

# **Habitats Regulations Assessment**

---

## **Stage 1 Significance Test and Stage 2 Appropriate Assessment, July 2025**

---

**Planning permission for the development of 593 No. dwellings 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**

Planning permission for the development of 593 No. dwellings 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

Significance Test

## **Title of Plan**

Planning permission for the development of 593 No. dwellings and lake, along with associated infrastructure, including landscaping, public open space and play area, pedestrian and cycle links, pumping station and sub-station.

## **Location of Plan or Project /Application**

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

Ordnance Survey Grid Reference: SE861086

## **International Nature Conservation Sites**

Humber Estuary Special Protection Area (SPA)

Humber Estuary Special Conservation Area (SAC) and Ramsar site

## **Description of Project** (adapted from the submitted Planning Statement)

The application site is situated to the east of the M181 and north of the B1450 Burringham Road, Scunthorpe, and comprises two arable fields extending to approximately 24.95 hectares in area. The boundaries of the Site are demarcated to the north by a drainage ditch with land in agricultural use beyond; to the east by Carisbrooke Manor Lane with Carisbrooke Manor care home and several residential properties beyond; to the south, in-part by the B1450 Burringham Road with a farmhouse within land in agricultural use and the edge of Ashby Decoy Golf Club beyond and in-part by land in agricultural use; and to the west by the M181 with land in agricultural use beyond.

The proposed development includes the delivery of 593 new dwellings at a net density of 36 dwellings per hectare across the application site. The dwellings will comprise a range of sizes, from smaller 2 to 3-bedroomed properties to larger 3 to 4-bedroom family properties, across a mixture of detached, semi-detached and terraced properties and bungalows.

The proposed development includes extensive open space, including a central green (which includes a LEAP facility), a green corridor, a large new lake and a lakeside area and swales that will run adjacent to the primary streets and along the green corridor.

The main point of access into the proposed development will be via a roundabout that already benefits from full planning permission. A secondary vehicular access for the Site will be delivered further eastwards along the B1450 Burringham Road by way of a new priority T-junction, which will help facilitate a bus loop through the Proposed Development. The primary streets within the proposed development will have a carriageway width of 6.75m sufficient to accommodate public transport. Secondary streets will have a carriageway width of 4.8 to 5.5m, shared surface streets an overall width of 6.5m and private drives a carriageway width of between 4.5 to 6m.

The Site lies approximately 12.1 km south of the Humber Estuary Special Protection Area (SPA), and 2.5 km south east of the Humber Estuary Special Area of Conservation (SAC), Ramsar and Site of Special Scientific Interest.

### **Details of Wintering and Passage Birds**

The applicant has provided details of five spring passage survey visits carried out in March and April 2024, employing vantage point survey methods, but with a second surveyor walking a transect at the same time. Compared to static or vantage point methods, the transect survey approach may be expected to create a greater risk of flushing birds that may have been present at the start of the survey and discouraging further birds from landing. In terms of waterbirds potentially associated with the Humber Estuary, the surveys only revealed the presence of an individual lapwing on a single visit. Pink-footed and greylag geese flew over the site in small numbers.

In December 2024, the applicant provided details of a further three spring passage survey visits carried out in May 2024 and eight autumn passage survey visits carried out in August to October 2024. The same combined transect and vantage point methods were employed. In terms of waterbirds potentially associated with the Humber Estuary, the surveys only revealed the presence of two oystercatchers on a single visit. Mallard and greylag geese flew over the site in small numbers.

No other wintering or passage bird survey information has been provided for the site itself.

The applicant has also provided wintering and passage bird survey information for adjacent land within the Lincolnshire Lakes Area Action Plan area. These surveys were carried out between October 2022 and March 2023, and October 2023 and March 2024. These surveys were carried out using walked transects, with stop-offs. Transect routes have not been provided. In this assessment, survey results have been assessed with an assumption that the transects were carried out so as to minimise the potential for disturbance to birds. This appears to be confirmed by the ecologists' report of methods (FPCR 2025):

“ When arriving on-site, any notable birds present were initially observed at a distance from a viewpoint. This process was repeated at several viewpoints around the Site, as required. The route was therefore adapted so that any birds present could be

carefully followed, with a suitable distance maintained at all times to minimise any risk of the surveyor altering bird behaviour. Information was recorded on bird behaviour, paying particular attention to any behavioural changes and their potential cause."

The FPCR surveys revealed no Humber Estuary SPA/Ramsar interest features or assemblage species in numbers at or above 1% of the 5 year Humber mean peak as at 2022/23. Species such as pink-footed goose, wigeon, mallard, teal, avocet, lapwing, golden plover and redshank were recorded in numbers below the 1% threshold. No curlew were recorded (this is a species for which numbers below the 1% threshold may be treated as significant).

### **Further Details of Wintering and Passage Birds**

At the beginning of the 2024/25 wintering bird survey season, no wintering bird survey information had been provided by the applicant and there was a risk that a further survey season could pass without surveys being carried out. North Lincolnshire Council staff undertook to carry out the first few survey visits while arrangements for subsequent surveys were being agreed. Surveys were carried out approximately fortnightly between October and early December employing a vantage point method for an hour on each visit (Taylor & Morley 2024).

515 lapwing, one curlew and one oystercatcher were recorded in the early November survey visit (08 November 2024), soon after the application site had been ploughed (ibid.). Otherwise, there were no records of waterbirds potentially associated with the Humber Estuary using the survey site.

In May 2025, the applicant submitted the results of further transect surveys carried out between October 2024 and March 2025 (Arnold 2025). Judging from the transect routes supplied, the surveyors walked within 100 metres of all parts of the application site during the surveys. 70 lapwing were recorded on-site on 29 October, representing <1% of the 5 year Humber mean Peak for this species as at 2022/23. Thus, surveys carried out one week before and four days after the council's record of 515 lapwing did not record significant numbers of this or other waterbird species- though the survey methods may have discouraged lapwing from landing. Otherwise, the only records of waterbirds potentially associated with the Humber Estuary were of birds flying past the application site.

### **The Habitats Regulations Assessment Process**

The process is described in detail in Circular 06/2005. The Council has followed the Circular as closely as possible. The main stages in the process are as follows. Note that if there are no harmful effects on the features of the International Nature Conservation Sites, or if these effects can be prevented, not all of the stages will be required.

- Determination of Likely Significant Effect
- Appropriate Assessment with regard to site Conservation Objectives.
  - Determine whether there will be an Adverse Effect on the Integrity (AEOI) of the International Nature Conservation Sites with reference to all the relevant interest features.
  - Consider possible restrictions and conditions.
  - Consider alternative approaches.
  - Consider any Imperative Reasons of Over-riding Public Interest (IROPI).

Put simply, the Local Planning Authority can only grant planning permission if, at a given stage above, it can be ascertained that the proposal would not adversely affect the integrity of the International Nature Conservation Sites. Even if, at a late stage in considerations, IROPI were found to apply, compensatory measures would need to be provided.

Circular 06/2005 describes the key decision to be made as follows:

“In the light of the conclusions of the assessment of the project’s effects on the site’s conservation objectives, the decision-taker must determine whether it can ascertain that the proposal will not adversely affect the integrity of the site(s). The integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified. It is not for the decision-taker to show that the proposal would harm the site, in order to refuse the application or appeal. It is for the decision-taker to consider the likely and reasonably foreseeable effects and to ascertain that the proposal will not have an adverse effect on the integrity of the site before it may grant permission. If the proposal would adversely affect integrity, or the effects on integrity are uncertain but could be significant, the decision-taker should not grant permission, subject to the provisions of regulations 49 and 53 as described below.”

“..In the Waddenzee judgment, the European Court of Justice ruled that a plan or project may be authorised only if a competent authority has made certain that the plan or project will not adversely affect the integrity of the site. “That is the case where no reasonable scientific doubt remains as to the absence of such effects”. Competent national authorities must be “convinced” that there will not be an adverse effect and where doubt remains as to the absence of adverse effects, the plan or project must not be authorised, subject to the procedure outlined in Article 6(4) of the EC Habitats Directive regarding imperative reasons of overriding public interest.” – ODPM 2005.

**Box 1- Government Guidance on the Determination of Likely Significant Effect (LSE)** ([www.gov.uk](http://www.gov.uk) accessed 20 May 2021)

**Screening**

This step is a simple assessment to check or screen if a proposal:

- is directly connected with or necessary for the conservation management of a European site
- risks having a significant effect on a European site on its own or in combination with other proposals

You should consider the proposal's integral design features or characteristics, such as its layout, timing and location to inform your screening decision. These may mean that any risk to a European site is avoided and you do not need to do an appropriate assessment.

At this stage, you should not consider any mitigation measures included by the proposer for the purpose of avoiding or minimising risk to a European site. These mitigation measures need to be considered at the appropriate assessment stage.

**Conservation management proposals**

You must first check if the whole proposal is for the conservation management of the habitats or species for which the European site has been designated. If it is, you do not need to carry out an appropriate assessment.

You must continue screening the proposal if it contains:

- conservation management that could negatively affect a different feature or a different European site
- non-conservation management activities, such as development, commercial operations or recreational events

**Assess the likely significant effect**

You must check if the proposal could have a significant effect on a European site that could affect its conservation objectives.

You should check if there's a risk or possibility of a significant effect based on the evidence. You should only consider real, not hypothetical risk.

[...]

You should consider:

- the area over which the proposed activity would take place
- any overlaps or interaction with the protected features of a site in a direct or indirect way
- the effect of any essential parts of the proposal, such as its location, timing or design

If you cannot rule out the risk of the proposal having a significant effect, you will need to do an appropriate assessment.

**Check for combined effects**

Your proposal alone may have an effect on a European site that's not significant. You must check if this effect could combine with any other proposal planned or underway and affects the same site, that on its own also does not have a significant effect. If, in combination, your proposal could have a significant effect on the European site, you will need to do an appropriate assessment.

Check for proposals being dealt with by other competent authorities, such as:

- applications for a new permission
- applications to change an existing permission
- granted permissions that have not begun or been completed
- granted permissions that need renewing
- plans that have been drafted but not yet adopted

A proposal, alone or in combination with other proposals, could cause a significant effect on a European site if there's:

- a reduction in the amount or quality of designated habitats or the habitats that support designated species
- a limit to the potential for restoring designated habitats in the future
- a significant disturbance to the designated species
- disruption to the natural processes that support the site's designated features
- only reduction or offset measures in place

If there's no likely significant effect on the site, either alone or in combination, then you do not need to carry out an appropriate assessment.

You should record your screening decision and your reasons for it.

**Potential Hazards**

Potential hazards to the features of the International Nature Conservation Sites that have been considered are as follows, in accordance with Natural England's letter of 07 February 2024 (Revised 21 October 2024):

- Loss of functionally-linked land supporting birds associated with the Humber Estuary SPA/Ramsar Site.
- Recreational pressure/disturbance to Humber Estuary SAC/SPA/Ramsar interest features
- Water quality impacts on Humber Estuary SAC/Ramsar habitats and habitats used by SPA/Ramsar interest features.
- Aerial deposition of pollutants due to traffic emissions.

### **Loss of functionally-linked land supporting birds associated with the Humber Estuary.**

Natural England has advised that, “..In this case, we advise that likely significant effect [in relation to loss of functionally linked land] cannot be ruled out at the screening stage, due to the proximity the Humber Estuary Ramsar site and potential habitat suitability for Ramsar birds. Therefore, we advise that the bird survey results and other relevant data should be considered at the appropriate assessment stage of the HRA and Natural England must be consulted on any appropriate assessment your authority may decide to make.”

### **Recreational pressure/disturbance to SPA/Ramsar interest features**

Natural England has advised that, “..it is not possible to rule out likely significant effects from potential recreational pressure / disturbance impacts to the Humber Estuary SAC / SPA / Ramsar at the screening stage of the HRA. An appropriate assessment should therefore be undertaken to further assess recreational disturbance impacts, with any relevant mitigation measures included where appropriate.”

### **Water quality impacts on Humber Estuary SAC/Ramsar habitats and habitats used by SPA/Ramsar interest features**

Surface water drainage will be to swales and ditches, providing a degree of pollution treatment before surface waters enter the lake onsite. The proposed lake will be around 2.5 km from the outfall to the River Trent, which in turn is around 1km upstream of the SAC and Ramsar site. Any water pollution arising from the development, in either the construction or operational phase is not likely to be detectable within the Humber Estuary SAC/Ramsar site.

There is no likely significant effect on the Humber Estuary SAC, SPA or Ramsar site due to water quality impacts.

### **Aerial deposition of pollutants due to traffic emissions.**

For the Habitats Regulations Assessment (HRA) for the North Lincolnshire new Local Plan, Natural England has advised the council to carry out “an assessment of the increase in annual average daily traffic flows (AADT) close to roads that fall within 200m of a designated site. If the AADT increase is less than 1,000 cars per day, then it can be screened out of further assessment.” (Kate Wheeler, pers. comm.).

Nearly all roads that come within 200m of the Ramsar/SAC/SPA can be ruled out based on the TEMPro growing of traffic counts, which show that there would not be an increase of more than 1,000 vehicles AADT over the plan period (James Durham, pers. comm.). Traffic

crossing the Humber Bridge will be considered as part of the Local Plan HRA. However, the construction of 593 dwellings near Scunthorpe is not likely to increase Bridge traffic significantly.

Therefore, there is no likely significant effect on the Humber Estuary SAC, SPA or Ramsar site due to aerial deposition of pollutants due to traffic emissions.

### **In-combination Plans and Projects.**

The proposed project would have the following effects alone. Therefore, it is not necessary at this stage to consider whether this project would act in combination with other plans or projects in relation to these effects (DTA Publications):

- Loss of functionally-linked land supporting birds associated with the Humber Estuary.
- Recreational pressure/disturbance to SPA/Ramsar interest features; and

The following pressures, attributable to the project, are so minor that effects in-combination with other plans or projects are not likely:

- Water quality impacts on Humber Estuary SAC/Ramsar habitats and habitats used by SPA/Ramsar interest features;
- Aerial deposition of pollutants due to traffic emissions.

### **Determination of Likely Significant Effect under the Conservation of Habitats and Species Regulations 2017 (as amended)**

1. North Lincolnshire Council does not consider that the plan or project is directly connected with, or necessary to, the management of the Humber Estuary Special Protection Area (SPA) and Ramsar site or Humber Estuary Special Conservation Area (SAC) for nature conservation.
2. North Lincolnshire Council is of the opinion that the plan or project is likely to have a significant effect alone or in combination with other plans and projects on the Humber Estuary Special Protection Area (SPA).

North Lincolnshire Council is of the opinion that the plan or project is likely to have a significant effect alone or in combination with other plans and projects on the Humber Estuary Special Conservation Area (SAC) and Ramsar site

## Overall Conclusion

North Lincolnshire Council is of the opinion that an appropriate assessment is required to determine the implications of the project in view of the sites' conservation objectives for the European interest. The appropriate assessment will initially consider the effects of the project alone. The potential impacts requiring appropriate assessment are as follows:

- Loss of functionally-linked land supporting birds associated with the Humber Estuary.
- Recreational pressure/disturbance to SAC/SPA/Ramsar interest features.

Signed



Date 22 October 2025

Designation: Natural Environment Policy Specialist

## Summary of Determination of Likely Significant Effect (LSE) on International Nature Conservation Site Interest Features

### Humber Estuary Special Area of Conservation (SAC) Interest Features

Interest Feature	Likely Significant Effect	Reason
1. Coastal lagoons	No LSE	Feature not found in or near application site
2. Fixed dunes with herbaceous vegetation ("grey dunes")	No LSE	Feature not found in or near application site
3. Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> )	No LSE	Feature not found in or near application site
4. Dunes with <i>Hippophae rhamnoides</i> sea-buckthorn.	No LSE	Feature not found in or near application site
5. Embryonic shifting dunes	No LSE	Feature not found in or near application site
6. <i>Lampetra fluviatilis</i> River lamprey.	No LSE	Feature not found in or near application site
<b>7. Mudflats and sandflats not covered by seawater at low tide</b>	<b>LSE</b>	<b>The Humber Estuary SAC lies about 2.5 km to the west of the application site. The impact of air pollution on the SAC will be insignificant. Surface water drainage will be via swales and the lake, providing a significant degree of pollution attenuation long before any waters enter the River Trent. However, the potential for recreational disturbance to SAC features has been highlighted by Natural England.</b>
8. <i>Petromyzon marinus</i> Sea lamprey	No LSE	Feature not found in or near application site
9. <i>Salicornia</i> and other annuals colonising mud and sand	No LSE	Feature not found in or near application site
10. Sandbanks which are slightly covered by sea water all the time	No LSE	Feature not found in or near application site
11. Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("white dunes")	No LSE	Feature not found in or near application site
<b>12. Estuaries</b>	<b>LSE</b>	<b>The Humber Estuary SAC lies about 2.5 km to the west of the application site. The impact of air pollution on the SAC will be insignificant. Surface water drainage will be via swales and the lake, providing a significant degree of pollution attenuation long before any waters enter the River Trent. However, the potential for recreational disturbance to SAC features has been highlighted by Natural England.</b>
13. <i>Halichoerus grypus</i> Grey seal	No LSE	Feature not found in or near application site

## Humber Estuary Special Protection Area (SPA) Interest Features

### Qualifying species

The site qualifies under **article 4.1** of the Directive (79/409/EEC) as it is used regularly by 1% or more of the Great Britain populations of the following species listed in Annex I in any season:

Annex 1 species	Count and season	Likely Significant Effect	Reason
Avocet <i>Recurvirostra avosetta</i>	59 individuals – wintering	No LSE	Species not recorded nearby.
Bittern <i>Botaurus stellaris</i>	4 individuals – wintering	No LSE	Species not recorded nearby.
Hen harrier <i>Circus cyaneus</i>	8 individuals – wintering	No LSE	Species not recorded nearby.
Golden plover <i>Pluvialis apricaria</i>	30,709 individuals – wintering	No LSE	<1% of estuary population recorded on adjacent farmland. The application site comprises arable land of similar character to the survey area. However, the application site lies closer to housing, so is likely to be more prone to disturbance and less suitable for wintering and passage golden plover than the adjacent land. The application site lies 12km from the SPA, suggesting that any birds present are unlikely to be closely associated with the SPA. The application site is not considered to be functionally-linked land supporting golden plover associated with the Humber Estuary SPA.
Bar-tailed godwit <i>Limosa lapponica</i>	2,752 individuals – wintering	No LSE	Species not recorded nearby.
Ruff <i>Philomachus pugnax</i>	128 individuals – passage	No LSE	Species not recorded nearby.
Bittern <i>Botaurus stellaris</i>	2 booming males – breeding	No LSE	Species not recorded nearby.
Marsh harrier <i>Circus aeruginosus</i>	10 females – breeding	No LSE	Species not recorded nearby.
Avocet <i>Recurvirostra avosetta</i>	64 pairs – breeding	No LSE	Species not recorded nearby.
Little tern <i>Sterna albifrons</i>	51 pairs – breeding	No LSE	Species not recorded nearby.

