North Lincolnshire Council

Habitats Regulations Assessment

Stage 1 Significance Test and Stage 2 Appropriate Assessment, October 2025

Outline planning application, with all matters reserved, for a change of use of existing vacant brownfield commercial land to residential housing land and erect up to 34 dwellings and associated roads, driveways, gardens, landscaping and boundary treatments

51-55 Waterside Road (Former Osgerby Haulage and Warehousing) Waterside Road, Barton Upon Humber, DN18 5BH

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Significance Test

Title of Plan

Outline planning application, with all matters reserved, for a change of use of existing vacant brownfield commercial land to residential housing land and erect up to 34 dwellings and associated roads, driveways, gardens, landscaping and boundary treatments

Location of Plan or Project /Application

51-55 Waterside Road (Former Osgerby Haulage and Warehousing) Waterside Road, Barton Upon Humber, DN18 5BH

Ordnance Survey Grid Reference: TA028227

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 Design and Access Statement)

The application site is a brownfield site in the northern part of Barton upon Humber, accessed off Waterside Road. Its previous use was as a commercial haulage yard. During this use period, the application site was fully surfaced with either concrete or tarmac or a combination of both. The site is predominantly fenced with commercial galvanised steel palisade fencing, plus two small sections of brick walling. The site is surrounded on three sides by old and new block and terrace style housing.

The site is around 315 metres from the Humber Estuary SPA at the nearest point (within Waters' Edge Local Nature Reserve). The Humber Estuary SAC and Ramsar site lies around 450 metres to the north-north-east (Barton Haven).

The project proposal is to erect up to 34 dwellings with associated roads, driveways, gardens, landscaping and boundary treatments. An illustrative design is provided with the outline planning permission.

Details of Wintering and Passage Birds

The applicant has not provided any bird survey data. However, North Lincolnshire Council has access to the following information:

BTO Research Report no. 642 “Humber Estuary Low Tide Programme 2011/12” indicates that the application site lies nearest to survey sectors CH009 and CH010. The survey results for these sectors are reproduced below. Monthly counts exceeding 1% of the Humber Estuary population of a given species are highlighted with a red circle. Here, for precautionary reasons, the Humber Estuary population is taken as being the lesser of two values:

- The 5 year mean peak from Calbrade et al. (2025). This reflects the most recent data available.
- The 5 year mean peak from Frost et al. (2016): This reflects a time period more comparable with the 2011/12 Low Tide Programme data.

Sub-sector CH009. Spring monthly counts and densities

Sector	Sector Name	Species	Monthly Count			Seasonal Total	Seasonal Average	Seasonal Density
			April	May	June			
CH009	Barton Haven to Chowder Ness	Avocet	14	1	0	15	5.00	0.03
CH009	Barton Haven to Chowder Ness	Mallard	1	0	0	1	0.33	0.00
CH009	Barton Haven to Chowder Ness	Shelduck	2	0	0	2	0.67	0.00

Sub-sector CH009. Autumn monthly counts and densities

Sector	Sector Name	Species	Monthly Count				Seasonal Total	Seasonal Average	Seasonal Density
			July	August	September	October			
CH009	Barton Haven to Chowder Ness	Bar-tailed Godwit	N/C	0	0	5	5	1.67	0.01
CH009	Barton Haven to Chowder Ness	Curlew	N/C	0	1	0	1	0.33	0.00
CH009	Barton Haven to Chowder Ness	Redshank	N/C	0	0	15	15	5.00	0.03

Sub-sector CH009. Winter monthly counts and densities

Sector	Sector Name	Species	Monthly Count					Seasonal Total	Seasonal Average	Seasonal Density
			November	December	January	February	March			
CH009	Barton Haven to Chowder Ness	Bar-tailed Godwit	31	0	0	2	0	33	6.60	0.04
CH009	Barton Haven to Chowder Ness	Black-tailed Godwit	12	0	0	0	0	12	2.40	0.01
CH009	Barton Haven to Chowder Ness	Dunlin	0	0	0	162	0	162	32.40	0.18
CH009	Barton Haven to Chowder Ness	Knot	5	0	0	0	0	5	1.00	0.01
CH009	Barton Haven to Chowder Ness	Lapwing	0	0	0	31	0	31	6.20	0.03
CH009	Barton Haven to Chowder Ness	Mallard	0	4	37	2	0	43	8.60	0.05
CH009	Barton Haven to Chowder Ness	Oystercatcher	0	0	0	0	5	5	1.00	0.01
CH009	Barton Haven to Chowder Ness	Redshank	12	6	9	13	17	57	11.40	0.06
CH009	Barton Haven to Chowder Ness	Teal	0	1	0	2	0	3	0.60	0.00
CH009	Barton Haven to Chowder Ness	Wigeon	0	2	5	0	0	7	1.40	0.01

Sub-sector CH010. Spring monthly counts and densities

Sector	Sector Name	Species	Monthly Count			Seasonal Total	Seasonal Average	Seasonal Density
			April	May	June			
CH010	Barton	Curlew	3	0	2	5	1.67	0.01
CH010	Barton	Mallard	2	5	0	7	2.33	0.01
CH010	Barton	Oystercatcher	0	2	0	2	0.67	0.00
CH010	Barton	Shelduck	10	12	4	26	8.67	0.03
CH010	Barton	Teal	0	0	15	15	5.00	0.02

Sub-sector CH010. Autumn monthly counts and densities

Sector	Sector Name	Species	Monthly Count				Seasonal Total	Seasonal Average	Seasonal Density
			July	August	September	October			
CH010	Barton	Bar-tailed Godwit	0	44	6	N/C	50	16.67	0.06
CH010	Barton	Curlew	2	19	4	N/C	25	8.33	0.03
CH010	Barton	Dunlin	0	2	0	N/C	2	0.67	0.00
CH010	Barton	Lapwing	2	154	251	N/C	407	135.67	0.45
CH010	Barton	Mallard	0	2	0	N/C	2	0.67	0.00
CH010	Barton	Redshank	0	0	13	N/C	13	4.33	0.01
CH010	Barton	Shelduck	0	3	0	N/C	3	1.00	0.00
CH010	Barton	Turnstone	0	0	78	N/C	78	26.00	0.09

Sub-sector CH010. Winter monthly counts and densities

Sector	Sector Name	Species	Monthly Count					Seasonal Total	Seasonal Average	Seasonal Density
			November	December	January	February	March			
CH010	Barton	Bar-tailed Godwit	0	14	0	5	0	19	3.80	0.01
CH010	Barton	Black-tailed Godwit	1	0	0	1	0	2	0.40	0.00
CH010	Barton	Curlew	5	0	0	3	5	13	2.60	0.01
CH010	Barton	Dunlin	13	45	77	409	0	544	108.80	0.36
CH010	Barton	Grey Plover	0	0	0	1	0	1	0.20	0.00
CH010	Barton	Lapwing	13	420	0	4	0	437	87.40	0.29
CH010	Barton	Mallard	0	2	8	0	7	17	3.40	0.01
CH010	Barton	Redshank	13	4	14	26	0	57	11.40	0.04
CH010	Barton	Ringed Plover	12	0	1	3	0	16	3.20	0.01
CH010	Barton	Shelduck	0	0	0	2	25	27	5.40	0.02
CH010	Barton	Turnstone	122	0	6	66	0	194	38.80	0.13

The 2010/11 Low Tide Count results indicate that the nearby sectors have, in the past, supported significant numbers of waterbirds. Avocet, bar-tailed godwit, dunlin, mallard, lapwing, turnstone, redshank and ringed plover have on occasion been present in counts of more than 1% of the Humber Estuary population.

North Lincolnshire Council has also had sight of breeding, passage and wintering bird survey data for the 2022 calendar year, carried out for the Environment Agency Barton to New Holland Flood Alleviation Scheme (Grundy 2022). This information has not yet been released publicly. The report reveals the following information for the area. Peak counts exceeding 1% of the Humber Estuary population of a given species are highlighted in red:

Species/Assemblage	Breeding	Passage	Wintering
Bittern	14 Territories, Barton to New Holland Claypits		Peak of 1 (February & December)
Marsh Harrier	4 Territories, Barton to New Holland Claypits		
Shelduck		Peak of 17 (intertidal) & 21 (Claypits)- May	Peak of 27 (diurnal, intertidal, March)
Avocet	0 Territories	Peak of 2 (April, Claypits)	
Golden Plover			
Bar-tailed godwit			
Black-tailed godwit		Peak of 111 (diurnal, intertidal) 134 Claypits, (October)	
Dunlin			Peak of 1,349 (nocturnal, intertidal, January) Peak of 310 (diurnal, intertidal, November)
Redshank		Peak of 58 (diurnal, intertidal, October)	Peak of 149 (diurnal, intertidal, February)
Brent Goose		Peak of 65, Claypits- August	
Greylag goose		Peak of 133, Claypits- April	Peak of 90 (nocturnal, intertidal, January). 230 Claypits- February.
Pink-footed goose		Peak of 58 (diurnal, intertidal, September) Peak of 650 (Claypits, September)	
Shoveler		Peak of 125, Claypits- September	Peak of 52 (Claypits, November)

Wigeon		Peak of 50, Claypits, September & October	Peak of 92 (diurnal, intertidal, January)
Mallard		Peak of 197 intertidal (August) & 480 in Claypits (August)	Peak of 53 intertidal (November) & 275 in Claypits (March)
Teal		Peak of 111, Claypits, September	Peak of 59 intertidal & 86 in Claypits
Pochard		Peak of 58 in Claypits (August)	Peak of 94 in Claypits (February)
Goldeneye		Peak of 19 in Claypits (April)	Peak of 76 in Claypits (February)
Lapwing		Peak of 97 (diurnal, intertidal, August) 125, Claypits, September	Peak of 450 (diurnal, intertidal), 530 Claypits (December)
Curlew		Peak of 69 (diurnal, intertidal, September)	Peak of 66 (diurnal, intertidal, February)

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, in 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 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 1- Government Guidance on the Determination of Likely Significant Effect (LSE) (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 25 March 2024 and similar projects in the area:

- Recreational pressure/disturbance to SPA/Ramsar interest features.
- Water quality impacts on Humber Estuary SAC/Ramsar habitats and habitats used by SPA/Ramsar interest features.
- Construction and ongoing noise and visual disturbance of waterbirds using designated open water, reedbeds or the intertidal habitats of the Humber Estuary.
- Loss of high tide roosts.
- Aerial deposition of pollutants due to traffic emissions.

