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# **North East Lincolnshire Pre-submission Draft Local Plan**

## **Updated Habitats Regulations Assessment Report**

Prepared by LUC  
September 2016

**Project Title:** Habitats Regulations Assessment of the North East Lincolnshire Local Plan: Pre-submission Draft

**Client:** North East Lincolnshire Council

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# 1 Introduction

- 1.1 North East Lincolnshire Council is producing a new Local Plan in order to provide the policy framework for development in the Borough up to 2032. The Local Plan will deliver the Council's spatial vision for the Borough, setting out planning policies to guide development. Once adopted, the Local Plan will shape what gets built and where, what gets safeguarded and how development will be delivered.
- 1.2 LUC was appointed by North East Lincolnshire Council in September 2015 to prepare a Habitats Regulations Assessment (HRA) of the Local Plan on its behalf. This HRA Report relates to the Pre-submission Draft Local Plan (January 2016), also taking into account modifications to that document that are now proposed by North East Lincolnshire Council. It should therefore be read in conjunction with:
  - The Pre-Submission Draft Local Plan (January 2016).
  - The Schedule of Modifications to the Pre-Submission Draft Local Plan
- 1.3 A draft version of the HRA Report for the Pre-Submission Draft Local Plan was provided to North East Lincolnshire Council in December 2015, prior to the consultation, and the Council then made a small number of changes to the Pre-Submission Draft Local Plan in order to address recommendations made in the HRA Report. The changes made to the Local Plan at that stage as a result of recommendations made in the draft HRA Report are described further ahead in this report. The HRA conclusions were then updated based on the final version of the Local Plan document.
- 1.4 The HRA Report for the Pre-Submission Draft Local Plan was then published for consultation alongside the Local Plan between February and April 2016. In response to comments received from Natural England during the consultation, further HRA work has now been carried out and is presented in this updated HRA report. **Appendix 4** presents the comments received from Natural England during the consultation and explains how they have been addressed in this updated HRA Report.
- 1.5 The updated HRA work presented in this report also takes into account modifications to the Pre-Submission Draft Local Plan which North East Lincolnshire Council is now proposing to make – these modifications are proposed as a result of consultation responses received and newly available information. The nature of the proposed modifications is described in more detail in **Chapter 2**.

## Background to the preparation of the new Local Plan

- 1.6 In June 2012 North East Lincolnshire Council ceased work on its Local Development Framework (LDF) Core Strategy and started preparing a new Local Plan. Some of the work on the LDF Core Strategy, which had progressed as far as Draft Submission stage, was taken forward and used to inform the preparation of the new Local Plan. However, the emerging Local Plan reflects the significant changes to the national planning system that have occurred since the Core Strategy was prepared.
- 1.7 North East Lincolnshire Council published a New Local Plan Initial Issues and Options paper for consultation in October 2012. After that consultation further work was undertaken by the Council on the development of options, taking into account consultation responses and seeking to reflect the latest situation in the Borough and the most up-to-date evidence. This resulted in the identification of an updated set of reasonable policy and site options for consideration, as set out in the January 2015 Draft Local Plan. That document was subject to consultation between February and March 2015. The outcomes of the consultation fed into the development of the latest version of the Local Plan, the Pre-submission Draft, which is the subject of this HRA report.

- 1.8 Although an HRA report was not prepared as part of the consultation on the Draft Local Plan in January 2015, a number of consultation responses referred to HRA issues and those responses have been taken into account as relevant in the HRA of the Pre-submission Draft Local Plan. Stakeholders that referred to the HRA process in their responses to the consultation on the Draft Local Plan included Natural England, the RSPB and Lincolnshire Wildlife Trust.