The site qualifies under **article 4.2** of the Directive (79/409/EEC) as it is used regularly by 1% or more of the biogeographical populations of the following regularly occurring migratory species (other than those listed in Annex I) in any season:

<b>Migratory species</b>	<b>Count and season</b>	<b>Likely Significant Effect</b>	<b>Reason</b>
Shelduck <i>Tadorna tadorna</i>	4,464 individuals – wintering	No LSE	Species not recorded nearby.
Knot <i>Calidris canutus</i>	28,165 individuals – wintering	No LSE	Species not recorded nearby.
Dunlin <i>Calidris alpina</i>	22,222 individuals – wintering	No LSE	Species not recorded nearby.
Black-tailed godwit <i>Limosa limosa</i>	1,113 individuals – wintering	No LSE	Species not recorded nearby.
Redshank <i>Tringa totanus</i>	4,632 individuals – wintering	No LSE	<1% of estuary population recorded on adjacent farmland. The application site comprises arable land of similar character to the survey area. However, the application site lies closer to housing, so is likely to be more prone to disturbance and less suitable for wintering and passage redshank than the adjacent land. The application site lies 12km from the SPA, suggesting that any birds present are unlikely to be closely associated with the SPA. The application site is not considered to be functionally-linked land supporting redshank associated with the Humber Estuary SPA.
Knot <i>Calidris canutus</i>	18,500 individuals – passage	No LSE	Species not recorded nearby.
Dunlin <i>Calidris alpina</i>	20,269 individuals – passage	No LSE	Species not recorded nearby.
Black-tailed godwit <i>Limosa limosa</i>	915 individuals – passage	No LSE	Species not recorded nearby.

Redshank <i>Tringa totanus</i>	7,462 individuals – passage	No LSE	<1% of estuary population recorded on adjacent farmland. The application site comprises arable land of similar character to the survey area. However, the application site lies closer to housing, so is likely to be more prone to disturbance and less suitable for wintering and passage redshank than the adjacent land. The application site lies 12km from the SPA, suggesting that any birds present are unlikely to be closely associated with the SPA. The application site is not considered to be functionally-linked land supporting redshank associated with the Humber Estuary SPA.
--------------------------------	-----------------------------	--------	---

**Assemblage qualification:**

The site qualifies under **article 4.2** of the Directive (79/409/EEC) as it is used regularly by over 20,000 waterbirds (waterbirds as defined by the Ramsar Convention) in any season:

Interest Feature	Likely Significant Effect	Reason
Over 20,000 waterbirds (waterbirds as defined by the Ramsar Convention) in any season: In the non-breeding season, the area regularly supports 153,934 individual waterbirds	<b>LSE</b>	<p>&lt;1% of estuary population of Pink-footed Goose, Wigeon, Mallard, Teal, Lapwing recorded on adjacent farmland. The application site comprises arable land of similar character to the survey area. However, the application site lies closer to housing, so is likely to be more prone to disturbance and less suitable for wintering and passage waterbirds than the adjacent land. The application site is not considered to be functionally-linked land supporting waterbirds associated with the Humber Estuary.</p> <p><b>However, &gt;1% of the estuary population of lapwing was recorded on-site on one occasion in November 2024 following ploughing. If such use of the site is a consistent feature of lapwing behaviour, then loss of the habitat could be a LSE.</b></p>

**Humber Estuary Ramsar Site Interest Features:**

Interest Feature	Likely Significant Effect	Reason
<b>Criterion 1: near-natural estuary with the following component habitats:</b>		
Dune systems and humid dune slacks	No LSE	Feature not found in or near application site
Estuarine waters	LSE	<p>No LSE The Humber Estuary Ramsar lies about 2.5 km to the west of the application site. The impact of air pollution on the Ramsar will be insignificant. Surface water drainage will be via swales and the lake, providing a significant degree of pollution attenuation long before any waters enter the River Trent.</p> <p><b>However, the potential for recreational disturbance to SAC/Ramsar features has been highlighted by Natural England.</b></p>
Intertidal mud and sand flats	LSE	
Coastal brackish/saline lagoons	No LSE	Feature not found in or near application site
<b>Criterion 5: regularly supports 20,000 or more waterbirds</b>	LSE	<p>&lt;1% of estuary population of Pink-footed Goose, Wigeon, Mallard, Teal, Lapwing recorded on adjacent farmland. The application site comprises arable land of similar character to the survey area. However, the application site lies closer to housing, so is likely to be more prone to disturbance and less suitable for wintering and passage waterbirds than the adjacent land.</p> <p>&lt;1% of estuary population of Lapwing, Mallard, Redshank, Wigeon, Golden Plover, Teal, Shelduck and Curlew recorded along the River Trent (2011/12 Low Tide Counts). There are no public rights of way along the Trent between Keadby Bridge and Alkborough Flats.</p> <p>However, &gt;1% of the estuary population of lapwing was recorded on-site on one occasion in November 2024 following ploughing. If such use of the site is a consistent feature of lapwing behaviour, then loss of the habitat could be a LSE.</p> <p>Natural England has advised that LSE cannot be ruled out at the screening stage. Appropriate Assessment is required with regard to loss of functionally linked land and recreational disturbance of Ramsar waterbirds.</p>
Saltmarshes	LSE	Feature not found in or near application site

<b>Criterion 3: animal species important for maintaining the biological diversity of the biogeographic region:</b>			
Grey seals <i>Halichoerus grypus</i> at Donna Nook	No LSE	Feature not found on or near the application site	
Natterjack toad <i>Bufo calamita</i> at Saltfleetby-Theddlethorpe	No LSE	Feature not found on or near the application site	
<b>Criterion 6: regularly supports 1% of the individuals in the populations of the following species or subspecies of waterbird in any season</b>			
<b>Species</b>	<b>Count and season</b>	<b>Likely Significant Effect</b>	<b>Reason</b>
Shelduck <i>Tadorna tadorna</i>	4,464 individuals – wintering	No LSE	Species not recorded nearby.  Shelduck is not recorded in significant numbers along the River Trent (2011/12 Low Tide Counts), so is not likely to be affected by recreational disturbance.
<b>Golden plover</b> <i>Pluvialis apricaria</i>	<b>30,709 individuals – wintering</b>	<b>LSE</b>	<b>&lt;1% of estuary population recorded on adjacent farmland. The application site comprises arable land of similar character to the survey area. However, the application site lies closer to housing, so is likely to be more prone to disturbance and less suitable for wintering and passage golden plover than the adjacent land.</b>  <b>Golden Plover is not recorded in significant numbers along the River Trent (2011/12 Low Tide Counts).</b>  <b>Natural England has advised that LSE cannot be ruled out at the screening stage. Appropriate Assessment is required with regard to loss of functionally linked land and recreational disturbance of Ramsar waterbirds.</b>
Knot <i>Calidris canutus</i>	28,165 individuals – wintering	No LSE	Species not recorded nearby.
Dunlin <i>Calidris alpina</i>	22,222 individuals – wintering	No LSE	Species not recorded nearby.
Black-tailed godwit <i>Limosa limosa</i>	1,113 individuals – wintering	No LSE	Species not recorded nearby.

Bar-tailed godwit <i>Limosa lapponica</i>	2,752 individuals – wintering	No LSE	Species not recorded nearby.
Redshank <i>Tringa totanus</i>	4,632 individuals – wintering	LSE	<p>&lt;1% of estuary population recorded on adjacent farmland. The application site comprises arable land of similar character to the survey area. However, the application site lies closer to housing, so is likely to be more prone to disturbance and less suitable for wintering and passage redshank than the adjacent land.</p> <p>Redshank is not recorded in significant numbers along the River Trent (2011/12 Low Tide Counts).</p> <p>Natural England has advised that LSE cannot be ruled out at the screening stage. Appropriate Assessment is required with regard to loss of functionally linked land and recreational disturbance of Ramsar waterbirds.</p>
Golden plover <i>Pluvialis apricaria</i>	17,996 individuals – passage	LSE	<p>&lt;1% of estuary population recorded on adjacent farmland. The application site comprises arable land of similar character to the survey area. However, the application site lies closer to housing, so is likely to be more prone to disturbance and less suitable for wintering and passage golden plover than the adjacent land.</p> <p>Golden Plover is not recorded in significant numbers along the River Trent (2011/12 Low Tide Counts).</p> <p>Natural England has advised that LSE cannot be ruled out at the screening stage. Appropriate Assessment is required with regard to loss of functionally linked land and recreational disturbance of Ramsar waterbirds.</p>
Knot <i>Calidris canutus</i>	18,500 individuals – passage	No LSE	Species not recorded nearby.
Dunlin <i>Calidris alpina</i>	20,269 individuals – passage	No LSE	Species not recorded nearby.

Black-tailed godwit <i>Limosa limosa</i>	915 individuals – passage	No LSE	Species not recorded nearby.
Redshank <i>Tringa totanus</i>	7,462 individuals – passage	LSE	<p>&lt;1% of estuary population recorded on adjacent farmland. The application site comprises arable land of similar character to the survey area. However, the application site lies closer to housing, so is likely to be more prone to disturbance and less suitable for wintering and passage redshank than the adjacent land.</p> <p>Redshank is not recorded in significant numbers along the River Trent (2011/12 Low Tide Counts).</p> <p>Natural England has advised that LSE cannot be ruled out at the screening stage. Appropriate Assessment is required with regard to loss of functionally linked land and recreational disturbance of Ramsar waterbirds.</p>
<b>Criterion 8: migration path on which fish stocks, either within the wetland or elsewhere, depend:</b>			
River lamprey <i>Lampetra fluviatilis</i>	No LSE	Feature not found in or near application site	
Sea lamprey <i>Petromyzon marinus</i>	No LSE		

Planning permission for the development of 593 No. dwellings 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

Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)

---

# **1 Summary - Record of Appropriate Assessment in accordance with Habitats Regulations Guidance Note 1**

## **1.1 Title of Plan or Project/Application**

Planning permission for the development of 593 No. dwellings and lake, along with associated infrastructure, including landscaping, public open space and play area, pedestrian and cycle links, pumping station and sub-station.

## **1.2 Location of Plan or Project /Application**

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

Ordnance Survey Grid Reference: SE861086

## **1.3 International Nature Conservation Site**

Humber Estuary Special Protection Area (SPA)  
Humber Estuary Special Conservation Area (SAC) and Ramsar site

## **1.4 Nature/Description of Plan or Project/Application**

The proposed development includes the delivery of 593 new dwellings at a net density of 36 dwellings per hectare across the application site. The dwellings will comprise a range of sizes, from smaller 2 to 3-bedroomed properties to larger 3 to 4-bedroom family properties, across a mixture of detached, semi-detached and terraced properties and bungalows. There will be a network of streets and roads connecting to Burringham Road and a new roundabout off the M181

The proposed development includes extensive open space, including a central green (which includes a LEAP facility), a green corridor, a large new lake and a lakeside area and swales that will run adjacent to the primary streets and along the green corridor.

The Site lies approximately 12.1 km south of the Humber Estuary Special Protection Area (SPA), and 2.5 km south east of the Humber Estuary Special Area of Conservation (SAC), Ramsar and Site of Special Scientific Interest.

## **Date Appropriate Assessment recorded: 22 October 2025**

1.5 This is a record of the appropriate assessment, required by Regulation 63 of the Habitats Regulations 2017, as amended, undertaken by North Lincolnshire Council in respect of the above plan/project. Having considered that the plan or project would be likely to have a significant effect on the Humber Estuary SAC, SPA and Ramsar site and that the plan or project was not directly connected with or necessary to the management of the site, an appropriate assessment has been undertaken of the implications of the proposal in view of the site's conservation objectives.

1.6 Natural England was consulted under Reg.63(3) on 09 August 2023 and replied on 12 September 2023 and subsequent occasions; comments expressed by the

organisation have helped to formulate this version of the Habitats Regulations Assessment.

1.7 The opinion of the general public was not formally taken under Reg.63(4).

1.8 The sites' conservation objectives have been taken into account, including consideration of the situation for the site and information supplied by Natural England (See Appendix 3). The likely effects of the proposal on the international nature conservation interests for which the site was designated may be summarised as:

- Loss of functionally-linked land supporting birds associated with the Humber Estuary.
- Recreational pressure/disturbance to SAC/SPA/Ramsar interest features.

1.9 The assessment has concluded that the plan or project as proposed would adversely affect the integrity of the site.

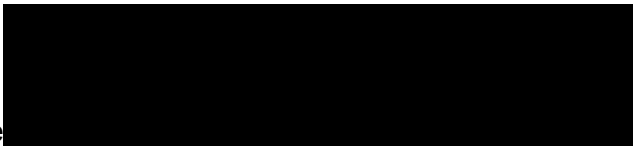
1.10 The imposition of restrictions on the way the proposal is to be carried out has been considered and it is ascertained that:

~~\*a) conditions or restrictions cannot overcome the adverse effects on the integrity of the site.~~

Or

b) the measures listed in section 8 of this document would avoid adverse effects on the integrity of the site.

Signature



Date 22 October 2025

Designation Natural Environment Policy Specialist

## **2 Introduction**

- 2.1 The project assessed here is the development of 593 dwellings and a lake, along with associated infrastructure, including landscaping, public open space and play area, pedestrian and cycle links, pumping station and sub-station. The site is east of the M181 and north of Burringham Road, Scunthorpe.
- 2.2 North Lincolnshire Council has determined that:
  - 2.2.1 The plan or project is not directly connected with, or necessary to, the management of the Humber Estuary Special Conservation Area (SAC), Humber Estuary Special Protection Area (SPA) or Ramsar site for nature conservation.
  - 2.2.2 The plan or project is likely to have a significant effect alone or in combination with other plans and projects on the Humber Estuary Special Protection Area (SPA).
  - 2.2.3 The plan or project is likely to have a significant effect alone or in combination with other plans and projects on the Humber Estuary Special Conservation Area (SAC) and Ramsar site.
- 2.3 Therefore, as the Competent Authority for the plan or project, North Lincolnshire Council must carry out an appropriate assessment in accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017, as amended.
- 2.4 This document is the formal record of that process.

## **3 The Appropriate Assessment Process**

- 3.1 The process is described in detail in Circular 06/2005. The Council has followed the Circular as closely as possible. The main stages in the process are as follows. Note that if there are no harmful effects on the features of the Humber Estuary, or if these effects can be prevented, not all of the stages will be required.
  - 3.1.2.1 Determination of Likely Significant Effect
  - 3.1.2.2 Appropriate Assessment with regard to site Conservation Objectives.
  - 3.1.2.3 Determine whether there will be an Adverse Effect on the Integrity (AEOI) of the International Nature Conservation Sites with reference to all the relevant interest features.
  - 3.1.2.4 Consider possible restrictions and conditions.
  - 3.1.2.5 Consider alternative approaches.
  - 3.1.2.6 Consider any Imperative Reasons of Over-riding Public Interest (IROPI).
- 3.2 Put simply, the Local Planning Authority can only adopt the plan if, at a given stage in 3.1 above, it can be ascertained that the proposal would not adversely affect the integrity of the International Nature Conservation Sites. Even if, at a

late stage in considerations, IROPI and no alternatives were found to apply, compensatory measures would need to be provided.

### 3.3 Circular 06/2005 describes the key decision to be made as follows:

3.3.1 “In the light of the conclusions of the assessment of the project’s effects on the site’s conservation objectives, the decision-taker must determine whether it can ascertain that the proposal will not adversely affect the integrity of the site(s). The integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified. It is not for the decision-taker to show that the proposal would harm the site, in order to refuse the application or appeal. It is for the decision-taker to consider the likely and reasonably foreseeable effects and to ascertain that the proposal will not have an adverse effect on the integrity of the site before it may grant permission. If the proposal would adversely affect integrity, or the effects on integrity are uncertain but could be significant, the decision-taker should not grant permission, subject to the provisions of regulations 49 and 53 as described below.”

3.3.2 “... In the Waddenzee judgment, the European Court of Justice ruled that a plan or project may be authorised only if a competent authority has made **certain** that the plan or project will not adversely affect the integrity of the site. *“That is the case where no reasonable scientific doubt remains as to the absence of such effects”*. Competent national authorities must be **“convinced”** that there will not be an adverse affect and where doubt remains as to the absence of adverse affects, the plan or project must not be authorised, subject to the procedure outlined in Article 6(4) of the EC Habitats Directive regarding imperative reasons of overriding public interest.” – ODPM 2005.

#### **Box 3- Government Guidance on the Appropriate Assessment** ([www.gov.uk](http://www.gov.uk) accessed 20 May 2021)

You must carry out an appropriate assessment if you:

- decide there’s a risk of a likely significant effect on a European site
- do not have enough evidence to rule out a risk

The assessment should be:

- more detailed and thorough than the screening check
- appropriate for the nature and complexity of the proposal and allow you to carry out the integrity test

Your appropriate assessment should:

- assess the likely significant effects of a proposal on the integrity of the site and its conservation objectives
- consider ways to avoid or reduce (mitigate) any potential for an ‘adverse effect on the integrity of the site’

### **Test the integrity of the site**

Your appropriate assessment must show whether an adverse effect on the integrity of the site from the proposal can be ruled out or not.

The integrity of the site will be adversely affected if a proposal could, for example:

- destroy, damage or significantly change all or part of a designated habitat
- significantly disturb the population of a designated species, for example, its breeding birds or hibernating bats
- harm the site's ecological connectivity with the wider landscape, for example, harm a woodland that helps to support the designated species from a nearby European site
- harm the site's ecological function, or its ability to survive damage, and reduce its ability to support a designated species
- change the site's physical environment, for example, by changing the chemical makeup of its soil, increasing the risk of pollution or changing the site's hydrology
- restrict access to resources outside the site that are important to a designated species, for example, food sources or breeding grounds
- prevent or disrupt restoration work, or the potential for future restoration, if it undermines the site's conservation objectives

You must be able to rule out all reasonable scientific doubt that the proposal would not have an adverse effect on the integrity of the site before you can allow the proposal to go ahead.

### **How to assess effects on site integrity**

To carry out the assessment and apply the integrity test, you should consider:

- the ecological requirements, conservation objectives and the current conservation status (if known) of the site's designated features that might be affected by the proposal
- each potential effect on the European site, including the risk of combined effects with other proposals, and how they might impact on the site's conservation objectives
- the scale, extent, timing, duration, reversibility and likelihood of the potential effects
- how certain you are of the effects occurring
- mitigation measures that have been proposed or conditions you can attach to avoid or limit the effects
- how confident you can be that mitigation measures will be effective over the whole lifetime of the proposal - for example, the effects of construction, operation and decommissioning

You must consult the relevant SNCB and you should send them a copy of your draft appropriate assessment. You must consider the advice you get back. You should only disagree with the advice if you have a good reason.

You should keep a record of your final appropriate assessment, particularly if you're not following the SNCB's advice. You may need it as evidence if, for example, there's an appeal or freedom of information request.

If you're a local planning authority in England making a decision on planning applications, you should read the guide about appropriate assessments and legal implications on neighbourhood plans and permissions in principle.

### **Consider mitigation measures**

As part of your appropriate assessment, you should consider any mitigation measures that have been included as part of the proposal to remove or reduce potential adverse effects.

You or the proposer can get advice on mitigation measures from the relevant SNCB or an ecological adviser.

You should assess what difference the mitigation measures would make to the effects of the proposal on the site. You must be sure that the mitigation will be effective. To do this, your assessment will need to show:

- how the measures would be implemented and monitored, and how long for
- how you would enforce the measures if you had to
- how certain you are that the measures would work to avoid or reduce effects on the site
- how long it will take for the measures to take effect
- the level of success you expect, or what changes you'd make if monitoring shows the measures may fail

You must make sure that any necessary mitigation measures are put in place now and not wait for adverse effects to happen first.

