

**RE: North Lincolnshire Housing and Employment Land**  
**Allocations – DPD Examination**  
**My Clients: G & C Johnson (Claxby) Limited**  
**Scunthorpe Area Site – SCUH10 – Land South of Ferry Road**  
**West.**

-  
Yesterday afternoon the Council produced notes on the status of the Local Wildlife Site to the North of SCUH-10 (attached). I have now had time to retrieve the background information relating to this matter, which I wish to bring to the Inspectors attention.

The Council's paper trail (second paragraph) states "The Local Plan Inspector decided this should not be shown as an LNR because there was no prospect of a management agreement with the Land owner". **The Inspector never gave this as a reason in either paragraph 12.17 or either paragraph 12.18 of his reasons and conclusions. (Inspectors Considerations and Conclusions attached)**

Paragraph 3 of the paper trail states "there was no dispute over the wildlife value".

We disputed the wildlife value at the time which was why the Inspector states in paragraph 12.18 "there was, on the site, an insufficient number of the species – to justify designation as a Site of Importance for Nature Conservation.

Paragraph 7 of the paper trail states "The Site was designated a Local Wildlife Site on 9<sup>th</sup> December 2008". On 12<sup>th</sup> February 2009 in response to a Local Search by my client's solicitor, the Council replied under 1.2 Planning Designations and Proposals- "The property is located in the Open Countryside, abutting Landscape Proposal (LC15) to the West etc" There is no mention of a Local Wildlife Site at all in the search document.

(Page 7 & 8– Local Search attached, full document available if required.)

The Council Notes state – The Council’s Environment Team will object to any housing development on this site due to Loss of rare invertebrates, including the Beetle Bromius Obscurus.

We attach a copy of the Lincolnshire Bio Diversity Partnership Report of the 20<sup>th</sup> September by J. Fraser sent to our clients on the 21/8/08. This makes no mention of Beetle Bromius Obscurus whatsoever or any other rare invertebrates.

Appendix 1 of the document produced by the Council has been altered by reference to “The presence of supermarket trolley’s, other discarded items and evidence of anti- social behaviour”. This does not appear in Mr Fraser’s report and it is not clear how designating the site “open access” will improve matters. Including the site within SCUH-10 incorporating mitigation measures and preserving the area of primary significance (the moderately sized patch of good acid grassland) appears a better option than sterilising the whole site with the loss of several hundred dwellings.

**Questions Unanswered By The Local Authority From Yesterday.**

–  
Since the Site was declared Open Access Land hasn’t it subsequently been brought inside the Development Limit?

Has the statutory 10 year review of the Open Access site been carried out yet, if not can we be notified in order that we can comment?

Yours sincerely,

**R. BLACKSHAW**

## **Housing and Employment Land Allocation DPD**

### **Site SCUH-10 Land south of Ferry Road**

#### **Note on status of the Local Wildlife Site to the north of SCUH-10**

**14<sup>th</sup> January 2015**

Proposed as a Local Nature Reserve (LNR) within the North Lincolnshire Local Plan to which the landowner objected.

The Local Plan Inspector decided that it should not be shown as an LNR because there was no prospect of a management agreement with the landowner. For LNRs to be designated a management agreement with the landowner is required.

At the Local Plan Inquiry there was no dispute over the wildlife value of the site, which was well-established due to an English Nature Survey.

Since the Local Plan's adoption site has been surveyed in 2007, with the agreement of the landowner- refer to Appendix 1. Following the survey it was considered that the site qualified as a Local Wildlife Site (LWS). The procedure used for selecting LWS sites was been agreed by the council's Highways and Planning Cabinet Member on 18 January 2008 (refer to Appendix 2) and is in accordance with DEFRA guidance and the Great Lincolnshire Nature Conservation Partnership namely: - .

