North Lincolnshire Council

Habitats Regulations Assessment

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

Planning permission for a residential development with associated internal vehicular and pedestrian access, landscaping and infrastructure and formation of a new roundabout junction on Barton Road linking to a section of Barton upon Humber's relief road

Land south of A1077 Barrow Road

This document supersedes the version previously signed on 13 November 2025

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Significance Test

Title of Plan

Planning permission for a residential development with associated internal vehicular and pedestrian access, landscaping and infrastructure and formation of a new roundabout junction on Barton Road linking to a section of Barton upon Humber's relief road.

Location of Plan or Project /Application

Land south of A1077 Barrow Road

Ordnance Survey Grid Reference: TA041216

International Nature Conservation Sites

Humber Estuary Special Protection Area (SPA)

Humber Estuary Special Area of Conservation (SAC) and Ramsar site

Description of Project (adapted from the submitted Design and Access Statement & Ecological Impact Assessment)

The application site is located on land to the south of Barrow Road, Barton upon Humber, on the eastern edge of the settlement and extends to approximately 6.56 hectares. The site is around 1.1 km from the Humber Estuary SPA and Ramsar site at Barton and Barrow Claypits. The Humber Estuary SAC lies around 450 metres to the north-north (Barton foreshore). The site comprises largely arable land with species-poor hedgerows.

The proposed scheme consists of 196 new residential dwellings, all served by a single dedicated vehicular point of access off Barrow Road. The site layout incorporates, the delivery of a roundabout and associated infrastructure. Each dwelling will have at least two dedicated off-street parking spaces. It is proposed that the surface water run-off from the development is discharged to this public sewer.

The proposed development provides 0.5 hectares of open space on-site. Meadow grass mix, flowering lawns, shrubs trees and hedgerows are to be integrated throughout the scheme and public open space.

Details of Wintering and Passage Birds

The applicant has provided the results of wintering and passage bird surveys carried out between November 2023 and March 2024. These revealed records of Curlew roosting and foraging within the survey area on two occasions in numbers greater than 1% of the Humber Estuary population (39 at 1.7% and 42 at 1.83%).

In addition, North Lincolnshire Council has access to survey information for the Barton Link Road Scheme (PA/2023/1981), plus 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 20 November 2023:

- Recreational pressure/disturbance to SPA/Ramsar interest features.
- Impacts to functionally linked land used by waterbirds associated with the Humber Estuary SPA and Ramsar site.
- Aerial deposition of pollutants due to traffic emissions.

Recreational pressure/disturbance to SPA/Ramsar interest features

The construction and occupation of 196 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, "..there is currently not enough information provided in the application to determine whether the likelihood of significant effects from recreational pressure can be ruled out. If potential impacts are identified, mitigation measures for recreational disturbance which can be implemented if required should be considered, for example Suitable Alternative Natural Green Spaces (SANGS) and Project Access Monitoring and Management Schemes (PAMMS).."

Impacts to functionally linked land used by waterbirds associated with the Humber Estuary SPA and Ramsar site.

The application site comprises arable land with species-poor hedgerows. The applicant has provided the results of wintering and passage bird surveys carried out between November 2023 and March 2024. These revealed records of Curlew roosting and foraging within the survey area on two occasions in numbers greater than 1% of the Humber Estuary population (39 at 1.7% and 42 at 1.83%).

Natural England has advised that, "... the potential for loss of functionally linked land and/or construction/operational impacts on birds using adjacent functionally linked land, should be considered in assessing what, if any, potential impacts the proposal may have on European sites."

Therefore, the application site may potentially be considered to be functionally-linked land supporting birds associated with the Humber Estuary. There is a 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 196 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 (Tyldesley & Chapman 2013)):

- Recreational pressure/disturbance to SPA/Ramsar interest features; and
- Impacts to functionally linked land used by waterbirds associated with the Humber Estuary SPA and Ramsar site.

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

- Aerial deposition of pollutants due to traffic emissions.

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

1. North Lincolnshire Council does not consider that the plan or project is directly connected with, or necessary to, the management of the Humber Estuary Special Protection Area (SPA) and Ramsar site or Humber Estuary Special Area of Conservation (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 not likely to have a significant effect alone or in combination with other plans and projects on the Humber Estuary Special Area of Conservation (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; and
- Impacts to functionally linked land used by waterbirds associated with the Humber Estuary SPA and Ramsar site.

Signe [redacted] Date 18 November 2025

Designation: Natural Environment Policy Specialist

This document supersedes the version previously signed on 13 November 2025

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)	No LSE	The Humber Estuary SAC lies about 1.1 km to the north of the application site. The impact of air pollution on the SAC will be insignificant. Surface water will enter the foul sewer, so will not affect SAC habitats.
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	No LSE	The Humber Estuary SAC lies about 1.1 km to the north of the application site. The impact of air pollution on the SAC will be insignificant. Surface water will enter the foul sewer, so will not affect SAC habitats.
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	No LSE	The Humber Estuary SAC lies about 1.1 km to the north of the application site. The impact of air pollution on the SAC will be insignificant. Surface water will enter the foul sewer, so will not affect SAC habitats.
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**	**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*	**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.** **The application site has potential to be considered as functionally-linked land, supporting significant numbers of curlews on occasion.**

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	No LSE	The Humber Estuary SAC lies about 1.1 km to the north of the application site. The impact of air pollution on the SAC will be insignificant. Surface water will enter the foul sewer, so will not affect SAC habitats.
Intertidal mud and sand flats	No LSE	
Saltmarshes	No 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 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.** **The application site has potential to be considered as functionally-linked land, supporting significant numbers of curlews on occasion.**

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	

This document supersedes the version previously signed on 13 November 2025

Planning permission for a residential development with associated internal vehicular and pedestrian access, landscaping and infrastructure and formation of a new roundabout junction on Barton Road linking to a section of Barton upon Humber's relief road

Land south of A1077 Barrow Road

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

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

1.1 Title of Plan or Project/Application

Planning permission for a residential development with associated internal vehicular and pedestrian access, landscaping and infrastructure and formation of a new roundabout junction on Barton Road linking to a section of Barton upon Humber's relief road.

1.2 Location of Plan or Project /Application

Land south of A1077 Barrow Road

Ordnance Survey Grid Reference: TA041216

1.3 International Nature Conservation Site

Humber Estuary Special Protection Area (SPA) and Ramsar site

1.4 Nature/Description of Plan or Project/Application

The application site is located on land to the south of Barrow Road, Barton upon Humber, on the eastern edge of the settlement and extends to approximately 6.56 hectares. The site is around 1.1 km from the Humber Estuary SPA and Ramsar site at Barton and Barrow Claypits. The Humber Estuary SAC lies around 450 metres to the north-north (Barton foreshore). The site comprises largely arable land with species-poor hedgerows.

The proposed scheme consists of 196 new residential dwellings, all served by a single dedicated vehicular point of access off Barrow Road. The site layout incorporates, the delivery of a roundabout and associated infrastructure. Each dwelling will have at least two dedicated off-street parking spaces. It is proposed that the surface water run-off from the development is discharged to this public sewer.

The proposed development provides 0.5 hectares of open space on-site. Meadow grass mix, flowering lawns, shrubs trees and hedgerows are to be integrated throughout the scheme and public open space.

Date Appropriate Assessment recorded: 13 November 2025

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

1.6 Natural England was consulted under Reg.63(3) on 16 October 2023 and replied on 20 November 2023 and subsequent occasions; comments expressed by the

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

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

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

- Recreational pressure/disturbance to SPA/Ramsar interest features; and
- Impacts to functionally linked land used by waterbirds associated with the Humber Estuary SPA and Ramsar site.