## The requirement to undertake Habitats Regulations Assessment of Development Plans

- 1.9 The requirement to undertake HRA of development plans was confirmed by the amendments to the Habitats Regulations published for England and Wales in July 2007 and updated in 2010<sup>1</sup> and again in 2012<sup>2</sup>. Therefore when preparing its Local Plan, North East Lincolnshire Council is required by law to carry out a Habitats Regulations Assessment although consultants can undertake the HRA on its behalf. The requirement for authorities to comply with the Habitats Regulations when preparing a Local Plan is explained in the online National Planning Practice Guidance (NPPG).
- 1.10 HRA refers to the assessment of the potential effects of a development plan on one or more Natura 2000 sites, including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs):
- SPAs are classified under the European Council Directive 'on the conservation of wild birds' (79/409/EEC; 'Birds Directive') for the protection of wild birds and their habitats (including particularly rare and vulnerable species listed in Annex 1 of the Birds Directive, and migratory species).
  - SACs are designated under the Habitats Directive and target particular habitats (Annex 1) and/or species (Annex II) identified as being of European importance.
- 1.11 Potential SPAs (pSPAs)<sup>3</sup>, candidate SACs (cSACs)<sup>4</sup>, Sites of Community Importance (SCIs)<sup>5</sup> and Ramsar sites should also be included in the assessment.
- Ramsar sites support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971).
- 1.12 For ease of reference during HRA, these designations can be collectively referred to as European sites, despite Ramsar designations being at the international level. The term 'European site' is interchangeable with the term 'Natura 2000 site' in the context of HRA. The latter is used throughout this report.
- 1.13 The overall purpose of the HRA is to conclude whether or not a proposal or policy, or whole development plan, would adversely affect the integrity of the site in question either alone or in combination with other plans. This is judged in terms of the implications of the plan for a site's 'qualifying features' (i.e. those Annex I habitats, Annex II species, and Annex I bird populations for which it has been designated). Significantly, HRA is based on the precautionary principle meaning that where uncertainty or doubt remains, an adverse impact should be assumed.

## Stages of the Habitats Regulations Assessment

- 1.14 **Table 1.1** below summarises the stages involved in carrying out a full HRA, based on various guidance documents<sup>6,7,8</sup>.

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<sup>1</sup> The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007. HMSO Statutory Instrument 2007 No. 1843. From 1 April 2010, these were consolidated and replaced by the Conservation of Habitats and Species Regulations 2010 (SI No. 2010/490). Note that no substantive changes to existing policies or procedures have been made in the new version.

<sup>2</sup> The Conservation of Habitats and Species (Amendment) Regulations 2012. Statutory Instrument 2012 No. 1927.

<sup>3</sup> Potential SPAs are sites that have been approved by Government and are currently in the process of being classified as SPAs.

<sup>4</sup> Candidate SACs are sites that have been submitted to the European Commission, but not yet formally adopted.

<sup>5</sup> SCIs are sites that have been adopted by the European Commission but not yet formally designated as SACs by the Government.

**Table 1.1: Stages in HRA**

Stage	Task	Outcome
Stage 1: Screening (the 'Significance Test')	Description of the plan. Identification of potential effects on Natura 2000 sites. Assessing the effects on Natura 2000 sites (taking into account potential mitigation provided by other policies in the plan).	Where effects are unlikely, prepare a 'finding of no significant effect report'. Where effects judged likely, or lack of information to prove otherwise, proceed to Stage 2.
Stage 2: Appropriate Assessment (the 'Integrity Test')	Gather information (plan and Natura 2000 sites). Impact prediction. Evaluation of impacts in view of conservation objectives. Where impacts considered to affect qualifying features, identify alternative options. Assess alternative options. If no alternatives exist, define and evaluate mitigation measures where necessary.	Appropriate Assessment report describing the plan, Natura 2000 site baseline conditions, the adverse effects of the plan on the Natura 2000 site, how these effects will be avoided through, firstly, avoidance, and secondly, mitigation including the mechanisms and timescale for these mitigation measures. If effects remain after all alternatives and mitigation measures have been considered proceed to Stage 3.
Stage 3: Assessment where no alternatives exist and adverse impacts remain taking into account mitigation	Identify and demonstrate 'imperative reasons of overriding public interest' (IROPI). Demonstrate no alternatives exist. Identify potential compensatory measures.	This stage should be avoided if at all possible. The test of IROPI and the requirements for compensation are extremely onerous.

