

**NORTH LINCOLNSHIRE COUNCIL HOUSING AND EMPLOYMENT LAND ALLOCATIONS DPD -
REVISED SUBMISSION DRAFT (APRIL 2014)**

STATEMENT OF COMMON GROUND

Between

NORTH LINCOLNSHIRE COUNCIL

And

LINCOLNSHIRE WILDLIFE TRUST (Respondent ID: 842759)

In respect of:

1. Minor amendments to policies to ensure consistency in relation to requirement for ecological surveys, and the requirement for the incorporation of biodiversity enhancement into future developments.
2. Potential impacts of proposed site allocations on Local Wildlife Sites in Scunthorpe and adjacent to Humberside Airport.
3. Potential impacts of a proposed site allocation on habitats in the Barton upon Humber area.

Representation References:

General Comments

842759/01/184/GEN/3

842759/29/213/BARH1/3

842759/30/214/BARH2/3

842759/31/215/BARH3/3

Proposed Housing Sites

842759/08/192/SCUH5/3

842759/32/216/BRIH1/3

842759/10/194/SCUH7/3

842759/33/217/BRIH2/3

842759/12/196/SCUH9/3

842759/34/218/BRIH3/3

842759/13/197/SCUH10/3

842759/35/219/BRIH4/3

842759/14/198/SCUH11/3

842759/36/220/BRIH5/3

842759/15/199/SCUH12/3

842759/37/221/CROH1/3

842759/16/200/SCUH13/3

842759/39/223/KIRH1/3

842759/17/201/SCUH14/3

842759/40/224/WINH1/3

842759/18/202/SCUH15/3

842759/41/225/WINH2/3

842759/19/203/SCUH16/3

842759/42/226/WINH3/3

842759/22/206/SCUHC2/3

842759/43/227/WINH4/3

842759/23/207/SCUHC3/3

Proposed Employment Sites

842759/24/208/SCUHC4/3

842759/54/238/SCUE1/3

842759/25/209/SCUHC5/3

842759/57/241/HUME2/3

842759/26/210/SCUHC6/3

842759/59/243/BARE1/3

842759/28/212/SCUHC9/3

Signatures

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Marcus Walker, Assistant Director Planning and
Regeneration, North Lincolnshire Council

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Paul Learoyd, Chief Executive, Lincolnshire Wildlife Trust

1. INTRODUCTION

- 1.1 This Statement of Common Ground has been prepared to identify areas of agreement between the Lincolnshire Wildlife Trust (LWT) and North Lincolnshire Council (NLC) on matters relating to the council's Housing and Employment Land Allocations DPD - Revised Submission Draft (April 2014). This excludes matters relating to the South Humber Gateway, which are covered by a separate Statement of Common Ground.

2. BACKGROUND

- 2.1 The Lincolnshire Wildlife Trust (LWT) submitted a total of 63 representations on the contents of Housing & Employment Land Allocations DPD – Revised Submission Draft. Those relating to the South Humber Gateway are covered by a separate Statement of Common Ground being sought with the LWT, Natural England and the RSPB. This statement covers 34 representations that relate to a number of the other sites identified in the DPD for both housing and employment purposes.

3. SUMMARY OF ISSUES RAISED

- 3.1 In their representations the LWT raised three main issues – consistency between the content of policies, the potential allocation of Local Wildlife Sites for development; and the impact on existing designated sites and possible future habitat creation sites. Each is dealt with below.

Issue 1: Consistency of Content of Policies

Representation Numbers	
<ul style="list-style-type: none">• 842759/01/184/GEN/3• 842759/08/192/SCUH5/3• 842759/10/194/SCUH7/3• 842759/12/196/SCUH9/3• 842759/13/197/SCUH10/3• 842759/14/198/SCUH11/3• 842759/15/199/SCUH12/3• 842759/16/200/SCUH13/3• 842759/17/201/SCUH14/3• 842759/18/202/SCUH15/3• 842759/19/203/SCUH16/3• 842759/22/206/SCUHC2/3• 842759/23/207/SCUHC3/3• 842759/24/208/SCUHC4/3• 842759/25/209/SCUHC5/3• 842759/26/210/SCUHC6/3• 842759/28/212/SCUHC9/3	<ul style="list-style-type: none">• 842759/29/213/BARH1/3• 842759/30/214/BARH2/3• 842759/31/215/BARH3/3• 842759/32/216/BRIH1/3• 842759/33/217/BRIH2/3• 842759/34/218/BRIH3/3• 842759/35/219/BRIH4/3• 842759/36/220/BRIH5/3• 842759/37/221/CROH1/3• 842759/39/223/KIRH1/3• 842759/40/224/WINH1/3• 842759/41/225/WINH2/3• 842759/42/226/WINH3/3• 842759/43/227/WINH4/3