Recreational pressure/disturbance to SPA/Ramsar interest features

The construction and occupation of 34 new dwellings could result in an increase in the number of people visiting the Humber Estuary floodbank footpaths and access points in the Barton and Barrow Claypits. Activities such as walking, dog walking, birdwatching and unregulated uses such as off-road use of motorbikes, can lead to disturbance of SPA/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.

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

Natural England has advised that, "The shadow HRA rules out LSE on the Humber Estuary designated sites, as "The run-off from the roads will enter the SUDs, which will filter the water and reduce the pollution input into the local drainage system." However, this appears to only cover the operational phase impacts. We require further information around how potential water pollution will be controlled during the construction phase. This could be provided through submission of a CEMP.."

Furthermore, as this is an outline application, there is no guarantee at this stage that operational phase water quality impacts could adequately be controlled through sustainable urban drainage systems. Without mitigation measures, contaminated surface water run off could enter the Humber Estuary at Barton Haven, with a number of consequent impacts on designated interest features. The Supplementary Advice on Conservation Objectives (SACOs) for the Humber Estuary highlights the importance of good water quality and notes that “Poor water quality […] can adversely affect the structure and function of [Atlantic salt meadows].” Other interest features are similarly affected.

Overall, it is not possible to rule out likely significant effects from water quality impacts. An appropriate assessment is required in relation to this impact pathway.

Construction and ongoing noise and visual disturbance of waterbirds using designated open water, reedbeds or the intertidal habitats of the Humber Estuary.

The site is around 315 metres from the Humber Estuary SPA at the nearest point (within Waters’ Edge Local Nature Reserve). The Humber Estuary SAC and Ramsar site lies around 450 metres to the north-north-east (Barton Haven). No disturbance effects are likely over these distances.

Therefore, there is no likely significant effect due to the construction and ongoing noise and visual disturbance of waterbirds using designated open water, reedbeds or the intertidal habitats of the Humber Estuary.

Loss of high tide roosts.

The application site comprises disused haulage yard tarmac and concrete hardstandings surrounded on three sides by old and new block and terrace style housing The site is unlikely to support waterbirds associated with the Humber Estuary SPA/Ramsar site. Species, such as pink-footed goose, lapwing, golden plover and curlew, that do use inland fields require arable or grassland habitats in undisturbed, large open spaces in which to feed, roost, loaf and scan for predators.

Therefore, the application site is not considered to be functionally-linked land supporting birds associated with the Humber Estuary. There is no likely significant effect on the Humber Estuary SAC, SPA or Ramsar site due to loss of high tide roosts.

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 growthing 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 34 dwellings in Barrow 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):

- Recreational pressure/disturbance to SPA/Ramsar interest features; and
- Water quality impacts on Humber Estuary SAC/Ramsar habitats and habitats used by SPA/Ramsar interest features.

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

- loss of high tide roosts;
- construction and ongoing noise and visual disturbance of waterbirds using designated open water, reedbeds or the intertidal habitats of the Humber Estuary;
- air quality (dust emissions); and
- air quality (emissions from road traffic movements).

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) and Ramsar site.

   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).

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:

- Recreational pressure/disturbance to SPA/Ramsar interest features.
- Water quality impacts on Humber Estuary SAC/Ramsar habitats and habitats used by SPA/Ramsar interest features.

Signed [redacted] Date 14 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 (Glauco-Puccinellietalia maritimae)	**LSE**	**The Humber Estuary SAC lies about 450 metres to the north of the application site. The impact of air pollution on the SAC will be insignificant. Without mitigation measures, contaminated surface water run off could enter the Humber Estuary at Barton Haven, with a number of consequent impacts on designated interest features.**
4. Dunes with *Hippophae rhamnoides* 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. *Lampetra fluviatilis* River lamprey.	No LSE	Feature not found in or near application site
7. Mudflats and sandflats not covered by seawater at low tide	**LSE**	**The Humber Estuary SAC lies about 450 metres to the north of the application site. The impact of air pollution on the SAC will be insignificant. Without mitigation measures, contaminated surface water run off could enter the Humber Estuary at Barton Haven, with a number of consequent impacts on designated interest features.**
8. *Petromyzon marinus* Sea lamprey	No LSE	Feature not found in or near application site
9. *Salicornia* 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 *Ammophila arenaria* ("white dunes")	No LSE	Feature not found in or near application site
12. Estuaries	**LSE**	**The Humber Estuary SAC lies about 450 metres to the north of the application site. The impact of air pollution on the SAC will be insignificant. Without mitigation measures, contaminated surface water run off could enter the Humber Estuary at Barton Haven, with a number of consequent impacts on designated interest features.**
13. *Halichoerus grypus* 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 *Recurvirostra avosetta*	**59 individuals – wintering**	**LSE**	**Species has occurred in significant numbers on Barton Foreshore (>1% of Estuary 5 year mean peak). It is not possible to rule out likely significant effects from potential recreational pressure / disturbance impacts**
Bittern *Botaurus stellaris*	**4 individuals – wintering**	**LSE**	**Species occurs in low numbers around Barton and Barrow claypits. It is not possible to rule out likely significant effects from potential recreational pressure / disturbance impacts**
Hen harrier *Circus cyaneus*	8 individuals – wintering	No LSE	Not recently recorded as a wintering species nearby.
Golden plover *Pluvialis apricaria*	30,709 individuals – wintering	No LSE	Species occurs in low numbers around Barton and Barrow and in larger numbers around South Ferriby and Reads Island. The level of any increase in recreational disturbance is not likely to be significant given the distance of the application site from concentrations of golden plover.
Bar-tailed godwit *Limosa lapponica*	**2,752 individuals – wintering**	**LSE**	**Species has occurred in significant numbers on Barton Foreshore (>1% of Estuary 5 year mean peak). It is not possible to rule out likely significant effects from potential recreational pressure / disturbance impacts**
Ruff *Philomachus pugnax*	128 individuals – passage	No LSE	Not recently recorded as a wintering species in significant numbers nearby.
Bittern *Botaurus stellaris*	**2 booming males – breeding**	**LSE**	**Species occurs in low numbers around Barton and Barrow claypits. It is not possible to rule out likely significant effects from potential recreational pressure / disturbance impacts**
Marsh harrier *Circus aeruginosus*	**10 females – breeding**	**LSE**	**Species occurs in low numbers around Barton and Barrow claypits. It is not possible to rule out likely significant effects from potential recreational pressure / disturbance impacts**

Avocet *Recurvirostra avosetta*	64 pairs – breeding	No LSE	Species occurs in low numbers around Barton and Barrow and in larger numbers around South Ferriby and Reads Island. The level of any increase in recreational disturbance is not likely to be significant given the distance of the application site from concentrations of avocet.
Little tern *Sterna albifrons*	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:

Migratory species	**Count and season**	**Likely Significant Effect**	**Reason**
Shelduck *Tadorna tadorna*	4,464 individuals – wintering	No LSE	Species occurs in low numbers on Barton and Barrow foreshores. The level of any increase in recreational disturbance is not likely to be significant given the distance of the application site from concentrations of shelduck.
Knot *Calidris canutus*	28,165 individuals – wintering	No LSE	Species occurs in very low numbers on Barton and Barrow foreshores. The level of any increase in recreational disturbance is not likely to be significant given the distance of the application site from concentrations of knot.
Dunlin *Calidris alpina*	**22,222 individuals – wintering**	**LSE**	**Species has occurred in significant numbers on Barton Foreshore (>1% of Estuary 5 year mean peak). It is not possible to rule out likely significant effects from potential recreational pressure / disturbance impacts**
Black-tailed godwit *Limosa limosa*	1,113 individuals – wintering	No LSE	Species occurs in low numbers on Barton and Barrow foreshores. The level of any increase in recreational disturbance is not likely to be significant given the distance of the application site from concentrations of black-tailed godwit.
Redshank *Tringa totanus*	**4,632 individuals – wintering**	**LSE**	**Species has occurred in significant numbers on Barton Foreshore (>1% of Estuary 5 year mean peak). It is not possible to rule out likely significant effects from potential recreational pressure / disturbance impacts**
Knot *Calidris canutus*	18,500 individuals – passage	No LSE	Species occurs in very low numbers on Barton and Barrow foreshores. The level of any increase in recreational disturbance is not likely to be significant given the distance of the application site from concentrations of knot.