DEFRA 2006 Local sites: Guidance on their Identification, Selection and Management

Greater Lincolnshire Nature Partnership 2013 Local Wildlife Site Guidelines for Greater Lincolnshire 3rd edition April 2013

The site was subsequently designated a Local Wildlife Site following consideration by the Lincolnshire Biodiversity Partnership (now the Greater Lincolnshire Nature Partnership) on 09 December 2008.

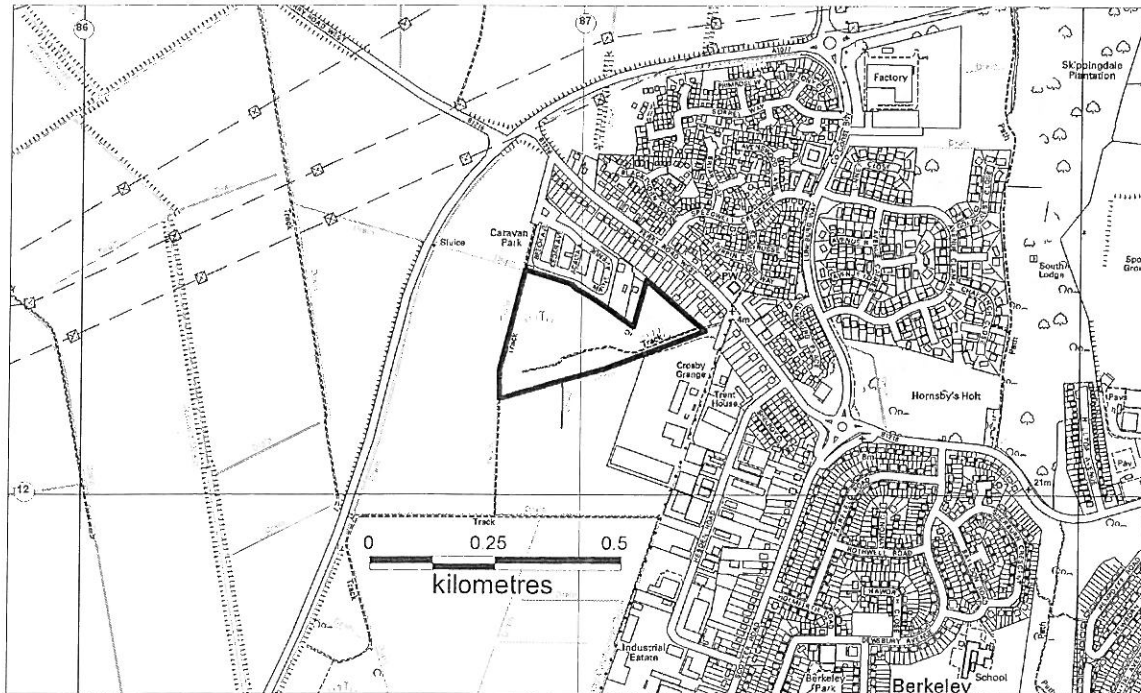
The site is also identified as open access land under the Countryside and Rights of Way (CROW) Act 2000. It is identified independently from the Council by Natural England. The land qualified under the heathland category. Identification does not imply open access but identifies areas where open access would be sought by Natural England.

The Council's Environment Team would OBJECT to any housing development on this site due to:

- Loss of open access land
- Loss of Local Wildlife Site
- Loss of Priority Habitat - Lowland dry acid grassland
- Loss of rare invertebrates, including the beetle *Bromius obscurus*: a Red Data Book Category I species, considered in danger of extinction in Great Britain. This site is believed to be the only extant site for this beetle in Britain (Charlie Barnes, pers. comm.)