### **Attach conditions**

If mitigation measures are needed to avoid adverse effects, you should attach conditions or take other necessary steps to make sure the measures are carried out.

You can make conditions flexible. For example, you could remove conditions if it's clear from monitoring that the risk of negative effects is lower than first thought. You should consult the relevant SNCB to make sure the new conditions are still effective.

You should be sure you can enforce the conditions if you need to, and that the proposer is capable of fulfilling them.

### **Design or method conditions**

You can attach conditions to the design features or methods of a proposal to avoid damaging sensitive habitats.

For example, for construction work near a watercourse, you could include the condition of creating a bund to stop sediment or pollution getting into the watercourse.

### **Timing conditions**

You can attach timing conditions to avoid work taking place during sensitive times of year or day.

For example, to avoid disturbing:

- birds, seals and bats during their breeding season
- birds on land or at sea when they're resting or feeding during the winter months

### **Monitoring conditions**

You can attach monitoring conditions to check whether the mitigation measures are working as expected. You can use monitoring as an early warning to identify the risk of any new potential impacts.

Monitoring conditions should clearly state what action the proposer will need to take to make sure adverse effects do not occur if either the:

- impacts are likely to be greater than expected
- mitigation might not be working as expected

[...]

### **Decide if the proposal passes or fails the integrity test**

A proposal will pass the integrity test if your appropriate assessment can show that there is no reasonable scientific doubt that the proposal will not have an adverse effect on the integrity of the site.

This means you can carry out, allow or adopt the proposal - after assessing any other factors that you need to consider - such as noise pollution, landscape damage or flood risk.

If the proposal fails the integrity test because you cannot rule out an adverse effect on site integrity, you must reject the proposal in its current form. This means permission is not granted. The work cannot go ahead or the plan cannot be adopted unless it can pass 3 legal tests and be granted an exception, known as a 'derogation'

#### **4 Description of Development** (adapted from the submitted Planning Statement)

The application site is situated to the east of the M181 and north of the B1450 Burringham Road, Scunthorpe, and comprises two arable fields extending to approximately 24.95 hectares in area. The boundaries of the Site are demarcated to the north by a drainage ditch with land in agricultural use beyond; to the east by Carisbrooke Manor Lane with Carisbrooke Manor care home and several residential properties beyond; to the south, in-part by the B1450 Burringham Road with a farmhouse within land in agricultural use and the edge of Ashby Decoy Golf Club beyond and in-part by land in agricultural use; and to the west by the M181 with land in agricultural use beyond.

The proposed development includes the delivery of 593 new dwellings at a net density of 36 dwellings per hectare across the application site. The dwellings will comprise a range of sizes, from smaller 2 to 3-bedroomed properties to larger 3 to 4-bedroom family properties, across a mixture of detached, semi-detached and terraced properties and bungalows.

The proposed development includes extensive open space, including a central green (which includes a LEAP facility), a green corridor, a large new lake and a lakeside area and swales that will run adjacent to the primary streets and along the green corridor.

The main point of access into the proposed development will be via a roundabout that already benefits from full planning permission. A secondary vehicular access for the Site will be delivered further eastwards along the B1450 Burringham Road by way of a new priority T-junction, which will help facilitate a bus loop through the Proposed Development. The primary streets within the proposed development will have a carriageway width of 6.75m sufficient to accommodate public transport. Secondary streets will have a carriageway width of 4.8 to 5.5m, shared surface streets an overall width of 6.5m and private drives a carriageway width of between 4.5 to 6m.

The Site lies approximately 12.1 km south of the Humber Estuary Special Protection Area (SPA), and 2.5 km south east of the Humber Estuary Special Area of Conservation (SAC), Ramsar and Site of Special Scientific Interest.

#### **5 Summary of Likely Significant Effects on the International Nature Conservation Sites**

5.1 Loss of functionally-linked land supporting birds associated with the Humber Estuary.

5.2 Recreational pressure/disturbance to SAC/SPA/Ramsar interest features.

## **6 Loss of functionally-linked land supporting birds associated with the Humber Estuary.**

### **6.1 Likely Significant Effect**

6.1.1 Natural England has advised that, “..In this case, we advise that likely significant effect [in relation to loss of functionally linked land] cannot be ruled out at the screening stage, due to the proximity the Humber Estuary Ramsar site and potential habitat suitability for Ramsar birds. Therefore, we advise that the bird survey results and other relevant data should be considered at the appropriate assessment stage of the HRA and Natural England must be consulted on any appropriate assessment your authority may decide to make.”

### **6.2 Conservation Objectives**

6.2.1 Where a likely significant effect has been identified, loss of functionally linked land could prejudice the following elements of the Humber Estuary SPA conservation objectives in relation to the assemblage of passage waterbirds:

- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

6.2.2 SPA objectives provide a useful framework for the consideration of likely significant effects on the Humber Estuary Ramsar site, given that the Ramsar Information Sheet does not set out conservation objectives.

### **6.3 Further Assessment**

#### **6.3.1 Lincolnshire Environmental Records Centre (LERC)**

6.3.1.1 The applicant’s ecologists carried out a data search with the Lincolnshire Environmental Records Centre (LERC). Such searches reveal records of protected, priority, local priority and non-native species. In terms of Ramsar waterbirds, this includes species such as lapwing and curlew, but not species such as golden plover which do not meet the search criteria. The applicant’s shadow Habitats Regulations Assessment (sHRA) notes records of ruff and redshank within 2km of the centre of the application site. This assessment assumes that references to the North and East Yorkshire Data Centre in the sHRA are erroneous.

6.3.1.2 North Lincolnshire Council carried out a similar 2km radius data search on 03 October 2024. Records from irrelevant data-rich sites, such as Butterwick Hale (1600 metres away) and Brumby Common (nearly 1700 metres away), were filtered out. Almost all of the remaining records were of low resolution (tetrad or 4-figure grid reference) or were attributed only to “Scunthorpe”, giving little useful information about the actual location of records in relation to the application site. There was one November 2011 record of a small

number of lapwing (25 no.) in a field immediately to the north of the application site. This appears to relate to drawing of “November Flock Locations” from the Lincolnshire Lakes Area Action Plan evidence base (URS 2011). None of the other records from the URS November and December 2011 surveys were east of the M181.

### 6.3.2 Lincolnshire Lakes Desktop Bird Study

- 6.3.2.1 Also in 2011, Graham Catley of Nyctea Ltd carried out a “Lincolnshire Lakes Desktop Bird Study” for a wind turbine planning application (PA/2011/1386). For this study, “Records of qualifying species were extracted from the annual reports of the Scunthorpe Museum Society, Ornithological section, in addition to which observations by Graham Catley, Nyctea Ltd, over 30 years were added.”
- 6.3.2.2 The current application site is represented by field numbers 65 and 66 in the report. No bird records are noted for these fields or the neighbouring fields numbered 48, 60-70 and 96-101.
- 6.3.2.3 In terms of golden plover, the report notes that “Within the study site Golden Plover flocks area [sic] frequently found in the block of fields bounded by the A18, A 1077 and B1216.” This core area lies around 2.5 km north-west of the application site.
- 6.3.2.4 The report highlights lapwing occurring largely north of the A18 and west of the M181. Neither curlews nor pink-footed geese were recorded in the Lincolnshire Lakes study area and redshanks were not recorded near the current application site. These are the only Ramsar-listed waterbirds considered likely to occur in significant numbers in inland fields.

### 6.3.3 2024 Spring Passage Survey

- 6.3.3.1 Ecus Ltd have reported on eight on-site bird surveys carried out between 23 March and 25 May 2024, employing vantage point survey methods, but with a second surveyor walking a transect at the same time. Compared to static or vantage point methods, the transect survey approach may be expected to create a greater risk of flushing birds that may have been present at the start of the survey and discouraging further birds from landing. No waterbirds associated with the Humber Estuary SPA or Ramsar site were noted in significant numbers. The single lapwing recorded was likely to be attempting to establish a breeding territory rather than being a passage bird.

### 6.3.4 2024 Autumn Passage Survey

- 6.3.4.1 Ecus Ltd have reported on eight on-site bird surveys carried out between 08 August and 17 October 2024. The same combined transect and vantage point methods were employed. No waterbirds associated with the Humber Estuary SPA or Ramsar site were noted

in significant numbers, though it is possible that that the presence of the transect surveyor may have discouraged use of the site by waterbirds.

#### 6.3.5 2024 Wintering Bird Survey

- 6.3.5.1 At the beginning of the 2024/25 wintering bird survey season, no wintering bird survey information had been provided by the applicant and there was a risk that a further survey season could pass without surveys being carried out. North Lincolnshire Council staff undertook to carry out the first few survey visits while arrangements for subsequent surveys were being agreed. Surveys were carried out approximately fortnightly between October and early December for an hour per visit, employing a vantage point method (Taylor & Morley 2024).
- 6.3.5.2 515 lapwing, one curlew and one oystercatcher were recorded in the early November survey visit, soon after the application site had been ploughed (ibid.). Otherwise, there were no records of waterbirds potentially associated with the Humber Estuary using the survey site.
- 6.3.5.3 Lapwings are noted as being generalist feeders in inland fields (Bell and Calladine 2017, Silva-Monteiro et al. 2021). It is considered likely that the lapwings and curlew recorded on the application site on one occasion in November 2024 were opportunistically making use of the food resources made available by the recent ploughing of the site. The lack of any records of these species at other times tends to indicate that the site is not “Functionally Linked Land” providing a more significant feeding, roosting or loafing resource required by waterbirds associated with the Humber Estuary.

#### 6.3.6 Applicants' Wintering Bird survey

- 6.3.6.1 In May 2025, the applicant submitted the results of further transect surveys carried out between October 2024 and March 2025 (Arnold 2025). Judging from the transect routes supplied, the surveyors walked within 100 metres of all parts of the application site during the surveys. 70 lapwing were recorded on-site on 29 October, representing <1% of the 5 year Humber mean Peak for this species as at 2022/23. Thus, surveys carried out one week before and four days after the council's record of 515 lapwing did not record significant numbers of this or other waterbird species- though the survey methods may have discouraged lapwing from landing. Otherwise, the only records of waterbirds potentially associated with the Humber Estuary were of birds flying past the application site.

### 6.3.7 2022/23 and 2023/24 Wintering Birds Survey- Adjacent Land

- 6.3.7.1 FPCR carried out wintering bird surveys on land immediately north and north-west of the application site between October 2022 and March 2023 and north of the application site only between October 2022 and March 2023. Six diurnal survey visits and six nocturnal site visits were carried out each winter, with at least two weeks between successive nocturnal or diurnal visits, during which a transect route was walked slowly and methodically between vantage points. Assuming that care was taken to avoid flushing birds whilst walking the transect route, then this represents an acceptable survey method.
- 6.3.7.2 No waterbirds associated with the Humber Estuary were recorded on the adjacent land in significant numbers, taking 1% of the Estuary 5-year mean peak as being a threshold for significance. Small numbers of lapwing were recorded (peak counts of 30 in a single field) and very small numbers of mallard and teal. Very small numbers of golden plover were recorded, with none west on the M181. No curlew were recorded, with the only pink-footed geese being fly-past records. With the exception of a single lapwing on one occasion, no waterbirds were recorded within 350 metres of the application site.
- 6.3.7.3 The application site comprises arable land of similar character to the FPCR survey area. However, the application site lies closer to housing, so is likely to be more prone to disturbance and less suitable for wintering and passage waterbirds than the adjacent land. Judging from publicly available aerial photos, the application site is less prone to surface water ponding and areas of crop failure than the FPCR survey area, so may be less attractive to waterbirds than the survey area.

### 6.3.8 Overall assessment of the bird data

- 6.3.8.1 The application site has been surveyed at least twice per month in the spring passage period and between October and March. Some of the surveys have employed transect methods which entailed walking the field boundaries i.e. walking within 100 metres of all parts of the application site. Compared to static or vantage point methods, this approach may be expected to create a greater risk of flushing birds that may have been present at the start of the survey and discouraging further birds from landing.
- 6.3.8.2 In Annex C of their letter of 02 February 2024, prior to the commencement of surveys, Natural England gave the following advice in relation to methods:
- “Natural England recommends that surveys are completed at the following frequency:

- Autumn Passage – two surveys per month between August to October inclusive.
- Winter - two surveys per month between October to March inclusive.
- Spring Passage – two surveys per month between March -Mid-May inclusive.

[...]

Natural England generally recommends that observations from vantage points (VP) are used. VP surveys are considered preferable to walkover surveys for observing behaviour of birds on the ground (i.e., whether they are foraging/loafing etc.), and to minimise the risk of flushing birds due to movement of a surveyor during a walkover survey. Also, birds which may otherwise have landed in the field during the survey period may be unlikely to do so with the presence of a moving surveyor. If landscape features mean it is not possible to avoid walking through part of the survey area to get from one point count to another, this should be noted and the reaction of any birds present recorded, including any that are flushed.

[...]

Wader and waterfowl usage of arable land/grassland outside designated sites can be substantially different at night. Therefore, Natural England recommends nocturnal surveys are also carried out if waders and/or waterfowl have the potential to use the development site. These surveys should be in addition to the standard daytime surveys. We recommend that several visits should be completed to determine if the site and/or surrounding areas play a regular role in supporting SPA species at night. Night vision/infra-red equipment and survey on moonlit nights can establish presence of nocturnal species or presence and direction of feeding/migration movements both by calls and by sight.”

- 6.3.8.3 The survey method employed therefore complied with some elements of Natural England guidance but differed importantly in terms of the transect survey method employed. At the point of commencement of each survey, the surveyor would in effect, be carrying out a brief vantage point survey of the application site and would be able to see across the whole site (pers. obs.). The survey results therefore provide “snapshot” counts of bird usages of the fields, even if birds were subsequently discouraged from landing. On the one occasion when significant numbers of lapwing were recorded during a vantage point count, the birds were present at the beginning of the survey and would, therefore, have been recorded if a transect survey method had been employed.

6.3.8.4 The significant count of lapwing was recorded in early November, with no other significant records being notes at any other time. The British Trust for Ornithology low tide count surveys over the years have shown that lapwing numbers on the Humber Estuary Peak strongly between November and February (Calbrade 2013- see Figure 13, reproduced below), with much lower numbers recorded in the spring and autumn passage periods. It is therefore unlikely that any bird surveys carried out in the autumn survey period, for which site-based data are not available, would have revealed lapwing in significant numbers.

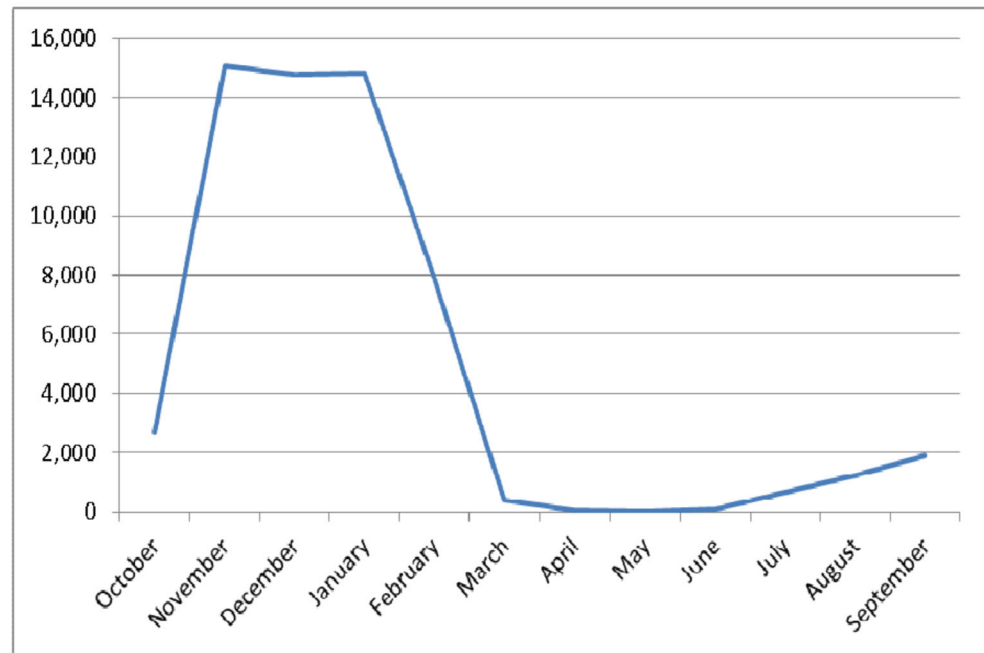


Figure 13. Monthly totals of Lapwing recorded at low tide on the Humber Estuary, October 2011-September 2012.

6.3.8.5 Overall, it is considered that there is a significant body of recent survey evidence and older desktop data to suggest that the application site is not functionally linked land used to a significant degree by wintering or passage waterbirds associated with the Humber Estuary SPA or Ramsar site. The single occurrence of 515 lapwing appears to have been a one-off event triggered by the ploughing of the fields, bringing food to the surface.

## 6.4 In-combination Effects

6.4.1 In relation to in combination effects, Natural England has advised as follows:

6.4.2 “We highlight that bird survey results are available from other nearby development proposals which should be considered in the in-combination assessment, for example, planning application reference PA/2025/254.

6.4.3 We advise a precautionary approach should be taken to the in-combination assessment, considering the limitations of the surveys and bird usage

patterns, such as regular SPA bird use below 1% of the estuary population and occasional use above 1% of the estuary population.

- 6.4.4 We highlight that there is an increasing risk that, as more bird survey results are collected for future development sites nearby, it is possible that there could be an in-combination loss of functionally linked land across the wider Lincolnshire Lakes allocation area. We advise your authority to consider its approach to in-combination and cumulative losses at the strategic level. In the absence of complete bird data for the whole allocation, your authority should demonstrate how it is taking a precautionary approach to these assessments.”
- 6.4.5 As lapwing is the only interest feature or assemblage species associated with the Humber Estuary or Ramsar site to be recorded in more than trivial numbers on the application site, this in-combination assessment shall only consider potential effects in relation to this species. The assessment will assume that the development of 593 dwellings would not act in combination with other plans or projects in terms of effects on other species. Other plans and projects that could affect lapwing and golden plover are assessed in Table 1 overleaf:
- 6.4.6 No plans or projects have been identified with residual effects that could act in combination with the 593-dwelling proposal. For other projects in the Lincolnshire Lakes area, no lapwings have been recorded, other than in trivial numbers. For any port expansion associated with the Lincolnshire Lakes Area action plan, updated survey work would be required and the project would need to provide mitigation for any effects on functionally linked land used by lapwing. Similarly, if significant numbers of lapwing are recorded in the area identified for 1,200 houses west of Scotter Road, then this project will need to provide its own mitigation habitat. This site is nearly 1km from the 593-dwelling application site, on the far side of Ashby Decoy Golf Course.

## **6.5 Measures taken to avoid, minimise or mitigate effects**

- 6.5.1 None required.

## **6.6 Determination of AEOI.**

- 6.6.1 There will be no adverse effect on the integrity of the Humber Estuary SPA or Ramsar site arising from loss of functionally-linked land supporting birds associated with the Humber Estuary.

