as common lizard.
- There are too few gains to offset losses of bramble scrub. This could be overcome by creating mixed scrub or a higher distinctiveness habitat such as wet woodland.
- Enhancement of ditches is to be achieved by removing riparian encroachment, which is welcomed. Introducing new plant species would not be welcomed- improved management of existing flora would be preferable.
- 447 small trees are proposed in groups of 3-5. The proposed species require review, as not all are appropriate. Moderate condition is achievable. Excess trees may need to be planted, to ensure that 447 survive in target condition after 30 years. Where planting creates areas of >25% canopy cover, this should instead be recorded as woodland.
- It is not clear what the objectives are for bare ground, what the proposed substrate will be or how it will be maintained as bare ground for 30 years. The Landscape Site Plan indicates "Proposed Gravel Habitat area- Bird nesting habitat". What are the target species? Will they nest if surrounded by tall grassland?
- Pond creation: moderate condition should be achievable. Some ponds could be allowed to vegetate naturally, rather than relying on commercial seed mixes in all cases.
- Cereal crops are proposed for creation following restoration of borrow pits south of Brumby Common Lane. This may be hard to achieve. However, given that cereal crops are a low distinctiveness habitat, it should be possible to replace "Like for like or better"

The headline results are as follows:

On-site	Pre-intervention (baseline)		Loss of pre-intervention (baseline) habitats	Post-intervention	Net change	
	Size	BU	BU	BU	BU	%
Area habitats	56.55 ha	115.09	111.2	132.54	17.46	15.17
Hedgerows	0.6 km	5.89	5.89	7.14	1.25	21.21
Watercourses	2.21 km	9.94	1.81	15.17	5.24	52.69

Note that the results combine both the full planning application and outline proposals (all phases). However, habitat creation is “front-loaded” into the full application site and early phases, ensuring that the project will remain in credit in terms of BNG. The outline proposals are illustrative at this stage. However, the fact that >10% BNG is achievable, despite precautionary assumptions suggests that >10% BNG should be achievable and enforceable at the reserved matters stage.

Although on-site habitat creation and enhancement may be secured by a planning condition, this project involves significant on-site biodiversity enhancements which will need to be monitored and enforced for at least 30 years. There may be a need for a section 106 agreement to secure monitoring fees.

Landscape and Biodiversity Proposals
Where detail has been provided, proposals include:

- Ponds
- Ditches (water vole mitigation)
- Species-rich native hedgerows
- Individual trees
- Modified and other neutral grassland

These proposals are ecologically appropriate and are in accordance with the Lincolnshire Lakes Area Action Plan and Strategic Design Guide. However, I have a few concerns:

- The bare ground for nesting birds needs further thought, as described above.
- Existing acid grassland should be retained, managed and buffered, not destroyed. In terms of acid grassland re-creation, this is very difficult to achieve. There are no suitable commercially available seed mixes for this habitat, as far as I am aware.
- The proposed Emorsgate seed mixes are broadly suitable for the other proposed habitats. However, seed mixes are prone to change- current mixes offered on the internet don’t match those submitted. Therefore, it will not be possible to accept the submitted Landscape Site Plan as a final version.

- Proposed trees for “Greenspace and Habitat” are mostly acceptable. However, black poplar (*Populus nigra*) should only be used if the true native *P. nigra var betulifolia* can be sourced. This is a rare tree in North Lincolnshire (6 individual trees of two clones). Lincolnshire Wildlife Trust is working to make appropriate stock available.
- In terms of whips, common whitebeam (*Sorbus aria*) is not native to Lincolnshire. Small numbers may be acceptable in amenity spaces, but not habitat areas.
- The hedgerow proposals are very unusual. Native hedgerows are typically planted at 5-6 plants per metre in a double-staggered row, not 12 per metre in a quadruple row, as proposed. The reason for this anomaly is not given.
- Species-rich hedgerows in North Lincolnshire generally feature a high proportion of Common Hawthorn (*Crataegus monogyna*) with smaller proportions of other species, not equal proportions, as proposed. Of the other species proposed;
    - Midland hawthorn (*Crataegus laevigata*) should only be used as the true native, not “Paul’s Scarlet”, “Plena” or other ornamental cultivars.
    - Alder buckthorn (*Frangula alnus*) should be used with care, as it is readily outcompeted by the other species. Purging buckthorn (*Rhamnus cathartica*) may be more appropriate.
    - Elder (*Sambucus nigra*) rarely requires planting, as it arrives naturally with birds. If planted at all, only small proportions should be used, as it tends to spread and dominate.
    - Wayfaring tree (*Viburnum lantana*) is not native to North Lincolnshire, and should be used sparingly, if at all.
- Aquatic and marginal plants: The rushes *Juncus effusus* and *J. inflexus* are unlikely to require planting, as they tend to arrive naturally and spread freely.

