

APPLICATION NO	PA/2023/1229
APPLICANT	Mr Philip Jackson, Jackson Philips Asset Solutions
DEVELOPMENT	Outline planning permission for up to 20 dwellings with all matters reserved for subsequent consideration (re-submission of PA/2021/1330)
LOCATION	Land off Scotter Road/High Street, Messingham, DN17 3NT
PARISH	MESSINGHAM
WARD	Messingham
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Subject to completion of a Section 106 agreement, approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Messingham Parish Council

POLICIES

National Planning Policy Framework:

Paragraph 38 – Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 47 – Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 55 – Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 56 – Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Paragraph 57 – Planning obligations must only be sought where they meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Paragraph 111 – Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 130 – Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 180 – When determining planning applications, local planning authorities should apply the following principles:

- (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- (b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- (c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

- (d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

North Lincolnshire Local Plan:

C1 Educational facilities

T2 Access to development

T19 Parking provision

LC5 Species protection

LC11 Areas of amenity importance

DS1 General requirements

DS11 Polluting activities

DS14 Foul sewage and surface water drainage

DS16 Flood risk

H5 New housing development

H8 Housing design and housing mix

H10 Public open space provision in new housing development

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

CS9 Affordable housing

CS17 Biodiversity

CS18 Sustainable resources

CS19 Flood risk

CS25 Promoting sustainable transport

CS27 Planning obligations

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are

SS1 Presumption in favour of sustainable development

SS2 A Spatial strategy for North Lincolnshire

SS3 Development principles

SS5 Overall housing provision

SS6 Spatial distribution of housing sites

SS11 Development limits

DQE1 Protection of landscape, townscape and views

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

HE1 Conserving and enhancing the historic environment

T1 Promoting sustainable transport

T3 New development and transport

T4 Parking

T5 Cycle and motorcycle parking

DM1 General requirements

DM3 Environmental protection

CONSULTATIONS

Highways: No objection, but recommend conditions.

Environment Agency: No objection or comments.

LLFA Drainage: The application currently provides a very basic level of information. There is no mention of the surface water drainage system 'parish drain' that exists along the full length of the western boundary. This is a riparian drain and provides critical flood risk mitigation for the village and so it is vital that this drainage feature is fully addressed.

However, given the scale of the development, the LLFA Drainage Team has no objection to it subject to conditions relating to surface water.

Environmental Protection: No objection subject to conditions relating to noise and land contamination, and (to protect amenity during construction) requiring an environmental management plan and specifying construction hours.

Archaeology: No comments to make.

Spatial Planning: The Place Planning Team would not, on balance, wish to raise any objection to the principle of residential development at this outline stage. This is subject to matters of amenity being considered at reserved matters stage through a suitable design and layout of the scheme, and the provision of affordable housing and public open space being considered through suitable legal agreements.

Section 106 Officer: Requests have been made for contributions towards education, leisure and affordable housing.

Police (Designing Out Crime Officer): No objections but offers advice for the reserved matters stage.

Humberside Fire and Rescue: It is a requirement for domestic premises that adequate access for firefighting is provided to all buildings or extensions to buildings.

Education: The Department for Education expects local authorities to seek developer contributions towards school places that are created to meet the need arising from housing developments. We have carefully considered this planning application against the known and projected pupil numbers for this area. We seek secondary education contributions in respect of this development and the amount per eligible house for secondary school places is £5,795.

PARISH COUNCIL

Objects on the following grounds:

The proposed development is on LC11 land – loss of an ‘area of amenity importance’ land in the adopted local plan and loss of habitat for protected species.

Present ongoing drainage and sewerage issues in the close vicinity. Concerns over the increased pressure that will be placed on the present ineffective and already overloaded system. During periods of heavy rainfall the nearby Manor Farm development experiences WCs not flushing and overflowing inspection covers resulting in raw sewage entering water courses. Messingham Parish Council has previously requested a moratorium on all future developments in the village until the existing foul water infrastructure issues have been resolved.

Highway concerns regarding road safety issues for the safe access and egress with the A159 and close proximity to the junction with Brigg Road.

Messingham has already reached its target population. The village infrastructure is not coping with the existing demand from residential properties.

North Lincolnshire Council has already met its land supply figure.

PUBLICITY

Site notices have been displayed and two responses have been received raising similar issues to the parish council together with the following:

- the land is contaminated
- impact on highway and pedestrian safety
- dangerous position of the proposed site access
- impact on sewerage and surface water
- impact on local services
- loss of amenity land
- a ransom strip will be created along Willow Drive and the consent of the owners will be required to use this land for access
- if the access is onto the A159 then it should be constructed to highway standards
- Highways have not fully considered the development proposals in relation to existing road infrastructure and proximity to junctions
- no transport study has been conducted to assess the potential increase in traffic from these proposals
- traffic calming measures and highway markings should be considered.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement has been submitted with this application.