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 [redacted] ate 18 November 2025

Designation Natural Environment Policy Specialist

This document supersedes the version previously signed on 13 November 2025

2 Introduction

2.1 The project assessed here is a housing development of 196 dwellings, with an associated roundabout, road layout and open space. The site is south of Barrow 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 Area of Conservation (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 Special Protection Area (SPA) and Ramsar site.

2.2.3 The plan or project is not likely to have a significant effect alone or in combination with other plans and projects on the Humber Estuary Conservation Area (SAC).

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 located on land to the south of Barrow Road, Barton upon Humber, on the eastern edge of the settlement and extends to approximately 6.56 hectares. The site is around 1.1 km from the Humber Estuary SPA and Ramsar site at Barton and Barrow Claypits. The Humber Estuary SAC lies around 450 metres to the north-north (Barton foreshore). The site comprises largely arable land with species-poor hedgerows.

The proposed scheme consists of 196 new residential dwellings, all served by a single dedicated vehicular point of access off Barrow Road. The site layout incorporates, the delivery of a roundabout and associated infrastructure. Each dwelling will have at least two dedicated off-street parking spaces. It is proposed that the surface water run-off from the development is discharged to this public sewer.

The proposed development provides 0.5 hectares of open space on-site. Meadow grass mix, flowering lawns, shrubs trees and hedgerows are to be integrated throughout the scheme and public open space.

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

5.1 Recreational pressure/disturbance to SPA/Ramsar interest features; and
5.2 Impacts to functionally linked land used by waterbirds associated with the Humber Estuary SPA and Ramsar site.

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

6.1 Likely Significant Effect

6.1.1 The construction and occupation of 196 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, “..there is currently not enough information provided in the application to determine whether the likelihood of significant effects from recreational pressure can be ruled out. If potential impacts are identified, mitigation measures for recreational disturbance which can be implemented if required should be considered, for example Suitable Alternative Natural Green Spaces (SANGS) and Project Access Monitoring and Management Schemes (PAMMS)..”

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

6.3.1 Natural England has advised that, “Presently, an occupancy rate of 2.4 persons per dwelling is used to estimate population for housing developments, based on the 2017 Office for National Statistics figure for the average number of persons in all UK households. Therefore with 173 dwellings this will be 415 additional residents.” (Natural England discretionary advice 19 August 2024 in Haddock-Sherwin 2025).

6.3.2 In relation to the publication Draft Local Plan for North Lincolnshire (now withdrawn), Natural England advised that Policies DQE11 and CSC3 should specify that development in proximity to the Humber Estuary designated sites will 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).

6.3.3 Natural England 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 recommended that further consultation should be 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 With the current application, there are no proposals for a SANG.

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 196 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 196 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 415 residents.

6.6.2 The mitigation requirements for the 196 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 Impacts to functionally linked land used by waterbirds associated with the Humber Estuary SPA and Ramsar site.

7.1 Likely Significant Effect

7.1.1 The application site comprises arable land with species-poor hedgerows. The applicant has provided the results of wintering and passage bird surveys carried out between November 2023 and March 2024. These revealed records of Curlew roosting and foraging within the survey area on two occasions in numbers greater than 1% of the Humber Estuary population (39 at 1.7% and 42 at 1.83%).

7.1.2 Natural England considers that, as over 1% of the Humber Estuary population of Curlew have been recorded using the site, that it is functionally linked to the Humber Estuary designated sites. Development of the site would represent a loss of functionally linked land, as curlews would be displaced from the previously existing foraging, roosting and loafing habitat.

7.2 Conservation Objectives

7.2.1 Where a likely significant effect has been identified, loss of high tide roosts 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.

7.3 Further Assessment – additional bird survey data

7.3.1 Following the determination of likely significant effect, the applicant has carried out a further season of wintering and passage bird surveys from 24 October 2024 to 21 March 2025. These comprised diurnal vantage point surveys and nocturnal surveys using thermal imaging equipment. None of these surveys revealed any SPA/Ramsar interest features or assemblage species using the application site for feeding, roosting or loafing. Thus, curlew is the only relevant species that has been recorded using the application site over two seasons. Details of the applicant's two years of surveys, carried out by Whitcher Wildlife Ltd and the surveys carried out by Waxwings Ornithology for the Barton Link Road are summarised in Table 1 overleaf. The final column details the peak counts of curlew for each survey.

7.3.2 The table confirms that curlew were recorded within the survey area in numbers greater than 1% of the Humber Estuary population on two occasions only out of 49 survey visits across two seasons.

Table 1 Summary of Wintering Bird Survey Results for Curlew (October 2023-March 2025)

Date	Surveyor	Survey Start	Survey Finish	Duration	Method	Diurnal/Nocturnal	Peak count
17/10/2023	Waxwings Ornithology	08:00	11:45	03:45	Scoping	Diurnal	0
23/10/2023	Waxwings Ornithology	11:15	13:45	02:30	Walkover	Diurnal	1
30/10/2023	Waxwings Ornithology	06:50	09:20	02:30	Walkover	Diurnal	0
06/11/2023	Waxwings Ornithology	06:50	09:20	02:30	Walkover	Diurnal	0
15/11/2023	Waxwings Ornithology	18:30	21:00	02:30	Thermal imaging	Nocturnal	0
24/11/2023	Waxwings Ornithology	07:00	09:45	02:45	Vantage point	Diurnal	0
30/11/2023	Whitcher Wildlife	06:45	09:45	03:00	Vantage point	Diurnal	0
06/12/2023	Waxwings Ornithology	08:00	10:45	02:45	Walkover	Diurnal	0
13/12/2023	Waxwings Ornithology	18:45	21:15	02:30	Thermal imaging	Nocturnal	0
15/12/2023	Whitcher Wildlife	07:00	10:00	03:00	Vantage point	Diurnal	42
19/12/2023	Waxwings Ornithology	14:40	16:50	02:10	Vantage point	Diurnal	0
20/12/2023	Whitcher Wildlife	14:30	17:30	03:00	Vantage point	Diurnal	0
20/12/2023	Whitcher Wildlife	18:30	19:30	01:00	Thermal imaging	Nocturnal	0
09/01/2024	Waxwings Ornithology	08:45	11:15	02:30	Walkover	Diurnal	0
12/01/2024	Whitcher Wildlife	07:00	10:00	03:00	Vantage point	Diurnal	39
15/01/2024	Waxwings Ornithology	21:00	23:00	02:00	Thermal imaging	Nocturnal	0
24/01/2024	Whitcher Wildlife	14:25	17:30	03:05	Vantage point	Diurnal	0
24/01/2024	Whitcher Wildlife	18:30	19:15	00:45	Thermal imaging	Nocturnal	0
26/01/2024	Waxwings Ornithology	07:50	10:10	02:20	Vantage point	Diurnal	0
07/02/2024	Waxwings Ornithology	11:45	13:45	02:00	Vantage point	Diurnal	0
13/02/2024	Waxwings Ornithology	20:45	22:45	02:00	Thermal imaging	Nocturnal	0
16/02/2024	Whitcher Wildlife	06:15	09:15	03:00	Vantage point	Diurnal	0
20/02/2024	Waxwings Ornithology	07:15	09:45	02:30	Walkover	Diurnal	0
27/02/2024	Whitcher Wildlife	15:30	18:30	03:00	Vantage point	Diurnal	0
27/02/2024	Whitcher Wildlife	19:30	20:15	00:45	Thermal imaging	Nocturnal	0