## Appendix 1 Survey Results

### Land Adjacent to Johnson's Transport



OS copyright No. AL100016739, Banovallum House, Manor House Street, Horncastle, Lincolnshire. LN9 5HF

**Grid Ref:** SE870123

**Date:** 20 Sept 2007

**Area:** 5.54ha

**Recorder:** J Fraser

**Habitats: Main:** Woodland, Scrub-scattered, Scrub-dense, Grassland-acid

**Habitat: Additional:** Grassland-damp

**Additional features:** Varied sward height, Anthills, Bare ground, Seasonally wet/damp areas, Inappropriate management-none

This important site on the western edge of Scunthorpe is gradually being engulfed by development. Of primary significance is a moderately-sized patch of good acid grassland, surrounded by larger areas of coarse grassland, scrub and unremarkable woodland. Some wetland habitat is also present.

## APPENDIX 1

The acid grassland is dominated by sand sedge, common bent, sheep's-fescue and sheep's sorrel. There are also large populations of harebell, field mouse-ear, common stork's-bill, cat's-ear and smooth hawk's-beard. Amongst the scarcer species are heath rush and heather on the edge of a damp depression. Also present are wood sage, heath groundsel, garden asparagus, common bird's-foot-trefoil and lady's bedstraw. The most extensive area of damp habitat occurs on the western side of the site, where crack willow is present, plus amphibious bistort, great willowherb, angelica, water mint and water figwort. Wooded areas (primarily in the eastern third of the site) include much silver birch, as well as pedunculate oak, sycamore, poplar, ash and several species of willow.

Heavy public use has probably helped to maintain much of the remaining acid grassland, but it also explains the presence of supermarket trolleys, other discarded items, and evidence of anti-social behaviour. It is likely that acid grassland was much more extensive here 20 or 30 years ago, probably covering all but the dampest and most wooded areas.

## Appendix 2

19 (18) **LOCAL WILDLIFE SITES** – The Service Director Highways and Planning submitted a report seeking adoption of the Lincolnshire Local Wildlife Sites criteria that were published in 2006, and approval to assess existing and potential Local Wildlife Sites through the Lincolnshire Wildlife Sites Panel.

On 16 October 2003, the Environment and Transportation Cabinet Member gave approval for the formation of a Local Wildlife Sites panel to select suitable Local Wildlife Sites, using appropriate criteria (minute 16 refers). The associated report at the time also recommended that the draft Defra and Wildlife Trusts guidelines should be followed.

Through the Lincolnshire Biodiversity Action Plan (BAP) partnership, organisations had formed a review group to devise suitable criteria for the selection of Local Wildlife Sites. Staff from the council's Environment Team contributed significantly to the development of the criteria, which were also subject to significant consultation.

The Lincolnshire BAP Steering Group had now formally adopted the criteria, outlined in the document "Local Wildlife Sites - Guidelines for their Identification and Selection in the Historic County of Lincolnshire (Lincolnshire, North Lincolnshire and North East Lincolnshire)". Ecological survey work had begun on existing and potential Local Wildlife sites. A Local Wildlife Sites panel had formed to select sites by comparing survey results against the adopted criteria. The Lincolnshire Local Wildlife Sites Panel should consider information on sites in North Lincolnshire in preparation for the Local Development framework, and to support Development Control decisions.

Local Wildlife Sites and Local Geological Sites would be the subject of the proposed new National Indicator - PI 197. This indicator would measure the proportion of local sites where active conservation management was being achieved. In order to demonstrate good performance, the council would need to demonstrate that it had selected appropriate sites in accordance with Defra guidance. It would also need to demonstrate that conservation management was being carried out on these sites in accordance with professional advice, management plans, land-based grant schemes or biodiversity action plans.

**Resolved** – (a) That North Lincolnshire Council formally adopt "Local Wildlife Sites-Guidelines for their Identification and Selection in the Historic County of Lincolnshire (Lincolnshire, North Lincolnshire and North East Lincolnshire)", (b) that council staff contribute to the running of the Lincolnshire Local Wildlife Sites Panel, and (c) that the council follow recommendations of the Wildlife Sites Panel on the selection or deselection of sites in accordance with DEFRA guidance.