ASSESSMENT

Planning history

PA/2021/1330: Outline planning permission for up to 20 dwellings with all matters reserved for subsequent consideration (resubmission of PA/2020/672) – refused 21/06/2023

PA/1998/1546: Outline planning permission to erect dwellings – refused 28/01/2000

PA/2020/672: Outline planning permission to erect up to 30 dwellings with all matters reserved for subsequent consideration – refused 10/11/2020.

The site lies within the settlement boundary for Messingham and is abutted by residential development to the north, west and south. To the east are two restaurants and a large agricultural shed, and the junction of Scotter Road/High Street (A159) and Brigg Road (B1400) lies further to the east. The site contains an existing dilapidated barn and hardstanding, and the rest is scrubland. A watercourse runs along the western boundary of the site. Messingham itself is described within the settlement hierarchy as a larger rural

settlement. The village has many services and amenities and is also served well by public transport. The village is just north of the shared boundary with West Lindsey and in a settlement directly to the south of Scunthorpe. This site is designated as an Area of Amenity Importance (LC11) as identified by the Housing and Employment Land Allocations DPD. The site is within flood zone 1 as identified by the North and North East Lincolnshire SFRA 2022.

Outline planning permission is sought for up to 20 dwellings with all matters reserved for subsequent consideration (resubmission of PA/2021/1330).

The main issues in the determination of this application are:

- **the principle of development**
- **impact on the character and appearance of the area, residential amenity, ecology, highway safety and drainage**
- **planning obligations.**

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP), the North Lincolnshire Core Strategy (NLCS) and the Housing and Employment Land Allocations Development Plan Document (HELADPD). Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

This proposal is for the development of the site (following demolition of the existing buildings) and outline planning consent is sought to erect up to 20 dwellings. The whole of the application site where the dwellings are proposed is within the defined development boundary for Messingham as shown in the Housing and Employment Land Allocations DPD. Furthermore, the application site is in a sustainable location, within walking distance of local services, and High Street, which is a local bus route and contains the majority of local services and amenities. Messingham is considered to be a rural settlement by the North Lincolnshire Core Strategy though it ranks eighth within the sustainable settlement survey, having seven of the seven key facilities within that settlement.

The proposal therefore accords with the principles of sustainable development as set out within the policies of the local plan, Core Strategy and the National Planning Policy Framework on delivering residential development in appropriate locations.

It is worth noting that a previous application (which this is a resubmission of) for up to 20 dwellings was dismissed at appeal (APP/Y2003/W/22/3297656) on the grounds there was no suitable legal mechanism by which to secure the developer contributions to offset the potential impacts of the development upon the locality. Whilst the Planning Inspector's decision is noted they had the following comments to make in respect of the suitability of the site for development:

I have found that the proposal could be designed to ensure that acceptable living conditions would be provided for future occupants with regards to matters of noise and disturbance. The proposal would make a positive contribution to the Council's housing supply in a sustainable

location within the settlement of Messingham which in the absence of a suitable housing land supply carries substantial weight.

In terms of the reason for the appeal being dismissed (failure to secure planning obligations via a suitable mechanism) negotiations on obligations have taken place and the planning agent has provisionally agreed via email to commit to the same contributions which were sought under the previous application.

Policy H8 of the local plan (Housing Design and Housing Mix) applies and states that new residential development will be permitted provided that it incorporates a high standard of layout which maintains, and where possible improves and enhances, the character of the area and protects existing and natural and built features, landmarks or views that contribute to the amenity of the area. This site constitutes developable land within the settlement boundary of Messingham, in a sustainable location. There is, therefore, a presumption in favour of residential development.

Character and amenity

The application is for outline planning permission with all matters reserved. The site is abutted on three sides by residential form and there is currently a barn on the site and a well-established restaurant to the north. The site is allocated as an 'Area of Amenity Importance' and these are known for either (or both) their open character and visual contribution to the locality (offering a break in urban form) as well as their potential wildlife value.

The existing site is largely unseen and therefore not experienced (other than by the dwellings which back onto and overlook it) by the majority of residents of Messingham. It is therefore considered to have limited value as regards character or visual amenity. In addition the Planning Inspector, in considering the appeal for the previous application on this site (PA/2021/1330), had the following observations in respect of policy LC11:

Third-party concerns include references to the site being identified as an 'Area of Amenity Importance'. Policy LC11 of the LP is relevant in this regard and seeks to ensure development within important amenity areas do not adversely affect their open character, visual amenity or wildlife value or compromise the gap between conflicting land uses. Where development is permitted, measures shall be taken to minimise their impact or, where necessary, make a positive contribution to such areas.