04/03/2024	Whitcher Wildlife	15:45	18:45	03:00	Vantage point	Diurnal	0
04/03/2024	Whitcher Wildlife	19:45	20:30	00:45	Thermal imaging	Nocturnal	0
04/03/2024	Waxwings Ornithology	07:15	09:45	02:30	Vantage point	Diurnal	0
07/03/2024	Waxwings Ornithology	20:15	22:15	02:00	Thermal imaging	Nocturnal	0
13/03/2024	Waxwings Ornithology	06:50	09:30	02:40	Walkover	Diurnal	0
15/03/2024	Whitcher Wildlife	05:15	08:15	03:00	Vantage point	Diurnal	0
24/10/2024	Whitcher Wildlife	10:30	13:30	03:00	Vantage point	Diurnal	0
29/10/2024	Whitcher Wildlife	19:30	20:40	01:10	Thermal imaging	Nocturnal	0
31/10/2024	Whitcher Wildlife	10:15	13:15	03:00	Vantage point	Diurnal	0
07/11/2024	Whitcher Wildlife	09:00	12:00	03:00	Vantage point	Diurnal	0
14/11/2024	Whitcher Wildlife	19:40	20:40	01:00	Thermal imaging	Nocturnal	0
20/11/2024	Whitcher Wildlife	09:00	12:00	03:00	Vantage point	Diurnal	0
02/12/2024	Whitcher Wildlife	11:00	14:00	03:00	Vantage point	Diurnal	0
11/12/2024	Whitcher Wildlife	19:30	20:30	01:00	Thermal imaging	Nocturnal	0
19/12/2024	Whitcher Wildlife	08:45	11:45	03:00	Vantage point	Diurnal	0
08/01/2025	Whitcher Wildlife	19:30	20:30	01:00	Thermal imaging	Nocturnal	0
14/01/2025	Whitcher Wildlife	10:15	13:15	03:00	Vantage point	Diurnal	0
28/01/2025	Whitcher Wildlife	09:00	12:00	03:00	Vantage point	Diurnal	0
03/02/2025	Whitcher Wildlife	19:30	20:30	01:00	Thermal imaging	Nocturnal	0
10/02/2025	Whitcher Wildlife	09:00	12:00	03:00	Vantage point	Diurnal	0
24/02/2025	Whitcher Wildlife	11:00	14:00	03:00	Vantage point	Diurnal	0
04/03/2025	Whitcher Wildlife	09:00	12:00	03:00	Vantage point	Diurnal	0
13/03/2025	Whitcher Wildlife	20:30	21:30	01:00	Thermal imaging	Nocturnal	0
21/03/2025	Whitcher Wildlife	13:00	16:00	03:00	Vantage point	Diurnal	0

Key

Curlew count exceeding 1% of estuary population (“significant count”)

Zero curlew count within 4 days of a “significant count”

7.4 Further Assessment- determining whether land is functionally linked to the Humber Estuary SPA/Ramsar

7.4.1 Size of site.

7.4.1.1 The application site extends to approximately 6.56 hectares at the time of writing, of which around 5.84 hectares is an open arable field, bordered by hedgerows, housing and Barrow Road. The width of the field varies from around 130 to 190 metres, so that no part of the field is more than 95 metres from housing or a hedgerow.

7.4.1.2 When the approved Barton Link Road (planning reference PA/2023/1981) is constructed, the remaining open area of the field will be in two parcels, separated by the road. These will measure roughly 1.94 hectares and 2.51 hectares. The widths will vary from 116 to 143 metres, so that no part of the field is more than 71 metres from housing or a hedgerow. Milsom et al. (1998) found that curlew used fields >200 metres wide the most and fields <100 metres wide the least. Their regression model, based on survey data, predicted that fields which were adjacent to roads were likely to be used less than those which were not bordered by roads. This suggests that the field size of the application site is suboptimal for curlew and that the remaining areas of habitat at the application site will become less suitable for curlew once divided by the link road.

7.4.2 Habitat suitability for SPA/ Ramsar waterbirds.

7.4.2.1 The submitted shadow Habitats Regulations Assessment (sHRA) records that, “Data from Google Earth historical aerial imagery records that the site has been used as intensively managed arable farmland since 2003. The land is predominantly used for combinable crops, including wheat (harvested late July to September), barley (July to August), oilseed rape (late July to August), peas (July to August), and beans (late August to September). During the 2023–2025 winter survey period, the land was actively cultivated, with ploughing and sowing observed during the bird surveys.”

7.4.2.2 The Humber INCA North and North-east Lincolnshire autumn and winter bird surveys revealed that curlews fed on arable fields, including oilseed rape fields, but were largely dependent upon permanent pasture (Catley 2011). These findings were derived from counts carried out from 30 August 2010 to 03 April 2011 which covered around 400 separate fields in largely pasture or arable management.

7.4.2.3 This suggests that current management of the application site is broadly suitable for feeding curlew, but that pasture fields in the area are likely to be more suitable. It is not known how the remaining areas of land divided by the proposed link road would be managed if the proposed management did not go ahead. It is possible that management for combinable crops would no longer be viable in the reduced fields.

7.4.3 Diversity of species using the site.

7.4.3.1 In 49 diurnal and nocturnal survey visits carried out between October 2023 and March 2025, the only waterbird species associated with the Humber Estuary SPA/Ramsar site that was recorded on the application site was curlew. A lone bird was recorded on 23 October 2023, with 42 on 15 December 2023 and 39 on 12 January 2024. (Pearce 2024, Haddock-Sherwin 2025) The latter two counts represent more than 1% of the 5 year mean peak for the species (Calbrade et al. 2025).

7.4.3.2 Golden plovers have been recorded in fields to the south of the application site on a number of occasions, with flocks varying between around 100 metres and 600 metres of the application site. Less than 1% of the Humber Estuary 5 year mean peak for this has been recorded (Pearce 2024).

7.4.3.3 Thus, any concerns about use of the site as functionally linked land relate to curlew alone.

7.4.4 Frequency of usage of the site.

7.4.4.1 Out of 49 survey visits across two years, curlews were only recorded on two occasions in more-than-trivial numbers. Table 1 reveals that no curlews were recorded in other surveys carried out within 3-4 days of the surveys that revealed significant numbers. This suggests that the birds only used the site for a brief period on each occasion.

7.4.4.2 Although curlews elsewhere on the Humber have been shown through GPS-tagging to be faithful to particular foraging and roosting areas (Mander et al. 2022), the combined survey results suggest that curlews recorded at the application site were using the site opportunistically and showed no particular faithful connection to the site.

7.4.5 Population trends of species using the site.

7.4.5.1 Curlew have seen a steady decrease in numbers on the Humber Estuary since a peak around 2006/07. The wider regional trend is in decline as well since 2000/01, but on a slightly less severe trend than the one seen on the Humber Estuary, at least during the early years of the decline. Over the mid and long term, the Humber Estuary holds around 10% of the curlew population in the region, having declined very slightly from the early 2000s (Bowgen et al. 2023)

7.4.5.2 The north bank of the estuary has seen similar trends and now holds less than 50% of the Humber Estuary's curlew population. The south bank has been more variable in its trend and numbers here have remained relatively stable. The south bank now holds more than 50% of the population, as the numbers on the northern side decline more strongly. A lot of curlew now are based on Humber South (Outer) areas which have seen a gentle long-term increase in numbers, South (Mid) has been more variable and South (Inner) has declined gently (ibid.)