## CHAPTER 12 – LANDSCAPE & CONSERVATION

### Policy: LC3-8 – Proposed Local Nature Reserve, Land adjacent to Johnson's Transport, Scunthorpe

#### Objections to Deposit Draft

Not Resolved

LC3                      0077   5232      C. Johnson (Claxby) Ltd                      Bell Watson                      AS6

#### Main Issue

Whether this policy is appropriate, having regard to the diversity of plant species.

#### Inspector's Considerations and Conclusions

12.17 Deposit Draft policy LC3-8 proposed that land adjacent to Johnson's Transport Depot, Scunthorpe, should be designated as a Local Nature Reserve. This policy has been carried through unchanged to the RDD plan. PPG9 (annex A) advises that Local Nature Reserves may be established by local authorities under s21 of the National Parks and Access to the Countryside Act 1949. RPG for Yorkshire and the Humber (policy N1) provides that local planning authorities should identify and develop policies for areas which are important for the conservation of bio-diversity. English Nature advises that sites proposed for declaration as Local Nature Reserves should be of some reasonable natural interest and of high value in the District/County context for the informal enjoyment of nature by the public.

12.18 An objector argues that the site is in private ownership and no access is available to the public. In October 2001 a survey carried out by the local planning authority, using the criteria of the Lincolnshire Wildlife Trust, established that there was, on the site, an insufficient number of the species which are usually to be found on heathland and acid grassland in Lincolnshire to justify designation as a Site of Importance for Nature Conservation. I conclude that the land adjacent to Johnston's Transport Depot cannot be regarded as of reasonable natural interest or of high value in its context, nor can it provide for the informal enjoyment of nature by the public. For that reason it should not, in the terms of the advice of English Nature, be designated as a Local Nature Reserve. Because it is not of major importance for wild flora and fauna it is not the sort of site which should be selected as a Local Nature Reserve under regulation 37 of the Conservation (Natural Habitats etc) Regulations 1994.

#### Recommendations

I recommend:

(REC 12.10) that the Revised Deposit Draft be modified by the deletion of land adjacent to Johnson's Transport Depot, Scunthorpe, from the list of proposed Local Nature Reserves under policy LC3;

(REC 12.11) that no other modification be made to the Revised Deposit Draft in response to these objections.



/2001/1086	Telecommunications mast and equipment	UNCOND
/2000/0494	Erect a telecommunications monopole and compound	UNCOND
7/1980/0966	Warehousing, storage, light industry	REFUSED
7/1984/0044	Warehouse extension	FP/COND
7/1988/1287	Storage building	UNCOND
7/1989/0550	Workshop, vehicle repair and maintenance	UNCOND
7/1985/0701	General storage building	UNCOND
7/1981/0189	Warehouse	FP/COND
7/1982/0490	Warehouse extension	FP/COND

Copies of decisions are available from the Development Control Section. Charges may apply.

### Building Regulation Decisions

The Council's computerised records of Building Control do not extend back before 1st April 1996 and this reply covers only the period since that date. Prior records would have to be searched manually at an additional cost. Please contact Building Control Section for further details.

- (f) building regulations approval;
- (g) a building regulation completion certificate; and
- (h) any building regulations certificate or notice issued in respect of work carried out under a competent person self-certification scheme?

**No entries after 01/04/1996**

**Informative:** (1) This reply does not cover other properties in the vicinity of the property. (2) As from 1.4.02, the installation of a replacement window, roof light or roof window or specified type of glazed door must either have building regulation approval or be carried out and certified by a person who is registered under the Fenestration Self-Assessment Scheme by the Glass and Glazing Federation.

Copies of the above approvals/certificates can be obtained from the Building Control Section. Charges may apply for each certificate (This does not include the possibility of research charges).

### 1.2 Planning Designations and Proposals

What designations of land use for the property or the area, and what specific proposals for the property, are contained in any existing or proposed development plan?