Recommended conditions

<u>Full permission</u>

- The deemed BNG condition will automatically apply.
- The Biodiversity Net Gain plan must be implemented and habitats maintained in target condition for at least 30 years.
- If compatible with the deemed BNG condition, it would be useful to seek a revised landscaping scheme and biodiversity net gain plan/biodiversity management and monitoring plan that resolves the concerns raised in this memo and complies with the AAP and Strategic Design Guide.
- Further conditions may be required as a consequence of the HRA.
- Monitoring conditions and/or a section 106 agreement to secure BNG monitoring fees will be required.
- A condition requiring retention and positive management of existing acid grassland habitat, reptile habitat and land within 30 metres of a badger sett (the latter unless otherwise agreed in writing, to allow for the potential discovery of new setts which may not be practical to retain).

“No development shall take place until a Species Protection Plan (SPP) has been submitted to and approved in writing by the local planning authority.

The SPP shall include:

a) details of measures to avoid harm to reptiles, badgers, bats and nesting birds during vegetation clearance and construction works;
b) A detailed water vole mitigation and enhancement plan to include:
    i. Measures to be implemented before construction to displace, translocate or exclude Water voles from the construction working areas;
    ii. Measures to be implemented during construction to avoid killing or injury of Water Voles within retained habitats;
    iii. Establishment of receptor sites and enhancement areas;
    iv. Consideration of appropriate phasing of construction and creation of required receptor sites, enhancement areas and ditches to ensure appropriate levels of (adequately mature) habitat provision at appropriate times;
    v. Long-term monitoring of Water Vole populations
c) details of road gullies and road drainage designed to minimise harm to amphibians;
d) habitat mitigation and enhancement measures to benefit water voles and nesting birds.

Development shall be carried out only in accordance with the SPP so approved.

Reason: To conserve protected and priority species.”

<u>Outline permission</u>
Please apply all conditions/s106 as per the full permission, plus:

- Phasing details, to secure delivery of habitat and species enhancements for each phase.
- Prior to the submission of a reserved matters application for any phase of development, updated habitat and species surveys shall be carried out to accepted good practice standards, and results submitted to the LPA. The scope of species surveys shall include all of the following taxa where suitable habitat is present and where existing survey information is more than two years old:
    - Badgers
    - Water voles
    - Reptiles
    - Breeding birds

For each phase of development:

“Within six months of the commencement of development, the applicant or their successor in title shall submit a biodiversity enhancement plan to the local planning authority for approval in writing. The plan shall include:

a) details of bat boxes and bat bricks, of at least two different specifications, to be installed on 15% of dwellings;

b) details of swift boxes and sparrow terraces to be installed on 15% of dwellings combined;

c) details of nesting sites to be installed to support a variety of other species, including house martin and garden birds;

d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;

e) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;

f) proposed timings for the above works in relation to the completion of the dwellings.

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.

Andrew Taylor
Natural Environment Policy Specialist

References

Gibbons, E.J. 1975 The Flora of Lincolnshire. Lincolnshire Naturalists’ Union.

Snell, L. 2012 Interim Aquatic Macrophyte Survey Report: Lincolnshire Lakes – Lucent Land, Scunthorpe. Nicholas Pearson Associates in association with Biodiversity by Design Ltd. Unpublished report.

Appendix 1- 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 2010 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-l1g81

The Conservation of Habitats and Species Regulations 2010
http://www.opsi.gov.uk/si/si2010/uksi_20100490_en_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 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.

Reptiles

The adder, common lizard, grass snake and slow worm are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

Badgers

Planning Circular 06/2005 states that, “The likelihood of disturbing a badger sett, or adversely affecting badgers’ foraging territory, or links between them, or significantly increasing the likelihood of road or rail casualties amongst badger populations, are capable of being material considerations in planning decisions.”

Water voles

The water vole is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). 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-l1g81

Appendix 2- Detailed comments on Statutory Biodiversity Metric

Metric error details

- There is a net loss of one Very High distinctiveness *area habitat*, totalling -0.57 BU. The BNG Trading Rules do not permit any net loss of Very High distinctiveness area habitats.

  The area habitat lost is:

  - "Grassland - Lowland dry acid grassland" (0.66 BU pre-intervention, and 0.099 BU post-intervention, so a loss of 0.57 BU).

- There are net losses of Medium distinctiveness *area habitats* in 1 broad habitat group, and too few gains at higher distinctiveness categories to offset these losses.