The site is located within the settlement limits of Messingham. It is not accessible to the public and is not currently usable open space. I saw on my site visit that the majority of the site is set away from the street and behind existing buildings which limits its contribution to open character and the visual amenity of the area. The Council's Officer report recognised that the density of development proposed was at the lower end of the density range sought in the CS and that the site characteristics may dictate that this lower number may be preferable in the interest of amenity and character. A design and layout which best responds to these matters can be sought through the reserved matters. I am satisfied that this provides an opportunity to ensure the development successfully integrates with its immediate surroundings.

Given the observations made by the Planning Inspector in relation to the characteristics of the LC11 land, that it is not accessible to the public, is poorly maintained (scrubland) and is not highly visible in the locality, it is considered it makes a limited contribution to the character and visual amenity of the area and as such it is considered that a development of up to 20 dwellings on a site extending to 0.96 hectares (or 9,600 square metres) could achieve an

open layout which is in keeping with the prevailing settlement pattern in this part of Messingham. In addition, the development proposals have potential for biodiversity enhancement and open space provision which will contribute to the openness that currently exists.

Recent residential developments in this area are of a density that would fairly reflect the requirement under policy CS7 to reach 30 to 35 dwellings per hectare. The applicant proposes up to 20; given the site constraints and the on-site provision of open space, this is considered acceptable. This is an example where the lower density may well be suitable given the location of the site close to commercial premises. All other matters relating to design are left for subsequent consideration at the reserved matters stage. Finally, it is worth noting that the area surrounding the site is predominantly residential in nature and as such it is concluded a residential scheme of up to 20 dwellings can be successfully assimilated into this part of Messingham, in keeping with the settlement pattern and the character and appearance of the area.

Residential amenity/noise

Policy DS11 is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise, do not pose a danger by way of toxic release. Policy DS1 is also concerned with the protection of amenity.

Policy DS1 is also partly concerned with impacts upon residential amenity. It states, ‘...No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.

The council’s Environmental Health department has assessed the application and has stated, ‘...This site is located adjacent to The Stables restaurant and Cassa Della Pasta. These sources have the potential to cause an adverse noise impact for the proposed dwellings. Therefore, subject to a noise impact assessment being agreed at condition stage, as well as conditions mitigating the construction phase, the proposal is considered to accord with both DS11 and DS1 in this regard.

The impact on living conditions for future occupiers of the development and whether this would necessitate restrictions on neighbouring businesses was one of the reasons for refusal under planning application PA/2021/1330. However, the Planning Inspector, in considering the appeal for that application, had the following observations in respect of these matters:

The Council points out that its Environmental Protection Team (EPT) suggested that the neighbouring commercial uses on High Street have the potential to cause an adverse noise impact for occupiers of the proposed dwellings. Given the modest scale of the neighbouring restaurants including their outdoor areas, these factors are to some degree self-limiting in terms of the likely levels of activity generated and any associated levels of noise and disturbance.

More particularly, the EPT suggested that a condition would be appropriate requiring a Noise Impact Assessment (NIA) to be carried out in this instance. Given the site-specific factors identified, this would be a proportionate approach in this instance to establishing whether there are levels of noise and disturbance emanating from the neighbouring commercial uses that would be likely to have a material effect on the living conditions of neighbouring

occupiers. Any such condition could specify that the results of an NIA accompany the detailed design reserved matters application.

The Planning Inspector goes on to state that within the outline planning application there is scope for the final number of dwellings and the layout to take into account the findings of a Noise Impact Assessment (or NIA). The Inspector then concludes that, subject to the layout and design of the development (at reserved matters stage) being informed by the NIA, there is an opportunity to ensure that acceptable levels of amenity can be provided for future occupiers of the development without unreasonable restrictions being placed on existing businesses and in respect of amenity issues the proposed development is capable of complying with policies DS1 and DS11 of the North Lincolnshire Local Plan, CS5 of the adopted Core Strategy and paragraphs 130 and 187 of the NPPF.

Given the findings of the Planning Inspector's report and taking into account the recommended conditions from Environmental Protection (which include the submission of an NIA and a construction environmental management plan, and a restriction on working hours) it is considered there are sufficient safeguards in place to mitigate both existing and future residential amenity; furthermore, there is scope within the reserved matters submission to take account of the findings of the NIA to inform the final housing numbers, and the layout and design of the scheme.

Ecology

Policy CS17 is concerned with biodiversity and sets out principles for the management of a scheme in order to achieve a net gain for wildlife habitat networks, Policy LC5 of the local plan is concerned with protected species. They are supported by paragraph 170 of the NPPF. Policy LC11 of the local plan states, '...Within important amenity areas, development will only be permitted where it would not adversely affect their open character, visual amenity or wildlife value.' It should be noted that the previous application on this site was in part refused and dismissed at appeal (in relation to planning application PA/2020/672) for not providing a preliminary ecological appraisal.