**Table 1. Plans and Projects around the Humber Estuary that could affect Lapwing**

<b>Plan/ Project Name</b>	<b>Description</b>	<b>Species/Numbers</b>	<b>Impacts</b>	<b>Mitigation</b>	<b>Residual Effects After Mitigation</b>
<b>Keepmoat Lincolnshire Lakes (Scunthorpe)</b> <b>CURRENT APPLICATION</b>	593 dwellings and lake, along with associated infrastructure, including landscaping, public open space and play area, pedestrian and cycle links, pumping station and sub-station	Lapwing: 515 on site on one occasion only.	No likely significant effect alone in terms of loss of functionally linked land.  Potential effects in combination with other Lincolnshire Lakes projects are being considered HERE	Still under consideration	Still under consideration
North Lincolnshire Core Strategy Development Plan document	High level strategic document which sets out the long term spatial planning framework for North Lincolnshire	Lapwing	Non-physical disturbance: noise  Non-physical disturbance: visual presence	Appropriate Assessment at project stage  South Humber Gateway Conservation Mitigation Strategy Delivery Plan (SHGCMSDP). Mitigation habitat provided at Halton Marsh Wet Grassland	None noted
Hull Local Plan	The main planning document to drive land use and allocations in the City of Hull, including a number of major proposed projects	Lapwing	Non-physical disturbance: noise  Non-physical disturbance: visual presence	Appropriate Assessment at project stage	None noted

	such as Green Port Hull and a new Cruise Terminal				
East Riding of Yorkshire Local Plan	East Riding Strategic Local Plan including land allocations for residential housing and for industry. Also includes detailed policies on protection of land designated for nature conservation and for dealing with flood risk.	Lapwing	Three allocations recognised to have a likely significant effect on the SPA/SAC. Elloughton cum Brough -C 39 ha of land allocated for residential development 520m from SPA boundary. Hedon Haven Employment Site (which includes Paull LDO) 240ha of mixed development, immediately adjacent to the SPA. Hessele H 3.34ha Mixed Use immediately adjacent to the SPA. Overall, a loss of 614ha of functionally linked land which may be used by bird species associated with the SPA	Appropriate Assessment at project stage	None noted
North East Lincolnshire Local Development Plan	The adopted Local Plan for North East Lincolnshire, laying out all key policies for the unitary authority area.	Lapwing	Non-physical disturbance: noise Non-physical disturbance: visual presence	South Humber Gateway Mitigation Package; Habitat protection policy; Improved sustainable transport links policy; Additional green infrastructure; Good	None noted

				practice construction techniques	
Yorkshire Energy Park	Mixed use comprising a business park and an education, campus and associated residential accommodation; energy infrastructure; data centre and associated disaster recovery suite; relocated sports facilities; landscaping and open space.	158 Lapwing (0.69% of total Humber Estuary population)	A permanent loss of existing functional habitat (approximately 20 ha) will occur. In addition, approximately 7.5 ha of the remaining core foraging area will be subject to potential disturbance	Creation of a 45.3ha "Ecological Mitigation Zone" situated across the eastern half of the Site. Off-site ecological mitigation area (40.3ha) 4.2km south west of the site at Thorn Marsh Farm	None noted
Outstrays Managed Realignment Scheme	Comprising 349 ha of new embankments, habitat creation and mitigation area and associated works	Lapwing: Max count on site 5679 ; 48.5% of total Humber population	Non-physical disturbance: noise Non-physical disturbance: visual presence	Major works limited to April to Sept inclusive. Restrictions on disturbing works during autumn passage.  Restrictions on access to bank tops. Use of screening vegetation; fencing to keep people and dogs out of habitat areas  78.1 ha of saltmarsh created as part of scheme; creation of 28 ha marshy grassland habitat	None noted

				Provision of bird hides	
Welwick to Skeffling Managed Realignment Scheme	265ha of new earth embankments, habitat creation and mitigation area and associated works	Lapwing: Max count on site 5679 ; 48.5% of total Humber population	Non-physical disturbance: noise Non-physical disturbance: visual presence	Major works limited to April to Sept inclusive. Restrictions on disturbing works during autumn passage. Use of screening vegetation  150 ha of saltmarsh created as part of scheme; creation of wet grassland habitat  Provision of bird hides	None noted
Able Marine Energy Park	A new quay, wind turbine assembly and testing facilities, 299MW biomass Generating Plant with conveyors, fuel storage, cooling water systems and electricity substation, helipad  Plus ancillary plant, equipment, buildings, internal roads, parking facilities, security fencing, landscaping, changes to site access, diversion of existing footpaths, connections	Lapwing: Max local count foreshore 325; 1.7% total Humber population	Loss of 45ha of estuary (31.5ha) and intertidal mudflat (13.5ha) below the footprint of the development. Loss of functionally linked land outside of the SPA for curlew  Functional loss of 11.6ha of mudflats due to visual disturbance and noise of development works and operations	Creation of 16.7 hectares of wet grassland core habitat + buffer as part of a 90 hectare grassland site at Halton Marshes.  Creation of 115 ha Regulated Tidal Exchange Scheme at Cherry Cobb Sands	None noted

	to electricity grid, surface water management systems, foul drainage provision, ecological mitigations				
Able Logistics Park	A large mixed development of 379.9 ha to produce a new port facility including jetty, berths, dredged channel and a large area of ancillary port handling and storage infrastructure with new flood defence, railway sidings and sewage system.	<p>Lapwing: Max local count 3892; total Humber population 22,765</p> <p>Golden plover:  Max winter local count in adjacent fields 617; total Humber wintering population 30,709. Max passage local count in adjacent fields 443; total Humber passage population 17,996</p>	<ul style="list-style-type: none"> <li>• Loss of intertidal habitat due to coastal squeeze following restoration and improvement of the floodbank.</li> <li>• Loss of intertidal habitat due to construction of floodbank toe beam within the current intertidal area.</li> <li>• Surface water drainage into intertidal habitat, causing pollution.</li> <li>• Disturbance of wintering and passage waterbirds during the construction phase of the proposal, including landscaping operations and the creation of waterbird habitat.</li> <li>• Permanent loss of habitat used by wintering and passage waterbirds for feeding, roosting and loafing.</li> <li>• Ongoing noise and visual</li> </ul>	<p>Any works on seaward side of flood defences and all earthworks to be carried out April to September only</p> <p>Create 2450 sqm intertidal</p> <p>12 hectares of wet grassland core habitat + buffer as part of a 90 hectare grassland site at Halton Marshes + 20 hectares of core habitat and 30 hectares of buffer off-site.</p>	None noted

			<p>disturbance of waterbirds using the adjacent intertidal area and areas of created wetland.</p> <ul style="list-style-type: none"> <li>• Increased light levels and the dominant visual appearance of lighting columns</li> <li>• Increase in train traffic, leading to sporadic disturbance of waterbirds using Killingholme Haven Pits SSSI and all three proposed wetland areas.</li> </ul>		
Winterton Carr Solar Farm	10MW solar farm with associated access, landscaping and infrastructure	Lapwing: Max local count 20; total Humber population 16,453	No likely significant effect alone, due to low numbers of birds recorded.	None required	None
Sweet Briar Solar Farm, Ulceby	10MW solar farm with associated access, landscaping and infrastructure	Lapwing: Max local count 564; total Humber population 16,453 3.7% of Estuary population	Loss of feeding, roosting and loafing habitat, determined to have no adverse effect on the integrity of the Humber Estuary SPA or Ramsar site	None required	None

(Island Farm Garthorpe)  PROJECT COMPLETE	Creation of coastal grazing marsh on arable land	Lapwing: Peak of 3,000 on site. Large numbers in adjacent SSSI unit.	Disregarding mitigation measures, construction noise or visual disturbance could lead to significant displacement of these birds.	Works took place between August and October with noise and visual disturbance minimisation measures in place.	None noted.
Roxby Solar Farm	49.99 MW (51 hectare) solar farm and associated infrastructure, including a control station, DNO substation, access tracks, inverters and other auxillary infrastructure.	Lapwing: peak count of 8 on site (32 nearby); Estuary population 15,271	No adverse effect on the integrity of the Humber Estuary SPA or Ramsar site alone in terms of loss of functionally linked land.	None required	None
Elsham Data Centre	A data centre park, a horticultural glasshouse and other associated works on a 176-hectare site.	Lapwing: Peak of 35 birds recorded on-site; Estuary population 11,859	No adverse effect on the integrity of the Humber Estuary SPA or Ramsar site alone in terms of loss of functionally linked land.	None required	None

**Lincolnshire Lakes Plans or Projects**

<b>Plan/ Project Name</b>	<b>Description</b>	<b>Species/Numbers</b>	<b>Impacts</b>	<b>Mitigation</b>	<b>Residual Effects After Mitigation</b>
Lincolnshire Lakes Area Action Plan	<p>Development Plan Document for Lincolnshire Lakes Area, West of Scunthorpe.</p> <p>A sustainable new development of a significant number of new homes across 6 waterside villages, and associated mixed use commercial and leisure opportunities</p>	<p>Lapwing: Peak count of 480 near Neap House Road, northeast of Guinness Wharf</p>	<p>Potential loss of functionally linked land (FLL) due to port expansion.</p> <p>No likely significant effect due to residential development (nearest village would be 1.5 km from recorded flocks)</p>	HRA at project stage	Not known
Hargreaves Lincolnshire Lakes (Scunthorpe)	<p>Up to 550 dwellings, a local centre, associated landscaping, drainage and other infrastructure works. New vehicular access, cycle link, a pumping station, earthworks and off-plot drainage.</p>	<p>Lapwing: Peak count of 20; Estuary population 15,271</p>	<p>No likely significant effect alone in terms of loss of functionally linked land.</p> <p>Potential effects in combination with other Lincolnshire Lakes projects are still being considered, but numbers of birds recorded are trivial.</p>	None required	None

Land to the North of Gallagher Retail Park, Scunthorpe	Outline planning permission for up to 19,000sqm of employment development	No lapwing recorded	No adverse effect on the integrity of the Humber Estuary SPA and Ramsar site alone or in combination with other plans or projects.	None required	None
Burringham Road	158 dwellings with associated car parking, garages, landscaping, open space, pedestrian circulation and links, pumping station, infrastructure works and access	No lapwing recorded- site not suitable to support this species	No adverse effect on the integrity of the Humber Estuary SPA and Ramsar site alone or in combination with other plans or projects.	None required	None
Land south of Silica Lodge Garden Centre, Scunthorpe	Planning permission for 81 dwellings	No lapwing recorded- site not suitable to support this species	No adverse effect on the integrity of the Humber Estuary SPA and Ramsar site alone or in combination with other plans or projects.	None required	None
Land West of Scotter Road, The Lakes, Scunthorpe	Proposed development for circa 1,200 dwellings, a local centre and school, green infrastructure, drainage infrastructure, open space and associated highway infrastructure Scoping request	Application not yet submitted.	Effects not known – Proposal will have to mitigate for its own effects.	Not known	Not known

## **7 Recreational pressure/disturbance to SPA/Ramsar interest features.**

### **7.1 Likely Significant Effect**

7.1.1 Natural England has advised that, “..it is not possible to rule out likely significant effects from potential recreational pressure / disturbance impacts to the Humber Estuary SAC / SPA / Ramsar at the screening stage of the HRA. An appropriate assessment should therefore be undertaken to further assess recreational disturbance impacts, with any relevant mitigation measures included where appropriate.”

### **7.2 Conservation Objectives**

7.2.1 Where a likely significant effect has been identified, recreational pressure/disturbance could prejudice the following elements of the Humber Estuary SPA conservation objectives in relation to the assemblage of passage waterbirds:

7.2.1.1 The population of each of the qualifying features, and,

7.2.1.2 The distribution of the qualifying features within the site.

7.2.2 SPA objectives provide a useful framework for the consideration of likely significant effects on the Humber Estuary Ramsar site, given that the Ramsar Information Sheet does not set out conservation objectives.

### **7.3 Further Assessment- SAC and Ramsar Features (River Trent)**

7.3.1 The construction and occupation of 593 new dwellings could theoretically result in an increase in the number of people visiting the River Trent sections of the Humber Estuary Ramsar site, roughly 2.5 km west of the application site. Activities such as walking, dog walking, birdwatching and unregulated uses such as off-road use of motorbikes, can lead to disturbance of Ramsar waterbirds and breeding species, such as bittern and marsh harrier. If such disturbance were to become particularly severe and/or frequent this could affect the population size and distribution of some species.

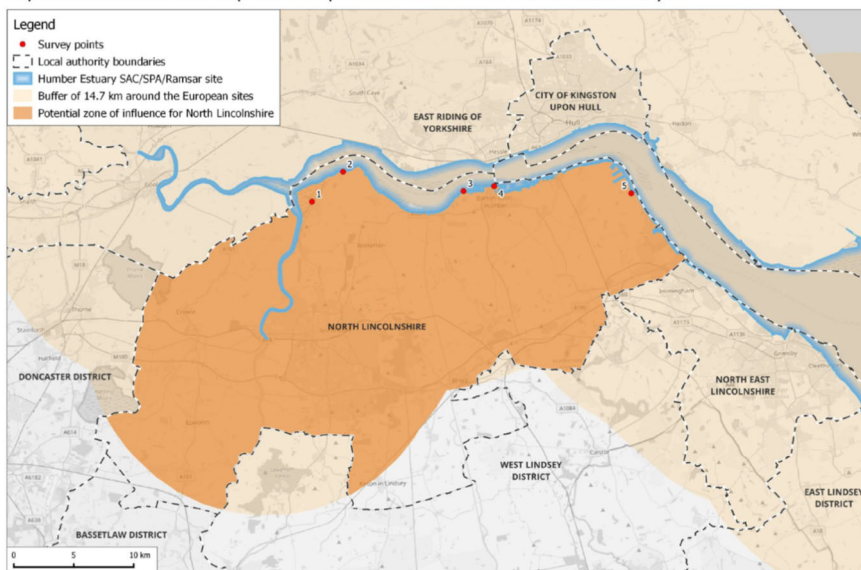
7.3.2 <1% of the estuary population of Lapwing, Mallard, Redshank, Wigeon, Golden Plover, Teal, Shelduck and Curlew have previously been recorded along the River Trent (2011/12 Low Tide Counts). There are no public rights of way along the Trent between Keadby Bridge and Alkborough Flats, limiting the potential for an increase in human population to lead to an increase in recreational activity along the Trent. Recreational disturbance is not likely to have a significant effect on the waterbird assemblage or on individual species.

7.3.3 The only Humber Estuary features that are recorded along the Trent are mudflats, estuarine waters and lampreys. None of these features are likely to be affected by recreational disturbance.

## 7.4 Further Assessment- SPA and Ramsar Bird Features

- 7.4.1 Natural England has advised that “We have advised previously in advice letters dated 07 February 2024 and 17 September 2024 that recreational disturbance impacts should be assessed at the appropriate assessment stage, due to the application falling within the Zone of Influence for recreational disturbance outlined in the emerging North Lincolnshire Local Plan evidence base, and therefore likely significant effects from recreational disturbance could not be ruled out [...]”.
- 7.4.2 “We advise that recreational impacts from development within the Zone of Influence can occur on any sensitive parts of the designated site within the Zone of Influence. We note that the current assessment focuses on nearby points only, however, it is not possible to determine that the residents will only visit the nearest part of the designated site. We would advise that where LSE are identified for a designated site that all features that are susceptible to recreational impacts within the Zone of Influence are taken through to the appropriate assessment stage for further assessment of that impact pathway.” (Laura Tyndall pers. comm. 23 October 2024).
- 7.4.3 The Zone of Influence described by Natural England is shown on Map 8 of Caals et al. 2023, reproduced below. Note that this is currently a potential zone of influence and has not yet been further refined as is the case with East Riding of Yorkshire’s comparable zone (Christopher Cole pers.comm.).

Map 8: Buffer of 14.7 km around the European sites and a potential zone of influence for the locations that were surveyed.



- 7.4.4 Natural England’s working assumption is that the residents of 593 new dwellings west of Scunthorpe could generate a significant number of additional visits per year to the Humber Estuary SPA/Ramsar site, potentially leading to a likely significant effect in terms of an increase in recreational disturbance of breeding, passage and/or wintering bird species that are interest features of the SPA and/or Ramsar site.

- 7.4.5 They have advised that, “The additional assessment should also consider mitigation options for impacts from recreational disturbance. We have previously advised that possible mitigation options at project level can include Suitable Alternative Natural Greenspaces (SANGs), however, we advise that the determination of suitable mitigation measures to avoid adverse effects on the integrity of European designated sites should be carried out by your authority, as Competent Authority under the Habitats Regulations.”
- 7.4.6 This assessment will not include any further analysis of the likely location or magnitude of any recreational disturbance impacts on SPA/Ramsar interest features. Instead, the assessment will follow the working assumption that such impacts are likely to occur and that mitigation measures in accordance with Natural England guidance will be sufficient to ensure that there will be no adverse effect on the integrity of the Humber Estuary SPA/Ramsar site due to recreational disturbance.

### **7.5 In-combination Effects**

- 7.5.1 Much as 593 new dwellings west of Scunthorpe could generate a significant number of additional visits per year to the Humber Estuary SPA/Ramsar site, other sizeable housing developments in North Lincolnshire, Hull, East Riding and North East Lincolnshire may be expected to have similar effects, to be considered in-combination. The housing allocations in the Local Plans for these areas may be considered to have similar effects. Assuming that mitigation measures in accordance with Natural England guidance will be applied to these plans and projects, then there should not be residual impacts to be considered in-combination with the current application.

### **7.6 Measures taken to avoid, minimise or mitigate effects**

- 7.6.1 In respect of population density, Natural England has advised that, “an occupancy rate of 2.4 people per dwelling is recommended to work out the population estimate for housing developments (based on the 2017 Office for National Statistics figure for the average number of persons in all UK households)” (E. Squires, pers. comm.). On that basis, the proposed development may be expected to support approximately 1,440 residents.
- 7.6.2 The mitigation requirements for the 593 dwellings will be addressed by a financial contribution towards a Strategic Access Management and Mitigation Strategy (SAMMS). At the time of writing, the required cost per dwelling is £121 (North Lincolnshire Council 2025). So long as the principle of this assessment is followed, the final cost per dwelling may be updated in the required section 106 agreement when the interim SAMMS approach has been agreed by North Lincolnshire Council.
- 7.6.3 The Interim SAMMS project would use the secured funding, subject to agreement with SAMMS steering group, to deliver projects such as the following:
- Part time Facilitation Officer.

- Interpretation boards, and access improvement projects (planting, fencing, footpath improvement/diversion) to respond to monitoring outputs. 5 interpretation boards to be provided at each survey location (Alkborough Flats, Whitton Foreshore, Chowder Ness Viewpoint, Waters Edge and East Halton Skitter)
- Signage (Route direction/"no fouling"/" dogs on lead," etc.)
- Route management (Fencing, screening, planting, drainage, widening, etc.)
- Dog waste bins
- Habitat protection and improvement (natural screening, litter picking, etc.)
- Footfall counters to record visitor numbers at key sensitive locations.