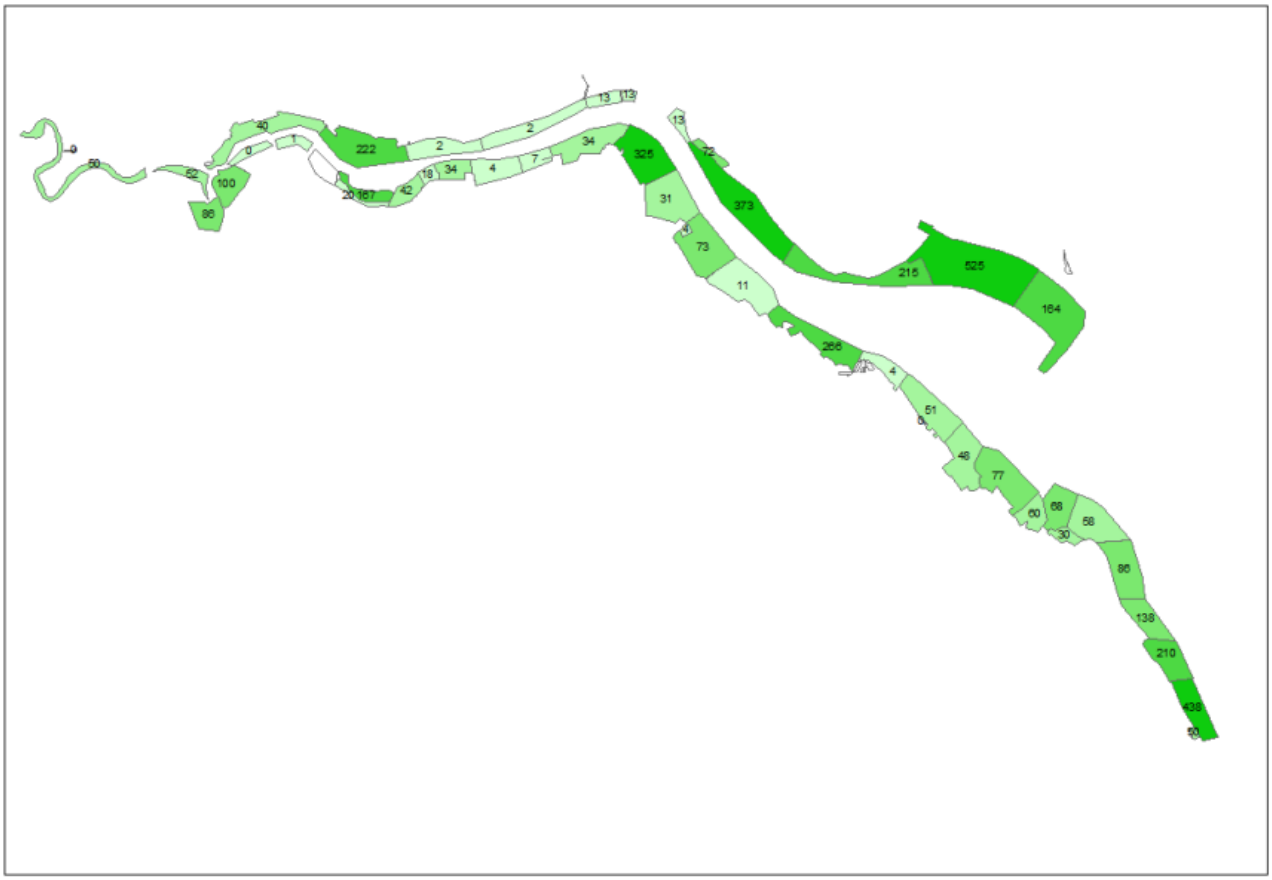
7.4.5.3 Goxhill Marsh is the most important sector in the same general area as

the application site, with up to 13% of the Humber Estuary's curlew in the past five years. On the northern side, Patrington to Easington holds the largest numbers of Curlew and is of high importance to the SPA based on recent counts (ibid).

7.4.5.4 Overall, though curlew numbers have declined on the Humber Estuary as a whole, numbers in the area of the application site have remained relatively stable and represent a low proportion of the Estuary's birds. Figure 1 below shows curlew density, based on recent surveys over five years. The WeBS sector nearest to the application site held a five-year mean peak of only 4 curlew. This suggests that the recorded occasional use of the site by curlews is not a significant factor in terms of population trends for the species as a whole. Those birds that have occasionally used the site are presumably associated with more distant WeBs sectors, such as those near Goxhill Marsh or Brough.

Figure 1 Map of curlew density across Humber WeBS sectors.

The darker the shading, the higher the density of birds, and numbers are the five-year mean of peaks for 2017/18 – 2021/22 (Figure reproduced from Bowgen et al. 2023)



7.4.6 Supplementary Advice on Conservation Objectives (SACOs).

7.4.6.1 Natural England has not provided supplementary advice specifically in relation to curlews. However, this species would be covered by the SACOs for the non-breeding waterbird assemblage. Relevant targets include the following:

- Restore the overall abundance of the assemblage to a level which is above

153,934 whilst avoiding deterioration from its current level as indicated by the latest peak mean count or equivalent.

- Maintain the species diversity of the bird assemblage.

7.4.6.2 As noted in section 7.4.5 above, that the recorded occasional use of the site by curlews is not a significant factor in terms of population trends for the species as a whole. Therefore, development of the application site is not likely to adversely affect the targets to restore the overall abundance of the assemblage or to maintain the species diversity of the assemblage.

7.4.7 Availability of alternative areas of functionally linked land.

7.4.7.1 For planning application PA/2025/643 (Elsham Data Centre), the submitted "Information to Inform a Habitats Regulations Assessment" report (Aspect Ecology 2025) noted that, "..a desk based review of aerial imagery and mapping (including OS mapping and available habitat information) identifies an area of approximately 11,833ha potentially suitable and similar arable habitats within large fields (over 10ha and therefore clearly lacking internal tall vegetation that could discourage use by wintering wildfowl, commensurate with those within the site) located within the land directly between the site and the SPA/RAMSAR [sic] (see Plan 6940/AF1), such that the site clearly represents less than 1.5% of the available suitable (similar) resource within the search area (limited to land directly between the site and the closest areas of the designation), with substantially greater additional areas of similar habitat located both beyond the SPA/Ramsar and closer to the designation in different directions."

7.4.7.2 The search area for the above desk-based review was centred around a line between Elsham Wold and Barton upon Humber. Thus, the findings apply to a considerable extent to the current application. That is to say that there is a large resource of open, arable habitat similar to the application site around the southern middle estuary.

7.4.7.3 The intertidal areas shown on Figure 1 which support a high density of curlew are generally closely associated with large open areas of permanent grassland which provide the main high tide roosting, loafing and foraging habitat for the species. For example, the Goxhill foreshore is backed by a large area of permanent grassland around Goxhill Marsh. Halton Marshes Wet Grassland provides around 90 hectares of habitat for curlews associated with Killingholme foreshore, East Halton foreshore, Paull Holme Sands and Cherry Cobb Sands. Brough South Nature Reserve provides around 90 hectares of habitat in East Riding (https://broughsouthdevelopment.co.uk/ecology/). Therefore, alternative areas of more optimal functionally linked land are in place to support the main concentrations of curlew around the Estuary.