The applicant has provided a preliminary ecological appraisal by Archer Ecology. The report states that in section 4.2.1 '...the ecological walkover survey did not identify any habitats of significant value to nature conservation on a county, regional or national scale. All habitats encountered were assessed as having either low or moderate nature conservation value on a site and/or local scale.'

Species that are considered by the report include amphibians, reptiles, birds, bats, badgers and hedgehogs. The only potential is for bats located within the ancillary shed. The report under sections 4.3.9–11 states:

'The majority of buildings occurring on the site did not present any observable features with a potential to support roosting bats. However, the small ancillary shed exhibited several potential roosting features located underneath the roof pan-tiles.'

Considering the quality and limited abundance of potential roosting features, the building was assessed as having 'low' potential to support roosting bats. However, a small ancillary building did show signs for potential and the recommendation set out within the above report states that survey work should be carried out prior to any alteration or demolition of this building. A condition will therefore be attached to any permission granted requiring a protected species survey reflecting that recommendation.

The proposal is considered to have a limited impact upon protected species. Both the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 provides external legislative mitigation for any development affecting protected species. The proposal is in outline at this stage and is for 'up to 20 dwellings' within a large area; flexibility therefore exists in terms of the location of dwellings. The preliminary report also puts forward mitigation recommendations and this document will therefore be conditioned as an approved document in that the recommendations set out within it should be adhered to. This will sit alongside the conditions relating to protected species surveys. A condition relating to biodiversity and management plans will also be included to ensure a net gain in line with local and national planning policy.

Therefore, in conclusion, it is considered sufficient information has been provided to determine the impact upon protected species and the wider wildlife value of the site. The proposal is therefore in accordance with policies LC5 and LC11 of the North Lincolnshire Local Plan and CS17 of the Core Strategy.

Highways

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety. Both are considered relevant. The proposal is in outline form and Highways have been consulted. They have no objections subject to conditions. Highways have recommended the following conditions be attached:

- The layout and location of access.
- A further condition on layout, drainage, and construction of the access road.

The above two conditions are already controlled by the details of access as the application is in outline only. Drainage conditions are also in place that would duplicate some of the requirements of the condition, whilst the finer details of the access (such as construction and visibility) are part of the detailed design stage also (as access is controlled). Therefore, these conditions are considered unnecessary.

- No dwelling on the site shall be occupied until the access road has been completed.

This is a compliance condition and would ensure that works are carried out and is therefore recommended as part of any permission granted.

- No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.

This condition will be attached given it allows safe access to the site for construction purposes and would also limit the impact upon amenity.

- No dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

This condition will be attached as it would ensure pedestrian access to dwellings is achievable.

- The penultimate dwelling on site shall not be occupied until the access roads have been completed.

A condition is already requested to ensure that no dwelling will be occupied until the vehicular access and parking space serving it have been completed, so this condition is unreasonable and unnecessary.

- Highway planting.

This condition will be attached as it protects service strips and any shared surface road.

- Construction phase management plan.

This condition will be attached to ensure the impact upon the locality is mitigated during the construction phase.

- No loose material on any driveway or parking area.

This condition will be attached in order to protect highway safety for future users of the development.

- No dwelling served by any shared private driveway on site shall be occupied until it has been constructed in accordance with details including:
 - the proposed method of forming access from the highway, including the required visibility splays;
 - the method of constructing/paving the drive;
 - the provision of adequate drainage features;
 - the provision of suitable bin collection facilities adjacent to the highway;
 - the provision of suitable lighting arrangements; and
 - the provision of street name plates that shall include the words 'Private Drive'.

This condition will be attached.

Mitigation exists in that access, layout and landscaping are reserved for later consideration. On a sustainable transport front the proposal in this location is considered sustainable, allowing access and support to transport modes other than the car including a regular, accessible bus service to Scunthorpe and Gainsborough. In addition, it is worth highlighting the comments of the Planning Inspector in relation to PA/2021/1330 who had the following commentary on highway related matters:

Similarly, there is no detailed evidence to demonstrate that the proposal either on its own or when considered cumulatively with other developments in the area would have an unacceptable impact on highway safety. No highway safety concerns have been raised by the highway authority. From my observations on site, I am satisfied that there would be an opportunity for the detailed design of the scheme to ensure a safe access is provided. Wider measures throughout the village which are not directly attributable to the proposed

development, for example in terms of speed limits or crossing facilities, are a matter for the highway authority to consider if necessary.

It is therefore considered, subject to the aforementioned mitigation, that the proposal would align with policies T2 and T19 of the North Lincolnshire Local Plan.