Dunlin *Calidris alpina*	**20,269 individuals – passage**	**LSE**	**Species has occurred in significant numbers on Barton Foreshore (>1% of Estuary 5 year mean peak). It is not possible to rule out likely significant effects from potential recreational pressure / disturbance impacts**
Black-tailed godwit *Limosa limosa*	**915 individuals – passage**	**LSE**	**Species has occurred in significant numbers on Barton Foreshore and Claypits (>1% of Estuary 5 year mean peak). It is not possible to rule out likely significant effects from potential recreational pressure / disturbance impacts**
Redshank *Tringa totanus*	**7,462 individuals – passage**	**LSE**	**Species has occurred in significant numbers on Barton Foreshore (>1% of Estuary 5 year mean peak). It is not possible to rule out likely significant effects from potential recreational pressure / disturbance impacts**

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	**LSE**	**Various assemblage species, such as mallard, turnstone, ringed plover, lapwing and curlew occur on Barton and Barrow foreshores. Waterfowl species occur in the claypits.** **It is not possible to rule out likely significant effects from potential recreational pressure / disturbance impacts.**

Humber Estuary Ramsar Site Interest Features:

Interest Feature	Likely Significant Effect	Reason
Criterion 1: near-natural estuary with the following component habitats:		
Dune systems and humid dune slacks	No LSE	Feature not found in or near application site
Estuarine waters	**LSE**	**The Humber Estuary Ramsar Site lies about 450 metres to the north of the application site. The impact of air pollution on the SAC will be insignificant. Without mitigation measures, contaminated surface water run off could enter the Humber Estuary at Barton Haven, with a number of consequent impacts on designated interest features.**
Intertidal mud and sand flats	**LSE**	
Saltmarshes	**LSE**	
Coastal brackish/saline lagoons	No LSE	Feature not found in or near application site
Criterion 3: animal species important for maintaining the biological diversity of the biogeographic region:		
grey seals *Halichoerus grypus* at Donna Nook	No LSE	Feature not found in or near application site
natterjack toad *Bufo calamita* at Saltfleetby-Theddlethorpe	No LSE	Feature not found in or near application site
Criterion 5: regularly supports 20,000 or more waterbirds	**LSE**	**Various assemblage species, such as lapwing and curlew occur on Barton and Barrow foreshores. Waterfowl species occur in the claypits.** **It is not possible to rule out likely significant effects from potential recreational pressure / disturbance impacts.**

Criterion 6: regularly supports 1% of the individuals in the populations of the following species or subspecies of waterbird in any season			
Species	**Count and season**	**Likely Significant Effect**	**Reason**
Shelduck *Tadorna tadorna*	4,464 individuals – wintering	No LSE	Species occurs in low numbers on Barton and Barrow foreshores. The level of any increase in recreational disturbance is not likely to be significant given the distance of the application site from concentrations of shelduck.
Golden plover *Pluvialis apricaria*	30,709 individuals – wintering	No LSE	Species occurs in low numbers around Barton and Barrow and in larger numbers around South Ferriby and Reads Island. The level of any increase in recreational disturbance is not likely to be significant given the distance of the application site from concentrations of golden plover.
Knot *Calidris canutus*	28,165 individuals – wintering	No LSE	Species occurs in very low numbers on Barton and Barrow foreshores. The level of any increase in recreational disturbance is not likely to be significant given the distance of the application site from concentrations of knot.
Dunlin ***Calidris alpina***	**22,222 individuals – wintering**	**LSE**	**Species has occurred in significant numbers on Barton Foreshore (>1% of Estuary 5 year mean peak). It is not possible to rule out likely significant effects from potential recreational pressure / disturbance impacts**
Black-tailed godwit ***Limosa limosa***	**1,113 individuals – wintering**	**No LSE**	**Species occurs in low numbers on Barton and Barrow foreshores.** **The level of any increase in recreational disturbance is not likely to be significant given the distance of the application site from concentrations of black-tailed godwit.**
Bar-tailed godwit ***Limosa lapponica***	**2,752 individuals – wintering**	**LSE**	**Species has occurred in significant numbers on Barton Foreshore (>1% of Estuary 5 year mean peak). It is not possible to rule out likely significant effects from potential recreational pressure / disturbance impacts**

Redshank ***Tringa totanus***	**4,632 individuals – wintering**	**LSE**	**Species has occurred in significant numbers on Barton Foreshore (>1% of Estuary 5 year mean peak). It is not possible to rule out likely significant effects from potential recreational pressure / disturbance impacts**
Golden plover *Pluvialis apricaria*	17,996 individuals – passage	No LSE	Species occurs in low numbers around Barton and Barrow and in larger numbers around South Ferriby and Reads Island. The level of any increase in recreational disturbance is not likely to be significant given the distance of the application site from concentrations of golden plover.
Knot *Calidris canutus*	18,500 individuals – passage	No LSE	Species occurs in very low numbers on Barton and Barrow foreshores. The level of any increase in recreational disturbance is not likely to be significant given the distance of the application site from concentrations of knot.
Dunlin ***Calidris alpina***	**20,269 individuals – passage**	**LSE**	**Species has occurred in significant numbers on Barton Foreshore (>1% of Estuary 5 year mean peak). It is not possible to rule out likely significant effects from potential recreational pressure / disturbance impacts**
Black-tailed godwit ***Limosa limosa***	915 individuals – passage	**LSE**	**Species has occurred in significant numbers on Barton Foreshore and Claypits (>1% of Estuary 5 year mean peak). It is not possible to rule out likely significant effects from potential recreational pressure / disturbance impacts**
Redshank ***Tringa totanus***	**7,462 individuals – passage**	**LSE**	**Species has occurred in significant numbers on Barton Foreshore (>1% of Estuary 5 year mean peak). It is not possible to rule out likely significant effects from potential recreational pressure / disturbance impacts**
Criterion 8: migration path on which fish stocks, either within the wetland or elsewhere, depend:			
River lamprey *Lampetra fluviatilis*		No LSE	Feature not found in or near application site
Sea lamprey *Petromyzon marinus*		No LSE	

Outline planning application, with all matters reserved, for a change of use of existing vacant brownfield commercial land to residential housing land and erect up to 34 dwellings and associated roads, driveways, gardens, landscaping and boundary treatments

51-55 Waterside Road (Former Osgerby Haulage and Warehousing) Waterside Road, Barton Upon Humber, DN18 5BH

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

Outline planning application, with all matters reserved, for a change of use of existing vacant brownfield commercial land to residential housing land and erect up to 34 dwellings and associated roads, driveways, gardens, landscaping and boundary treatments.

1.2 Location of Plan or Project /Application

51-55 Waterside Road (Former Osgerby Haulage and Warehousing) Waterside Road, Barton Upon Humber, DN18 5BH

Ordnance Survey Grid Reference: TA028227

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 application site is a brownfield site in the northern part of Barton upon Humber, accessed off Waterside Road. Its previous use was as a commercial haulage yard. During this use period, the application site was fully surfaced with either concrete or tarmac or a combination of both. The site is predominantly fenced with commercial galvanised steel palisade fencing, plus two small sections of brick walling. The site is surrounded on three sides by old and new block and terrace style housing.

The site is around 315 metres from the Humber Estuary SPA at the nearest point (within Waters' Edge Local Nature Reserve). The Humber Estuary SAC and Ramsar site lies around 450 metres to the north-north-east (Barton Haven).

The project proposal is to erect up to 34 dwellings with associated roads, driveways, gardens, landscaping and boundary treatments. An illustrative design is provided with the outline planning permission.

Date Appropriate Assessment recorded: xxxxxxxx

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 sites conservation

objectives.

1.6 Natural England was consulted under Reg.63(3) on 04 March 2024 and replied on 25 March 2024 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:

- Recreational pressure/disturbance to SPA/Ramsar interest features.
- Water quality impacts on Humber Estuary SAC/Ramsar habitats and habitats used by 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.

Signed . Date xxxxxxxxxx

Designation Natural Environment Policy Specialist

2 Introduction

2.1 The project assessed here is for a change of use of existing vacant brownfield commercial land to residential housing land and erection of up to 34 dwellings and associated roads, driveways, gardens, landscaping and boundary treatments. The site is off Waterside Road in Barton upon Humber.

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 Conservation Area (SAC), Special Protection Area (SPA) 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 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

The application site is a brownfield site in the northern part of Barton upon Humber, accessed off Waterside Road. Its previous use was as a commercial haulage yard. During this use period, the application site was fully surfaced with either concrete or tarmac or a combination of both. The site is predominantly fenced with commercial galvanised steel palisade fencing, plus two small sections of brick walling. The site is surrounded on three sides by old and new block and terrace style housing.

The site is around 315 metres from the Humber Estuary SPA at the nearest point (within Waters' Edge Local Nature Reserve). The Humber Estuary SAC and Ramsar site lies around 450 metres to the north-north-east (Barton Haven).

The project proposal is to erect up to 34 dwellings with associated roads, driveways, gardens, landscaping and boundary treatments. An illustrative design is provided with the outline planning permission.

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

5.1 Recreational pressure/disturbance to SPA/Ramsar interest features.
5.2 Water quality impacts on Humber Estuary SAC/Ramsar habitats and habitats used by SPA/Ramsar interest features.

6 Recreational pressure/disturbance to SPA/Ramsar interest features.

6.1 Likely Significant Effect

6.1.1 The construction and occupation of 34 new dwellings could result in an increase in the number of people visiting the Humber Estuary floodbank footpaths and access points in the Barton and Barrow Claypits. Activities such as walking, dog walking, birdwatching and unregulated uses such as off-road use of motorbikes, can lead to disturbance of SPA/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.

6.1.2 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."

6.2 Conservation Objectives

6.2.1 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:

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

6.3 Further Assessment - applicant's shadow Habitats Regulations Assessment

6.3.1 The applicant's shadow Habitats Regulations Assessment (sHRA) states that, "Once the housing estate is built and using the accepted value that a household will have 2.4 people in, this will create 86.4 more people. In the 2021 census, Barton upon Humber had a population of 11,919 people, so this housing proposal has the potential to raise the local population by 0.72%. There is no beach at Barton upon Humber but locals regularly walk their dogs along the sea wall. These extra people will add no extra recreational pressure as the SPA birds are habitualised (sic) to the dog walkers. The SPA birds are also accustomed to people at Waters' Edge Country Park and other local businesses such as Humber Bridge Garden Centre. The nearest beach is at Cleethorpes which is designed for recreational pressure/ disturbance to SPA birds and this small number of people will make a minimal impact on current use for that area as it will be an increase of less than 0.1%. Not all the people from the new estate would visit Cleethorpes beach and would only be 1-2 houses on average. This means that an extra 86.4 people will have no significant effect on the SPA birds of the Humber Estuary."