Lincolnshire Wildlife Trust Position

- 3.2 As part of their representations the LWT welcomed the inclusion of criteria within several of the policies which stated that *“an ecology survey is required”* or that *“biodiversity enhancements should be incorporated into development”*.
- 3.3 There were concerns that many of the policies did not contain one or both of these criteria. It was considered that it was not clear as to why there were inconsistencies between the policies. It was suggested that unless a site clearly does not require an ecological survey LWT would recommend that a criterion is included in all the relevant allocation policies to say *“An ecology survey is required”* and also that biodiversity enhancements are promoted on all development sites and that all policies therefore include a criterion to require biodiversity enhancements e.g. *“Biodiversity enhancements should be incorporated into site design”*.

3.4 A number of their representations sought the inclusion of one or both of these criteria in several of the policies. They also seek to strengthen policies SCUH9, SCUH11, SCUH13, SCUHC4, SCUHC5 & BARH3, by the inclusion of a criterion to require an ecological survey to be undertaken if any buildings were to be demolished. It was suggested that any survey should focus on bats but should also take into account the possible presence of other protected species such as breeding birds.

North Lincolnshire Council Position

3.5 The council agree with representations received in respect of the consistency between policies. Accordingly, it is proposed to amend the policies listed below to include a criteria stating “*Biodiversity enhancements should be incorporated into site design*”. These policies are:

- SCUH7
- SCUH9
- SCUH10
- SCUH11
- SCUH12
- SCUH13
- SCUH14
- SCUH15
- SCUHC2
- SCUHC3
- SCUHC5
- SCUHC6
- BARH3
- BRIH1
- BRIH2
- BRIH3
- BRIH4
- CROH1
- KIRH1
- WINH1
- WINH3
- WINH4

3.6 Further, it is proposed to amend the policies listed below to include a criterion stating “*An ecological survey will be required*”. These policies are:

- SCUH5
- SCUH9
- SCUH11
- SCUH13
- SCUHC2
- SCUHC4
- SCUHC5
- SCUHC9
- BARH1
- BARH2
- BARH3
- BRIH2
- BRIH3
- BRIH5
- CROH1
- WINH2
- WINH3
- WINH4

3.7 The proposed amendment to policies SCUH9, SCUH11, SCUH13, SCUHC4, SCUHC5 and BARH3 should read “*An ecological survey will be required, should any buildings on the site be demolished. The survey should focus on bats but take into account the possible presence of other protected species such as breeding birds*”. This should provide clear guidance for future developers.

Conclusion

3.7 The council have sought to include the proposed amendments with Schedule B: Minor Editing Changes.

Issue 2: Local Wildlife Sites

Representation Numbers		
• 842759/19/203/SCUH16/3	• 842759/54/238/SCUE1/3	• 842759/57/241/HUME2/3

Lincolnshire Wildlife Trust Position

3.8 Three representations were received in relation to the inclusion of three Local Wildlife Sites within the DPD as sites for housing and employment purposes. These sites were SCUH16: Ashby Decoy, SCUE1: Normanby Enterprise Park and HUME2: Humberside Airport.

3.9 In relation to site SCUH16, LWT objected to its inclusion within the DPD as it is within the Ashby Decoy Golf Course Local Wildlife Site (LWS). It was recommended that the site should be not allocated. However, LWT did state that if the site were to be retained as an allocation that a site specific criterion should be added to the policy requiring biodiversity enhancements to be incorporated, that are sympathetic to the habitats present within the Local Wildlife Site, into site design. They also seek to ensure that appropriate compensation is provided and that enhancements are implemented to result in a net gain for biodiversity.

3.10 Whilst there was some support for the a number of the criteria in policy SCUE1, the LWT objected to it as the proposed allocation included part of Slag Banks Local Wildlife Site (LWS). It was recommended

that the Slag Banks LWS is removed from the site allocation and that a buffer strip of at least 15 metres is left undeveloped adjacent to the LWS.

- 3.11 LWT objected to the proposed allocation of site HUME2 as it is within Melton Ross Quarry Local Wildlife Site (LWS) and Local Geological Site (LGS). It was recommended that this site should not be allocated for development and removed from the DPD. However, LWT stated that should the council wish to retain the site, they would support the inclusion of the site specific criteria under the policy requiring an ecology survey, that a proposal which is likely to have an adverse impact on the LWS or LGS shall not be approved unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the nature conservation value of the site, and that if development is permitted that planning obligations will be used to ensure the protection and enhancement of the site's nature conservation value.
- 3.12 Furthermore, LWT is seeking a minor wording change within the ninth bullet policy to reflect the need to protect the geological value of the site as well as the nature conservation value.