Drainage

Policy CS19 is concerned with flood risk whilst policies DS14 and DS16 are concerned with foul sewage and surface water drainage. The site is located within flood zone 1 and is therefore a preferable site for development in terms of flood risk. Paragraphs 155 to 165 (inclusive) of the NPPF are also considered relevant.

Paragraph 165 states, 'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- (a) take account of advice from the lead local flood authority;
- (b) have appropriate proposed minimum operational standards;
- (c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- (d) where possible, provide multifunctional benefits.'

An application for up to 30 dwellings has previously been refused and an appeal dismissed partly due to information surrounding a principle drainage strategy. The applicant has provided some information as part of this application. LLFA Drainage have been consulted and have stated the following:

'The application currently provides a very basic level of information. There is no mention of the surface water drainage system 'parish drain' that exists along the full length of the western boundary. This is a riparian drain and provides critical flood risk mitigation for the village and so it is vital that this drainage feature is fully addressed.

However, given the scale of the development, the LLFA Drainage team has no objection to the proposed development subject to conditions (which includes the submission of a surface water drainage scheme as part of a reserved matters application). In addition, the Planning Inspector had the following observations in respect of drainage following their site visit (in relation to planning application PA/2021/1330):

There is anecdotal evidence of previous flooding in the village. I have also seen the third-party photographic evidence depicting flooding at Westfield Drive. However, an illustrative drainage strategy has been provided. The Lead Local Flood Authority (LLFA) has not objected to the proposal nor has the LLFA suggested that development of the site would lead to increased flood risk in the locality. Furthermore, Severn Trent Water have not objected to the proposal or suggested that a suitable sewerage scheme could not be achieved. On this basis, there is no objective evidence to suggest that acceptable drainage and sewerage solutions could not be incorporated as part of the detailed matters.

In respect of foul drainage disposal, Severn Trent made comment on the previous planning application for up to 20 dwellings under PA/2021/1330 (which this is a direct resubmission

of) and whilst they were unsure whether or not capital works are required, they had no objections due to the adoption process (s106 agreement) being a legislative requirement relating to the adoption of sewer networks. They stated that a scheme can be achieved and is mitigated through their legislation.

It is therefore considered that sufficient information has been provided in this instance by the applicant to demonstrate that a suitable drainage scheme can be achieved on site that would accord with the principles of SuDS and prevent flooding to existing and future residents. The proposal is therefore in accordance with policies CS18 and CS19 of the North Lincolnshire Core Strategy, DS14 and DS16 of the North Lincolnshire Local Plan and paragraphs 155, 157, 163 and 165 of the NPPF.

Planning obligations

Policy CS27 is concerned with planning obligations and states that where a development proposal generates an identified need for additional infrastructure, North Lincolnshire Council will, through the negotiation of planning obligations pursuant to Section 106 of the Town & Country Planning Act 1990 and in accordance with guidance set out in Circular 05/2005, enter into agreement with developers to capture obligations that would make proposals acceptable in planning terms.

The tests for planning obligations are set out in Part 11, section 122 of the Community Infrastructure Levy Regulations 2010 (as amended). It states:

- (2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

The legal test is also set out in planning policy under paragraph 56 of the National Planning Policy Framework.

Affordable housing

Policy CS9 is concerned with affordable housing and requires schemes for new residential housing in rural settlements to contribute 10% of the scheme for affordable tenure. Ideally 70% of affordable housing supplied should be 70% for rent and, where possible, the housing should be provided on site, but an off-site contribution may be acceptable.

The applicant has agreed to provide 10% of affordable housing on site. This therefore complies with the policy and represents 2 of the 20 dwellings proposed.

Public open space

Policy H10 of the North Lincolnshire Local Plan is concerned with public open space. It states, '(i)...New housing developments on allocated and windfall sites of 0.5 ha or more will be required to provide recreational open space on a scale, and in a form, appropriate to serve the needs of residents. Or alternatively, where appropriate, to provide commuted payments for this provision to be made off-site, either individually or in combination with existing or other

proposed recreational sites and facilities.’ This is reinforced by policy CS22 of the North Lincolnshire Core Strategy; both are considered relevant.

The applicant has confirmed that 10m² per dwelling of on-site informal open space will be provided. The space within the red line boundary is sufficient to accommodate this and the reserved matters will identify its location, the applicant has put forward a total area of 2,900m² to be on-site open space. On this point an estate management company will, through legal agreement, be tasked to maintain the space for 10 years. The proposal is therefore in accordance with policy H10 of the North Lincolnshire Local Plan.

Education

Policy C1 states that where major new housing proposals would result in an increased demand for education facilities which cannot be met by existing schools and colleges, a developer may be required to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990, to secure the provision of, or contribution towards, new or extended facilities.