## **7.7 Additional measures taken to avoid, minimise or mitigate effects**

7.7.1 The development will include the provision of the following green and blue infrastructure that may be considered to act, to an extent, as a Suitable Alternative Natural Greenspace (SANG) that would encourage site residents to explore the outdoors on-site rather than travelling to the Humber Estuary:

- A lake of approximately 13 hectares.
- 2.5 hectares of green space, comprising:
  - an offset to the northern boundary to create the east-west corridor (GS1) leading to the lake including footpath/cycle routes;
  - an additional 'east-west' green corridor through the heart of the site with a linear ditch running through it, formal tree planting and a footpath/cycle route establishing visual links with the lake.
  - a central green space (GS3) with a formal character, recreational function which is visually connected with the surrounding streets. This feature will have the following characteristics: -
    - drainage ditches running through the space;
    - public art features
    - play areas and seating
    - sufficient size to accommodate community events
    - formally arranged tree planting
    - vehicular presence minimised and kept to the periphery

7.7.2 As the SANG does not fully meet the standards required by Natural England to be formally recorded as mitigation for the 593 houses, the SAMMS payment has been calculated to ensure that it will provide mitigation in full. However, the provision of a significant area of open space with a large water

feature represents a level of “over-mitigation”, providing a high level of confidence that recreational disturbance effects will be minimised.

## **7.8 Determination of AEOI.**

7.8.1 Without mitigation, it would not be possible to determine that the proposed development would have no likely significant effect on the adverse effect on the Integrity of the Humber Estuary SAC, SPA or Ramsar site. However, given the provision of the lake, woodland, grasslands, other open space and walking routes proposed and the provision of the financial contribution to SAMMS, there will be no adverse effect on the Integrity of the Humber Estuary SAC, SPA or Ramsar site arising from recreational disturbance.

## **8 Register of conditions or restrictions required**

8.1 Recreational Disturbance- Strategic Access Management and Mitigation Strategy (SAMMS).

8.1.1 A section 106 planning agreement will be required to secure a financial contribution towards a Strategic Access Management and Mitigation Strategy (SAMMS). The contribution will comprise £121 per dwelling for 593 dwellings, giving a total of £71,753. The triggers for payments shall be:

- Payment of SAMMS for 200 dwellings prior to the commencement of development.
- Payment of SAMMS for a further 200 dwellings prior to occupation of the 190th dwelling.
- Payment of SAMMS for the remaining 193 dwellings prior to occupation of the 380th dwelling.

So long as the principle of this assessment is followed, the final cost per dwelling may be updated in the required section 106 agreement when the interim SAMMS approach has been agreed by North Lincolnshire Council.

## **9 Overall determination of AEOI.**

9.1 Project without restrictions or conditions.

9.1.1 The proposed project is not necessary for the management of the Humber Estuary SAC, SPA or Ramsar site.

9.1.2 The proposed project would have a likely significant effect on the Humber Estuary SAC, SPA and Ramsar site.

9.1.3 Without mitigation, North Lincolnshire Council cannot ascertain that the proposed project would not have an adverse effect on the integrity of the Humber Estuary SAC, SPA and Ramsar site. The sources of the adverse effect on integrity are listed below, along with the International Nature Conservation Site interest features affected:

9.1.3.1 Recreational disturbance of breeding, wintering and passage

waterbirds using the Humber Estuary SPA and Ramsar site and functionally linked land.

## 9.2 Project with mitigation

9.2.1 The planning conditions and restrictions required to remove or minimise adverse effects on International Nature Conservation Site interest features are described in section 8 above.

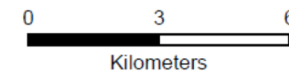
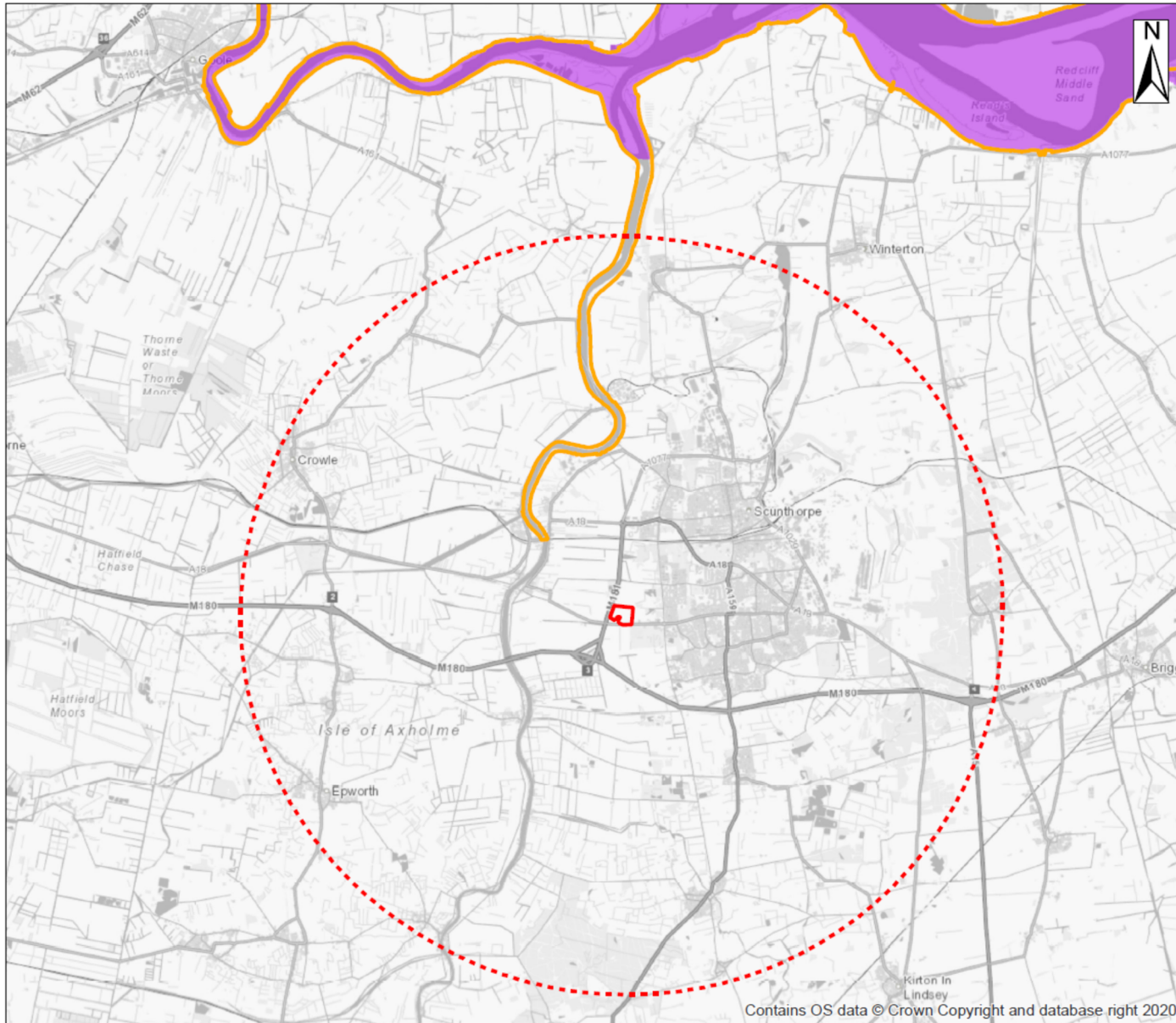
**9.2.2 Overall, it is possible to ascertain that the proposal will not have an adverse effect on the integrity of the Humber Estuary SPA and Ramsar site alone or in combination with other plans or projects.**

**Appendix 1. (Not to Scale) Location of Proposals in relation to the International Nature Conservation Site.**



**Legend**

- Site boundary
- 10km Study Area
- Humber Estuary SAC, RAMSAR & SSSI
- Humber Estuary SPA



**Keepmoat Homes**  
 Lincolnshire Lakes Site,  
 Scunthorpe  
**Figure 1**  
 Site Location Plan and Humber Estuary  
 SPA, SAC, Ramsar, SSSI Boundary

Brook Holt 3 Blackburn Road Sheffield S61 2DW  
 T: 0114 2669292 [www.ecusltd.co.uk](http://www.ecusltd.co.uk)

## **Appendix 2: Humber Estuary Citations and Conservation Objectives**

# European Site Conservation Objectives for Humber Estuary Special Area of Conservation Site Code: UK0030170



With regard to the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

**Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;**

- **The extent and distribution of qualifying natural habitats and habitats of qualifying species**
- **The structure and function (including typical species) of qualifying natural habitats**
- **The structure and function of the habitats of qualifying species**
- **The supporting processes on which qualifying natural habitats and habitats of qualifying species rely**
- **The populations of qualifying species, and,**
- **The distribution of qualifying species within the site.**

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

## **Qualifying Features:**

H1110. Sandbanks which are slightly covered by sea water all the time; Subtidal sandbanks

H1130. Estuaries

H1140. Mudflats and sandflats not covered by seawater at low tide; Intertidal mudflats and sandflats

H1150. Coastal lagoons\*

H1310. *Salicornia* and other annuals colonising mud and sand; Glasswort and other annuals colonising mud and sand

H1330. Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

H2110. Embryonic shifting dunes

H2120. Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes"); Shifting dunes with marram

H2130. Fixed dunes with herbaceous vegetation ("grey dunes"); Dune grassland\*

H2160. Dunes with *Hippophae rhamnoides*; Dunes with sea-buckthorn

S1095. *Petromyzon marinus*; Sea lamprey

S1099. *Lampetra fluviatilis*; River lamprey

S1364. *Halichoerus grypus*; Grey seal

\* denotes a priority natural habitat or species (supporting explanatory text on following page)

## This is a European Marine Site

This site is a part of the Humber Estuary European Marine Site. These Conservation Objectives should be used in conjunction with the Conservation Advice document for the EMS. Natural England's formal Conservation Advice for European Marine Sites can be found via [GOV.UK](https://www.gov.uk).

### \* Priority natural habitats or species

Some of the natural habitats and species for which UK SACs have been selected are considered to be particular priorities for conservation at a European scale and are subject to special provisions in the Habitats Regulations. These priority natural habitats and species are denoted by an asterisk (\*) in Annex I and II of the Habitats Directive. The term 'priority' is also used in other contexts, for example with reference to particular habitats or species that are prioritised in UK Biodiversity Action Plans. It is important to note however that these are not necessarily the priority natural habitats or species within the meaning of the Habitats Regulations.

## Explanatory Notes: European Site Conservation Objectives

These Conservation Objectives are those referred to in the Conservation of Habitats and Species Regulations 2017 as amended from time to time (the "Habitats Regulations"). They must be considered when a competent authority is required to make a 'Habitats Regulations Assessment', including an Appropriate Assessment, under the relevant parts of this legislation.

These Conservation Objectives and the accompanying Supplementary Advice (where available) will also provide a framework to inform the measures needed to conserve or restore the European Site and the prevention of deterioration or significant disturbance of its qualifying features.

These Conservation Objectives are set for each habitat or species of a [Special Area of Conservation \(SAC\)](#). Where the objectives are met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving Favourable Conservation Status for that species or habitat type at a UK level. The term 'favourable conservation status' is defined in regulation 3 of the Habitats Regulations.

**Publication date:** 27 November 2018 (version 3). This document updates and replaces an earlier version dated 31 March 2014 to reflect the consolidation of the Habitats Regulations in 2017.

With regard to the natural habitats and/or species for which the site has been designated (the Qualifying Features listed below);

**Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.**

Subject to natural change, to maintain or restore:

- The extent and distribution of qualifying natural habitats and habitats of qualifying species;

# European Site Conservation Objectives for Humber Estuary Special Protection Area Site Code: UK9006111



With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;

**Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;**

- **The extent and distribution of the habitats of the qualifying features**
- **The structure and function of the habitats of the qualifying features**
- **The supporting processes on which the habitats of the qualifying features rely**
- **The population of each of the qualifying features, and,**
- **The distribution of the qualifying features within the site.**

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

## **Qualifying Features:**

- A021 *Botaurus stellaris*; Great bittern (Non-breeding)
- A021 *Botaurus stellaris*; Great bittern (Breeding)
- A048 *Tadorna tadorna*; Common shelduck (Non-breeding)
- A081 *Circus aeruginosus*; Eurasian marsh harrier (Breeding)
- A082 *Circus cyaneus*; Hen harrier (Non-breeding)
- A132 *Recurvirostra avosetta*; Pied avocet (Non-breeding)
- A132 *Recurvirostra avosetta*; Pied avocet (Breeding)
- A140 *Pluvialis apricaria*; European golden plover (Non-breeding)
- A143 *Calidris canutus*; Red knot (Non-breeding)
- A149 *Calidris alpina alpina*; Dunlin (Non-breeding)
- A151 *Philomachus pugnax*; Ruff (Non-breeding)
- A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)
- A157 *Limosa lapponica*; Bar-tailed godwit (Non-breeding)
- A162 *Tringa totanus*; Common redshank (Non-breeding)
- A195 *Sterna albifrons*; Little tern (Breeding)
- Waterbird assemblage

## **This is a European Marine Site**

This SPA is a part of the Humber Estuary European Marine Site (EMS). These Conservation Objectives should be used in conjunction with the Conservation Advice document for the EMS. Natural England's formal Conservation Advice for European Marine Sites can be found via [GOV.UK](https://www.gov.uk).

## **Explanatory Notes: European Site Conservation Objectives**

These Conservation Objectives are those referred to in the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations'). They must be considered when a competent authority is required to make a 'Habitats Regulations Assessment' including an Appropriate Assessment, under the relevant parts of this legislation.

These Conservation Objectives, and the accompanying Supplementary Advice (where this is available), will also provide a framework to inform the management of the European Site and the prevention of deterioration of habitats and significant disturbance of its qualifying features

These Conservation Objectives are set for each bird feature for a [Special Protection Area \(SPA\)](#).

Where these objectives are being met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving the aims of the Wild Birds Directive.

**Publication date:** 21 February 2019 (version 4). This document updates and replaces an earlier version dated 30 June 2014 to reflect the consolidation of the Habitats Regulations in 2017.

## The Humber Estuary Ramsar site conservation objectives

### Criterion 2: Conservation objective for the internationally important wetland, hosting an assemblage of threatened coastal and wetland invertebrates

Subject to natural change, maintain\* the wetland hosting an assemblage of threatened coastal and wetland invertebrates in favourable condition, in particular:

- Saltmarsh communities
- Coastal lagoons

### Criterion 3: Conservation objective for the internationally important wetland, supporting a breeding colony of grey seals *Halichoerus grypus*

Subject to natural change, maintain\* the wetland hosting a breeding colony of grey seals in favourable condition, in particular:

- Intertidal mudflats and sandflats

### Criterion 5: Conservation objective for the internationally important wetland, regularly supporting 20,000 or more waterfowl

Subject to natural change, maintain\* the wetland regularly supporting 20,000 or more waterfowl in favourable condition, in particular:

- Intertidal mudflats and sandflats
- Saltmarsh communities
- Tidal reedbeds

### Criterion 6: Conservation objective for the internationally important wetland, regularly supporting 1% or more of the individuals in a population of one species or sub-species of waterfowl

Subject to natural change, maintain\* the wetland regularly supporting 1% or more of the individuals in a population of one species or sub-species of waterfowl in favourable condition, in particular:

- Intertidal mudflats and sandflats
- Saltmarsh communities
- Tidal reedbeds
- Coastal lagoons

**Note:** The Ramsar site conservation objectives for **critterion 2 & 3** interest focus on the condition of the habitats that support or host species of international importance. Information on the status of the species in terms of national and international population and distribution trends will be used to inform judgements made with regards to the management and protection of the sites.

The Ramsar site conservation objectives for **critterion 5 & 6** interest focus on the condition of the habitats that support the bird populations. This is in recognition of changes in bird populations that may take place as a consequence of national or international trends or events. Annual counts for qualifying species will be used by Natural England in the context of five-year peak means together with other available information on the national and international population and distribution trends to inform judgements regarding the management and protection of the site.

- Maintain implies restoration if the feature is not currently in favourable condition.

### Appendix 3: References

Arnold, S. (2025) Lincolnshire Lakes - Non-Breeding Walkover Survey. CuraTerra. Unpublished report.

Bell, M.V., and Calladine, J. (2017) *The decline of a population of farmland breeding waders: a twenty-five-year case study*. Available at:  
<https://www.tandfonline.com/doi/epdf/10.1080/00063657.2017.1319903?needAccess=true>

Caals, Z., Saunders, P. & Bishop, E. (2023) Humber Estuary Visitor Survey 2023. Report by Footprint Ecology

Calbrade, N.A. (2013) Humber Estuary Low Tide Programme 2011/12. BTO Research Report no. 642

Calbrade, N.A., Birtles, G.A., Woodward, I.D., Feather, A., Hiza, B., Caulfield, E., Balmer, D.E., Peck, K., Wotton, S.R., Shaw, J.M., and Frost, T.M. (2025).

Waterbirds in the UK 2023/24: The Wetland Bird Survey and Goose & Swan Monitoring Programme. BTO/RSPB/JNCC/NatureScot. Thetford.

Ecus Ltd (2024) Passage (Spring) Bird Surveys: 23rd March to 27th April Report. Unpublished report.

FPCR (2025) Wintering Bird Report: Lincolnshire Lakes (North), Scunthorpe. Unpublished report.

North Lincolnshire Council (2024) North Lincolnshire Local Plan (2020-2038): Briefing Paper – Position With Natural England, June 2024

North Lincolnshire Council (2025) Interim Position Statement Strategic Access Management And Mitigation Strategy (SAMMS) : Housing and Employment Land Allocations DPD, Lincolnshire Lakes AAP and Current Pending Planning Applications.

Office of the Deputy Prime Minister (2005) Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact Within the Planning System. ODPM Circular 06/2005

Taylor, A. & Morley, A. (2024) Wintering Bird Survey: Land off Carisbrooke Manor Lane, Scunthorpe. Unpublished report.

URS (2011) Location of maximum number of golden plover and lapwing flocks- Lincolnshire Lakes AAP. Unpublished drawings.

**Appendix 4: Natural England Advice**

Date: 21 October 2024  
Our ref: 462569  
Your ref: PA/2023/1124

North Lincolnshire Council  
Business Development  
Church Square House  
30-40 High Street  
Scunthorpe  
DN15 6NL  
planning@northlincs.gov.uk

**BY EMAIL ONLY**

Dear Ed Senior,

**Planning consultation:** Planning permission for the development of 599 No. dwellings and lake, along with associated infrastructure, including landscaping, public open space and play area, pedestrian and cycle links, pumping station and sub-station.

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

Thank you for your consultation on the above dated 21 December 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 07 February 2024. Natural England has reviewed this advice and determined that it was incorrect and therefore wishes to withdraw its advice dated 07 February 2024 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.

**SUMMARY OF NATURAL ENGLAND’S ADVICE**

**FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES**

As submitted, the application could have potential significant effects on Humber Estuary Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA), and Ramsar. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Further information relating to potential impacts on the Humber Estuary SSSI/SAC/SPA/Ramsar as part of the Habitats Regulations Assessment including: recreational disturbance; air quality; loss of/disturbance to functionally linked land associated with the Humber Estuary Ramsar
- Wintering and passage bird surveys.

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

## 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), Special Protection Area (SPA), and Ramsar which are European sites. The site is also listed as the Humber Estuary Ramsar site<sup>1</sup> 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.

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 have<sup>2</sup>. 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.

Natural England notes that a Habitats Regulations Assessment (HRA) has been produced and that the assessment concludes that the likelihood of significant effects arising from the proposal can be ruled out, both alone and in-combination.

Natural England notes that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

On the basis of information provided, Natural England advises that there is currently not enough information to rule out the likelihood of significant effects. Natural England therefore advises that your authority should not grant planning permission at this stage.

---

<sup>1</sup> 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.

<sup>2</sup> 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/>

Natural England advises that additional information is required in order to fully assess the proposal.

