

MEMO

**North
Lincolnshire
Council**

To: Tanya Coggon, Development Management
From: Andrew Taylor, Place Planning & Housing
Your Ref: PA/2023/1034
Date: 20 October 2025

Subject: Outline planning application, with all matters reserved, for a change of use of existing vacant brownfield commercial land to residential housing land and erect up to 34 dwellings and associated roads, driveways, gardens, landscaping and boundary treatments
51-55 Waterside Road (Former Osgerby Haulage and Warehousing) Waterside Road, Barton Upon Humber, DN18 5BH

Summary

- A Habitats Regulations Assessment will be provided separately.
- The proposal will lead to a measurable net loss of 2.21 habitat units on-site, contrary to policy CS17 and NPPF 186 d).
- Planning conditions are proposed to minimise harm to protected and priority species and to minimise biodiversity loss.

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

Habitats Regulations

I shall provide the final Habitats Regulations Assessment in due course, following consultation with Natural England.

Protected and Priority Species

My previous comments still apply.

Biodiversity Net Gain

My comments on the submitted Biodiversity Metric 4.0 and Biodiversity Net Gain Assessment report still apply. There is thus a measurable net loss of 2.21 habitat units, representing a net change of -70.99%. As the baseline value is 3.11 habitat units, the post-intervention value would need to be 3.14 habitat units to deliver a measurable net gain of 1%.

The applicants have propose to pay for offsite habitat units to deliver a net gain. This would need to be $3.14 - 0.90 = 2.24$ habitat units. The offsite habitat

creation, and management for 30 years, should be secured by a section 106 agreement.

If it is not possible to secure a section 106 agreement for reasons of viability, then the result would be a net loss of biodiversity value, contrary to policy CS17 and the National Planning Policy Framework (see below).

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..;”

Recommended Conditions

If you are minded to approve the application despite the loss of biodiversity value, then the following planning conditions will be required to minimise the loss:

“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 details of measures to avoid harm to hedgehogs and nesting birds during vegetation clearance and construction works.

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

Reason: To conserve protected and priority species in accordance with saved policy LC5 and policy CS17 of the Core Strategy.”

“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 six roosting features to be installed;
- b) Details of nesting sites to be installed to support swifts, house sparrows, house martins and other bird species, comprising at least ten nest boxes in total;
- c) Restrictions on lighting to avoid impacts on bat roosts, bat foraging areas bird nesting sites and sensitive habitats;
- d) Provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- e) Details of road gullies and road drainage designed to minimise harm to amphibians;
- f) Prescriptions for the planting and aftercare of trees of high biodiversity value, appropriate to the location and soil type;
- g) Proposed timings and phasing proposals for the above works in relation to the occupation of the dwellings.

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.”

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

Andrew Taylor
Natural Environment Policy Specialist

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 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/2010/20100490/en/1)

[http://www.legislation.gov.uk/uksi/2010/20100490_en_1](http://www.legislation.gov.uk/uksi/2010/20100490/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 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.