North Lincolnshire Council Position

- 3.13 The council is minded to retain site SCUH-16 within the DPD as a housing allocation. The site is subject of a planning application (yet to be determined) for residential development (PA/2014/0178) and it is understood that these proposals contain provision for ecological mitigation/compensation both on and off-site. It is noted that the LWT submitted further written comments to the Inspector in relation to this site outlining their updated position on the proposed ecological mitigation/compensation plans for the development being proposed as part of PA/2014/0178. It states that the Trust are broadly satisfied that provided the habitats were managed/created as specified within the Mitigation Design Document, then there should not be a significant loss of priority habitat within the LWS as a result of the proposed development.
- 3.14 In relation to the LWT's objection to the proposed allocation and the suggested amendments to Policy SCUH-16, the criterion requiring an ecology survey to be undertaken will be retained and it is agreed to incorporate the Trust's proposed amendments regarding biodiversity enhancements and ecological compensation/mitigation. The additional criteria will read as follows:
- “...
• *Biodiversity enhancements to be incorporated into the site design. These should be sympathetic to the habitats present within the Local Wildlife Site.*
• *Ecological compensation and mitigation should be provided in order to off-set the loss of any habitats, and that any enhancements should result in a net gain in biodiversity.*”
- 3.15 In relation to site SCUE-1, the council is minded to retain the proposed site allocation as set out in the Housing & Employment Land Allocations DPD and cannot agree to the amendments proposed by LWT. The policy already requires an ecology survey to be undertaken and seeks to ensure that future development proposals do not have an adverse impact on the adjacent nature reserves.
- 3.16 In respect of site HUME-2, the council wish to retain the site as an employment allocation and cannot agree to LWT's recommendation to remove it from the DPD as an allocated site. Therefore the support for the site specific criterion highlighted in paragraph 3.11 (above) is welcomed. The proposed minor wording change within the ninth bullet point to reflect the need to protect the geological value of the site as well as the nature conservation value is agreed. Following the proposed change, the bullet point will read as follows: *“Any proposal which is likely to have an adverse impact on a Local Wildlife Site (LWS) or Local Geological Site (LGS) shall not be approved unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the intrinsic nature conservation **and geological** value of the site. In all cases where development is permitted which may cause such damage, the damage shall be kept to a minimum. Planning obligations shall be used to ensure the protection and enhancement of each site's nature conservation **and geological** value. Compensatory measures will be used if necessary”*

Conclusion

3.17 The council have sought to include the proposed amendments to policies SCUH-16 and HUME-2 within Schedule B: Minor Editing Changes.

Issue 3: Impact on Habitats

Representation Numbers

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|---|
| <ul style="list-style-type: none">• 842759/59/243/BARE1/3 |
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Lincolnshire Wildlife Trust Position

3.18 LWT noted that the proposed allocation was close to the Pasture Wharf Nature Reserve which is within the Humber Estuary Site of Special Scientific Interest, and is directly adjacent to a site called Barton Tileyards East candidate Local Wildlife Site (cLWS). Assurance was sought that development at this site would not adversely impact on the nature conservation interest of the nature reserve or the cLWS. There was also some support for a number of the criteria in policy BARE-1.

3.19 However, it was highlighted that the eastern part of the proposed allocation is within an area identified by the LWT as having the potential to provide freshwater habitats to replace those which will possibly be lost at Far Ings National Nature Reserve in the next 20 to 40 years from inundation as the sea defences are not improved. The Humber Flood Risk Management Strategy is not proposing to provide protection for freshwater habitats associated with the Humber Special Area of Conservation at Far Ings, therefore it will be necessary to establish similar habitat elsewhere in close proximity within the next 20 to 40 years. It was felt that development of this site would reduce the potential area available for wetland habitat creation. As a result of this, and the close proximity of the western part of the proposed allocation to Pasture Wharf Nature Reserve the LWT objected to this allocation.

3.20 It was recommended that the eastern part of the site is removed from the proposed site allocation and that there is a requirement for a buffer strip of at least 15 metres to be left undeveloped adjacent to the nature reserve and cLWS.

North Lincolnshire Council Position

3.21 It is the council's intention to retain the entirety of the site as proposed in the DPD as it is considered that the policy wording already adequately covers nature conservation issues and as such cannot agree to the amendment proposed by the LWT.