1.15 In assessing the effects of the North East Lincolnshire Pre-submission Draft Local Plan in accordance with Regulation 102 of the Conservation of Habitats and Species Regulations 2012, there are potentially two tests to be applied by the competent authority: a 'Significance Test', followed if necessary by an Appropriate Assessment which will inform the 'Integrity Test'. The relevant sequence of questions is as follows:

- Step 1: Under Reg. 102(1)(b), consider whether the plan is directly connected with or necessary to the management of the sites. If not –
- Step 2: Under Reg. 102(1)(a) consider whether the plan is likely to have a significant effect on the site, either alone or in combination with other plans or projects (the 'Significance Test'). *[These two steps are undertaken as part of Stage 1: Screening shown in Table 1.1 above.]* If Yes –
- Step 3: Under Reg. 102(1), make an Appropriate Assessment of the implications for the site in view of its current conservation objectives (the 'Integrity Test'). In so doing, it is mandatory under Reg. 102(2) to consult Natural England, and optional under Reg. 102(3) to take the opinion of the general public. *[This step is undertaken during Stage 2: Appropriate Assessment shown in Table 1.1 above.]*
- Step 4: In accordance with Reg.102(4), but subject to Reg.103, give effect to the land use plan only after having ascertained that the plan will not adversely affect the integrity of the Natura 2000 site.

<sup>6</sup> Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. European Commission Environment DG, November 2001.

<sup>7</sup> Planning for the Protection of Natura 2000 sites. Guidance for Regional Spatial Strategies and Local Development Documents. Department for Communities and Local Government (DCLG), August 2006.

<sup>8</sup> The Appropriate Assessment of Spatial Plans in England. A guide to why, when and how to do it. RSPB. August 2007.

- 1.16 It is normally anticipated that an emphasis on Stages 1 and 2 of this process will, through a series of iterations, help ensure that potential adverse effects are identified and eliminated through the inclusion of mitigation measures designed to avoid, reduce or abate effects. The need to consider alternatives could imply more onerous changes to a plan document. It is generally understood that so called 'imperative reasons of overriding public interest' (IROPI) are likely to be justified only very occasionally and would involve engagement with both the Government and European Commission.
- 1.17 The HRA should be undertaken by the 'competent authority' - in this case North East Lincolnshire Council, and LUC has been commissioned to do this on its behalf. The HRA also requires consultation with Natural England as the statutory nature conservation body<sup>9</sup> in order to obtain the necessary information and agree the process, outcomes and any mitigation proposals. The Environment Agency, while not a statutory consultee for the HRA, is also in a strong position to provide advice and information throughout the process as it is required to undertake HRA for its existing licences. The consultation responses of other stakeholders, such as the RSPB, will also be taken into account.

## HRA work carried out for the North East Lincolnshire Local Plan

- 1.18 North East Lincolnshire Council is part of the South Humber Ecology Group along with Natural England, the RSPB and landowners in the South Humber employment area. The group has been integral in the co-ordinated preparation of the South Humber Gateway Mitigation Strategy. The purpose of the strategy is to mitigate the potential for employment-related allocations to adversely affect the Humber Estuary SPA and Ramsar site through the loss of offsite foraging and loafing habitat for key bird species. The strategy is based upon extensive and targeted bird survey findings which have allowed key habitat parcels to be identified, safeguarded and managed to ensure potential impacts on the qualifying bird species of the SPA and Ramsar site associated with employment development in this area can be successfully mitigated. This work has fed into the HRA of the North East Lincolnshire Local Plan and has influenced the preparation of the Local Plan itself, in particular the development of Policy 6: Habitat Mitigation-South Humber Bank.
- 1.19 As well as considering the likely impacts on Natura 2000 sites of the employment-related proposals in the Local Plan, this HRA report presents an assessment all of the policies in the Pre-submission Draft Local Plan (taking into account proposed modifications) in order to identify where there could be likely significant effects on the integrity of Natura 2000 sites, either alone or in combination with other plans.

## Structure of this report

- 1.20 This chapter (**Chapter 1**) has described the background to the preparation of the North East Lincolnshire Local Plan and the requirement to undertake HRA. The remainder of the report is structured into the following sections:
- **Chapter 2: The Local Plan** summarises the content of the Pre-submission Draft Local Plan, which is the subject of this HRA report and describes the modifications that the Council is now proposing to the document.
  - **Chapter 3: HRA Screening Methodology** sets out the approach taken and the tasks carried out during the screening stage of the HRA.
  - **Chapter 4: HRA Screening Assessment of the Pre-submission Draft Local Plan** summarises the findings of the screening stage of the HRA and describes whether significant effects on Natura 2000 sites are likely to result from the implementation of the Pre-Submission Draft Local Plan, taking into account the proposed modifications.