7.5 Further Assessment- comparison of the proposal with the "Do-Nothing" option.

7.5.1 As described above, the proposed project would result in the loss of an area of arable land that has occasionally been used by foraging and roosting curlew. In the "do-nothing" scenario, in the event of planning permission

being refused or the development not going ahead, some of the habitat would still be directly lost to the Barton Link Road. The remaining habitat could be managed differently from the present time if conventional arable cropping proved to be uneconomic in the smaller remaining land parcels. The more enclosed, smaller blocks of habitat left around the link road are likely to become less suitable for curlew, as described in sections 7.4.1 and 7.4.2 above.

7.6 In-combination Effects

7.6.1 A search of the Humber Nature Partnership In-Combination Database on 30 May 2023 (in relation to another project) revealed 29 plans and projects that had impacts or pressures which could affect passage or wintering Lapwing or Curlew. Of these, several appeared to be projects that were complete and would not, therefore act in combination with other plans or projects. The others are summarised in Table 2 below.

7.6.2 Other projects on East Halton Marsh and Killingholme Marsh in the South Humber Gateway, could lead to the displacement of feeding, roosting and loafing curlew from functionally linked land. However, creation and management of 90 hectare grassland site at Halton Marshes provides strategic mitigation for displacement of curlew for all projects in this area.

7.6.3 The Humber Nature Partnership In-Combination Database is no longer being updated. No other potential in-combination projects have been identified.

7.6.4 Overall, no plans or projects have been identified that could act in combination with the current proposal in terms of loss of functionally linked land for curlew.

7.7 Measures taken to avoid, minimise or mitigate effects

7.7.1 None required.

7.8 Determination of AEOI.

7.8.1 Analysis of the value of the application site as functionally linked land for curlew has revealed that:

- The field size of the application site is suboptimal for curlew and the remaining areas of habitat at the application site will become less suitable for curlew once divided by the link road.
- The current management of the application site is broadly suitable for feeding curlew, but pasture fields in the area are likely to be more suitable. It is not known how the remaining areas of land divided by the proposed link road would be managed in the future.
- The application site has only supported one assemblage species in anything more than trivial numbers- a very low diversity of species.

- Curlews were only recorded on two occasions in two years of surveying in more than trivial numbers. They do not appear to be faithful to or dependent on the application site.
- Though curlew numbers have declined on the Humber Estuary as a whole, numbers in the area of the application site have remained relatively stable and represent a low proportion of the Estuary's birds.
- Development of the application site is not likely to adversely affect the SACO targets to restore the overall abundance of the assemblage or to maintain the species diversity of the assemblage.
- There is a large resource of open, arable habitat similar to the application site around the southern middle estuary.
- Alternative areas of more optimal functionally linked land are in place to support the main concentrations of curlew around the Estuary.

7.8.2 Taking all of the above factors into account, it may be concluded that the application site have importance as functionally linked land for curlew, other interest feature species or other assemblage species.

7.8.3 There will be no adverse effect on the Integrity of the Humber Estuary SPA and Ramsar site arising from impacts to functionally linked land used by waterbirds associated with the Humber Estuary SPA and Ramsar site.

Table 2 Plans and Projects Assessed for In-combination Effects in Relation to Curlew

Plan/ Project Name	Description	Species/Numbers	Impacts	Mitigation	Residual Effects After Mitigation
Yorkshire Energy Park	Mixed use comprising a business park and an education, campus and associated residential accommodation; energy infrastructure; data centre and associated disaster recovery suite; relocated sports facilities; landscaping and open space.	229 Curlew (7.04% of total Humber Estuary population)	A permanent loss of existing functional habitat (approximately 20 ha) will occur. In addition, approximately 7.5 ha of the remaining core foraging area will be subject to potential disturbance	Creation of a 45.3ha "Ecological Mitigation Zone" situated across the eastern half of the Site. Off-site ecological mitigation area (40.3ha) 4.2km south west of the site at Thorn Marsh Farm	None noted
Outstrays Managed Realignment Scheme	Comprising 349 ha of new embankments, habitat creation and mitigation area and associated works	Curlew: Max count on site 1700 ; 60.6% of total Humber population	Non-physical disturbance: noise Non-physical disturbance: visual presence	Major works limited to April to Sept inclusive. Restrictions on disturbing works during autumn passage. Restrictions on access to bank tops. Use of screening vegetation; fencing to keep people and dogs out of habitat areas 78.1 ha of saltmarsh created as part of scheme; creation of 28 ha marshy grassland habitat Provision of bird hides	None noted
Welwick to Skeffling Managed Realignment Scheme	265ha of new earth embankments, habitat creation and mitigation area and associated works	Curlew: Max count on site 1700 ; 60.6% of total Humber population	Non-physical disturbance: noise Non-physical disturbance: visual presence	Major works limited to April to Sept inclusive. Restrictions on disturbing works during autumn passage. Use of screening vegetation 150 ha of saltmarsh created	None noted

				as part of scheme; creation of wet grassland habitat Provision of bird hides	
North Lincolnshire Core Strategy Development Plan document	High level strategic document which sets out the long term spatial planning framework for North Lincolnshire	Curlew	Non-physical disturbance: noise Non-physical disturbance: visual presence	Appropriate Assessment at project stage	None noted
Hull Local Plan	The main planning document to drive land use and allocations in the City of Hull, including a number of major proposed projects such as Green Port Hull and a new Cruise Terminal	Curlew	Non-physical disturbance: noise Non-physical disturbance: visual presence	Appropriate Assessment at project stage	None noted
East Riding of Yorkshire Local Plan	East Riding Strategic Local Plan including land allocations for residential housing and for industry. Also includes detailed policies on protection of land designated for nature conservation and for dealing with flood risk.	Curlew	Three allocations recognised to have a likely significant effect on the SPA/SAC. Elloughton cum Brough - C 39 ha of land allocated for residential development 520m from SPA boundary. Hedon Haven Employment Site (which includes Paull LDO) 240ha of mixed development, immediately adjacent to the SPA. Hessle H 3.34ha Mixed Use immediately adjacent to the SPA. Overall, a loss of 614ha of functionally linked land which may be used by bird species associated with the SPA	Appropriate Assessment at project stage	None noted
North East Lincolnshire Local Development	The adopted Local Plan for North East Lincolnshire, laying out all key policies for	Curlew	Non-physical disturbance: noise Non-physical disturbance: visual presence	South Humber Gateway Mitigation Package; Habitat protection policy; Improved sustainable transport links	None noted