6.3.2 However, this approach does not align with Natural England's current advice on the Humber Estuary. In relation to the now-withdrawn publication Draft Local Plan for North Lincolnshire, Natural England advised that the most relevant policies should specify that development in proximity to the Humber Estuary designated sites would need to provide alternative facilities specifically for the purpose of reducing recreational disturbance within the designated sites. For specific housing allocations identified as having likely significant effects with regards to recreational pressures, Natural England recommended that the policy wording should explicitly state that measures to avoid and mitigate for recreational disturbance must be incorporated (North Lincolnshire Council 2024). Natural England has continued to advise North Lincolnshire Council along similar lines in relation to the latest Local Plan proposals.

6.3.3 Natural England has raised particular concerns regarding housing allocations in Barton Upon Humber which lie in close proximity to Waters' Edge Country Park and Far Ings National Nature Reserve, which are significant "honey-pot sites". They have recommended that further consultation is undertaken with staff involved with these sites in order to identify existing pressures and that appropriate measures such as alternative green space provision in the area, improved signage and wardening on the designated site should be carefully considered (ibid).

6.3.4 For planning application PA/2021/2151 for 390 dwellings off Horkstow Road, Barton upon Humber, Natural England advised that, "The provision of [Suitable Alternative Natural Green Space (SANG)] within walking distance of

a new development provides one important element of the required long term avoidance/mitigation approach. The SANGs however are not intended to avoid all new residents accessing the protected sites, rather to enable a neutral level of visitor pressure with an equal proportion of existing users being diverted. It is therefore necessary for applicants to secure [Strategic Access Monitoring and Management (SAMM)] relative to the level of residential development. As for SANGs the mitigation needs to be secured in perpetuity."

6.3.5 The applicant has provided a drawing indicating that dog walkers from the new dwellings could be encouraged to walk their dogs around the road layout within the housing estate. However, this approach provides little certainty that the residents would use this route in preference to the more attractive walks of Waters' Edge, Far Ings or the Humber floodbanks. There is no likelihood of existing users of the estuary being diverted as was required for PA/2021/2151.

6.4 Further Assessment- Strategic Access Management and Mitigation Strategy

6.4.1 North Lincolnshire Councils draft Strategic Access Management and Mitigation Strategy (SAMMS) states that:

6.4.2 "Given the outcomes of the [2023] Visitor Survey, it is assumed that any net growth in housing and tourism development within the 14.7 km zone of influence (ZoI) of the Humber Estuary SAC/SPA/Ramsar boundary will mean that a likely significant effect on the European Sites cannot be ruled out and that an appropriate assessment will be required and that this will, in turn, be unable to rule out adverse affects on the integrity of the European site. This raises the need for avoidance or mitigation measures to be considered."

6.4.3 The working assumption is therefore that the residents of 34 new dwellings in Barton upon Humber 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. This is particularly the case when the residential development is considered in combination with other residential developments in North Lincolnshire and those proposed in the current and future Local Plans.

6.5 In-combination Effects

6.5.1 Much as 34 new dwellings in Barton upon Humber 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.

6.6 Measures taken to avoid, minimise or mitigate effects

6.6.1 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 82 residents.

6.6.2 The mitigation requirements for the 34 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.

6.6.3 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.

6.7 Determination of AEOI.

6.7.1 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 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.

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

7.1 Likely significant effect.

7.1.1 Natural England has advised that, “The shadow HRA rules out LSE on the Humber Estuary designated sites, as “The run-off from the roads will enter the SUDs, which will filter the water and reduce the pollution input into the local drainage system.” However, this appears to only cover the operational phase impacts. We require further information around how potential water pollution will be controlled during the construction phase. This could be provided through submission of a CEMP.”

7.1.2 Furthermore, as this is an outline application, there is no guarantee at this stage that operational phase water quality impacts could adequately be controlled through sustainable urban drainage systems. Without mitigation measures, contaminated surface water run off could enter the Humber Estuary at Barton Haven, with a number of consequent impacts on designated interest features. The Supplementary Advice on Conservation Objectives (SACOs) for the Humber Estuary highlights the importance of good water quality and notes that “Poor water quality […] can adversely affect the structure and function of [Atlantic salt meadows].” Other interest features are similarly affected.

7.2 Conservation Objectives

7.2.1 Where a likely significant effect has been identified, pollution due to surface water discharges could prejudice the following elements of the Humber Estuary SPA conservation objectives in relation to the assemblage of wintering and passage waterbirds:

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

7.2.2 Where a likely significant effect has been identified, pollution due to surface water discharges could prejudice the following elements of the Humber Estuary SAC conservation objectives in relation to Killingholme Foreshore,

- 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.

7.3 Further assessment

7.3.1 A flood risk assessment has been submitted with the application (Dunn 2023). The report notes that surface water management "… can be achieved by incorporating a suitable SuDS design, details of which will need to be approved by the Lead Local Flood Authority at the detailed design stage of the project." No further details have been provided at this stage.

7.3.2 Nevertheless, it is considered that a suitable surface water management solution can be secured by a planning condition and that this will be adequate to minimise the risk of harm to the Humber Estuary SAC, SPA and Ramsar site. This is standard practice.

7.4 In-combination Effects

7.4.1 No other plans or projects have been identified that would lead to contaminated surface water run off in the area around Barton Haven.

7.5 Conditions or restrictions required.

7.5.1 Planning condition will be required to secure a construction surface water management plan and a suitable surface water management solution (see section 8).

7.6 Determination of AEOI.

7.6.1 In the absence of any mitigation measures, contaminated surface water run off could enter the Humber Estuary at Barton Haven.

7.6.2 However, given the imposition of planning conditions as outlined above, potential for the discharge of water-borne pollution will be significantly reduced. Overall, there will be no adverse effect on the Integrity of the Humber Estuary SAC, SPA and Ramsar site arising from operational water quality.

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 34 dwellings, giving a total of £4,114.

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.

8.2 Construction Surface Water Management

8.2.1 No development, including site clearance and preparation, shall commence until a construction surface water management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall set out measures to manage surface water run-off and pollution during the construction phase, including temporary drainage arrangements where necessary. The approved plan shall be implemented throughout the construction period and until such time as the permanent drainage system is in place.

Reason: To prevent surface water flooding and pollution during construction, in accordance with the National Planning Policy Framework

8.3 Surface Water Drainage Scheme

8.3.1 No development shall commence until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority, following consultation with the Lead Local Flood Authority and be based upon the principles outlined in the following documents (Insert here). The scheme shall follow sustainable drainage principles, giving priority to SuDS, be in-line with NLC SuDS Gudiance and demonstrate compliance with the surface water drainage hierarchy, providing evidence if infiltration or discharge to a watercourse is not feasible. The scheme shall ensure that surface water run-off does not exceed agreed greenfield rates, and it shall include the layout of SuDS features, attenuation areas, exceedance flow routes, discharge points, and evidence through hydraulic modelling that the system can manage the 1 in 100-year storm plus climate change allowance. The scheme shall also set out arrangements for ongoing management and maintenance in accordance with DEFRA Non-Statutory Technical Standards or any update at the time of approval. The approved drainage scheme shall be implemented prior to the occupation of any dwelling and maintained thereafter in accordance with the approved details.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy.

8.4 Water Quality

8.4.1 No development shall commence until a Water Quality Scheme has been submitted to and approved in writing by the Local Planning Authority, following consultation with the Lead Local Flood Authority. The scheme shall demonstrate that surface water drainage has been designed in accordance with the National Standards for Sustainable Drainage Systems (DEFRA, 2025) and North Lincolnshire Council SuDS guidance, ensuring that water quality is adequately treated. The scheme shall address the four pillars of SuDS, including water quantity, water quality, amenity, and biodiversity, and

shall provide evidence that the proposed SuDS features meet water quality objectives using the CIRIA Simple SuDS indices or an equivalent method. The approved scheme shall be implemented prior to the first occupation of the development.

Reason: To ensure that surface water is managed to maintain and improve water quality, in accordance with the National Standards for SuDS, CIRIA guidance, North Lincolnshire Council SuDS guidance, and CS18 and CS19 of North Lincolnshire Core Strategy.