The North Lincolnshire Local Plan (including policies for Minerals and Waste) Adopted May 2003 contains general and non-site specific policies that affect the property. This Local Plan identifies:

***The Property is located in the Open Countryside, abutting Landscape Proposal (LC15) to the west and Committed Industry (CIN15) to the east, part within and greater part outside the Development Boundary, on Inset 36.***

Copies of all Development Plans, Development Briefs and Policy Documents are available or can be purchased from the Spatial Planning Team, Strategic Regeneration Housing and Development Unit, Church Square House, Scunthorpe, North Lincolnshire Council (01724 297586).

**Informative:-**

(1) This reply reflects policies or proposals in any existing Development Plan (excluding the Structure Plan and Regional Planning Guidance) and in any formally proposed alteration or replacement of such Plan. It does not include policies contained in Planning Guidance Notes or in Development Briefs.

(2) Please note also that the North Lincolnshire Council (Local Transport Plan) may be of relevance, further details of which may be obtained from the Council's Transportation Section at Church Square House (telephone 297470).

(3) General policies for the control of livestock units throughout North Lincolnshire are kept by the Spatial Planning Team at Church Square House.

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## 2 ROADS

Which of the roads, footways and footpaths named in the application for this search (via boxes B and C) are:

- |   |  |
|---|--|
| (a) highways maintainable at public expense;  | <b>Ferry Road West - Yes.<br/>Any other track, path or access abutting - No.</b> |
| (b) subject to adoption and, supported by a bond or bond waiver;                        | <b>Not applicable</b>  |
| (c) to be made up by a local authority who reclaim the cost from the frontagers; or     | <b>Not applicable</b>  |
| (d) to be adopted by a local authority without reclaiming the cost from the frontagers? | <b>Not applicable</b>  |

**Informative:** If a road, footpath or footway is not a highway, there may be no right to use it. The Council cannot express an opinion without seeing the title plan of the property and possibly other historic documents, and carrying out an inspection, whether or not any existing or proposed highway directly abuts the boundary of the property.

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## 3 OTHER MATTERS

**Informative:** The replies to enquiries 3.1 to 3.13 relate only to matters which are not entered on the Local Land Charges Register.

### 3.1 Land Required for Public Purposes

Is the property included in land required for public purposes? **No**

### 3.2 Land to be Acquired for Road Works

Is the property included in land to be acquired for road works? **Not applicable**

### 3.3 Drainage Agreements and Consents

Do either of the following exist in relation to the property -

(a) An agreement to drain buildings in combination into an existing sewer by means of a private sewer;

**Not known - please  
contact Local Water  
Authority.**

(b) An agreement or consent for (i) a building or (ii) extension to a building on the property, to be built over, or in the vicinity of a drain, sewer or disposal main.

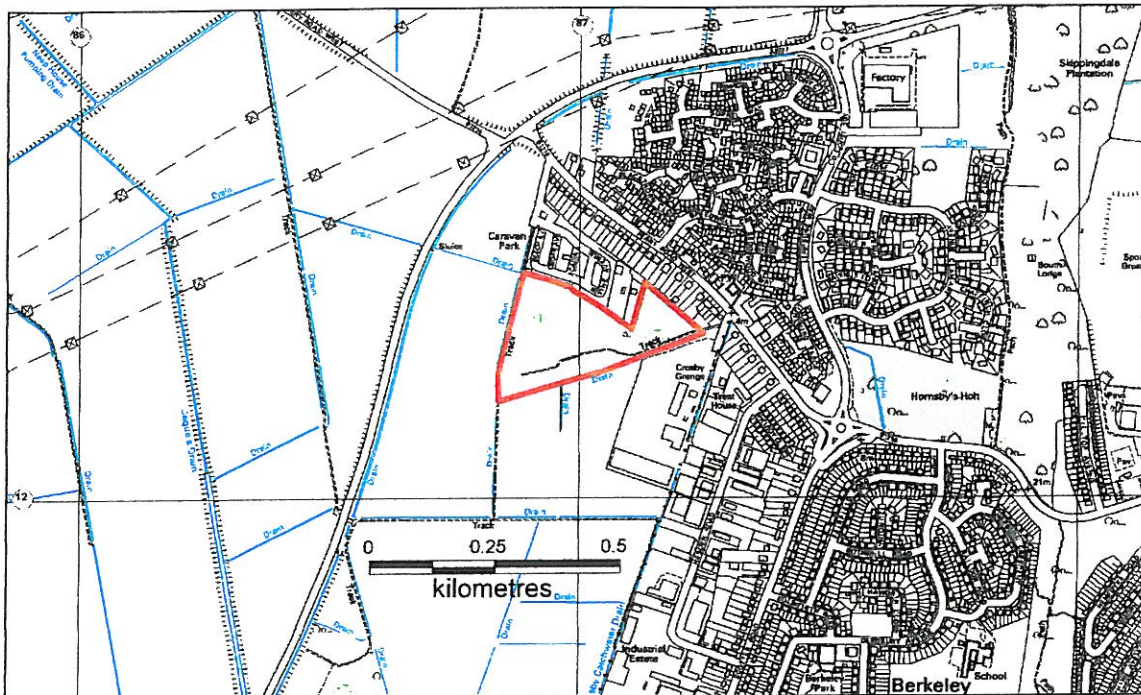
Note: The sewerage undertaker for the area should also be asked about 3(b) and drainage generally.