Plan	the unitary authority area.			policy; Additional green infrastructure; Good practice construction techniques	
Able Marine Energy Park	A new quay, wind turbine assembly and testing facilities, 299MW biomass Generating Plant with conveyors, fuel storage, cooling water systems and electricity substation, helipad Plus ancillary plant, equipment, buildings, internal roads, parking facilities, security fencing, landscaping, changes to site access, diversion of existing footpaths, connections to electricity grid, surface water management systems, foul drainage provision, ecological mitigations	Curlew: Max local count foreshore 158; 3.6% total Humber population	Loss of 45ha of estuary (31.5ha) and intertidal mudflat (13.5ha) below the footprint of the development. Loss of functionally linked land outside of the SPA for curlew Functional loss of 11.6ha of mudflats due to visual disturbance and noise of development works and operations	Creation of 16.7 hectares of wet grassland core habitat + buffer as part of a 90 hectare grassland site at Halton Marshes. Creation of 115 ha Regulated Tidal Exchange Scheme at Cherry Cobb Sands	None noted
Able Logistics Park	A large mixed development of 379.9 ha to produce a new port facility including jetty, berths, dredged channel and a large area of ancillary port handling and storage infrastructure with new flood defence, railway sidings and sewage system.	Lapwing: Max local count 3892; total Humber population 22,765 Curlew: Max local count 177; total Humber population 3253	• Loss of intertidal habitat due to coastal squeeze following restoration and improvement of the floodbank. • Loss of intertidal habitat due to construction of floodbank toe beam within the current intertidal area. • Surface water drainage into intertidal habitat, causing pollution. • Disturbance of wintering and passage waterbirds during the construction phase of the proposal, including landscaping operations and	Any works on seaward side of flood defences and all earthworks to be carried out April to September only Create 2450 sqm intertidal 12 hectares of wet grassland core habitat + buffer as part of a 90 hectare grassland site at Halton Marshes + 20 hectares of core habitat and 30 hectares of buffer off-site.	None noted

			the creation of waterbird habitat. • Permanent loss of habitat used by wintering and passage waterbirds for feeding, roosting and loafing. • Ongoing noise and visual disturbance of waterbirds using the adjacent intertidal area and areas of created wetland. • Increased light levels and the dominant visual appearance of lighting columns • Increase in train traffic, leading to sporadic disturbance of waterbirds using Killingholme Haven Pits SSSI and all three proposed wetland areas.		

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 196 dwellings, giving a total of £23,716.

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

9 Overall determination of AEOI.

9.1 Project without restrictions or conditions.

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

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

9.1.3 The proposed project would have no likely significant effect on the Humber Estuary SAC.

9.1.4 Without mitigation, North Lincolnshire Council cannot ascertain that the proposed project would not have an adverse effect on the integrity of the Humber Estuary 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:

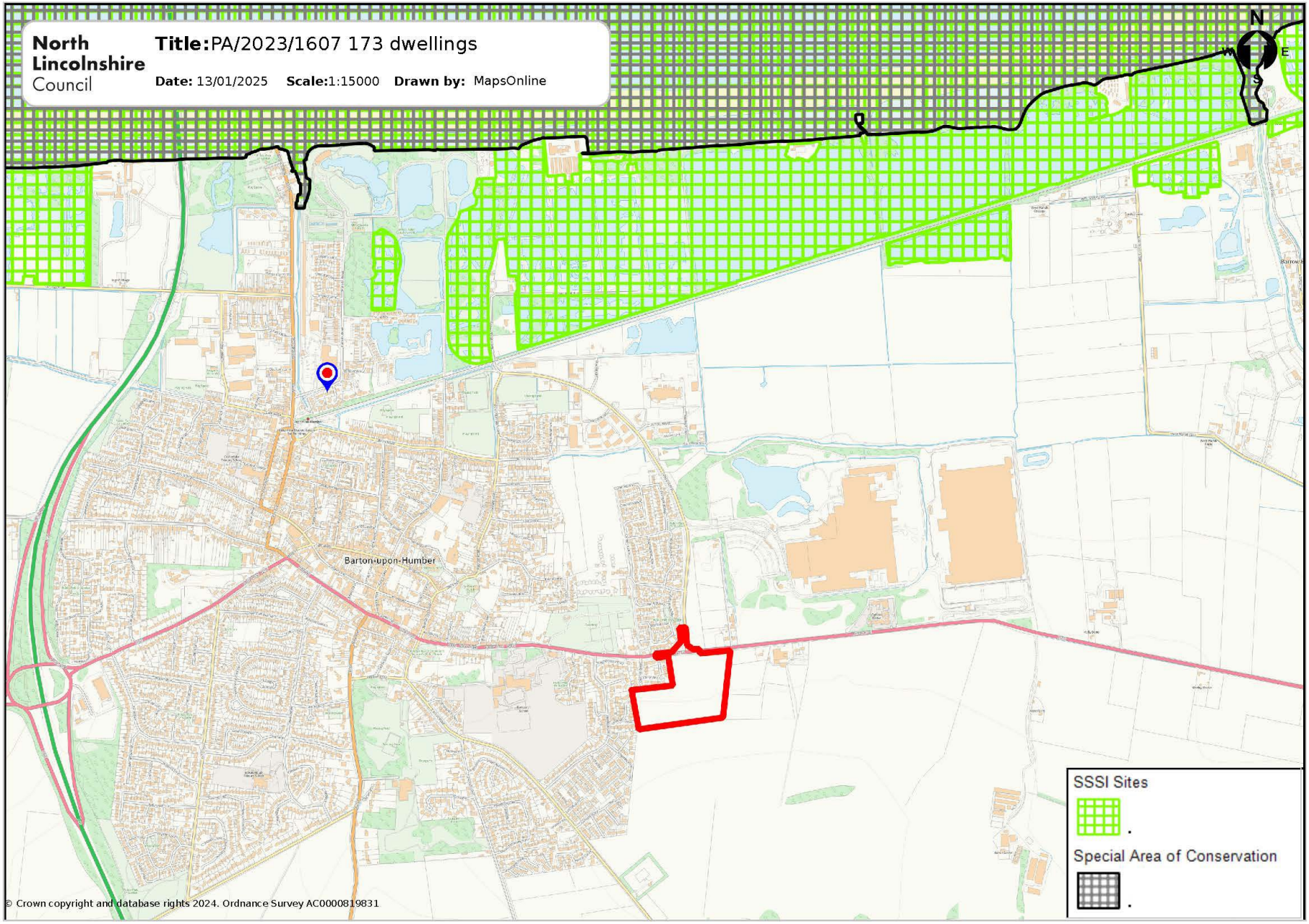
- Recreation pressure/disturbance to SPA/Ramsar interest features.
- Impacts to functionally linked land used by waterbirds associated with the Humber Estuary SPA and Ramsar site.

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.

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Appendix 4: Natural England Advice

Date: 20 November 2023
Our ref: 454338
Your ref: PA/2023/1607

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

T 0300 060 3900

North Lincolnshire Council
Business Development
Church Square House
30-40 High Street
Scunthorpe
DN15 6NL

BY EMAIL ONLY

Dear Tanya Coggon

Planning consultation: Residential development with vehicular and pedestrian access, landscaping & infrastructure; formation of a new roundabout junction on Barton Road.
Location: Land south of A1077, Barrow Road, Barton-Upon-Humber

Thank you for your consultation on the above dated 16 October 2023 which was received by Natural England on 25 October 2023

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

The following information is required:

- A Habitats Regulation Assessment (HRA).
- Additional passage and wintering bird surveys for wintering waders and wildfowl.

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 and advice on other issues is set out below.

Additional Information required

1. *Provision of a Habitats Regulation Assessment*

The application site is within or in close proximity to European designated sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations').

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

Natural England notes that the proposal is located approximately two kilometres from the Humber Estuary Special Protection Area (SPA) and Special Area of Conservation (SAC) which are European sites. The site is also listed as the Humber Estuary Ramsar site and notified at a national level as Humber Estuary Site of Special Scientific Interest (SSSI). In the absence of a Habitats Regulations Assessment (HRA) Natural England are unable to provide detailed comments on the proposal.