The consultation response from Education has requested a financial contribution towards secondary school places arising from the development. Therefore a contribution is only sought for secondary places; this contribution equates to £5,795 per eligible dwelling. The proposal is therefore in accordance with policy C1 of the North Lincolnshire Local Plan.

Other issues

Land contamination

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

Environmental Protection has assessed the scheme and recommends a condition requiring a desk top study, remediation and verification reports. The works relate to the demolition of an existing barn. It is considered, given the active agricultural history of the site and without any information to the contrary, that the imposition of this condition is reasonable. Subject to this mitigation the proposal would accord with policy DS7 of the North Lincolnshire Local Plan.

Conclusion

The proposal to erect up to 20 dwellings at outline with all matters reserved for subsequent consideration is considered acceptable in principle and will deliver housing in a sustainable location and contribute to local housing land supply in an area which is predominantly residential in nature and, subject to the conditions outlined within this report as well as the heads of terms (planning obligations), is recommended for approval.

Heads of terms

Affordable housing

Number of dwellings	2 dwellings (10% of the development)
House type	To be confirmed
Trigger point	2 dwellings on occupation of the 10 th dwelling
How many years does the council require to spend the contribution?	Affordable units to be retained in perpetuity

Education

Contribution amount	£5,795 per dwelling towards secondary, excluding affordable products
Trigger point	30% on occupation of the 1 st dwelling 30% on occupation of the 8 th dwelling 40% on occupation of the 15 th dwelling
How many years does the council require to spend the contribution?	10 years

Open space

On-site informal open space	10m ² per dwelling on site as informal open space; estate management company can be set up
Trigger point	Estate management company set up on occupation of the 1 st dwelling Open space to be set out on occupation of the 12 th dwelling and contribution paid if required
How many years does the council require to spend the contribution?	10 years

Pre-commencement conditions

Pre-commencement conditions in relation to contaminated land investigation, the submission of a noise impact assessment (NIA), construction environmental management plan (CEMP) and construction traffic management plan, wheel washing measures/facilities and the method of constructing the proposed access road (which includes drainage) have been agreed with the planning agent.

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for affordable dwellings, education contributions and the provision and maintenance of open space, the committee resolves:

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Development Management Lead upon completion of the obligation;**
- (iii) if the obligation is not completed by 1 May 2024 the Development Management Lead be authorised to refuse the application on grounds of not being acceptable in planning terms; and**
- (iv) the permission so granted be subject to the following conditions:**

1.

Approval of the details of the layout, scale, and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale, and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5.

The details to be submitted in respect of reserved matters for any phase of development shall include a scheme for the provision of surface water drainage for the site and shall include the following criteria:

- (a) any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse
- (b) discharge from 'greenfield sites' taken as 1.4 lit/sec/ha (1:1yr storm)
- (c) no above-ground flooding to occur up to the 100 year plus climate change critical flood event (based on current national guidance)
- (d) a range of durations should be used to establish the worst-case scenario
- (e) the suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology
- (f) a scheme for the provision of a positive outlet of surface water from the site
- (g) adoption and maintenance agreements for all surface water and SuDS drainage features.

If a full sustainable urban drainage system (SuDS) scheme is incapable of being delivered, then comprehensive justification of this must be submitted.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

6.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 5 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

7.

No above-ground works shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have

been approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy and paragraph 163 of the National Planning Policy Framework.

8.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking and turning facilities serving it have been completed in accordance with details to be submitted to and approved in writing beforehand with the local planning authority and, once provided, the vehicle parking and turning facilities shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

9.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

10.

Works shall not commence on site until wheel cleaning facilities, in accordance with details to be submitted to and approved in writing by the local planning authority, have been provided within the curtilage of the site, and this facility shall be retained for the duration of the works.

Reason

To prevent material being deposited on the highway and creating unsafe road conditions.

11.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

12.

No dwelling on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

13.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

14.

No dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

15.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that order with or without modification), no development shall take place within any service strip adjacent to any shared surface road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the local planning authority prior to planting.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

16.

No development shall take place until a construction phase traffic management plan showing details of:

- (i) a pre/post construction condition survey of the carriageway to identify any defects and how they will be rectified;
- (ii) all associated traffic movements, including delivery vehicles and staff/construction movements;
- (iii) any abnormal load movements;
- (iv) contractor parking and welfare facilities;
- (v) storage of materials; and

- (vi) traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway, along with appropriate methods of cleaning the highway, as may be required;

has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

17.

No dwelling served by any shared private driveway on site shall be occupied until it has been constructed in accordance with details including:

- the proposed method of forming access from the highway, including the required visibility splays;
- the method of constructing/paving the drive;
- the provision of adequate drainage features;
- the provision of suitable bin collection facilities adjacent to the highway;
- the provision of suitable lighting arrangements; and
- the provision of street name plates that shall include the words 'Private drive';

which have been agreed in writing by the local planning authority. Once constructed the private driveway shall be retained.