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 or Ramsar site. The sources of the adverse effect on integrity are listed below, along with the International Nature Conservation Site interest features affected:

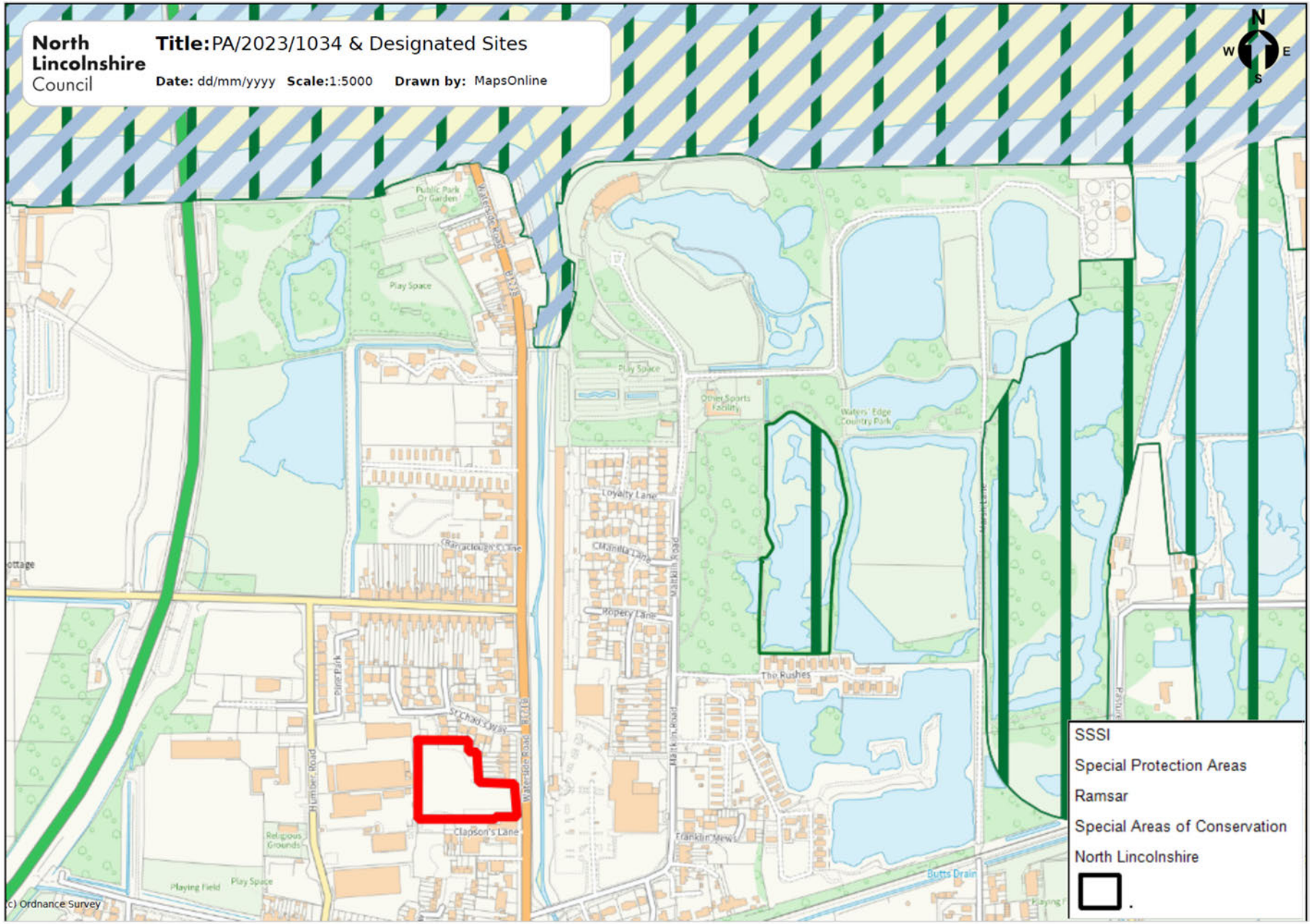
- Recreational pressure/disturbance to SPA/Ramsar interest features.
- Water quality impacts on Humber Estuary SAC/Ramsar habitats and habitats used by SPA/Ramsar interest features.

9.2 Project with mitigation

9.2.1 The planning conditions required to remove or minimise adverse effects on International Nature Conservation Site interest features are set out 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 SAC, 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.**



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.

*** 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 ("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.

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 **criterion 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 **criterion 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

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.

Dunn, A. 2023 Flood Risk Assessment for a Proposed Residential Development on Land off Waterside Road, Barton Upon Humber, North Lincolnshire. Alan Wood & Partners. Unpublished Report.

Frost, T.M., Austin, G.E., Calbrade, N.A., Mellan, H.J., Hall, C., Hearn, R.D., Stroud, D.A., Wotton, S.R. and Balmer, D.E. 2017. Waterbirds in the UK 2015/16: The Wetland Bird Survey. BTO/RSPB/JNCC. Thetford.

Grundy, J. 2022 Barton to New Holland Tidal Flood Alleviation Scheme: Ornithological Survey Report 2022. Ove Arup & Partners Limited. Unpublished report.

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

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

Appendix 4: Natural England Advice

Date: 25 March 2024
Our ref: 469131
Your ref: PA/2023/1034

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

T 0300 060 3900

Tanya Coggon
North Lincolnshire Council
Church Square House
Scunthorpe
DN15 6NL

BY EMAIL ONLY

Dear Tanya Coggon,

Planning consultation: Outline planning application, with all matters reserved, for a change of use of existing vacant brownfield commercial land to residential housing land and erect 38 dwellings and associated roads, driveways, gardens, landscaping, and boundary treatments.

Location: Waterside Road, Barton Upon Humber, DN18 5BH. Thank you for

your consultation on the above dated 04 March 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.

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 the Humber Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site, and the Humber Estuary Site of Special Scientific Interest (SSSI). Natural England requires further information to determine the significance of these impacts and the scope for mitigation.

The following information is required as part of the Habitats Regulations Assessment:

- Further information relating to potential impacts on the Humber Estuary designated sites from recreational pressure / disturbance, water quality, and in-combination impacts.

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.

Natural England notes that the Habitats Regulations Assessment (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.

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects. Your assessment concludes that your authority is able to rule out the likelihood of significant effects arising from the proposal.

On the basis of information provided, it is the advice of Natural England that **it is not possible** to conclude that the proposal is unlikely to result in significant effects on the European site(s) in question.

Natural England advises that the assessment currently does not provide enough information and/or certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage. Where there is a likelihood of significant effects (excluding any measures intended to avoid or reduce harmful effects on the European site), or there are uncertainties, a competent authority should undertake an appropriate assessment in order to fully assess the implications of the proposal in view of the conservation objectives for the European site(s) in question.

Natural England therefore advises that an appropriate assessment should now be undertaken, and the following information is provided to assist you with that assessment. Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Recreational pressure / disturbance

Natural England notes that the proposed development is approximately 500m from the Humber Estuary designated sites. Due to the application site falling within the Zone of Influence for recreational disturbance impacts on the Humber Estuary, 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.

We note that the emerging North Lincolnshire Local Plan has highlighted recreational disturbance impacts on the Humber Estuary SPA / SAC / Ramsar and advise that you consider this planning application in accordance with any emerging policies.

If alternative natural recreational greenspace is being proposed to mitigate for recreational disturbance impacts, we advise that Natural England's Suitable Alternative Natural Greenspace SANG guidance (attached alongside this letter) should be considered in designing such greenspace. 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.

Alternative natural recreational greenspace may be created from:

- existing open space of alternative natural recreational greenspace quality with no existing public access or limited public access, which for the purposes of mitigation could be made fully accessible to the public.

- existing open space, which is already accessible, but which could be changed in character so that it is more attractive to the specific group of visitors who might otherwise visit the SPA.
- land in other uses which could be converted into alternative natural recreational greenspace.

Water quality

The shadow HRA rules out LSE on the Humber Estuary designated sites, as "*The run-off from the roads will enter the SUDs, which will filter the water and reduce the pollution input into the local drainage system."* However, this appears to only cover the operational phase impacts. We require further information around how potential water pollution will be controlled during the construction phase. This could be provided through submission of a CEMP.

In-combination assessment

The current HRA contains a brief section covering in-combination impacts, however, we do not currently consider this comprehensive. 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 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.

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

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

Yours sincerely,

Laura Tyndall

Yorkshire and Northern Lincolnshire Area Team
Natural England

Annex A –Natural England general advice

Protected Landscapes

Paragraph 182 of the 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 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 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 Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

Biodiversity duty

The local planning authority has a duty to conserve and enhance biodiversity as part of its decision making. Further information is available here.

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. Both the direct and indirect impacts of the development should be considered. A Habitats Regulations Assessment is needed where there is a likely significant effect on a habitats site and Natural England must be consulted on 'appropriate assessments'. 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 Impact Risk Zones or as standard or bespoke consultation responses.

Protected Species

Natural England has produced 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.

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 records

centre, wildlife trust, geoconservation groups or recording societies. Emerging Local Nature Recovery Strategies may also provide further useful information.

Priority habitats and species are of particular importance for nature conservation and are included 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. A list of priority habitats and species can be found on Gov.uk.

Natural England does not routinely hold 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, further information including links to the open mosaic habitats inventory can be found here.

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 NPPF 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.

Further information on biodiversity net gain, including draft Planning Practice Guidance, can be found here.

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. For small development sites, the Small Sites Metric may be used. This is a simplified version of the 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.

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.

Natural England's Environmental Benefits from Nature tool 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 Biodiversity Metric and is available as a beta test version.

Further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain can be found in government Planning Practice Guidance for the natural environment.

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. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account 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 GOV.UK guidance Agricultural Land Classification information is available on the Magic website and the Data.Gov.uk website

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, separate guidance on soil protection for site restoration and aftercare is available on Gov.uk website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying *Good Practice Guide for Handling Soils in Mineral Workings*.

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

Natural England's Green Infrastructure Framework provides evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI). 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 Green Infrastructure Principles. 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.

GI mapping resources are available here and here. These 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 the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Further information is set out in Planning Practice Guidance on the natural environment

Guidelines for Creation of Suitable Alternative Natural Greenspace (SANG) – August 2021 Introduction

'Suitable Alternative Natural Greenspace' (SANG) is the name given to green space that is of a quality and type suitable to be used as avoidance within the Thames Basin Heaths Planning Zone.

Its role is to provide alternative green space to divert visitors from visiting the Thames Basin Heaths Special Protection Area (SPA). SANG are intended to provide avoidance measures for the potential impact of residential development on the SPA by preventing an increase in visitor pressure on the SPA. The effectiveness of SANG as mitigation will depend upon the location and design. These must be such that the SANG is more attractive than the SPA to users of the kind that currently visit the SPA.

This document describes the features which have been found to draw visitors to the SPA, which should be replicated in SANG. It provides guidelines on

- the type of site which should be identified as SANG
- measures which can be taken to enhance sites so that they may be used as SANG It also

covers the outputs of the recent Thames Basin Heaths Project 2021.