We recommend you obtain the following information to support the Habitats Regulations Assessment (HRA):

i. Consideration of the impact of the proposal on functionally linked land associated with the Humber Estuary SPA/Ramsar, i.e. the fields adjacent to the site. The term 'functionally linked land' describes an undesignated area of land or sea present outside of a designated site which nonetheless is considered to be critical to or necessary for sustaining a feature for which a nearby protected site has been designated. We advise that the potential for loss of functionally linked land and/or construction/operational impacts on birds using adjacent functionally linked land, should be considered in assessing what, if any, potential impacts the proposal may have on European sites. To inform your FLL assessment, the use of appropriate source/s is suggested, for example:

   - Consultation with the Council's Ecologist.
   - A data search from appropriate source/s, such as the local Ecological Data Centre.
   - Consultation with local bird groups and other organisations that may hold relevant data.
   - A desk-based assessment - using aerial photography, mapping, habitat maps and relevant ecological literature – of the suitability for SPA birds of the habitats present on the proposed site and adjacent fields.

   Wintering and passage bird surveys to determine bird usage of the site by SPA/Ramsar species should also be undertaken. We recommend that the surveys follow the methodology outlined within this response below (*Passage and wintering bird surveys for wintering waders and wildfowl)* and include the fields adjacent to the proposed development site. Annex B attached includes a list of the component species of the waterbird assemblage feature of the SPA.

ii. Consideration of increased recreational disturbance to nearby designated sites during the operational stage of the project. Due to the close proximity of the proposed development to the Humber Estuary SAC/SPA/Ramsar, the proposed development could lead to increased

recreational pressure on the designated site. The potential for recreational disturbance impacts on the Humber Estuary as a result of the proposed development (both alone and in combination with other plans and projects) should therefore be considered in the HRA. Natural England advises that there is currently not enough information provided in the application to determine whether the likelihood of significant effects from recreational pressure can be ruled out. If potential impacts are identified, mitigation measures for recreational disturbance which can be implemented if required should be considered, for example Suitable Alternative Natural Green Spaces (SANGS) and Project Access Monitoring and Management Schemes (PAMMS).

iii. Consideration of air quality impacts in the project's operational stage. Natural England advises that if the proposed development will result in >1000 average annual daily traffic (AADT), or could lead to a process contribution of >1% of critical loads/levels, on roads within 200m of the Humber Estuary SPA/SAC then the potential for impacts to designated sites should be considered further. The process contribution of NOx and NH3, and the subsequent contribution of nitrogen deposition at the site due to the increased traffic should be included, along with an assessment of the potential impact of the inputs on vegetation. Please see Natural England's published guidance on assessment of road traffic emissions. There are currently two models which can be used to calculate the ammonia concentration and contribution to total N deposition from road sources. One of these models is publicly available and called CREAM (Air Quality Consultants – News – Ammonia Emissions from Roads for Assessing Impacts on Nitrogen-Sensitive Habitats (aqconsultants.co.uk) and there is another produced by National Highways.

iv. Consideration of in-combination impacts from other relevant projects and plans. The in-combination requirement makes sure that the effects of numerous small proposals, which alone would not result in a significant effect, are assessed to determine whether their combined effect would be significant enough to require more detailed assessment. Plans or projects that should be considered in the in-combination assessment include, for example, 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.

2. *Passage and wintering bird surveys for wintering waders and wildfowl*

Natural England recognises that three surveys for the site have been carried out during the months of August, September and October 2022 as part of this proposal. = Humber Estuary SPA bird species are present in greatest numbers during the winter and spring passage seasons.,. Therefore we recommend that further surveys are completed for the passage and wintering seasons, using the

methodology outlined below.

We recommend that 'amended' vantage point (VP) surveys (principally following Nature Scot methodologies[3]) are undertaken of the site and surrounding fields to provide an overview of bird usage. It would be useful to record birds in flight especially if the application may have the potential to affect bird flight lines. We would expect to see commentary of birds landing and taking off from within and out of the development site. The surveys should cover open arable land within the proposed site boundary, as well as land adjacent to the development that could be affected and provides the potential to support designated site species. The survey results should also provide some understanding of how the birds use the site as well as presence/ absence. We recommend two wintering bird surveys per month between October to March inclusive.

As well as wintering waterbirds, the Humber Estuary provides safe feeding and roosting sites for species migrating between breeding sites in the arctic and subarctic, and wintering grounds in southern Europe and Africa. The Humber Estuary is therefore important for waterbirds on passage in spring and autumn as well as those species that stay all winter. Therefore, if there is potential for passage SPA bird species to be using the site, we recommend bird surveys during the autumn passage period (two surveys per month between August to October inclusive) and spring passage period (two surveys per month between March to mid-May) to determine the population status of passage birds.

The surveys should cover different tidal states and for sites which may potentially affect high tide roosts, observations should be conducted from two hours before high tide to two hours after high tide. Consideration should also be given to surveys in poor weather/ visibility conditions as large movements of birds can be observed at this time. If waders or waterfowl have the potential to use the development site, Natural England also recommends nocturnal surveys. Natural England recommends that several visits should be completed to determine if the site and/or surrounding areas play a regular role in supporting SPA species at night. Guidance on nocturnal surveys can be found at Nocturnal bird surveys | Bird Survey Guidelines. The nocturnal survey design should take this guidance into account, and the approach should be justifiable in the assessment.

VP surveys may also need to take account of surveys at dusk and dawn, depending upon the bird species (i.e. geese and swans). If geese and swans have the potential to use the development site or surrounding area, we would expect to see surveys 1 hour before and 1 hour after, dusk and dawn during the respective bird survey season (i.e. winter, spring and autumn passage (as above)).

The Humber Estuary SPA qualifies under article 4.2 of the European Commission Bird Directive (79/409/EEC) in that it supports an internationally important assemblage of waterbirds. Please refer to Annex B for further guidance on the 'main component species' of the assemblage.

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

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

Sites of Special Scientific Interest

Natural England notes that the application site is located in proximity to the Humber Estuary SSSI. Based on the plans submitted, Natural England considers that the proposed development could have potential significant effects on the interest features for which the Humber Estuary SSSI site

[3]Scottish Natural Heritage: Recommended bird survey methods to inform impact assessment of onshore wind farms (March 2017- Version 2).

has been notified. Natural England requires further information in order to determine the significance of these impacts. Our advice regarding the potential impacts upon the Humber Estuary SSSI coincide with our advice regarding the potential impacts upon the Humber Estuary SPA/SAC/Ramsar as detailed above.

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

Other advice

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

If you have any queries relating to the advice in this letter please contact on louis.jones@naturalengland.org.uk. For any new consultation, or to provide further information on this consultation please send your correspondence to consultations@naturalengland.org.uk. Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

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

Yours sincerely

Louis Jones
Lead Advisor, Sustainable Development, Yorkshire and Northern Lincolnshire Area Team

Annex A – Additional advice

Annex A – Additional advice

Natural England offers the following additional advice:

Landscape
Paragraph 174 of the National Planning Policy Framework (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 & 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.

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 174 and 175). 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 on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

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.

Protected Species
Natural England has produced standing advice[1] to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. 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.

Local sites and priority habitats and species
You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. 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.

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. 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

[1] https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals

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.

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 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 by planning authorities 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.

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. It is anticipated that major development (defined in the NPPF glossary) will be required by law to deliver a biodiversity gain of at least 10% from January 2024 and that this requirement will be extended to smaller scale development in April 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 the timetable for mandatory biodiversity net gain can be found here. Further general information on biodiversity net gain can be found here.

The Government's 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.

We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and 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, 73, 104, 120,174, 175 and 180). 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.

Green Infrastructure

Natural England's Green Infrastructure Framework provides evidence-based advice and tools on how to design, deliver and manage green 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 Green Infrastructure Standards can be used to inform the quality, quantity and type of green infrastructure to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Annex A – Additional advice

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 100 and 174 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.

