

# MEMO

**North  
Lincolnshire  
Council**

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**To: Matthew Gillyon, Development Management**  
**From: Alicia Morley, Place Policy & Strategy**  
**Your Ref: PA/2025/815**  
**Date: 23 March 2026**

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**Subject: UPDATE Planning permission to install a 3m wide tarmac track around the perimeter of the existing sports field to enable the testing of electric cars**  
**Baysgarth School, Barrow Road, Barton Upon Humber, DN18 6AE**

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## Summary

- **Feedback on the submitted Habitat Management and Monitoring Plan has been provided.**
- **A s106 will be required since off-site gains are to be provided.**
- **Since the HMMP must be in accordance with the approved Biodiversity Gain Plan, I cannot remove or discharge the HMMP condition at this time.**

Thank you for consulting Place Policy & Strategy on the above application.

I have read the submitted Habitat Management and Monitoring Plan. The measures to provide other neutral grassland (both on-site and off-site) are appropriate, although I do question whether achieving Moderate condition on a site with amenity purposes is deliverable.

Traditional orchards are proposed for both off-site areas – the habitat is likely to be achievable at the allotment although perhaps more of a challenge at the primary school. The habitat requires strict maintenance and management to achieve a moderate condition, although it may be achievable with the correct knowledge and implementation as detailed in the HMMP.

Individual trees are to be planted off-site (silver birch and wild cherry) at the primary school and can be managed similarly to the orchard area.

I have recommended the following condition (words in bold for emphasis):

“Prior to development commencing, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the local planning authority. **The HMMP shall be prepared in accordance with the approved Biodiversity Gain Plan** and shall include;

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) **the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;**
- (d) the timescales for implementation of the HMMP
- (e) the timescales for completion of the habitat creation and enhancement works
- (f) **the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;** and
- (g) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

Development shall then be carried out in strict accordance with the approved Habitat Management and Monitoring Plan.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.”

Although I appreciate the submission of the HMMP prior to determination, I would highlight that the HMMP should be submitted in accordance with the Biodiversity Gain Plan which is pre-commencement (deemed condition) and that cannot be altered. In this case, as I do not have the approved (i.e. discharged) Biodiversity Gain Plan (BGP) available to ensure the HMMP is in compliance with the necessary interventions, and therefore, as I interpret it, I cannot remove or discharge the condition without first approving the BGP.

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

**Alicia Morley**  
**Ecologist**

## **Annex- Ecology and Legal Protection**

### **Bats**

All species of bat are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 making all species of bat European Protected Species. Details of the legislation can be found at:

Wildlife and Countryside Act

<http://www.legislation.gov.uk/ukpga/1981/69/contents>

The Countryside and Rights of Way Act:

[http://www.opsi.gov.uk/acts/acts2000/ukpga\\_20000037\\_en\\_7#pt3-pb8-l1q81](http://www.opsi.gov.uk/acts/acts2000/ukpga_20000037_en_7#pt3-pb8-l1q81)

The Conservation of Habitats and Species Regulations 2017:

[The Conservation of Habitats and Species Regulations 2017](http://www.legislation.gov.uk/uksi/2010/20100490/en/1)

[http://www.legislation.gov.uk/uksi/2010/20100490\\_en\\_1](http://www.legislation.gov.uk/uksi/2010/20100490/en/1)

### **Great Crested Newts**

The great crested newt is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 making it an European Protected Species. Details of the legislation are the same as those for bats (see above).

### **Nesting birds**

It is an offence under Section 1 of the Wildlife and Countryside Act of 1981(WCA 1981) to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. The WCA 1981 also provides that all wild birds and their eggs are protected and cannot be killed or taken except under licence.