These guidelines relate specifically to the means to provide mitigation for significant impact arising from new housing within the Thames Basin Heaths Zone of influence. They do not address nor preclude the other functions of green space. Other functions may be provided within SANG, as long as this does not conflict with the specific function of mitigating visitor impacts on the SPA.

SANG may be created from:

- existing open space of SANG quality with no existing public access or limited public access, which for the purposes of mitigation could be made fully accessible to the public
- existing open space, which is already accessible, but which could be changed in character so that it is more attractive to the specific group of visitors who might otherwise visit the SPA
- land in other uses which could be converted into SANG

The identification of SANG should seek to avoid sites of high nature conservation value which are likely to be damaged by increased visitor numbers. Such damage may arise, for example, from increased disturbance, erosion, input of nutrients from dog faeces, and increased incidence of

fires. Where sites of high nature conservation value are considered as SANG, the impact on their nature conservation value should be assessed and considered alongside relevant policy in the development plan. These sites may require an ecological discount of their proposed SANG area.

SANG continue to need to be delivered in advance of any associated housing stock being occupied. They should also be funded for in perpetuity as is the current process.

The Character of the SPA and its Visitors

The Thames Basin Heaths SPA is made up of 13 Sites of Special Scientific Interest, and consists of a mixture of heathland, mire, and woodland habitats. They are essentially 'heathy' in character. The topography is varied, and most sites have a large component of trees and some contain streams, ponds and small lakes. Some are freely accessible to the public and most have a degree of pubic access, though in some areas this is restricted by army, forestry or other operations.

Survey effort in 2005 showed that more than 83% of visitors to the SPA arrive by car, though access points adjacent to housing estates showed a greater proportion arriving on foot (up to 100% in one case). 70% of those who visited by car had come from within 5km of the access point onto the SPA. A very large proportion of the SPA visitors are dog walkers, many of whom visit the particular site on a regular (more or less daily) basis and spend less than an hour there, walking on average about 2.5km. Almost 50% are retired or part-time workers and the majority are women.

Further detailed information on visitors can be found in the reports referenced at the end of this document. These figures have been supported in further SPA wide surveys, the most recent being in 2018.

Guidelines for the Quality of SANG

The quality guidelines have been sub-divided into different aspects of site fabric and structure. They have been compiled from a variety of sources but principally from visitor surveys carried out at heathland sites within the Thames Basin Heaths area or within the Dorset heathlands. These are listed as references at the end of this document.

The principle criteria contained in the Guidelines have also been put into a checklist format which are contained in Appendix 1.

Accessibility

Most visitors come by car and want the site to be fairly close to home. Unless SANG are provided for the sole use of a local population living within a 400-metre catchment around the site, then **the availability of adequate car parking at sites larger than 4 ha is essential**. The amount and nature of parking provision should reflect the anticipated use of the site by visitors and the catchment size of the SANG. It should provide an attractive alternative to parking by the part of SPA for which it is mitigation. **Car parks should be clearly signposted and easily accessed**.

New parking provision for SANG should be advertised as necessary to ensure that it is known of by potential visitors.

Target groups of Visitors

This should be viewed from two perspectives, the local use of a site where it is accessed on foot

from the visitor's place of residence, and a wider catchment use where it is accessed by car. **Most of the visitors to the SPA come by car and therefore should be considered as a pool of users from beyond the immediate vicinity of the site.** All but the smallest SANG should

therefore target this type of visitor.

It is apparent from access surveys that a significant proportion of those people who visit the sites on foot, also visit alternative sites on foot and so this smaller but significant group look for local sites. **Where large populations are close to the SPA, the provision of SANG should be attractive to visitors on foot.**

Networks of sites

The provision of longer routes within larger SANG is important in determining the effectiveness of the authorities' network of SANG as mitigation. The design of routes within sites will be critical to providing routes of sufficient length and attractiveness for mitigation purposes.

Though networks of SANG may accommodate long visitor routes and this is desirable, they should not be solely relied upon to provide long routes.

Paths, Roads and Tracks

The findings suggest **that SANG should aim to supply a choice of routes of around 2.3 - 2.5km in length** with both shorter and longer routes of at least 5km as part of the choice, where space permits.

Paths have to be of a width acceptable to visitors.

Paths should be routed so that they are perceived as safe by the users, with some routes being through relatively open (visible) terrain (with no trees or scrub, or well spaced mature trees, or wide rides with vegetation back from the path), especially those routes which are 1-3 km long.

The routing of tracks along hill tops and ridges where there are views is valued by the majority of visitors.

Artificial Infrastructure

Little or no artificial infrastructure is found within the SPA at present apart from the provision of some surfaced tracks and car parks. Generally, an urban influence is not what people are looking for when they visit the SPA and some people undoubtedly visit the SPA because it has a naturalness about it that would be marred by such features.

However, **SANG would be expected to have adequate car parking with good information about the site and the routes** available. Some subtle waymarking would also be expected for those visitors not acquainted with the layout of the site.

Other infrastructure would not be expected and should generally be restricted to the vicinity of car parking areas where good information and signs of welcome should be the norm, though discretely placed benches or information boards along some routes would be acceptable.

Landscape and Vegetation

SANG do not have to contain heathland or heathy vegetation to provide an effective alternative to the SPA.

Surveys clearly show that **woodland or a semi-wooded landscape is a key feature** that people appreciate in the sites they visit, particularly those who use the SPA. This is more attractive than open landscapes or parkland with scattered trees.

A **semi-natural looking landscape with plenty of variation** was regarded as most desirable by visitors and some paths through quite enclosed woodland scored highly. There is clearly a balance to be struck between what is regarded as an exciting landscape and a safe one and so some element of choice between the two would be highly desirable. The semi-wooded and undulating nature of most of the SPA sites gives them an air of relative wildness, even when there are significant numbers of visitors on site. SANG should aim to reproduce this quality.

Hills do not put people off visiting a site, particularly where these are associated with good views, but steep hills are not appreciated. **An undulating landscape is preferred to a flat one.**

Water features, particularly ponds and lakes, act as a focus for visitors for their visit, but are not essential.

Restrictions on usage

The bulk of visitors to the SPA came to exercise their dogs and so it is imperative that **SANG allow for pet owners to let dogs run freely over a significant part of the walk**. **Access on SANG should be largely unrestricted, with both people and their pets being able to freely roam**

along the majority of routes. This means that sites where freely roaming dogs will cause a nuisance or where they might be in danger (from traf fic or such like) should not be considered for SANG.

Assessment of site enhancement as mitigation

SANG may be provided by the enhancement of existing sites, including those already accessible to the public that have a low level of use and could be enhanced to attract more visitors. The extent of enhancement and the number of extra visitors to be attracted would vary from site tosite.

Those sites which are enhanced only slightly would be expected to provide less of a mitigation

effect than those enhanced greatly, in terms of the number of people they would divert away from the SPA. In order to assess the contribution of enhancement sites in relation to the hectare standards of the Delivery Plan, it is necessary to distinguish between slight and great enhancement.

Methods of enhancement for the purposes of this guidance could include enhanced access through guaranteed long-term availability of the land, creation of a car park or a network of paths.

SANG which have not previously been open to the public count in full to the standard of providing 8ha of SANG per 1000 people in new development. SANG which have an appreciable but clearly low level of public use and can be substantially enhanced to greatly increase the number of visitors also count in full. The identification of these sites should arise f rom evidence of low current use.

This could be in a variety of forms, for example:

- Experience of managing the site, which gives a clear qualitative picture that few visitors are present
- Quantitative surveys of visitor numbers
- Identified constraints on access, such as lack of gateways at convenient points and lack of parking
- Lack of easily usable routes throughthe site
- Evidence that the available routes through the site are little used (paths may show little wear, be narrow and encroached on byvegetation)

Practicality of enhancement works

The selection of sites for enhancement to be SANG should take into account the variety of stakeholder interests in each site. Consideration should be given to whether any existing use of the site which may continue is compatible with the function of SANG in attracting recreational use that would otherwise take place on the SPA. The enhancement should not result in moving current users off the SANG and onto the SPA. The specif ic enhancement works proposed should also be considered in relation not only to their effects on the SANG mitigation function but also in relation to their effects on other user groups.

TBH SPA Mitigation Project – January 2021

The Hart, Rushmoor and Surrey Heath Councils worked together with Natural England to complete a project reviewing the approach to mitigation within the Thames Basin Heaths. The work analysed eleven potential alternative options when it comes to delivering SPA mitigation. The report concluded that the role and design of SANG could be clarified further.

To be made very clear from the outset. There remains a hierarchy of SANG provision. Great weight will be given to those SANGS meeting all the existing quality criteria (shown in Appendix 1) which should be delivered in the first instance. Only if this is **not possible**, **for clearly established reasons**, should the delivery of the options outlined in the section below be considered. If any proposed SANGS do not meet all of the Appendix 1 quality criteria, then these SANGS will continue to be assessed on a case by case basis and should be **agreed** with both the competent authority and Natural England. The proposal will need to demonstrate equivalent effectiveness of mitigation being provided to ensure a robust, consistent approach continues. Any shortfall in SANG criteria should be offset by other complementary means, such as an elevated provision rate, size or high-quality features.

The evidence shows that the use of SANG networks, linear orientated sites and small sites of no smaller than two hectares have potential to provide effective mitigation where traditional SANG is unavailable. These SANG areas will be linked and/or in proximity to an already established SANG. If effectiveness can be demonstrated of small or linear SANGs working alone, then we will assess this on a case by case basis, taking in to account the site's context amongst the wider greenspace network.