Biodiversity duty
Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.

Annex B: Humber Estuary Special Protection Area: non-breeding waterbird assemblage

The Humber Estuary Special Protection Area (SPA) qualifies under article 4.2 of the European Commission Bird Directive (79/409/EEC) in that it supports an internationally important assemblage of waterbirds. Confusion can arise concerning which species to consider when assessing the Humber Estuary SPA non-breeding, waterbird assemblage feature.

Natural England recommends focusing on what are referred to as the 'main component species' of the assemblage. Main component species are defined as:

a) All species listed individually under the assemblage feature on the SPA citation (i.e the species that qualified in 2004 when the site was designated).
b) Species which might not be listed on the SPA citation but occur at site levels of more than 1% of the national population according to the most recent Humber Estuary Wetland Bird Survey (WeBS) 5-year average count.
c) Species where more than 2000 individuals are present according to the most recent Humber Estuary WeBS count.

The assemblage qualification is therefore subject to change as species' populations change. It should be noted that species listed on the citation under the assemblage features, whose populations have fallen to less than 1% of the national population, retain their status as a main component species and should be considered when assessing the impacts of a project or plan on the Humber Estuary SPA.

Natural England advises that the main component species of the Humber Estuary SPA non-breeding waterbird assemblage include (October 2022):

a) Species listed individually under the assemblage feature on the SPA citation:

- Avocet, *Recurvirostra avosetta* (non-breeding)
- Bar-tailed godwit*, Limosa lapponica* (non-breeding)
- Bittern, *Botaurus stellaris* (non-breeding)
- **Black-tailed godwit*, Limosa limosa islandica* (non-breeding)[1]**
- **Brent goose, *Branta bernicla* (non-breeding)[1]**
- **Curlew, *N. arquata* (non-breeding)[1]**
- **Dunlin, *Calidris alpina alpina* (non-breeding)[1]**
- **Golden plover, *Pluvialis apricaria* (non-breeding)[1]**
- Goldeneye, *Bucephala clangula* (non-breeding)
- Greenshank, *T. nebularia* (non-breeding)
- Grey plover, *P. squatarola* (non-breeding)
- Knot, *Calidris canutus* (non-breeding)
- **Lapwing, *Vanellus vanellus* (non-breeding)[1]**
- **Mallard, *Anas platyrhynchos* (non-breeding[1]**
- Oystercatcher, *Haematopus ostralegus* (non-breeding)
- Pochard, *Aythya farina* (non-breeding)
- **Redshank, *Tringa totanus* (non-breeding[1]**
- Ringed plover, *Charadrius hiaticula* (non-breeding)
- **Ruff, *Philomachus pugnax* (non-breeding)[1]**
- Sanderling, *Calidris alba* (non-breeding)

[1] Species known to use non-wetland habitats (e.g. arable farmland and/or grassland/pasture)

- Scaup, *Aythya marila* (non-breeding)
- **Shelduck, *Tadorna tadorna* (non-breeding)** [1]
- **Teal, *Anas crecca* (non-breeding)**[21]
- Turnstone, *Arenaria interpres* (non-breeding)
- **Whimbrel, *Numenius phaeopus* (non-breeding)**[1]
- **Wigeon, *Anas Penelope* (non-breeding)**[1]

And

b) Species which are not listed on the SPA citation but occur at site levels of more than 1% of the national population according to the most recent Humber Estuary Wetland Bird Survey (WeBS) 5-year average count:

- Green sandpiper, *Tringa ochropus* (non-breeding)
- **Greylag goose, *Anser anser* (non-breeding)**[1]
- **Little egret, *Egretta garzetta* (non-breeding)**[1]
- **Pink-footed goose, *Anser brachyrhynchus* (non-breeding)**[1]
- Shoveler, *Anas clypeata* (non-breeding)
- **White-fronted goose, *Anser albifrons* (non-breeding)**[1]

As stated above, the assemblage qualification is subject to change as species' populations change; therefore, the appropriate WeBS data should be considered in any assessment and the above list should be used as a guide only.

Please note, the advice set out above should be considered when assessing potential impacts on the waterbird assemblage feature. You will also need to consider potential impacts on species which are not considered to be non-breeding waterbirds but are listed on the citation qualifying under article 4.1 and 4.2 of the Directive. These include:

- **Hen harrier, *Circus cyaneus* (non-breeding)**[1]
- **Marsh Harrier, *Circus aeruginosus* (breeding)**[1]
- Little tern, *Sterna albifrons* (breeding)
- Avocet*, Recurvirostra avosetta* (breeding)
- Bittern, *Botaurus stellaris* (breeding)

The species marked [1] **in bold text** are known to use non-wetland habitats (e.g. arable farmland and/or grassland/pasture) and may therefore be the most relevant for assessing potential impacts of a proposed plan/project on birds using functionally linked land associated with the Humber Estuary SPA. However, please note that this list should be used as a guide only; usage may depend on factors such as the habitats available on the site and distance to the Humber Estuary etc. Therefore, assessments of potential impacts on birds using functionally linked land should consider all relevant species and clear justification should be provided if any species are excluded from the assessment.

Date: 13 November 2025
Our ref: 531809
Your ref: PA/2023/1607

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BY EMAIL ONLY

Dear Andrew Taylor

Planning consultation: Planning permission for a residential development with associated internal vehicular and pedestrian access, landscaping and infrastructure and formation of a new roundabout junction on Barton Road linking to a section of Barton upon Humber's relief road.

Location: Land south of A1077 Barrow Road, Barton upon Humber

Thank you for your consultation on the above dated 30 October 2025 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England considers that without appropriate mitigation the application would:

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

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

- Mitigation measures for recreational disturbance impacts, as outlined in section 6.6 of your Habitats Regulations Assessment (HRA) dated October 2025. This primarily comprises a financial contribution to a Strategic Access Management and Monitoring Strategy (SAMMS).

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

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

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

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

Humber Estuary SPA/SAC/Ramsar

Please note that the following advice is based on a draft version of the Habitats Regulations Assessment (HRA) sent to Natural England by the North Lincolnshire Council Natural Environment Policy Specialist on 30 October 2025. Our advice below is therefore provided based on the understanding that this version of the HRA will be submitted to the planning portal**.**

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

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

Further advice on mitigation - Recreational disturbance

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

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

- A financial contribution, per dwelling, to a Strategic Access Management and Monitoring Strategy (SAMMS), to be agreed with your authority (outlined in section 6.6.2 of the HRA). This will enable delivery of targeted strategic mitigation measures (outlined in section 6.6.3 of the HRA), and contribution to SAMMS is to be secured through implementation of a Section 106 planning agreement.

We note at the time of writing this letter, the SAMMS payment is outlined in the HRA as comprising a per dwelling contribution of £121. This is stipulated with the following: *"…the final cost per dwelling may be updated in the required section 106 agreement when the interim SAMMS approach has been agreed by North Lincolnshire Council."* We are aware that the final details of your authority's SAMMS are currently being worked through in consultation with Natural England. However, at this stage we are able to agree with the SAMMS approach in principle for this development, subject to final amendments, as contribution to the SAMMS will be secured through the implementation of a Section 106 planning agreement (as confirmed in section 6.6.2 of the HRA).

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

Humber Estuary Site of Special Scientific Interest

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

Please note that if your authority is minded to grant planning permission contrary to the advice in

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

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

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

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

Should the proposal change, please consult us again.

Yours sincerely

Emma Brading

Yorkshire and Northern Lincolnshire Area Team
Natural England