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Date: 30 December 2023

North Lincolnshire Council

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To the Inspectors for examining the North Lincolnshire
Local Plan via Ian Kemp- Programme Officer
By Email to:
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Dear Inspectors: Elaine Worthington MTP MUED MRTPI IHBC, Louise Crosby MA MRTPI and Rachael Bust BSc (Hons) MA MSc LLM PhD MloL MCMi MIEEnvSci MRTPI

UPDATE ON THE POSITION WITH NATURAL ENGLAND'S OBJECTIONS

Please find attached Briefing Paper providing the latest position with Natural England's (NE) objections to the Local Plan. In summary, the objections and progress towards resolving them are:

- **Functionally linked land (FLL)-** NE has concerns regarding how proposed allocations have been screened to determine whether they could be functionally linked land, either to the Humber Estuary SPA and Ramsar, or Thorne and Hatfield Moors SPA. NE now broadly agree with the methodology used to assess whether allocation sites are functionally linked to the Humber Estuary SPA / Ramsar, but have suggested some minor changes which we are now making. For Thorne and Hatfield Moors SPA, NE recommend that the buffer for the assessment can be reduced to 3km. This change is also being made.

NE broadly welcomes the proposed additional criterion for sites screened in as containing potential FLL for the Humber Estuary SPA / Ramsar, but require clarity on how this relates to the relevant policy and requirements for windfall developments. Criterion 2 of policy DQE3 already provides this clarity. NE require clarity on what additional site allocation criteria relate to the Humber Estuary SPA/Ramsar and to Thorne and Hatfield Moors SPA. This clarity has been provided and a specific criteria to address possible allocated FLL to the Moors SPA is now included.

NE disagree with NLC's preferred approach to carry out bird surveys at the project level, rather than as evidence for the Local Plan. This is due to the risk that, should significant numbers of birds be found and mitigation prove impossible, the allocation and consequently the housing target may not be deliverable. If a project-level approach is taken, NE advise that further detail is provided around survey requirements. NLCs view is that undertaking bird surveys at the plan-making stage to support allocations within 4km of the Humber, and possibly further than that, would be a massive undertaking. They could be more targeted to just those sites screened in through the functionally linked land assessment, but it would still involve collecting a large amount of field survey data over a relatively long period. Likewise, obtaining all the data from the local records centre and local bird groups would be a large task. It is considered that both the field survey and desk-based assessment would be much better undertaken at the project level. Given the limited number of allocations categorised as being potentially FLL (appendix B), there is a similarly limited risk of the housing target being undeliverable. Unforeseen and abnormal obstacles to housing and employment delivery can be addressed as part of the legal requirement to review policies in Local Plans to assess whether they need updating at least once every five years, and update as necessary. Further detail has been provided around survey requirements.

- **Recreational disturbance-** NE does not consider that measures set out in policies DQE10, DQE11 and CSC3 are sufficiently specific in order to mitigate for the recreational pressure predicted. NE recommends that up-to-date visitor data is collected to identify where new housing might result in increased recreational use of the estuary and provide the necessary information to underpin the HRA of the North Lincolnshire Plan. This visitor data has now been collected (Appendix C) and has been used to identify a 'potential zone of influence' within which it is assumed that new housing will have a likely significant effect on the European sites due to the impacts from recreation. Development within this zone is required to demonstrate through the submission of appropriate levels of evidence that development will result in no adverse effects (alone or in combination) on the integrity of Habitats sites. Production of a Strategic Access Management and Mitigation Strategy (SAMMS) is underway to put forward mitigation measures and costings to address recreational impacts. Development can then contribute financially to delivering these. Subject to seeing the SAMMS, NE appear to be content with this approach.

NE queried where additional assessment regarding the impact of allocations on Thorne and Hatfield Moors SPA, Thorne Moor SAC and Hatfield Moor SAC was. However this was discussed at a meeting between NLC and NE on 28 July 2022. NLC explained that the public car park on Dole Road, at the Peatlands Way right of way near Crowle had deliberately been designed to guide recreational users down a pathway that is away from the most sensitive parts of the designated Thorne and Crowle Moors. In any event, it is very difficult to stray away from designated pathways due to the waterlogged nature of the land. This provision helps protect the designated sites here from additional recreational pressure.

- **Need for a traffic and air quality assessment-** NE requires a traffic and air quality assessment so that the impact of emissions generated by projected additional traffic as a result of the Local Plan can be assessed. It is not appropriate to screen the assessment of traffic and air quality to the project stage. NLC believes it has ruled out the need for an assessment by demonstrating that the roads of concern do not breach the 1,000 additional vehicle threshold over the plan period triggering a full assessment requirement. In respect of the A15 Humber Bridge NLC believes it can refer to the assessment carried out for the East Riding Local Plan recently. NE appear to support the principle of using the East Riding assessment, but have not commented on work in relation to thresholds elsewhere.

I hope this provides a useful update as to where we are with discussion and collaboration with Natural England.

Yours sincerely,



James Durham MRTPI
Place Planning Specialist