### **Additional Information required**

#### *Functionally linked land*

Natural England considers that the proposed development may have the potential to impact on birds using functionally linked land associated with the Humber Estuary Ramsar. The term 'functionally linked land' describes an undesignated area of land or sea present outside of a designated site which nonetheless is considered to be critical to or necessary for sustaining a feature for which a nearby protected site has been designated. We advise that the potential for loss of functionally linked land should be considered in assessing what, if any, potential impacts the proposal may have on European sites.

In particular, we recommend you obtain the following information to support the Habitats Regulations Assessment (HRA):

- Wintering and passage bird surveys to determine bird usage of the fields within and surrounding the proposed development site by Ramsar species. We recommend that the surveys follow the Vantage Point Survey methodology detailed in Annex C and include the fields adjacent to the site.

Please note that the HRA likely significant effect test identifies whether there is a credible risk that the project might undermine the conservation objectives for the European site. In this case, we advise that likely significant effect cannot be ruled out at the screening stage, due to the proximity to the Humber Estuary Ramsar site and potential habitat suitability for Ramsar birds. Therefore, we advise that the bird survey results, and other relevant data should be considered at the appropriate assessment stage of the HRA and Natural England must be consulted on any appropriate assessment your authority may decide to make.

Natural England notes that Lincolnshire Environmental Records Centre (LERC) and the North & East Yorkshire Ecological Data Centre (NEYEDC) bird records provided in the shadow HRA (dated December 2023) are now outdated and it is Natural England's advice that bird surveys need to be undertaken. We have referred to the requirement of bird surveys within our engagement with the emerging North Lincolnshire Local Plan.

Natural England also notes that two records centres – LERC and NEYEDC – were referred to in the shadow HRA, with the NEYEDC bird records only referred to regarding two species in Table 6: European golden plover and Bar-tailed godwit. Also, this is inconsistent with the information given in Section 3.3 of the Shadow HRA, where it states that NEYEDC found records of three species: Eurasian Marsh Harrier, Ruff, and Common Redshank. Natural England advises that justification for the intermittent use of these two records centres and clarity on the source of records is provided.

Natural England also notes that the Shadow HRA finds it unlikely that large numbers of golden plover will use the site, despite the habitat being suitable, due to the enclosed nature of the site. Natural England disagrees with this reasoning due to the large size of the proposed development site.

Natural England notes that no bird records were referred to for the waterbird assemblage in the shadow HRA and advises that this information is required to inform the HRA.

We recommend that passage and wintering bird surveys for wintering waders and wildfowl are undertaken. Further guidance on passage and wintering bird surveys is provided in Annex C.

#### *Recreational disturbance*

Natural England notes that the proposed development is approximately 2.5km from the Humber Estuary Special Area of Conservation (SAC) and Ramsar site, and 12km from the Humber Estuary

Special Protection Area (SPA). This planning application is part of allocation SS7 of the emerging 2020 – 2036 North Lincolnshire Local Plan. Due to the application site falling within the Zone of Influence for recreational disturbance impacts on the designated sites, we advise that it is not possible to rule out likely significant effects from potential recreational pressure / disturbance impacts to the Humber Estuary SAC / SPA / Ramsar at the screening stage of the HRA. An appropriate assessment should therefore be undertaken to further assess recreational disturbance impacts, with any relevant mitigation measures included where appropriate.

If a Suitable Alternative Natural Greenspace (SANG) is being proposed to mitigate for recreational disturbance impacts, we advise that Natural England's SANG guidance (attached alongside this letter) should be considered in designing a SANG. This guidance has been produced since the Local Plan was adopted. It should be noted that this document is specific to the SANG creation for the Thames Basin Heaths, although the broad principles are more widely applicable. Such provisions can help minimise any predicted increase in recreational disturbance/ pressure by containing the majority of recreation within and around the development site boundary away from the European site.

As a minimum, we advise that such provisions should include:

- High-quality, informal, semi-natural areas of 8 ha per 1000 population.
- Circular dog walking routes of 2.3 - 2.7 km within the site.
- Signage/information leaflets to promote these areas for recreation.
- Dog waste bins.
- A commitment to the long-term maintenance and management of these provisions.

#### *Air quality impacts from traffic*

Designated sites within 200m of a road which will experience a significant increase in traffic movements should be assessed for impacts due to air pollution from traffic. When undertaking an assessment of the potential impacts during the construction or operation phase of the development there will need to be clarification provided on which roads will be used to access the development site, and the number of predicted vehicle movements. Natural England has produced [guidance](#) for assessing the impacts of air pollution due to traffic.

Ammonia emissions from road traffic could make a significant difference to nitrogen deposition close to roads. As traffic composition transitions toward more petrol and electric cars (i.e., fewer diesel cars on the road) – catalytic converters may aid in reducing NOx emissions but result in increased ammonia emissions – therefore consideration of the potential for impacts is needed (see [Air Quality Consultants - News - Ammonia Emissions from Roads for Assessing Impacts on Nitrogen-Sensitive Habitats \(aqconsultants.co.uk\)](#)).

There are currently two models which can be used to calculate the ammonia concentration and contribution to total N deposition from road sources. One of these models is publicly available and called CREAM ([Air Quality Consultants - News - Ammonia Emissions from Roads for Assessing Impacts on Nitrogen-Sensitive Habitats \(aqconsultants.co.uk\)](#)), and there is another produced by National Highways.

Natural England notes that the Revised Transport Assessment provided (dated 21 December 2023) refers to a predicted traffic assignment which was undertaken to determine the likely distribution of development traffic across the highway network. The results of this are displayed in figure 5 and table 12, and sections of the route leading to zone "L" of the gravity model falls within 200 metres of the Humber Estuary SAC/Ramsar. Therefore, air quality impacts on the Humber Estuary SAC/Ramsar from increased traffic movements should be assessed; demonstrating clearly the number of daily vehicle movements in proximity to the Humber Estuary SAC/Ramsar.

#### *In-combination assessment*

The HRA will need to consider in-combination impacts from other relevant projects and plans. The in-combination requirement makes sure that the effects of numerous small proposals, which alone

would not result in a significant effect, are assessed to determine whether their combined effect would be significant enough to require more detailed assessment.

Plans or projects that should be considered in the in-combination assessment include the following:

- The incomplete or non-implemented parts of plans or projects that have already commenced;
- Plans or projects given consent or given effect but not yet started;
- Plans or projects currently subject to an application for consent or proposed to be given effect;
- Projects that are the subject of an outstanding appeal;
- Ongoing plans or projects that are the subject of regular review;
- Any draft plans being prepared by any public body;
- Any proposed plans or projects published for consultation prior to application.

Where consideration of in-combination effects is required, its necessary extent must be decided on a case-by-case basis. In Natural England's opinion the competent authority can apply their professional judgment when considering the scope of the in-combination assessment. An exhaustive search for relevant plans and projects by a competent authority is normally required to comply with the Habitats Regulations. However, a pragmatic approach to identifying the most pertinent ones may need to be taken where there is a large number of proposals. Where a competent authority chooses to take a more pragmatic approach, suitable justification should be provided.

## **WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)**

### **Sites of Special Scientific Interest**

Natural England notes that the application site is located in close proximity to Humber Estuary SSSI. Based on the plans submitted, Natural England considers that the proposed development could have potential significant effects on the interest features for which the site has been notified. Our advice regarding the potential impacts upon the above SSSIs coincide with our advice regarding the potential impacts upon the European sites as detailed above.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

### **Other advice.**

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

If you have any queries relating to the advice in this letter, please contact me on [laura.tyndall@naturalengland.org.uk](mailto:laura.tyndall@naturalengland.org.uk).

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our [Discretionary Advice Service](#).

Please consult us again once the information requested above, has been provided. Yours sincerely,

Laura Tyndall  
Yorkshire and Northern Lincolnshire Area Team

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



Tanya Coggon  
North Lincolnshire Council  
Church Square House  
30-40 High Street  
Scunthorpe  
North Lincolnshire  
DN15 6NL  
[planning@northlincs.gov.uk](mailto:planning@northlincs.gov.uk)

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

## 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 site<sup>1</sup> 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 have<sup>2</sup>. 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

---

<sup>1</sup> 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.

<sup>2</sup> 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](mailto:consultations@naturalengland.org.uk) quoting our reference 446012.

Yours sincerely,

Laura Tyndall

Yorkshire and Northern Lincolnshire Area Team  
Natural England

Date: 21 October 2024  
Our ref: 486539  
Your ref: PA/2023/1124



Ed Senior  
North Lincolnshire Council  
Business Development  
Church Square House  
30-40 High Street  
Scunthorpe  
DN15 6NL  
[planning@northlincs.gov.uk](mailto:planning@northlincs.gov.uk)

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

**BY EMAIL ONLY**

Dear Ed Senior,

**Planning consultation:** Planning permission for the development of 599 dwellings and lake, along with associated infrastructure, including landscaping, public open space and play area, pedestrian and cycle links, pumping station and sub-station.

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

Thank you for your consultation on the above dated 27 August 2024. We advise this advice letter is read alongside our previous advice letter dated 07 February 2024.

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 17 September 2024. Natural England has reviewed this advice and determined that it was incorrect and therefore wishes to withdraw its advice dated 17 September 2024 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.

**SUMMARY OF NATURAL ENGLAND'S ADVICE**

**FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES**

As submitted, the application could have potential significant effects on Humber Estuary Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA). and Ramsar. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following further information is required:

- Further assessment of loss and/or disturbance to functionally linked land associated with the Humber Estuary Ramsar/SSSI, including wintering/passage bird surveys.
- Further assessment of potential recreational disturbance impacts to the Humber Estuary SAC/SPA/Ramsar/SSSI.

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

## THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

### Additional information required

#### Functionally linked land

##### *Wintering/passage bird surveys*

In our previous advice letter dated 07 February 2024, and subsequent email dated 22 May 2024, we advised the following information was obtained to support the Habitats Regulations Assessment (HRA).

- Wintering and passage bird surveys to determine bird usage of the fields within and surrounding the proposed development site by Ramsar species. We recommend that the surveys follow the Vantage Point Survey methodology detailed in Annex C.

We note that the current consultation relates to a Lincolnshire Lakes Wintering Bird Survey report (dated 13 August 2024), which was uploaded to the planning portal on 27 August 2024. We note that the surveys detailed in this report do not cover the proposed development site, as stated in 1.1, 2.1, 4.6, and 4.7 and demonstrated in Figure 1 (site map). The report states that the habitat at the proposed development site is considered comparable to the habitat at the areas surveyed and suggests that these surveys are therefore sufficient for assessing whether the proposed development site comprises functionally linked land. However, Natural England do not consider that the surveys undertaken for the blue line area indicated in Figure 1 (and therefore outside of the red line boundary for the proposed development), are applicable for assessing whether the proposed application site is functionally linked to the Humber Estuary Ramsar.

As noted in our email dated 22 May 2024, we welcome that spring passage surveys have been completed for the proposed development site (March and April 2024), however, we continue to advise that full wintering/passage surveys are required to determine whether the site is functionally linked to the Humber Estuary protected sites. Please refer to Annex C (attached to this consultation response email) for further information around our recommended survey methodology.

##### *Desk-based assessment*

Alongside passage/wintering surveys as detailed above, we provided advice in our response dated 07 February 2024 around the records centre data desk-based assessment carried out in the shadow HRA. We note that further clarification around these points has not yet been provided and advise that this should be provided alongside the additional survey assessment above. Please find these comments again below:

- Natural England notes that two records centres – LERC and NEYEDC – were referred to in the shadow HRA, with the NEYEDC bird records only referred to regarding two species in

Table 6: European golden plover and Bar-tailed godwit. This is inconsistent with the information given in Section 3.3 of the Shadow HRA, where it states that NEYEDC found records of three species: Eurasian Marsh Harrier, Ruff, and Common Redshank. Natural England advises that justification for the intermittent use of these two records centres and clarity on the source of records is provided.

- Natural England notes that the Shadow HRA finds it unlikely that large numbers of golden plover will use the site, despite the habitat being suitable, due to the enclosed nature of the site. Natural England disagrees with this reasoning due to the large size of the proposed development site.
- Natural England notes that no bird records were referred to for the waterbird assemblage in the shadow HRA and advises that this information is required to inform the HRA.

### Recreational disturbance

We note that further assessment of recreational disturbance has not yet been provided and advise that this should be provided alongside the additional assessment above. Please refer to our advice 07 February 2024 again below.

Natural England notes that the proposed development is approximately 2.5km from the Humber Estuary Special Area of Conservation (SAC) and Ramsar site, and 12km from the Humber Estuary Special Protection Area (SPA). This planning application is part of allocation SS7 of the emerging 2020 – 2036 North Lincolnshire Local Plan. Due to the application site falling within the Zone of Influence for recreational disturbance impacts on the designated sites, we advise that it is not possible to rule out likely significant effects from potential recreational pressure / disturbance impacts to the Humber Estuary SAC / SPA / Ramsar at the screening stage of the HRA. An appropriate assessment should therefore be undertaken to further assess recreational disturbance impacts, with any relevant mitigation measures included where appropriate.

If a Suitable Alternative Natural Greenspace (SANG) is being proposed to mitigate for recreational disturbance impacts, we advise that Natural England's SANG guidance (attached alongside this letter) should be considered in designing a SANG. This guidance has been produced since the Local Plan was adopted. It should be noted that this document is specific to the SANG creation for the Thames Basin Heaths, although the broad principles are more widely applicable. Such provisions can help minimise any predicted increase in recreational disturbance/ pressure by containing the majority of recreation within and around the development site boundary away from the European site.

As a minimum, we advise that such provisions should include:

- High-quality, informal, semi-natural areas of 8 ha per 1000 population.
- Circular dog walking routes of 2.3 - 2.7 km within the site.
- Signage/information leaflets to promote these areas for recreation.
- Dog waste bins.
- A commitment to the long-term maintenance and management of these provisions.

### Air quality

We note that the Local Planning Authority's ecologist has provided updated comments on air quality dated 01 July 2024. This confirms that *"...the project would not create a predicted change of daily traffic flows of 1,000 AADT (Annual Average Daily Traffic) or more, either alone or in combination with other plans or projects, at Keadby Bridge (A18) or Burringham Road"*. We therefore concur that impacts resulting from air quality on the Humber Estuary SAC, Ramsar or SSSI can be ruled out, and we have no further comments to make in relation to air quality.

## **WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)**

### Humber Estuary Site of Special Scientific Interest (SSSI)

Natural England notes that the application site is located in close proximity to Humber Estuary SSSI. Natural England considers that the proposed development could have potential significant effects on the interest features for which the sites have been notified. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. Our advice regarding the potential impacts upon the Humber Estuary SSSI coincides with the advice set out above.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

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

If you have any queries relating to the advice in this letter, please contact me on [laura.tyndall@naturalengland.org.uk](mailto:laura.tyndall@naturalengland.org.uk).

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our [Discretionary Advice Service](#).

Please consult us again once the information requested above, has been provided. Yours sincerely,

Laura Tyndall

Yorkshire and Northern Lincolnshire Area Team Natural  
England

## Appendix 4a: Natural England Advice: Annexes to Standard Letters

### Annex A –Natural England general advice

#### Protected Landscapes

Paragraph 182 of the [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/national-landscapes) (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. Section 245 of the [Levelling-up and Regeneration Act 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2023/11/section/245) places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

#### Wider landscapes

Paragraph 180 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Guidelines for Landscape and Visual Impact Assessment \(GLVIA3\) - Landscape Institute](https://www.landscapelinstitute.org.uk/guidelines-for-landscape-and-visual-impact-assessment-glvia3) for further guidance.

#### Biodiversity duty

Section 40 of the [Natural Environment and Rural Communities Act 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2006/14/section/40) places a duty on the local planning authority to conserve and enhance biodiversity as part of its decision making. We refer you to the [Complying with the biodiversity duty - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/complying-with-the-biodiversity-duty) for further information.

#### Designated nature conservation sites

Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites (Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Both the direct and indirect impacts of the development should be considered.

A Habitats Regulations Assessment is needed where a proposal might affect a habitat site (see [Habitats regulations assessments: protecting a European site - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/habitats-regulations-assessments-protecting-a-european-site) and Natural England must be consulted on 'appropriate assessments' (see [Appropriate assessment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/appropriate-assessment) for more information for planning authorities).

Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via the [SSSI Impact Risk Zones \(England\) \(arcgis.com\)](https://arcgis.com) or as standard or bespoke consultation responses. Section 28G of the Wildlife and Countryside Act 1981 places a duty on all public bodies to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features for which an SSSI has been notified ([Sites of special scientific interest: public body responsibilities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/sites-of-special-scientific-interest-public-body-responsibilities)).

## Protected Species

Natural England has produced [Protected species and development: advice for local planning authorities \(gov.uk\)](#) (standing advice) to help planning authorities understand the impact of particular developments on protected species.

Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species licence may be required in certain cases. We refer you to [Wildlife licences: when you need to apply - GOV.UK \(www.gov.uk\)](#) for more information.

## Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local environmental records centre, wildlife trust, geoconservation groups or recording societies. Emerging [Local nature recovery strategies - GOV.UK \(www.gov.uk\)](#) may also provide further useful information.

Those habitats and species which are of particular importance for nature conservation are included as 'priority habitats and species' in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. We refer you to [Habitats and species of principal importance in England - GOV.UK \(www.gov.uk\)](#) for a list of priority habitats and species in England. You should consider priority habitats and species when applying your 'biodiversity duty' to your policy or decision making

Natural England does not routinely hold priority species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. We refer you to the [Brownfield Hub - Buglife](#) for more information and Natural England's [Open Mosaic Habitat \(Draft\) - data.gov.uk](#) (Open Mosaic Habitat inventory), which can be used as the starting point for detailed brownfield land assessments.

## Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and

186. Major development (defined in the [National Planning Policy Framework \(publishing.service.gov.uk\)](#) glossary) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is expected to be extended to smaller scale development in spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

For further information on the timetable for mandatory biodiversity net gain, we refer you to [Biodiversity Net Gain moves step closer with timetable set out - GOV.UK \(www.gov.uk\)](#). [Biodiversity net gain - GOV.UK \(www.gov.uk\)](#) provides more information on biodiversity net gain and includes a link to the draft [Biodiversity net gain - GOV.UK \(www.gov.uk\)](#) Planning Practice Guidance.

The statutory biodiversity metric should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. We refer you to [Calculate biodiversity value with the statutory biodiversity metric - GOV.UK \(www.gov.uk\)](#) for more information. For small development sites, [The Small Sites Metric - JP040 \(naturalengland.org.uk\)](#) may be used. This is a simplified version of the statutory biodiversity metric and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Where off-site delivery of biodiversity gain is proposed on a special site designated for nature (e.g. a SSSI or habitats site) prior consent or assent may be required from Natural England. More information is available on [Sites of Special Scientific Interest: managing your land](#)

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

[The Environmental Benefits from Nature Tool - Beta Test Version - JP038 \(naturalengland.org.uk\)](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the statutory biodiversity metric.

[Natural environment - GOV.UK \(www.gov.uk\)](#) provides further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain.

### **Ancient woodland, ancient and veteran trees**

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. The [Natural England Access to Evidence - Ancient woodlands Map](#) can help to identify ancient woodland. Natural England and the Forestry Commission have produced [Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK \(www.gov.uk\)](#) (standing advice) for planning authorities. It should be considered when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

### **Best and most versatile agricultural land and soils**

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in the [Guide to assessing development proposals on agricultural land - GOV.UK \(www.gov.uk\)](#). [Find open data - data.gov.uk](#) on Agricultural Land Classification or use the information available on [MAGIC \(defra.gov.uk\)](#).

The Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites \(publishing.service.gov.uk\)](#) provides guidance on soil protection, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, we refer you to [Reclaim minerals extraction and landfill sites to agriculture - GOV.UK \(www.gov.uk\)](#), which provides guidance on soil protection for site restoration and aftercare. The [Soils Guidance \(quarrying.org\)](#) provides detailed guidance on soil handling for mineral sites.

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

### **Green Infrastructure**

For evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI) we refer you to [Green Infrastructure Home \(naturalengland.org.uk\)](#) (the Green Infrastructure Framework). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the 15 [GI How Principles \(naturalengland.org.uk\)](#). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

The [Green Infrastructure Map \(naturalengland.org.uk\)](https://naturalengland.org.uk) and [GI Mapping Analysis \(naturalengland.org.uk\)](https://naturalengland.org.uk) are GI mapping resources that can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

#### **Access and Recreation:**

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

#### **Rights of Way, Access land, Coastal access and National Trails:**

Paragraphs 104 and 180 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development.

Consideration should also be given to the potential impacts on any nearby National Trails. We refer you to [Find your perfect trail, and discover the land of myths and legend - National Trails](#) for information including contact details for the National Trail Officer.

The King Charles III England Coast Path (KCIIECP) is a National Trail around the whole of the English Coast. It has an associated coastal margin subject to public access rights. Parts of the KCIIECP are not on Public Rights of Way but are subject to public access rights. Consideration should be given to the impact of any development on the KCIIECP and the benefits of maintaining a continuous coastal route.

Appropriate mitigation measures should be incorporated for any adverse impacts on Rights of Way, Access land, Coastal access, and National Trails.

Further information is set out in the Planning Practice Guidance on the [Natural environment - GOV.UK \(www.gov.uk\)](https://www.gov.uk).

## **Annex C: Passage and wintering bird surveys for functionally linked land associated with the Humber Estuary and/or Lower Derwent Valley designated sites (Version 1.1, December 2021)**

### ***Background***

The below guidance is intended to inform assessments of proposed development sites in proximity to the Humber Estuary and/or the Lower Derwent Valley designated sites only, where potential impacts from loss of/disturbance to functionally linked land (FLL) have been identified, for example due to presence of suitable habitat (such as arable land/grassland or open waterbodies) and/or relevant bird records and/or local knowledge.

Natural England recommends that surveys are undertaken of the site and surrounding fields to provide an overview of bird usage during wintering and spring/autumn passage periods.

We recommend that the surveys are carried out in line with the following best practice guidance. Where alternative approaches are used, clear justification should be provided.

Please note that recommended survey periods, frequency and design may differ for sites located within the boundaries of Humber Estuary or Lower Derwent Valley designated sites, or in proximity to other designated sites. Please contact Natural England in such cases.

### ***Survey periods and frequency***

Natural England recommends that surveys are completed at the following frequency:

- Autumn Passage – two surveys per month between August to October inclusive.
- Winter - two surveys per month between October to March inclusive.
- Spring Passage – two surveys per month between March - Mid-May inclusive.

We advise that spring and autumn passage surveys are completed (in addition to winter surveys) as the Humber Estuary and Lower Derwent Valley SPAs are important for species migrating between breeding and wintering sites. Further advice on seasonality for Humber Estuary SPA and Lower Derwent Valley SPA designated features can be found at [Designated Sites View \(naturalengland.org.uk\)](https://naturalengland.org.uk/designated-sites-view) and [UK9006092 Lower Derwent Valley SPA Published 14 Sep 2023 \(naturalengland.org.uk\)](https://naturalengland.org.uk/uk9006092-lower-derwent-valley-spa), respectively.

Weekly visits during the autumn and spring passage periods are recommended where birds are likely to be present in the migration period only, due to high turnover of birds during migration. Note that certain passage species, such as whimbrel associated with the Lower Derwent Valley SPA, may have specific survey requirements due to their migration behaviour. Please discuss such cases with Natural England.

Natural England recommends that two years of wintering and passage surveys should be completed in certain cases to provide a more robust understanding of SPA bird usage on the site and inform design of suitable mitigation, where relevant. This will depend on site-specific factors, for example where proposed development sites:

- are in very close proximity to the designated site/s; and/or
- have a large development footprint; and/or
- are expected/shown to have high bird sensitivity, especially where activity varies significantly between years; and/or
- existing bird records / expert advice demonstrates usage of the site by high numbers of SPA birds.

Please contact Natural England if you are unclear on whether two years of wintering and passage surveys are recommended for this proposal.

### **Survey design**

Wintering/passage surveys should be designed to ensure that results are sufficient to provide a robust picture of distribution, abundance and regularity of use by waterbirds associated with the Humber Estuary and/or Lower Derwent Valley SPAs across the full extent of the proposed development site. Please refer to Annex B and/or Annex B1 for the non-breeding waterbird assemblage list for the Humber Estuary and Lower Derwent Valley SPA, respectively.

A detailed methodology should be included in the relevant report/s, including key information such as number of visits, date and time of visits, viewpoint locations and/or transect routes walked. The survey results should provide some understanding of how the birds use the site (for example, for roosting or foraging) as well as presence/ absence. We would expect to see commentary of birds landing and taking off within and outwith the development site. We also recommend recording birds in flight, particularly if the application may have the potential to affect bird flight lines.

Consideration should also be given to surveys in poor weather/ visibility conditions. Usual survey methodology is to avoid surveying in poor conditions due to potential reduced detectability of birds. However, use can vary in different weather conditions, so it may be helpful to carry on with surveys in poor weather. Weather conditions may affect the results of the surveys and therefore should be considered in assessing the robustness of the dataset.

In addition, details of wider weather conditions should be included, for example, where there may have been a particularly wet or cold season and this may change bird distribution across the area, due to frozen ground etc. Furthermore, a milder autumn may lead to wintering birds arriving later and vice versa in colder autumns.

The methodology should also consider whether the site has any seasonal features such as dips and low-lying areas that retain water at particular times, for example early in the season or in wet years. These areas may have importance for waders at these times, but if surveyed during a drier spell or where full passage/winter surveys have not been completed, it may be possible to underestimate the importance of the site.

For sites in close proximity to the Humber Estuary, the surveys should cover different tidal states. Use of sites closer to the estuary are more likely to be tidally influenced. For sites which may potentially affect high tide roosts, observations should be conducted from two hours before high tide to two hours after high tide. For sites where there are high tide roosts, it may be beneficial to have a series of counts at different heights of tides ('through the tide counts'), as some sites are only used on Spring tides and others are only used on Neap and low tides.

For sites in proximity to the Lower Derwent Valley, the surveys should cover different times of day and different flooding states in the valley. For example, during certain winter periods, the designated site may be extensively flooded and therefore usage of surrounding functionally linked land may be higher for wading birds.

The surveys should cover open arable land/grassland and any waterbodies within the proposed site boundary, as well as land adjacent to the development that could be affected and provides the potential to support designated site species. Where a site is adjacent to the Humber Estuary designated site, additional considerations may be required, for example

ensuring adequate surveys of intertidal habitats. Please contact Natural England in such cases.

Surveys may also need to take account of surveys at dusk and dawn, depending upon the bird species (i.e. geese and swans). If geese and swans have the potential to use the development site or surrounding area, we would expect to see surveys 1 hour before and 1 hour after, dusk and dawn during the respective bird survey season (i.e. winter, spring and autumn passage (as above)). These surveys should be in addition to the standard daytime survey but can be carried out on the same day. For example, a dawn survey to count geese or swans at their night-time roost could then extend into a survey of daytime use of fields for foraging.

Natural England generally recommends that observations from vantage points (VP) are used. VP surveys are considered preferable to walkover surveys for observing behaviour of birds on the ground (i.e., whether they are foraging/loafing etc.), and to minimise the risk of flushing birds due to movement of a surveyor during a walkover survey. Also, birds which may otherwise have landed in the field during the survey period may be unlikely to do so with the presence of a moving surveyor. If landscape features mean it is not possible to avoid walking through part of the survey area to get from one point count to another, this should be noted and the reaction of any birds present recorded, including any that are flushed.

Further guidance on vantage point surveys can be found at [Recommended bird survey methods to inform impact assessment of onshore windfarms | NatureScot](#). Natural England recognises that the NatureScot VP guidance is written for impacts associated with wind turbines. However, Natural England considers that the survey guidance detailed in Section 3.7 provides an appropriate methodology to identify distribution and abundance of birds to inform the assessment of other developments. We acknowledge that some of the information regarding the required watch hours and height considerations etc will not be relevant in the context of other developments. Therefore, site-specific considerations should be taken into account when designing the survey methods.

Where VP surveys are not considered appropriate for a particular site, clear reasoning and justification regarding the alternative survey methods undertaken should be provided.

Natural England has generally advised that if  $\geq 1\%$  of a Humber Estuary bird species population could be affected by a proposal, alone or in combination with other plans or projects, then further consideration is required. However, where species are particularly vulnerable due to declines in the Humber population, then it may not be appropriate to rely on the 1% of the estuary population as the critical threshold. Mitigation measures may be required where lower numbers of vulnerable species are using a site that is proposed for development.

#### *Nocturnal surveys*

Wader and waterfowl usage of arable land/grassland outside designated sites can be substantially different at night. Therefore, Natural England recommends nocturnal surveys are also carried out if waders and/or waterfowl have the potential to use the development site. These surveys should be in addition to the standard daytime surveys. We recommend that several visits should be completed to determine if the site and/or surrounding areas play a regular role in supporting SPA species at night. Night vision/infra-red equipment and survey on moonlit nights can establish presence of nocturnal species or presence and direction of feeding/migration movements both by calls and by sight<sup>1</sup>.

Guidance on nocturnal surveys can be found at [Nocturnal bird surveys | Bird Survey Guidelines](#). The nocturnal survey design should take this guidance into account, and the approach should be justifiable in the assessment. It should be noted that for most species nocturnal activity is likely to be underestimated in any attempted survey<sup>1</sup>.

---

RE: Humber Estuary SPA, Recreational Disturbance and NLC applications

---

From Tyndall, Laura <Laura.Tyndall@naturalengland.org.uk>  
Date Wed 23/10/2024 14:56  
To Andrew Taylor <Andrew.Taylor@northlincs.gov.uk>  
Cc Chris Barwell <Chris.Barwell@northlincs.gov.uk>; Gooch, Hannah <Hannah.Gooch@naturalengland.org.uk>

**CAUTION:** External Email. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Andrew,

Thank you for sending through this draft HRA appropriate assessment. Please find our comments on the draft below:

Water quality and air quality impacts

We agree that based on the assessment provided that likely significant effects from water quality and air quality impacts to the Humber Estuary designated sites can be ruled out alone and in-combination.

Functionally linked land (Humber Estuary SPA/Ramsar)

We have continued to advise that full passage/wintering surveys are required. We note that your 22 September 2023 memo on the planning portal says that bird surveys should be undertaken, and at a discussion prior to submission of our response in February 2024, it was confirmed between NE and North Lincolnshire Council that these were required for the site.

The further assessment section (6.3) of your HRA appropriate assessment contains additional assessment, including a desk study and details around habitat suitability for SPA/Ramsar birds. We note however there is no mention of the need to undertake surveys, and we are unclear on why it appears that you have changed your position and would like to understand this further. Please refer to further comments on section 6.3 below:

- *Desk study:*
  - We welcome the updated desk study for the application site, including LERC data search on 03 October 2024. This section notes constraints with the LERC data in terms of some SPA/Ramsar species records not being available. We advise that additional justification is provided in the HRA if this is not considered a significant constraint in this case.
  - There is also reference to the Lincolnshire Lakes Desktop Bird Study carried out in 2011 for PA/2011/1386. The study recorded no SPA/Ramsar birds in the fields that cover this site. As this study was carried out 13 years ago, it should be determined whether this

the determination of suitable mitigation measures to avoid adverse effects on the integrity of European designated sites should be carried out by your authority, as Competent Authority under the Habitats Regulations.

Finally, we just want to flag there is an error on page 10 of the HRA, with point 2 of 'Determination of Likely Significant Effect' stating both that there will, and that there will not be, LSE. We advise this is revised to just state the second statement (there will be LSE), as LSE is identified for two impact pathways.

If you have any questions about the above, just let me know.

Best wishes,  
Laura

**Laura Tyndall**  
**Higher Officer**  
Terrestrial Sustainable Development  
Yorkshire & Northern Lincolnshire Area Team  
Lateral, 8 City Walk, Leeds, LS11 9AT  
[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

---

**From:** Andrew Taylor <Andrew.Taylor@northlincs.gov.uk>  
**Sent:** 07 October 2024 15:25  
**To:** Tyndall, Laura <Laura.Tyndall@naturalengland.org.uk>  
**Cc:** Chris Barwell (Guest) <chris.barwell@northlincs.gov.uk>; Gooch, Hannah <Hannah.Gooch@naturalengland.org.uk>  
**Subject:** Re: Humber Estuary SPA, Recreational Disturbance and NLC applications

Hi All

I've attached a rough draft of the HRA for Keepmoat Lincs Lakes (PA/2024/1124), to move the discussion along. Do let me know when you are in a position to offer some advice.

ATB

Andrew Taylor  
Natural Environment Policy Specialist | Place | Communities

Good afternoon,

Thank you for consulting Natural England on the updated bird surveys for planning application PA/2023/1124.

Natural England welcome the provision of additional bird data, covering the autumn passage period (August 2024-October 2024). We note that wintering bird survey data has been provided spanning October 2024-early December 2024. Natural England advise that wintering bird surveys should be undertaken between October to March inclusive. We therefore advise that surveys are continued to cover the full season. We note that March surveys were already completed in 2024, and therefore advise that bird surveys should continue until the end of February. We recommend that the surveys follow the Vantage Point Survey methodology detailed in Annex C and include the fields adjacent to the site.

Natural England welcomes the applicant's submission of raw bird survey data for five survey dates between the end of October 2024 and early December 2024, however we cannot provide comprehensive advice on this data as currently presented. This is due to limitations in the presentation of the results. Natural England advise that a more detailed survey methodology should be provided, including details of individual survey dates and times, and maps showing the area covered by the surveys/the transect routes walked. We advise that the full data are provided, including all bird counts. The survey results should provide some understanding of how the birds use the site (for example, for roosting or foraging) as well as presence/absence. We would expect to see commentary of birds landing and taking off within and outwith the development site, in addition to records of birds in flight. Suitably annotated maps showing how the area is used by all relevant Humber Estuary species recorded should be provided.

If you have any further questions about this consultation response, please do not hesitate to contact me.

Kind regards,  
Elen Squires

**Elen Squires** (she/her)

Higher Officer - Terrestrial Sustainable Development  
Yorkshire and Northern Lincolnshire Area Team

Natural England, 2<sup>nd</sup> Floor, Foss House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PX

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

Date: 14 August 2025  
Our ref: 521132  
Your ref: PA/2023/1124



Andrew Taylor  
North Lincolnshire Council  
Church Square House  
0 – 40 High Street  
Scunthorpe  
DN15 6NL

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

**BY EMAIL ONLY**

Dear Andrew Taylor

**Planning consultation:** 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  
**AMENDED PLANS**

**Location:** Lincolnshire Lakes, land east of M181 and north of Burringham Road, Scunthorpe

Thank you for your consultation on the above dated 28 July 2025, 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.

**SUMMARY OF NATURAL ENGLAND'S ADVICE**

**FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES**

As submitted, the application could have potential significant effects on Humber Estuary Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Further assessment of in-combination impacts to birds using Functionally Linked Land associated with the Humber Estuary SSSI/SPA/Ramsar
- Further assessment of recreational disturbance impacts on the Humber Estuary SSSI/SAC/SPA/Ramsar

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

### **Additional Information required**

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that **it is not possible** to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question.

Natural England advises that the assessment does not currently provide enough information and/or certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage.

Further assessment and consideration of mitigation options is required, and Natural England provides the following advice on the additional assessment work required.

### **Recreational disturbance**

The Habitats Regulations Assessment ('the HRA') (July 2025) sets out a hybrid approach for delivering mitigation for recreational pressure including: financial contributions to the Strategic Access Management Monitoring Strategy (SAMMS) and onsite Suitable Alternative Natural Greenspace (SANG). Natural England are satisfied with this approach, in principle.

However, Natural England is currently engaging with your authority regarding the *Interim Draft SAMMS Position Statement* aiming to provide a strategic mitigation strategy for recreational pressure

This is working towards a solution, and we will provide further comment when this is finalised.

To provide effective mitigation under the Habitats Regulations, a SANG must function as a genuine, attractive alternative to the relevant designated sites with a commitment to the long-term maintenance and management of these provisions.

Where a development is not likely to meet all the requirements for a SANG (as set out in our letter 21 October 2024 and email 23 January 2025) we advise your authority to consider how alternative greenspace standards can provide adequate mitigation, alongside a proportionate SAMMS contribution.

Should your authority decide that a network of smaller greenspaces can contribute towards effective avoidance measures, we advise that the HRA should demonstrate how different types of greenspaces are suitably connected to the wider network, achieve acceptable dimensions, and are designed for the target users. We would welcome a drawing confirming the proposed greenspace size calculation, walking routes and off-lead dog areas, as described in 7.6 of the HRA.

### **Functionally Linked Land**

We welcome the assessment of SPA bird use of the development site and adjacent areas in the HRA. We welcome that the desk study results (6.3.1 – 6.3.2), species seasonality (6.3.8.4) and survey methodology have been considered in the assessment. Natural England is satisfied that

justification has been provided as to why the survey effort is sufficient in this case. The HRA references North Lincolnshire Council-led bird surveys (6.3.5), however, the full results are not available to view on the public portal. We request these are uploaded for completeness.

We advise the in-combination assessment for potential impacts to SPA birds using functionally linked land (6.4) is incomplete. It is not correct to say *“As the project will not lead to any loss of functionally linked land alone, it will not act in combination with other plans or projects in terms of this impact pathway”*, as residual effects must still be considered.

We highlight that bird survey results are available from other nearby development proposals which should be considered in the in-combination assessment, for example, planning application reference PA/2025/254.

We advise a precautionary approach should be taken to the in-combination assessment, considering the limitations of the surveys and bird usage patterns, such as regular SPA bird use below 1% of the estuary population and occasional use above 1% of the estuary population.

We highlight that there is an increasing risk that, as more bird survey results are collected for future development sites nearby, it is possible that there could be an in-combination loss of functionally linked land across the wider Lincolnshire Lakes allocation area. We advise your authority to consider its approach to in-combination and cumulative losses at the strategic level. In the absence of complete bird data for the whole allocation, your authority should demonstrate how it is taking a precautionary approach to these assessments.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

### **Other advice**

In addition, Natural England would advise on the following issues.

Natural England requests that the most recent HRA should be added to the planning portal along with previous advice provided by Natural England.

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

If you have any queries relating to the advice in this letter please contact me on [cameron.dobbie@naturalengland.org.uk](mailto:cameron.dobbie@naturalengland.org.uk).

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our [Discretionary Advice Service](#).

Please consult us again once the information requested above, has been provided.