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<sup>9</sup> Regulation 5 of *The Conservation of Habitats and Species Regulations 2010*. HMSO Statutory Instrument 2010 No. 490.

- **Chapter 5: Appropriate Assessment** describes the approach taken to the Appropriate Assessment and assesses whether the Local Plan policies which could not be screened out will adversely affect the integrity of Natura 2000 sites.
- **Chapter 6: Conclusions** summarises the HRA conclusions for the Pre-submission Draft Local Plan (as proposed to be modified) and describes the next steps to be undertaken.

## 2 The Pre-Submission Draft Local Plan

- 2.1 The North East Lincolnshire Pre-submission Draft Local Plan (January 2016) sets out an overall Vision for North East Lincolnshire as follows:

By 2032 North East Lincolnshire will be nationally and internationally recognised as a centre for off-shore renewables, focusing on operations and maintenance and contributing significantly to the Humber's 'Energy Estuary' status. Growth in key sectors - food, energy, chemicals, ports and logistics - will be matched by a strong tourism and leisure offer. Evident through increased jobs and diversity of skills, the barriers to accessing jobs will have been broken down. This will be facilitated through the establishment of facilities to improve education and skills, and measures implemented to address housing need and affordability, and health and service needs, including countering deprivation issues in specific wards. A platform for sustainable economic growth will have been created, with conditions to capture and sustain more and better jobs in the area well established.

Good progress will have been made to make North East Lincolnshire a forward looking Borough where aspirations have been raised, and gaps narrowed in terms of social inequality; whether caused by health, education, age, disability, ethnicity, location or other aspects. Housing initiatives will have successfully revitalised areas of low housing demand, and steps taken to lift housing delivery to support economic growth, recognising the need to provide housing to address demographic change, and improve prospects for economic growth, whilst providing choice within the housing market, and being sensitive to the scale and character of settlements. Town centres will be successful, having developed their offer to support growth.

Environmental quality will be a source of pride, aspiration and confidence. The special character, biodiversity and distinctiveness of the Borough will continue to be protected and enhanced. The Borough's ecological and green infrastructure networks will have been improved, providing improved habitats and access to nature for local communities. A commitment will have been demonstrated, to address the causes and consequences of climate change, including bringing about an overall reduction in the proportion of properties at risk from flooding.

- 2.2 The Pre-submission Draft Local Plan then presents 10 Strategic Objectives which set out the measures needed to achieve the overall vision. The strategic objectives address the following headline topics:

- Population
- Climate change
- Economy
- Housing
- Social and health inequality
- Built, historic and natural environment
- Transport
- Town centres and local facilities
- Design
- Minerals and waste

- 2.3 Chapters 11-15 of the Pre-submission Draft Local Plan then set out proposed policies within the following sections:

- General policies.
- Building the economy we need.

- Building the homes we need.
- Building the places we need.
- Minerals and waste policies.

2.4 The final section of the document sets out proposals for testing the viability and deliverability of the Local Plan.

### Changes to the Local Plan since the Pre-Submission Consultation

- 2.5 As described in **Chapter 1**, the Pre-Submission Draft Local Plan was subject to public consultation between February and April 2016. As a result of consultation responses received during that period, as well as additional information that has become available since then, North East Lincolnshire Council has prepared a 'Schedule of Modifications to the Pre-Submission Draft Local Plan' which details the Council's proposed minor modifications to the Local Plan.
- 2.6 These modifications largely seek to update the new Local Plan, avoid duplication and improve clarity and presentation. The Council does not consider that they alter the overall impact of the Local Plan or change its direction, or affect the substance or soundness of the document. Most of the proposed modifications relate to changes to policy wording or the wording of supporting text, although some changes have also been made to the proposed housing site allocations – two previously allocated sites have been removed, and seven new housing allocations are proposed for inclusion.
- 2.7 The updated HRA work presented in this report reflects the proposed modifications as currently set out in the Council's Schedule of Modifications.

### Potential impacts of the Local Plan on Natura 2000 sites

- 2.8 **Table 2.1** below sets out the range of potential impacts that development in general and related activities may have on Natura 2000 sites.