Historically Natural England have apportioned significant weight to the requirement for a 2.3 – 2.5km circular walk, which is less likely to be achievable in a small or linear SANG. These guidelines do not remove weight from the requirement but do accept that in specific circumstances the walk doesn't have to be included within every single SANG unit. It is however desirable to provide the full Appendix 1 criteria across a local SANG network or on another SANG.

Natural England would urge all Local Planning Authorities to take note, that this approach **could** enable sites previously deemed unacceptable to Natural England, to now qualify as valid avoidance measure. Please come and speak to us if you feel that is the case.

Appendix 1: Site Quality Checklist – fora SANG

This guidance is designed as an Appendix to the full guidance on Suitable Alternative Natural Greenspaces (SANG) to be used as mitigation (or avoidance) land to reduce recreational use of the Thames Basin Heaths SPA.

Must haves

- For all sites larger than 4ha there must be adequate parking for visitors, unless the site is intended for local use, i.e. within easy walking distance (400m) of the developments linked to it. The amount of car parking space should be determined by the anticipated use of the site and reflect the visitor catchment of both the SANG and the SPA.
- Possible to complete a circular walk of 2.3-2.5km aroundthe SANG.
- Car parks must be easily and safely accessible by car and should be clearly sign posted.
- The accessibility of the site must include access points appropriate for the visitor use the SANG is intended to cater for.
- The SANG must have a safe route of access on foot from the nearest car park and/or footpath/s
- All SANG with car parks must have a circular walk which starts and finishes at the car park.
- SANG must be designed so that they are perceived to be safe by users; they must not have tree and scrub cover along parts of the walking routes.
- Paths must be easily used and well maintained but most should remain unsurfaced to avoid the site becoming to urban in feel.
- SANG must be perceived as semi-natural spaces with little intrusion of artificial structures, except in the immediate vicinity of car parks. Visually sensitive way-markers and some benches are acceptable.
- All SANG larger than 12 ha must aim to provide a variety of habitats for users to experience.
- Access within the SANG must be largely unrestricted with plenty of space provided where it is possible for dogs to exercise freely and safely off lead.
- SANG must be free from unpleasant intrusions (e.g. sewage treatment works smells etc).

Should haves

- SANG should be clearly sign-posted or advertised in some way.
- SANG should have leaflets and/or websites advertising their location to potential users. It would be desirable for social media to be used as well, with the goal of reducing paper use. Although a leaflet for a new home is desirable. It could advertise the TBH Partnership website at https://www.tbhpartnership.org.uk/greenspace/

Desirable

- It would be desirable for an owner to be able to take dogs from the car park to the SANG safely off the lead.

- Where possible it is desirable to choose sites with a gently undulating topography for SANG

- It is desirable for access points to have signage outlining the layout of the SANG and the routes available to visitors.

- It is desirable that SANG provide a naturalistic space with areas of open (non-wooded) countryside and areas of dense and scattered trees and shrubs. The provision of open water is encouraged and desirable on sites. However large areas of open water cannot count towards capacity.

- Where possible it is desirable to have a focal point such as a viewpoint, monument etc within the SANG.

Appendix 2: Further clarification on the TBH Project 202

Reliance on the length of circular walk could be given less weight in specific circumstances on individual SANG sites. A circular route is still required. This will be agreed on a case by case basis by Natural England and the relevant Local Planning (Competent) Authority and only where equivalence can be effectively demonstrated. Sites will also only be accepted where most of the other criteria from Appendix 1 are met, either individually or as part of a group of sites.

Small SANG – This will be no smaller than 2 hectares in size. Where possible all other Appendix 1 criteria should be met, and the site will be adjacent to, linked in an accessible manner to, or close to a SANG or network which can deliver the required circular walk. Small SANG should be available to residents on their doorsteps.

Linear SANG – This approach allows for the width of a SANG to be reduced, where the walk incorporates an attractive linear feature or links to other open sites. For example, alongside waterways or disused railway lines. Linear SANG should include sites with wider areas, creating irregular shapes and opportunities for dogs to exercise freely off lead. In exceptional cases a there and back walk could qualify. It would require strong evidence and visitor surveys to show that it will provide an avoidance experience like that of a traditional SANG. It would also be preferable for linear SANG to link with wider routes and/or other SANGs to provide opportunities for a variety of walks.

SANG Network – Where several SANGs are in proximity or adjacent, they can be used and visited as one single entity. This approach allows for the use of links between SANG units to deliver a circular walk and meet all the Guidelines in combination. The default position is that the SANG links would not count as having capacity or catchments but would need to be secured in perpetuity. If they happen to be a substantial unit of green space themselves then they could be included within the SANG calculation. The size of an individual SANG catchment can be increased depending on the area afforded by an overall SANG network (excluding links), in line with the quanta figures in the TBH Delivery Framework.

Equivalence – This will be required on all SANG sites not meeting the guidelines in Appendix 1. There will have to be an over provision of something else to offset the lack of the full circular walk. This would be likely to incorporate an increased provision rate, for example providing 12 hectares of SANG per thousand head of population. A significant high quality SANG in terms of amenities and habitats could also demonstrate this requirement. We are happy to discuss this matter further on a case by case basis, either through our DAS Service for developers or our Local Plan Service for Local Planning Authorities.

Appendix 3: Suitable Alternative Natural Greenspace: A best practice guide

Natural England would urge that these recommendations are followed unless there is valid justification for a deviation.

A SANG can be greatly improved for visitors and wildlife by implementing some of the suggestions in this guide. They are based on Natural England's Strategic Access Management and Monitoring teams' findings from visiting SANG and undertaking visitor number and questionnaire surveys.

This guide has been produced to provide more advice to Local Planning Authorities and developers up front. These are features found throughout the current SANG suite that we feel have tangible positive impacts on the draw to a SANG. We understand that it may not be possible to adopt them all, especially in a smaller SANG. There are a lot of quick fixes in this list which will generate a substantial uplift in SANG attractiveness. Natural England are likely to raise fewer concerns through the formal planning process on a SANG which provides the majority of the

following.

It is essential that Natural England visits and agrees a SANG, before any housing development can be attributed towards it. This is in line with Policy NRM6 of the South East Plan. For SANG development advice please contact Natural England's Discretionary Advice Service:

https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals It is

advisable to contact your local planning authority at the first instance of SANG development.

Naming of SANG:

1. Use a name which highlights any attractive features within the site. E.g. meadow, copse, lake etc.
2. Avoid the use of the word 'SANG' in the name of thesite.
3. Keep the name relevant to the location but dissimilar to nearbySANG's.
4. The name is differentto any associated development.

Location of SANG:

1. Where possible, provision of connectivity to wider greenspace/other SANG is recommended but should ensure a SANG does not result in new and additional access and visits to sensitive sites.
2. Seek to protect and enhance any existing local wildlife site designations (e.g. SSSI/SINC/SNCI) within or adjacent to the SANG boundary.

Biodiversity:

1. Ensure habitat of SANG complements adjacent habitats. e.g by extending similar landscape or something complementary such as grassland for foraging woodland birds.
2. Ensure appropriate connectivity of landscape scale habitat features. e.g. hedgerows, tree belts etc.
3. Include features such as; dead wood, sand banks, wildflower meadows etc.
4. Where open water is included, separate dog ponds and wildlife ponds. (Case study 4)
5. Avoid frequent mowing as a tool to manage grasslands, it is an expensive technique which produces little biodiversity benefit.
6. Grazing is a good management tool. It is not suitable for all SANG, but if it possible on your SANG, a route must be provided which avoids the grazing area for the benefit of those nervous of cattle.
7. Good practice monitoring of SANG use should be built into in perpetuity management of the site, and work consistently with the SAMM Project.

Biodiversity Net Gain (BNG) is an approach to land management and/or development that aims to leave biodiversity in a measurably better state than before. BNG does not change existing protections to protected sites, irreplaceable habitats or protected species.

Through appropriate design and implementation BNG can complement the purpose of SANGS. These are designed to provide more natural and diverse green space for communities to benefit from and, consequently, delivering more effective mitigation to alleviate pressure on SPAs.

SANG is not an automatic delivery mechanism for BNG but the two can exist on the same site. BNG on SANG is only attributable to such habitat creation or enhancement that proves measurable additionality over and above the minimum requirements of the SANG, demonstrated through use of the Biodiversity Metric stipulated by the consenting body.

For BNG to be delivered on SANG, the SANG should achieve nature conservation outcomes that demonstrably exceed existing obligations under the SANG guidance, as quantified through the metric. It is encouraged that, where applicable, additional or enhanced features at SANGs are

informed by local nature or wildlife strategies and priorities, such as Local Nature Recovery Strategies (LNRS). It is recommended that the BNG calculations for the SANG are done separately from the rest of the project calculations, in order to ensure a clear audit trail and allow for simple demonstration of the additional biodiversity unit uplift beyond the minimum SANG requirements.

Any additional features provided for BNG purposes should not conflict with the principle purpose of the SANG. Consideration should be given for other ecosystem services provided by the SANG and design should ensure BNG does not compete with these but delivers alongside them. For example, a wildflower rich grassland area created for biodiversity benefits would provide additional ecosystem services but could potentially also conflict with recreational services provided by the SANG. Careful consideration should be given to the design of any additional biodiversity features introduced into the SANG to ensure they did not conflict with the SANGs principle purpose.

For the purposes of the BNG calculation, the baseline value of the SANG is the site with the Habitat Regulation key required habitat features incorporated. Enhancements should be additional to count towards BNG, in that the enhancements would not have taken place in the absence of the BNG funding (or commitment of funding) and the biodiversity benefit (as measured through the metric) should not also be claimed to compensate for another project's biodiversity impact.