  The broad habitat group concerned is:

  - Heathland and shrub, which loses 0.32 BU, from "Heathland and shrub - Bramble scrub" (0.32 BU pre-intervention, and 0.0 BU post-intervention, so a loss of 0.32 BU)

Ecology risks report

Baseline

High proportion of baseline area habitats in Poor condition

Across all the baseline area habitats of Medium or higher distinctiveness, more than 75% of the total area has been recorded as being in Poor condition. This could be an accurate baseline, but it is flagged as a risk in case Poor condition has been inaccurately used to reduce the baseline biodiversity value.

- Checked by AT: this is evidenced and acceptable.

Potential for unrecorded habitats of higher distinctiveness

Baseline habitats are present which could sometimes be classified as similar habitats of higher distinctiveness. If higher distinctiveness habitats were identified, this could lead to stronger BNG requirements. The habitats which trigger this risk are croplands which could have field margins, bracken which could be grassland, and grasslands which could be Lowland Meadow.

- Checked by AT: this is evidenced and acceptable.

Potential for unrecorded Open Mosaic Habitat

Small (<0.25ha) parcels of urban baseline habitats are present. This might indicate the possible presence of Open Mosaic Habitat. Open Mosaic Habitat is High distinctiveness, so not recording it could underestimate baseline biodiversity value and lead to weaker BNG requirements.

- Checked by AT: no OMH present

Wetland proposed when there is no wetland in the baseline

There are creations and/or enhancements proposed that will generate wet habitat, but there are no baseline wetland habitats. A wet habitat cannot be generated unless the necessary hydrological regime exists in the area. The applicant's plans should address this issue.

- Checked by AT: this is evidenced and acceptable.

Losses

Metric indicates necessary bespoke compensation has not been agreed

Losses of Very High distinctiveness habitat and/or Irreplaceable Habitat are proposed. This is only permitted if bespoke compensation is agreed, in consultation with the LPA and Natural England. The Metric indicates that this bespoke compensation has not yet been agreed.

Very High / Irreplaceable habitats with no bespoke compensation agreed

Lowland dry acid grassland

Area habitatLossArea: 0.036 haBU: 0.66Habitat condition:Distinctiveness:Baseline habitat ref: 2

- Checked by AT: this is NOT ACCEPTABLE. Existing acid grassland should be retained and buffered in the reserved matters design.

Size, length, trees

Missing Habitat Reference Numbers

There are habitats without Habitat Reference Numbers. The Habitat Reference Number allows the applicant to label a habitat in the Metric, so it can be matched up with any mapping they provide. (It is not the same as the Ref column, or the Off-Site Reference, which serve different purposes.) Habitat Reference Numbers are optional, but very useful, so Mycelia flags when they are absent.

- Checked by AT: It has been very difficult to match metric habitat parcels to mapped area. For some habitats with multiple entries, the applicant's assessment has had to be taken at face value, without checking.

Row-by-row comments

C-2 On-Site WaterC' Creation, ref 13

Ditch creation- moderate condition is achievable

C-2 On-Site WaterC' Creation, ref 12

Ditch creation- moderate condition is achievable

C-2 On-Site WaterC' Creation, ref 11

Ditch creation- moderate condition is achievable

C-2 On-Site WaterC' Creation, ref 10

Ditch creation- moderate condition is achievable

C-2 On-Site WaterC' Creation, ref 9

Ditch creation- moderate condition is achievable

C-2 On-Site WaterC' Creation, ref 8

Ditch creation- moderate condition is achievable

C-2 On-Site WaterC' Creation, ref 7

Ditch creation- moderate condition is achievable

C-2 On-Site WaterC' Creation, ref 6

Ditch creation- moderate condition is achievable

C-2 On-Site WaterC' Creation, ref 5

Ditch creation- moderate condition is achievable

C-2 On-Site WaterC' Creation, ref 4

Ditch creation- moderate condition is achievable

C-2 On-Site WaterC' Creation, ref 3

Ditch creation- moderate condition is achievable

C-2 On-Site WaterC' Creation, ref 2

Ditch creation- moderate condition is achievable

C-2 On-Site WaterC' Creation, ref 1

Ditch creation- moderate condition is achievable

C-1 On-Site WaterC' Baseline, ref 21

Enhancement of ditch 3.1b to be achieved by removing riparian encroachment, which is welcomed. Introducing new plant species would not be welcomed- improved management of existing flora would be preferable.

C-1 On-Site WaterC' Baseline, ref 4

Enhancement of ditch 3.1b (Earl Beauchamp's Warping Drain) to be achieved by removing riparian encroachment, which is welcomed. Introducing new plant species would not be welcomed- improved management of existing flora would be preferable.

C-1 On-Site WaterC' Baseline, ref 2

Enhancement of ditch 3.2 to be achieved by removing riparian encroachment, which is welcomed. Introducing new plant species would not be welcomed- improved management of existing flora would be preferable.

C-1 On-Site WaterC' Baseline, ref 1

Enhancement of ditch 3.1a to be achieved by removing riparian encroachment, which is welcomed. Introducing new plant species would not be welcomed- improved management of existing flora would be preferable.