Reason

In the interest of highway safety and to accord with policies T2 and T19 of the North Lincolnshire Local Plan.

18.

No development shall take place until a noise impact assessment has been submitted to and approved in writing by the local planning authority. The noise impact assessment shall be carried out with reference to:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (2014)
- ProPG: Planning & Noise, New Residential Development (2017)
- BS 4142:2014 + A1:2019 Methods for rating and assessing industrial and commercial sound
- World Health Organisation Environmental Noise Guidelines for the European Region 2018

- World Health Organisation Guidelines for Community Noise (1999)
- World Health Organisation Night Noise Guidelines for Europe (2009)
- BS8233:2014 Guidance on sound insulation and noise reduction for buildings
- BS5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Noise
- BS5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Vibration
- BS7445-2:1991, ISO1996-2:1987 Description of environmental noise, Part 2: Guide to acquisition of data pertinent to land use.

The noise impact assessment report shall provide details of existing background noise levels, likely noise sources which will impact upon the proposed development, mitigation methods to be employed and the resulting predicted level of noise at sensitive locations.

Any approved mitigation measures shall be carried out in their entirety before the use of the site commences and shall be retained thereafter.

Following installation of the mitigation measures in accordance with the approved technical specification, a verification report that demonstrates the effectiveness of the mitigation measures shall be undertaken. The verification report shall be submitted to and approved in writing by the local planning authority.

Reason

In the interest of amenity and to accord with policy DS11 of the North Lincolnshire Local Plan.

19.

Construction, demolition and site clearance operations shall be limited to the following days and hours:

- 8am to 6pm Monday to Friday
- 8am to 1pm on Saturdays.

No construction, demolition or site clearance operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

To protect residential amenity and to accord with policy DS1 of the North Lincolnshire Local Plan.

20.

No stage of the development hereby permitted shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

Noise and vibration – The CEMP shall set out the particulars of:

- (a) the works, and the method by which they are to be carried out;
- (b) the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including any noise limits; and
- (c) a scheme for monitoring the noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures.

Light – The CEMP shall set out the particulars of:

- (a) specified locations for contractors' compounds and materials storage areas;
- (b) areas where lighting will be required for health and safety purposes;
- (c) location of potential temporary floodlights;
- (d) identification of sensitive receptors likely to be impacted upon by light nuisance;
- (e) proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Dust – The CEMP shall set out the particulars of:

- (a) site dust monitoring, recording and complaint investigation procedures;
- (b) identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (c) provision of water to the site;
- (d) dust mitigation techniques at all stages of development;
- (e) prevention of dust trackout;
- (f) communication with residents and other receptors;
- (g) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;
- (h) a 'no burning of waste' policy.

Species protection – The CEMP shall set out the particulars of:

- (a) measures to avoid harm to hedgehogs, bats and nesting birds during demolition, vegetation clearance and construction works.

Reason

To protect amenity, to conserve biodiversity and to accord with policies DS11 and LC5 of the North Lincolnshire Local Plan and CS17 of the adopted Core Strategy.

21.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed), including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural

and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

22.

No above-ground works shall take place on the site until a scheme for the provision of electrical vehicle charging points has been submitted to and approved in writing by the local planning authority.

Reason

To facilitate the uptake of low emission vehicles and reduce the emission impact of traffic arising from the development in line with the National Planning Policy Framework.

23.

Within three months of the commencement of development, the applicant or their successor in title shall submit a biodiversity metric assessment and biodiversity management plan to the local planning authority for approval in writing. The document shall include:

- (a) an assessment of biodiversity loss based on the submitted location plan;
- (b) details of measures required to provide at least 1% biodiversity net gain in accordance with the Defra Small Sites metric;
- (c) details of bat boxes and nest boxes to be installed;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) prescriptions for the creation and management of the pond and raised landforms;
- (f) prescriptions for the planting and aftercare of locally native wildflowers, hedgerows, trees and shrubs of high biodiversity value;
- (g) proposed timings for the above works in relation to the completion of the dwelling.

Biodiversity units should be delivered on site, within the red line boundary shown on the submitted location plan. Those that cannot viably be delivered on site should be delivered locally, according to a local plan or strategy.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

24.

The species protection plan and biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the final dwelling, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

25.

The proposal shall be carried out in accordance with the recommendations set out within the preliminary ecological appraisal by Archer Ecology unless otherwise agreed in writing with the local planning authority.

Reason

In the interest of ecology and species protection, and in accordance with policy LC5 of the North Lincolnshire Local Plan.

26.

The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan.

Reason

For the avoidance of doubt and in the interests of proper planning.