Further information on BNG is set out in the following guidance and standards

1. The CIEEM, CIRIA, IEMA Good practice principles for development should be followed: https://cieem.net/wp-content/uploads/2019/02/C776a-Biodiversity-net-gain.-Good-practice-principles-for-development.-A-practical-guide-web.pdf

2. The British Standard for Biodiversity Net Gain (BS 8683) is a process standardthat describes the implementation of BNG by a project (to be released in 2021).

Equality Act 2010 Compliance:

1. This does not fall under the remit of Natural England and we will not be giving bespoke advice about it during our pre application discussions. However, we urge developers and Local Planning Authorities alike to consider the requirements of it, when designing their SANG solutions.

Paths:

1. We are concerned about sections of the circular route that seasonally are wet, muddy or flooded, and could put visitors off from visiting. In these cases, we recommend boardwalk or paths are built up, for them to remain as compliant SANG. Relating to this, if applying grip to surfaces, avoid wire netting as it can trap dog claws.
2. Path surfacing needs to remain semi natural. The highest specification surface we would accept is resin bound hoggin.

3. Avoid convoluted paths and pinch points in SANG design. By maintaining a minimum width between paths of 100 m in open ground and 50 m in dense woodland.
   If necessary, look to extend the area of the SANG, or look at a local SANG Network.
4. Avoid paths running through areas adjacent to major infrastructure with prolonged loud noise. For example, adjacent dual carriageways or motorways. Natural England look at a maximum decibel limit of 60, before requiring discounting of SANG area.

Way-marking and signage:

1. Provide a map at the entrances with an easy to follow circular walk.
2. Gates, fencing and planting following natural land features can help distinguish routes.
3. Highlight points of interest and site history.
4. Car parks well sign posted using highways specification. Where possible through use of the brown sign initiative.
5. Provide contact details for site manager at main entrance.

Bins and dog fouling:

1. Dog bins should be in convenient sections of site and near the entrances.

Car park standard:

1. Provide a minimum of 1 parking space per ha.

Safety and security:

1. Where required for health and safety purposes, the SANG should have suitable access for emergency vehicles.
2. Car parks should be designed to reduce risk of anti-social behaviour, break in or feelings of vulnerability for site users.
3. Perimeter fencing secure to prevent dogs getting out.

Amenities:

These are **not a requirement** but have proved an attractive feature in those SANG with the space available.

1. A play area is a feature that attracts those with children to visit the site, as these are not present on the SPA. If a play area is included, it should be made from sustainable natural sources and not be full of bright plastics.
2. A café or food/drink provisions often attracts more visitors to the site. (Case study 4)

To conclude

We sometimes lose track of the basic requirement for a SANG, which is to attract people away

from the SPA. When designing all SANG, the visitor experience needs to be put first. Costings and even habitat creation should all fall from a strong Visitor Strategy, which should form part of the SANG Management Strategy. Sites and their information should be created in a positive manner to interest visitors and have them coming back time and time again. Though biodiversity and landscape planning are obviously important, we urge you to start by considering the local populous and what they want and how they want to interact with your site, when creating a new SANG.

Case Studies

1. Edenbrook Country Park – Hart District Council - Well surfaced paths, and provisions for wildlife.

Edenbrook is a 24-hectare country park, delivered by Berkeley in partnership with Natural England and Hart District Council.

The paths are sufficiently wide for a combination of site users (Figure 1). There is also a good network of surfaced paths which are not convoluted and avoids pinch points. This was historically agricultural fields, but through innovative design, they have delivered a site that delivers both for visitors but also for biodiversity. Hart District Council have recognised the SANG network approach here and are bolting on extra area to the SANG and linking to other SANG in the vicinity.

Figure 1: The surfaced paths at Edenbrook are located sufficiently far from one another, and from wildlife rich-areas. They are wide enough for the whole combination of site visitors to use.

2. Farnham Park – Waverley Borough Council - Provisions for dogsand wildlife.

Several of the ponds in Farnham Park are designated as wildlife ponds. These are rich in wildlife, hosting many amphibian and invertebrate species. Dead hedges were built around three of the ponds, using materials cut from Farnham Park. To provide water and an opportunity to swim, 'Friends Pond' has been kept fully accessible to dogs. It is located nearest the main entrance and is easily accessible to all visitors. The wildlif e ponds are further away from the main entrance, where visitor density is expected to be lower.

Figure 2: 'Friends Pond' a dog pond on Farnham Park which allows dogs to swim and drink from, whilst other ponds are fenced to protect wildlife.

3. Bucklers Forest – Bracknell Forest Council Comprehensive and engaging interpretation.

At the entrance to the site, Buckler's Forest includes a map that shows 3 options for circular routes (measuring 3.6 km, 2.4 km and 1.3 km). It also includes information on the wildlife that visitors can expect to see on site. As well as this, it highlights the site history. The inclusion of such comprehensive signage encourages users to care more about the site.

Buckler's Forest has showcased its site history by incorporating green electrical boxes, retained

from the transport laboratory, into the site design. These have been transformed into benches, bug hotels, and even mini 'museum' exhibitions. The integration of the site's history is beloved by many site visitors and it creates a distinctly 'country park' feel.

Figure 3: A mini 'museum' exhibition including some archaeological samples found on site. Located within a green electrical box present when the site was a transport laboratory.

Figure 4: A bug hotel also within a repurposed green electrical box.

4. Heather Farm – Delivered by Horsell Common Preservation Society in partnership with Woking Borough Council - Provision of amenities.

Heather Farm has proved to be a very popular SANG, particularly for of its amenities, including a café and a large car park. Whilst it is not possible, or advisable, to include a café on every SANG, at Heather Farm, it has attracted a lot of visitors, many of whom would otherwise visit the SPA. After identifying a need for additional parking provisions, Horsell Common Preservation Society added 57 new spaces to the car park. There are currently 109 car parking spaces for visitors.

Heather Farm provides 4 spaces per hectare, signif icantly more than the suggested minimum of 1 space per hectare.

Figure 5: A view of some of the habitat creation at Heather Farm

5. Wellesley Woodlands – Rushmoor Borough Council - Waymarking andsignposting.

Wellesley Woodlands has incorporated non-intrusive way-markers to clearly signpost users around the 8 trails included in the SANG. These are easy to follow for site users whilst remaining unobtrusive. Where multiple trails intersect, signposting is clear to ensure that trails can be

followed with ease. Both the map and associated markers clearly identify those trails that are suitable ground for wheelchairs and those with restricted mobility.

Figure 6: A signpost clearly defining two all-ability trails, the Birch Trail and the Holly Trail.

Figure 7: A way-marker to signpost users along the Wellesley Willow Trail.

6. Biodiversity Net Gain

Examples of Biodiversity Net Gain delivered within a SANG:

A. If an extra hedgerow was put into a SANG, not for screening purposes, this could count. If it is put in for screening reasons, this is a key SANG feature and therefore cannot count towards BNG unless the hedgerow was of higher distinctives than that needed for screening purposes or maintained in better ecological condition, in which case it could count.
B. Planting wildflower bulbs on appropriately sited amenity grassland within a SANG and in turn converting it to species rich meadow could be counted towards BNG.
C. If the SANG has structures such as a toilet block or café, then BNG could be delivered through the introduction of green/vegetated roofs and/or walls on suchstructures.

Potential Opportunities for Biodiversity Net Gain

Appendix 4: SANG Information Form

This form is designed to help you gather information about any potential SANG. For more guidance on the creation of SANG, please also refer to the relevant Borough Council's Thames Basin Heaths SPA Interim Avoidance Plan.

Natural England, Local Planning Authorities, and other organisations will then be able to consider the potential suitability of the proposed SANG based on this initial information.

Background information

Name and location of proposed SANG	**Name:** **Address:** **Grid reference:** **(Please attach a map of the site with the boundaries clearly marked)**
Size of the proposed SANG (hectares), excluding water features	**hectares**
Any current designations on land - e.g. LNR / SNCI	
Current owners name and address. (If there is more than one owner then please attach a map)	
Who manages the land?	
Legal arrangements for the land – e.g. how long is the lease?	
Is there a management plan for the site? (if so, please attach)	

Current visitor arrangements

Is the site currently accessible to the public?	
Does the site have open access?	
Has there been a visitor survey of the site? (If so, please attach)	
If there has been no visitor survey, please give and indication of the current visitor levels on site	
Does the site have existing car parking?	**How many car parks?** **How may car parking spaces?** **(Please mark car parks and numbers of car parking spaces on the site map)**
Are there any existing routes or paths on the site?	**(Please mark these on the map)**
Are there signs to direct people to the site? (Please indicate where and what type of sign)	

Site quality checklist

Must/should haves – these criteria are essential for all SANG			
	Criteria	**Current**	**Future**
1	Parking on all sites larger than 4ha (unless the site is intended for use within 400m only)		
2	Circular walk of 2.3-2.5km		
3	Car parks easily and safely accessible by car and clearly sign posted		
4	Access points appropriate for particular visitor use the SANG is intended to cater for		
5	Safe access route on foot from nearest car park and/or footpath		
6	Circular walk which starts and finishes at the car park		
7	Perceived as safe – no tree and scrub cover along part of walking routes		
8	Paths easily used and well maintained but mostly unsurfaced		

9	Perceived as semi-natural with little intrusion of artificial structures		
10	If larger than 12 ha then a range of habitats should be present		
11	Access unrestricted – plenty of space for dogs to exercise freely and safely off the lead		
12	No unpleasant intrusions (e.g. sewage treatment smells etc)		
13	Clearly sign posted or advertised in some way		
14	Leaflets or website advertising their location to potential users		
15	Can dog owners take dogs from the car park to the SANG safely off the lead		
16	Gently undulating topography		
17	Access points with signage outlining the layout of the SANG and routes available to visitors		
18	Naturalistic space with areas of open countryside and dense and scattered trees and shrubs. Provision of open water is desirable		
19	Focal point such as a viewpoint or monument within the SANG		