Yours sincerely

Cameron Dobbie  
Yorkshire and Northern Lincolnshire Area Team

## Annex A –Natural England general advice

### Protected Landscapes

Paragraph 182 of the [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67222/nppf.pdf) (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. Section 245 of the [Levelling-up and Regeneration Act 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2023/1/section/245) places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

### Wider landscapes

Paragraph 180 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Guidelines for Landscape and Visual Impact Assessment \(GLVIA3\) - Landscape Institute](https://www.landscapematters.com/publications/view/100) for further guidance.

### Biodiversity duty

Section 40 of the [Natural Environment and Rural Communities Act 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2006/14/section/40) places a duty on the local planning authority to conserve and enhance biodiversity as part of its decision making. We refer you to the [Complying with the biodiversity duty - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67222/nppf.pdf) for further information.

### Designated nature conservation sites

Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites (Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Both the direct and indirect impacts of the development should be considered.

A Habitats Regulations Assessment is needed where a proposal might affect a habitat site (see [Habitats regulations assessments: protecting a European site - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67222/nppf.pdf) and Natural England must be consulted on 'appropriate assessments' (see [Appropriate assessment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67222/nppf.pdf) for more information for planning authorities).

Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via the [SSSI Impact Risk Zones \(England\) \(arcgis.com\)](https://arcgis.com) or as standard or bespoke consultation responses. Section 28G of the Wildlife and Countryside Act 1981 places a duty on all public bodies to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features for which an SSSI has been notified ([Sites of special scientific interest: public body responsibilities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67222/nppf.pdf)).

### Protected Species

Natural England has produced [Protected species and development: advice for local planning authorities \(gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67222/nppf.pdf) (standing advice) to help planning authorities understand the impact of particular developments on protected species.

Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species licence may be required in certain cases. We refer you to [Wildlife licences: when you need to apply - GOV.UK \(www.gov.uk\)](https://www.gov.uk/wildlife-licences) for more information.

### **Local sites and priority habitats and species**

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local environmental records centre, wildlife trust, geoconservation groups or recording societies. Emerging [Local nature recovery strategies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/local-nature-recovery) may also provide further useful information.

Those habitats and species which are of particular importance for nature conservation are included as 'priority habitats and species' in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. We refer you to [Habitats and species of principal importance in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/habitats-species) for a list of priority habitats and species in England. You should consider priority habitats and species when applying your 'biodiversity duty' to your policy or decision making

Natural England does not routinely hold priority species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. We refer you to the [Brownfield Hub - Buglife](https://www.gov.uk/brownfield-hub) for more information and Natural England's [Open Mosaic Habitat \(Draft\) - data.gov.uk](https://data.gov.uk/open-mosaic-habitat) (Open Mosaic Habitat inventory), which can be used as the starting point for detailed brownfield land assessments.

### **Biodiversity and wider environmental gains**

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. Major development (defined in the [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.gov.uk/national-planning-policy-framework) glossary) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is expected to be extended to smaller scale development in spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

For further information on the timetable for mandatory biodiversity net gain, we refer you to [Biodiversity Net Gain moves step closer with timetable set out - GOV.UK \(www.gov.uk\)](https://www.gov.uk/biodiversity-net-gain). [Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/biodiversity-net-gain) provides more information on biodiversity net gain and includes a link to the draft [Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/biodiversity-net-gain) Planning Practice Guidance.

The statutory biodiversity metric should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. We refer you to [Calculate biodiversity value with the statutory biodiversity metric - GOV.UK \(www.gov.uk\)](https://www.gov.uk/calculate-biodiversity-value) for more information. For small development sites, [The Small Sites Metric - JP040 \(naturalengland.org.uk\)](https://naturalengland.org.uk/the-small-sites-metric) may be used. This is a simplified version of the statutory biodiversity metric and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Where off-site delivery of biodiversity gain is proposed on a special site designated for nature (e.g. a SSSI or habitats site) prior consent or assent may be required from Natural England. More information is available on [Sites of Special Scientific Interest: managing your land](https://www.gov.uk/sites-of-special-scientific-interest)

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

[The Environmental Benefits from Nature Tool - Beta Test Version - JP038 \(naturalengland.org.uk\)](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the statutory biodiversity metric.

[Natural environment - GOV.UK \(www.gov.uk\)](#) provides further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain.

### **Ancient woodland, ancient and veteran trees**

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. The [Natural England Access to Evidence - Ancient woodlands Map](#) can help to identify ancient woodland. Natural England and the Forestry Commission have produced [Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK \(www.gov.uk\)](#) (standing advice) for planning authorities. It should be considered when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

### **Best and most versatile agricultural land and soils**

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in the [Guide to assessing development proposals on agricultural land - GOV.UK \(www.gov.uk\)](#). [Find open data - data.gov.uk](#) on Agricultural Land Classification or use the information available on [MAGIC \(defra.gov.uk\)](#).

The Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites \(publishing.service.gov.uk\)](#) provides guidance on soil protection, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, we refer you to [Reclaim minerals extraction and landfill sites to agriculture - GOV.UK \(www.gov.uk\)](#), which provides guidance on soil protection for site restoration and aftercare. The [Soils Guidance \(quarrying.org\)](#) provides detailed guidance on soil handling for mineral sites.

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

### **Green Infrastructure**

For evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI) we refer you to [Green Infrastructure Home \(naturalengland.org.uk\)](#) (the Green Infrastructure Framework). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the 15 [GI How Principles \(naturalengland.org.uk\)](#). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

The [Green Infrastructure Map \(naturalengland.org.uk\)](https://naturalengland.org.uk) and [GI Mapping Analysis \(naturalengland.org.uk\)](https://naturalengland.org.uk) are GI mapping resources that can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

**Access and Recreation:**

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

**Rights of Way, Access land, Coastal access and National Trails:**

Paragraphs 104 and 180 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development.

Consideration should also be given to the potential impacts on any nearby National Trails. We refer you to [Find your perfect trail, and discover the land of myths and legend - National Trails](#) for information including contact details for the National Trail Officer.

The King Charles III England Coast Path (KCIIIIECP) is a National Trail around the whole of the English Coast. It has an associated coastal margin subject to public access rights. Parts of the KCIIIIECP are not on Public Rights of Way but are subject to public access rights. Consideration should be given to the impact of any development on the KCIIIIECP and the benefits of maintaining a continuous coastal route.

Appropriate mitigation measures should be incorporated for any adverse impacts on Rights of Way, Access land, Coastal access, and National Trails.

Further information is set out in the Planning Practice Guidance on the [Natural environment - GOV.UK \(www.gov.uk\)](https://www.gov.uk).

Date: 22 October 2025  
Our ref: 528818  
Your ref: PA/2023/1124



Dean Watson  
North Lincolnshire Council  
Church Square House  
30 – 40 High Street  
Scunthorpe  
DN15 6NL

Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

[planning@northlincs.gov.uk](mailto:planning@northlincs.gov.uk)

## BY EMAIL ONLY

Dear Dean Watson,

**Planning consultation:** 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.

**Location:** Lincolnshire Lakes, land east of M181 and north of Burringham Road, Scunthorpe Thank you

for your consultation on the above dated 29 September 2025.

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.

### SUMMARY OF NATURAL ENGLAND'S ADVICE

#### NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England considers that without appropriate mitigation the application would:

- have an adverse effect on the integrity of the Humber Estuary Special Area of Conservation (SAC), Special Protection Area (SPA), and Ramsar site <https://designatedsites.naturalengland.org.uk/>
- damage or destroy the interest features for which the Humber Estuary Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- *Mitigation measures for recreational disturbance impacts, as outlined in sections 7, 8, and 9 of your Habitats Regulations Assessment (HRA) (September 2025). This primarily comprises a financial contribution to a Strategic Access Management and Monitoring Strategy (SAMMS) and delivery of on-site greenspace/ open space.*

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered, and relevant local bodies are consulted.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

## **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AMENDED)**

### Humber Estuary SPA/SAC/Ramsar

Please note that the following advice is based on a draft version of the Habitats Regulations Assessment (HRA) (Version 6) sent to Natural England by the North Lincolnshire Council Natural Environment Policy Specialist on 29 September 2025. **Our advice below is therefore provided based on the understanding that this version of the HRA will be submitted to the planning portal.**

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

#### *Further advice on mitigation - Recreational disturbance*

The updated draft HRA appropriate assessment (September 2025) now details additional mitigation measures, following our last full consultation response in August 2025. We consider that following the amendments made, the mitigation measures are now adequate to avoid adverse effects on the integrity of the Humber Estuary designated sites.

The below measures will need to be strictly implemented so that the conclusions of the HRA remain valid. If these measures need to be amended, a new assessment should be undertaken, and Natural England will need to be re-consulted.

The mitigation measures should include, but not be limited to, the following:

- As outlined in section 7.6.2 of the HRA, a financial contribution, per dwelling, to a Strategic Access Management and Monitoring Strategy (SAMMS), to be agreed with Your Authority. This will enable delivery of targeted strategic mitigation measures (outlined in section 7.6.3), and contribution to SAMMS is to be secured through implementation of a Section 106 planning agreement (outlined in section 8.1).
- The provision of greenspace/ open space within the red line boundary, as outlined in 7.7. We concur with the conclusion in 7.7.2 that, alongside a full contribution to the SAMMS scheme, the provision of the greenspace/ open space provides additional assurance that recreational disturbance impacts will be adequately mitigated for.

We note at the time of writing this letter, the SAMMS payment is outlined in the HRA as comprising a per dwelling contribution of £121 and therefore a total of £71,753 for the development. This however is stipulated with the following: “...the final cost per dwelling may be updated in the required section 106 agreement when the interim SAMMS approach has been agreed by North Lincolnshire Council.” We are aware that the final details of your authority’s SAMMS are currently being worked through in consultation with Natural England. However, at this stage we are able to agree with the SAMMS approach in principle for this development, subject to final amendments, as contribution to the SAMMS will be secured through the implementation of a Section 106 planning agreement (as confirmed in 8.1.1).

#### *Functionally linked land*

Section 6 of the HRA (September 2025) assesses impacts on functionally linked land associated with the Humber Estuary SPA/Ramsar. This includes an environmental records search and assessment of the wintering/passage survey results. Natural England agrees with the conclusion of no adverse effect on integrity in this case. This judgement reflects a combination of site-specific factors including:

- The distance of the application site from the SPA boundary.
- Passage/wintering surveys conducted over a full season recorded SPA birds in significant numbers only once, immediately after ploughing. Over the rest of the season, only low numbers of SPA species were found very infrequently, indicating that use of the site is infrequent and likely opportunistic.
- The detailed assessment of the data provided in section 6.3 of your HRA.

Although Natural England agree that adverse effect to the Humber Estuary designated sites can be ruled out in this case, we recognise that the application site may still perform some ecological function for SPA birds. While this function is not considered significant in the context of this specific proposal, we highlight that moving forward, your authority should consider how to address any potential residual impacts to SPA birds from this development, to avoid incremental losses of supporting habitat over time.

We also note that the in-combination assessment in Table 1 of the HRA highlights, that for some of the plans/projects, that residual effects after mitigation are not known (e.g. Lincolnshire Lakes Area Action Plan and Land West of Scotter Road, The Lakes, Scunthorpe). As more bird survey data becomes available for development sites nearby, there is an increasing risk of cumulative loss of functionally linked land across the wider Lincolnshire Lakes allocation area. We therefore advise your authority to consider a strategic approach to assessing in-combination and cumulative impacts. In the absence of complete bird data for the whole allocation, your authority should demonstrate how a precautionary approach is being applied to these assessments.

#### **WILDLIFE AND COUNTRYSIDE ACT 1981 (AMENDED)**

##### Humber Estuary Site of Special Scientific Interest (SSSI)

Our advice regarding the Humber Estuary SSSI coincides with the advice set out above.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England’s advice. You must also allow a further period of 21 days before the operation can commence.

## **Other advice - Lincolnshire Lakes Allocation**

### Strategic level assessment

Please note that we will write to your authority separately to further detail our recommendations for strategic level assessment regarding the Lincolnshire Lakes Allocation.

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

If you have any queries relating to the advice in this letter, please contact me on [laura.tyndall@naturalengland.org.uk](mailto:laura.tyndall@naturalengland.org.uk).

We would not expect to provide further advice on the discharge of planning conditions or obligations attached to any planning permission.

Should the proposal change, please consult us again.

Yours sincerely,

Laura Tyndall

Yorkshire and Northern Lincolnshire Area Team  
Natural England

## Annex A – Natural England general advice

### Protected Landscapes

Paragraph 189 of the [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/national-planning-policy-framework) (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 190 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. Section 245 of the [Levelling-up and Regeneration Act 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2023/14/section/245) places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

### Wider landscapes

Paragraph 187 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Guidelines for Landscape and Visual Impact Assessment \(GLVIA3\) - Landscape Institute](https://www.gov.uk/government/publications/guidelines-for-landscape-and-visual-impact-assessment) for further guidance.

### Biodiversity duty

Section 40 of the [Natural Environment and Rural Communities Act 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2006/14/section/40) places a duty on the local planning authority to conserve and enhance biodiversity as part of its decision making. We refer you to the [Complying with the biodiversity duty - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/complying-with-the-biodiversity-duty) for further information.

### Designated nature conservation sites

Paragraphs 193-195 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites (Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)). Both the direct and indirect impacts of the development should be considered.

A Habitats Regulations Assessment is needed where a proposal might affect a habitat site (see [Habitats regulations assessments: protecting a European site - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/habitats-regulations-assessments-protecting-a-european-site) and Natural England must be consulted on 'appropriate assessments' (see [Appropriate assessment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/appropriate-assessment) for more information for planning authorities).

Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via the [SSSI Impact Risk Zones \(England\) \(arcgis.com\)](https://arcgis.com) or as standard or bespoke consultation responses. Section 28G of the Wildlife and Countryside Act 1981 places a duty on all public bodies to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features for which an SSSI has been notified ([Sites of special scientific interest: public body responsibilities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/sites-of-special-scientific-interest-public-body-responsibilities)).

## Air Quality

Natural England has produced ['Air pollution and development: advice for local authorities. How to assess sector-specific planning applications that could affect air quality on a protected site'](#). This standing advice is to help planning authorities understand the impact on statutory protected sites from particular developments that emit specific air pollutants. The advice covers emissions of ammonia (NH<sub>3</sub>), nitrogen oxides (NO, NO<sub>2</sub> or NO<sub>x</sub>), nitrogen deposition, acid deposition and sulphur dioxide (SO<sub>2</sub>).

The standing advice is Natural England's formal statutory advice and is a material consideration. It provides decision makers with the information needed to fulfil their statutory duties when making decisions on planning applications with potential air pollution impacts.

Note that this advice cannot be used to assess Nationally Significant Infrastructure Projects (NSIPs) or local plans.

## Protected Species

Natural England has produced [Protected species and development: advice for local planning authorities - GOV.UK](#) (standing advice) to help planning authorities understand the impact of particular developments on protected species.

Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species licence may be required in certain cases. We refer you to [Wildlife licences: when you need to apply](#) (www.gov.uk) for more information.

## Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 187, 188 and 192 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local environmental records centre, wildlife trust, geoconservation groups or recording societies. Emerging [Local nature recovery strategies - GOV.UK \(www.gov.uk\)](#) may also provide further useful information.

Those habitats and species which are of particular importance for nature conservation are included as 'priority habitats and species' in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. We refer you to [Habitats and species of principal importance in England](#) (gov.uk) for a list of priority habitats and species in England. You should consider priority habitats and species when applying your 'biodiversity duty' to your policy or decision making

Natural England does not routinely hold priority species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. We refer you to the [Brownfield Hub - Buglife](#) for more information and Natural England's [Open Mosaic Habitat \(Draft\) - data.gov.uk](#) (Open Mosaic Habitat inventory), which can be used as the starting point for detailed brownfield land assessments.

## Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 187(d), 192 and 193. Unless exempt major development (defined in the [National Planning Policy Framework \(publishing.service.gov.uk\)](#) glossary) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement was extended to minor development from April 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from May 2026.

[Biodiversity Net Gain](#) guidance (gov.uk) provides more information on biodiversity net gain and includes a link to the [Biodiversity Net Gain Planning Practice Guidance](#) (gov.uk).

The statutory biodiversity metric should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. We refer you to [Calculate biodiversity value with the statutory biodiversity metric](#) for more information. For minor development sites, [The Small Sites Metric](#) may be used where these sites meet the criteria to use this Small Sites Metric. This is a simplified version of the statutory biodiversity metric and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 193 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Where off-site delivery of biodiversity gain is proposed on a special site designated for nature (e.g. a SSSI or habitats site) prior consent or assent may be required from Natural England. More information is available on [Sites of Special Scientific Interest: managing your land](#)

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 77, 109, 125, 187, 188, 192 and 193). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

[The Environmental Benefits from Nature Tool - Beta Test Version - JP038 \(naturalengland.org.uk\)](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the statutory biodiversity metric.

[Natural environment - GOV.UK \(www.gov.uk\)](#) provides further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain.

### **Ancient woodland, ancient and veteran trees**

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 193 of the NPPF. The [Natural England Access to Evidence - Ancient woodlands Map](#) can help to identify ancient woodland. Natural England and the Forestry Commission have produced [Ancient woodland, ancient trees and veteran trees: advice for making planning decisions](#)

[- GOV.UK \(www.gov.uk\)](#) (standing advice) for planning authorities. It should be considered when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

### **Best and most versatile agricultural land and soils**

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 187, 188). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in the [Guide to assessing development proposals on agricultural land - GOV.UK \(www.gov.uk\)](#). [Find open data - data.gov.uk](#) on Agricultural Land Classification or use the information available on [MAGIC \(defra.gov.uk\)](#).

The Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites \(publishing.service.gov.uk\)](#) provides guidance on soil protection, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, we refer you to [Reclaim minerals extraction and landfill sites to agriculture - GOV.UK \(www.gov.uk\)](#), which provides guidance on soil protection for site restoration and aftercare. The [Soils Guidance \(quarrying.org\)](#) provides detailed guidance on soil handling for mineral sites.

Should the development proceed, we advise that the developer uses an appropriately experienced soil

specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

### **[Green Infrastructure](#)**

For evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI) we refer you to [Green Infrastructure Home \(naturalengland.org.uk\)](https://www.naturalengland.org.uk) (the Green Infrastructure Framework). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well- managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the 15 [GI How Principles \(naturalengland.org.uk\)](https://www.naturalengland.org.uk). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

The [Green Infrastructure Map \(naturalengland.org.uk\)](https://www.naturalengland.org.uk) and [GI Mapping Analysis \(naturalengland.org.uk\)](https://www.naturalengland.org.uk) are GI mapping resources that can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

### **Access and Recreation:**

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

### **Rights of Way, Access land, Coastal access and National Trails:**

Paragraphs 105, 185, 187 and 193 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development.

Consideration should also be given to the potential impacts on any nearby National Trails. We refer you to [Find your perfect trail, and discover the land of myths and legend - National Trails](#) for information including contact details for the National Trail Officer.

The King Charles III England Coast Path (KCIIECP) is a National Trail around the whole of the English Coast. It has an associated coastal margin subject to public access rights. Parts of the KCIIECP are not on Public Rights of Way but are subject to public access rights. Consideration should be given to the impact of any development on the KCIIECP and the benefits of maintaining a continuous coastal route.

Appropriate mitigation measures should be incorporated for any adverse impacts on Rights of Way, Access land, Coastal access, and National Trails.

Further information is set out in the Planning Practice Guidance on the [Natural environment - GOV.UK \(www.gov.uk\)](https://www.gov.uk).