**Not known unless on  
Land Charges Register.**

**Informative:** Enquiries about drainage should also be made of the local sewerage undertaker.



## Land Adjacent to Johnson's Transport



OS copyright No. AL100016739, Banovallum House, Manor House Street, Horncastle, Lincolnshire. LN9 5HF

**Grid Ref:** SE870123  
**Area:** 5.5 ha

**Date:** 20 Sep 2007  
**Recorder:** J Fraser

**Habitats:** **Main:** Acid grassland, scattered & dense scrub, woodland  
**Additional:** Damp grassland  
**Additional features:** Varied sward height, anthills, bare ground, seasonally wet/damp areas

This important site on the western edge of Scunthorpe is gradually being engulfed by development and is suffering due to lack of positive management. Of primary significance is a moderately-sized patch of good acid grassland, surrounded by larger areas of coarse grassland, scrub and unremarkable woodland. Some wetland habitat is also present.

The acid grassland is dominated by sand sedge, common bent, sheep's-fescue and sheep's sorrel. There are also large populations of harebell, field mouse-ear, common stork's-bill, cat's-ear and smooth hawk's-beard. Amongst the scarcer species are heath rush and heather on the edge of a damp depression. Also present are wood sage, heath groundsel, garden asparagus, common bird's-foot-trefoil and lady's bedstraw. The most extensive area of damp habitat occurs on the western side of the site, where crack willow is present, plus amphibious bistort, great willowherb, angelica, water mint and water figwort. Wooded areas (primarily in the eastern third of the site) include much silver birch, as well as pedunculate oak, sycamore, poplar, ash and several species of willow.

Heavy public use has probably helped to maintain much of the remaining acid grassland, but it is likely that acid grassland was much more extensive here 20 or 30 years ago, probably covering all but the dampest and most wooded areas. A return to appropriate management would stop the decline and hopefully reverse the losses.