B-2 On-Site Hedge Creation, ref 13

Species-rich native hedgerow- good condition is achievable.

B-2 On-Site Hedge Creation, ref 12

Species-rich native hedgerow- good condition is achievable.

B-2 On-Site Hedge Creation, ref 11

Species-rich native hedgerow- good condition is achievable.

B-2 On-Site Hedge Creation, ref 10

Species-rich native hedgerow- good condition is achievable.

B-2 On-Site Hedge Creation, ref 9

Species-rich native hedgerow- good condition is achievable.

B-2 On-Site Hedge Creation, ref 8

Species-rich native hedgerow- good condition is achievable.

B-2 On-Site Hedge Creation, ref 7

Species-rich native hedgerow- good condition is achievable.

B-2 On-Site Hedge Creation, ref 6

Species-rich native hedgerow- good condition is achievable.

B-2 On-Site Hedge Creation, ref 5

Species-rich native hedgerow- good condition is achievable.

B-2 On-Site Hedge Creation, ref 4

Species-rich native hedgerow- good condition is achievable.

B-2 On-Site Hedge Creation, ref 3

Species-rich native hedgerow- good condition is achievable.

B-2 On-Site Hedge Creation, ref 2

Species-rich native hedgerow- good condition is achievable.

B-2 On-Site Hedge Creation, ref 1

Species-rich native hedgerow- good condition is achievable.

A-2 On-Site Habitat Creation, ref 25

447 small trees are proposed in groups of 3-5. Proposed species require review. Moderate condition is achievable. Excess trees may need to be planted, to ensure that 447 survive in target condition after 30 years. Where planting creates areas of >25% canopy cover, this should instead be recorded as woodland.

A-2 On-Site Habitat Creation, ref 16

It is not clear what the objectives are for bare ground, what the proposed substrate will be or how it will be maintained as bare ground for 30 years. The Landscape Site Plan indicates “Proposed Gravel Habitat area- Bird nesting habitat”. What are the target species? Will they nest if surrounded by tall grassland?

A-2 On-Site Habitat Creation, ref 15

Pond creation: moderate condition should be achievable. Some ponds could be allowed to vegetate naturally, rather than relying on commercial seed mixes in all cases.

A-2 On-Site Habitat Creation, ref 14

Other neutral grassland creation- moderate condition is achievable with active management and monitoring

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A-2 On-Site Habitat Creation, ref 13

Other neutral grassland creation- moderate condition is achievable with active management and monitoring

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A-2 On-Site Habitat Creation, ref 12

Other neutral grassland creation- moderate condition is achievable with active management and monitoring

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A-2 On-Site Habitat Creation, ref 11

Other neutral grassland creation- moderate condition is achievable with active management and monitoring

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A-2 On-Site Habitat Creation, ref 10

Other neutral grassland creation- moderate condition is achievable with active management and monitoring

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A-2 On-Site Habitat Creation, ref 9

Other neutral grassland creation in mitigation area- good condition targeted over 2.87 ha. We need to see evidence of soil tests, species mixes, management and monitoring

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A-2 On-Site Habitat Creation, ref 7

Created modified grassland - moderate condition possible with positive management

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A-2 On-Site Habitat Creation, ref 6

Created modified grassland - moderate condition possible with positive management

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A-2 On-Site Habitat Creation, ref 4

Creation: Developed land; sealed surface- local centre and roads

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A-2 On-Site Habitat Creation, ref 3

Creation: Developed land; sealed surface- local centre and roads

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A-2 On-Site Habitat Creation, ref 2

Creation: Developed land; sealed surface- local centre and roads

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A-3 On-Site Habitat Enhancement, ref 5

Other neutral grassland enhancement- moderate condition should be achievable.

A-1 On-Site Habitat Baseline, ref 7

Artificial unvegetated, unsealed surface- access track

A-1 On-Site Habitat Baseline, ref 5

Other neutral grassland- poor condition supported by evidence

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A-1 On-Site Habitat Baseline, ref 4

Other neutral grassland- poor condition supported by evidence

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A-2 On-Site Habitat Creation, ref 5

Creation of lowland dry acid grassland is very hard to achieve. Retention and in situ enhancement of existing acid grassland habitat should be secured instead.

A-1 On-Site Habitat Baseline, ref 2

Lowland dry acid grassland must be retained and buffered, to comply with the mitigation hierarchy, Area Action Plan and policy CS17

A-2 On-Site Habitat Creation, ref 1

Cereal crops are proposed for creation following restoration of borrow pits south of Brumby Common Lane. This may be hard to achieve. However, given that cereal crops are a low distinctiveness habitat, it should be possible to replace “Like for like or better”