Informatives

1.

This application must be read in conjunction with the relevant Section 106 Agreement.

2.

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

3.

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

4.

Our records indicate that the proposed development site is bounded by a watercourse (surface water drain) on the western boundary. Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance. Any other drainage feature found during excavations must be immediately reported to the LLFA Drainage Team via email to llfadrainageteam@northlincs.gov.uk prior to any further construction works being carried out. Please refer to North Lincolnshire Council's 'Guide to Watercourses and Riparian Ownership' detailing rights and responsibilities. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

5.

Alterations and/or new connections into this watercourse must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority, through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team via email to llfadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

6.

Bats:

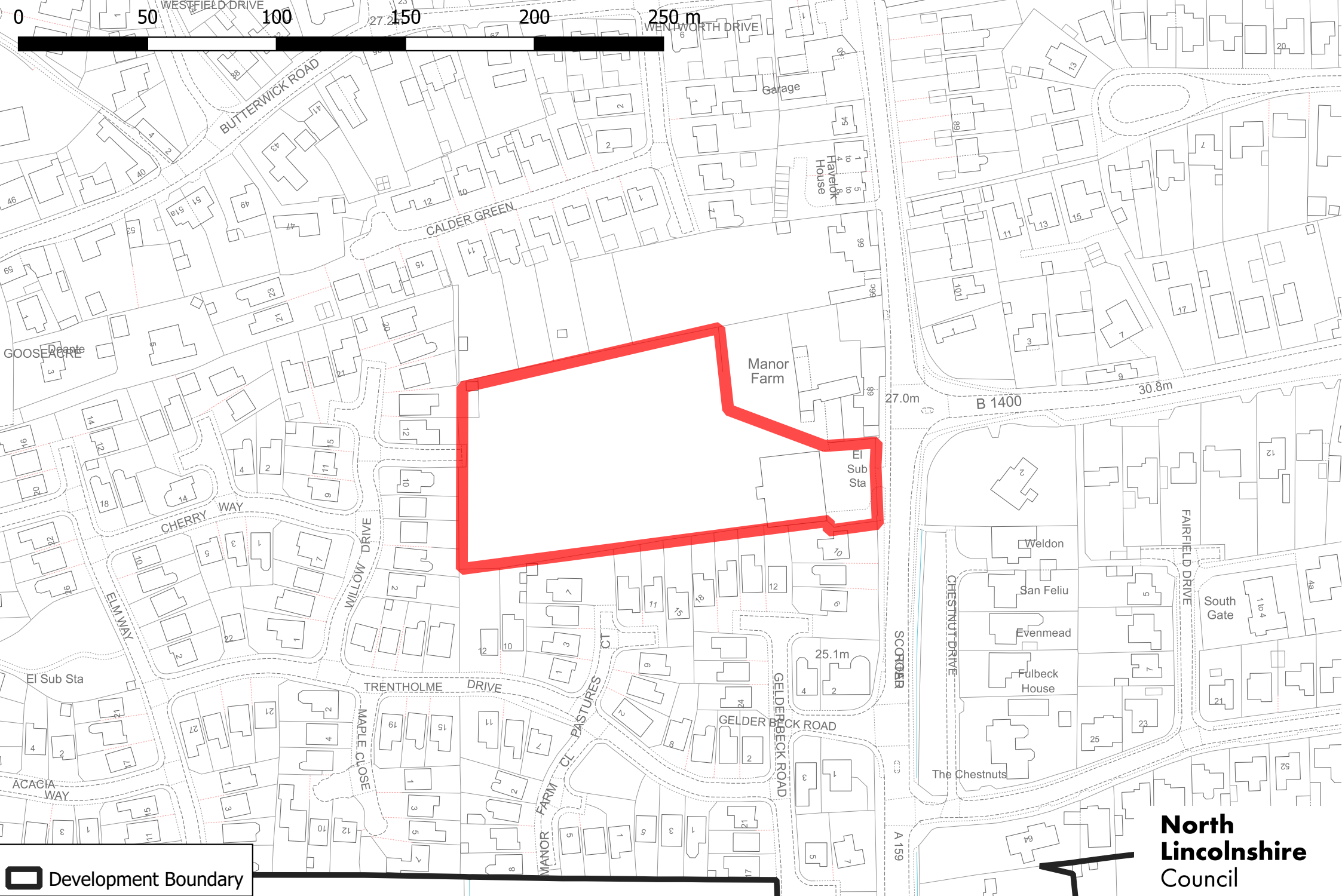
All species of bat are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations

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-l1g81
- The Conservation of Habitats and Species Regulations 2017
http://www.opsi.gov.uk/si/si2010/uksi_20100490_en_1

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 in 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.



PA/2023/1229

**North
Lincolnshire
Council**