**Criteria passed:** HE2

Land adjacent to Johnsons Transport SE870123  
13/09/2007  
Jeremy Fraser

Acer pseudoplatanus	Sycamore
Achillea millefolium	Yarrow
Agrostis capillaris	Common Bent
Agrostis stolonifera	Creeping Bent
Alliaria petiolata	Garlic Mustard
Angelica sylvestris	Wild Angelica
Arctium lappa	Greater Burdock
Arrhenatherum elatius	False Oat-Grass
Artemisia absinthium	Wormwood
Artemisia vulgaris	Mugwort
Asparagus officinalis	Asparagus
Betula pendula	Silver Birch
Calluna vulgaris	Heather
Calystegia sepium	Hedge Bindweed
Campanula rotundifolia	Harebell
Carex arenaria	Sand Sedge
Cerastium arvense	Field Mouse-Ear
Chamerion angustifolium	Rosebay Willowherb
Chelidonium majus	Greater Celandine
Cirsium arvense	Creeping Thistle
Cirsium vulgare	Spear Thistle
Conium maculatum	Hemlock
Conyza canadensis	Canadian Fleabane
Cotoneaster	Cotoneaster
Crataegus monogyna	Hawthorn
Crepis capillaris	Smooth Hawk's-Beard
Dactylis glomerata	Cock's-Foot
Dipsacus fullonum sens.lat.	Wild Teasel
Elytrigia repens	Common Couch
Epilobium hirsutum	Great Willowherb
Equisetum arvense	Field Horsetail
Erodium cicutarium agg.	Common Stork's-Bill
Festuca ovina agg.	Sheep's Fescue agg.
Festuca rubra agg.	Red Fescue
Fraxinus excelsior	Ash
Galium aparine	Cleavers
Galium verum	Lady's Bedstraw
Geranium robertianum	Herb-Robert
Hedera helix	Ivy
Heracleum sphondylium	Hogweed
Hieracium	Hawkweed
Holcus lanatus	Yorkshire-Fog
Hypochaeris radicata	Cat's-Ear
Juncus effusus	Soft Rush
Juncus inflexus	Hard Rush
Lamium album	White Dead-Nettle
Lapsana communis	Nipplewort
Ligustrum vulgare	Wild Privet
Lolium perenne	Perennial Rye-Grass
Lonicera periclymenum	Honeysuckle
Malus domestica	Cultivated Apple
Mentha aquatica	Water Mint

Persicaria amphibia	Amphibious Bistort	
Phragmites australis	Common Reed	
Plantago lanceolata	Ribwort Plantain	
Plantago major	Greater Plantain	
Poa annua	Annual Meadow-Grass	
Poa pratensis sens.lat.	Smooth Meadow-Grass	
Populus	Poplar	
Potentilla reptans	Creeping Cinquefoil	
Prunus sp	a prunus	Planted
Prunus spinosa	Blackthorn	
Quercus robur	Pedunculate Oak	
Rosa canina agg.	Dog Rose	
Rubus fruticosus agg.	Bramble	
Rumex acetosa	Common Sorrel	
Rumex acetosella	Sheep's Sorrel agg.	
Rumex obtusifolius	Broad-Leaved Dock	
Sagina sp	a pearlwort	
Salix caprea	Goat Willow	
Salix cinerea	Grey Willow	
Salix fragilis	Crack Willow	
Salix purpurea	Purple Willow	
Sambucus nigra	Elder	
Scrophularia auriculata	Water Figwort	
Senecio jacobaea	Common Ragwort	
Senecio sylvaticus	Heath Groundsel	
Silene latifolia	White Campion	
Solanum dulcamara	Bittersweet	
Sonchus arvensis	Perennial Sow-Thistle	
Sonchus oleraceus	Smooth Sow-Thistle	
Stachys sylvatica	Hedge Woundwort	
Stellaria graminea	Lesser Stitchwort	
Stellaria media	Common Chickweed	
Symphytum	Indet. Comfrey	
Syringa vulgaris	Lilac	
Teucrium scorodonia	Wood Sage	
Torilis japonica	Upright Hedge-Parsley	
Ulex europaeus	Gorse	
Urtica dioica	Common Nettle	
Veronica chamaedrys	Germander Speedwell	
Coenonympha pamphilus	Small Heath	
Pararge aegeria	Speckled Wood	
Rana temporaria	Common Frog	
Aegithalos caudatus	Long-Tailed Tit	
Carduelis cannabina	Linnet	
Columba palumbus	Woodpigeon	
Erithacus rubecula	Robin	
Parus caeruleus	Blue Tit	
Parus major	Great Tit	
Pica pica	Magpie	