**Table 2.1 Potential impacts and activities adversely affecting Natura 2000 sites**

Broad categories and examples of potential impacts on Natura 2000 sites	Examples of activities responsible for impacts
<b>Physical loss</b> <ul style="list-style-type: none"> <li>• Removal (including offsite effects, e.g. foraging habitat)</li> <li>• Mine collapse</li> <li>• Smothering</li> <li>• Habitat degradation</li> </ul>	Development (e.g. housing, employment, infrastructure, tourism) Infilling (e.g. of mines, water bodies) Alterations or works to disused quarries Structural alterations to buildings (bat roosts) Afforestation Tipping Cessation of or inappropriate management for nature conservation
<b>Physical damage</b> <ul style="list-style-type: none"> <li>• Sedimentation / silting</li> <li>• Prevention of natural processes</li> <li>• Habitat degradation</li> <li>• Erosion</li> <li>• Trampling</li> <li>• Fragmentation</li> <li>• Severance / barrier effect</li> <li>• Edge effects</li> <li>• Fire</li> </ul>	Flood defences Dredging Mineral extraction Recreation (e.g. motor cycling, cycling, walking, horse riding, water sports, caving) Development (e.g. infrastructure, tourism, adjacent housing etc.) Vandalism Arson Cessation of or inappropriate management for nature conservation

Broad categories and examples of potential impacts on Natura 2000 sites	Examples of activities responsible for impacts
<b>Non-physical disturbance</b> <ul style="list-style-type: none"> <li>Noise</li> <li>Vibration</li> <li>Visual presence</li> <li>Human presence</li> <li>Light pollution</li> </ul>	Development (e.g. housing, industrial) Recreation (e.g. dog walking, water sports) Industrial activity Mineral extraction Navigation Vehicular traffic Artificial lighting (e.g. street lighting)
<b>Water table/availability</b> <ul style="list-style-type: none"> <li>Drying</li> <li>Flooding / stormwater</li> <li>Water level and stability</li> <li>Water flow (e.g. reduction in velocity of surface water)</li> <li>Barrier effect (on migratory species)</li> </ul>	Water abstraction Drainage interception (e.g. reservoir, dam, infrastructure and other development) Increased discharge (e.g. drainage, runoff)
<b>Toxic contamination</b> <ul style="list-style-type: none"> <li>Water pollution</li> <li>Soil contamination</li> <li>Air pollution</li> </ul>	Agrochemical application and runoff Navigation Oil / chemical spills Tipping Landfill Vehicular traffic Industrial waste / emissions
<b>Non-toxic contamination</b> <ul style="list-style-type: none"> <li>Nutrient enrichment (e.g. of soils and water)</li> <li>Algal blooms</li> <li>Changes in salinity</li> <li>Changes in thermal regime</li> <li>Changes in turbidity</li> <li>Air pollution (dust)</li> </ul>	Agricultural runoff Sewage discharge Water abstraction Industrial activity Flood defences Navigation Construction
<b>Biological disturbance</b> <ul style="list-style-type: none"> <li>Direct mortality</li> <li>Out-competition by non-native species</li> <li>Selective extraction of species</li> <li>Introduction of disease</li> <li>Rapid population fluctuations</li> <li>Natural succession</li> </ul>	Development (e.g. housing areas with domestic and public gardens) Predation by domestic pets Introduction of non-native species (e.g. from gardens) Fishing Hunting Agriculture Changes in management practices (e.g. grazing regimes, access controls, cutting/clearing)



### 3 HRA Screening Methodology

- 3.1 HRA screening of the North East Lincolnshire Pre-submission Draft Local Plan has been undertaken in line with current guidance and seeks to meet the requirements of the Habitats Regulations. The tasks that have been undertaken during the screening stage of the HRA are described in detail below.

#### Identification of Natura 2000 sites which may be affected by the Local Plan and the factors contributing to and defining the integrity of these sites

- 3.2 Natura 2000 sites within 20km of North East Lincolnshire that could potentially be affected by the policies in the emerging Local Plan were identified in the August 2013 Sustainability Appraisal (SA) Scoping Report. Although that document related to the SA process which is separate to the HRA, it set out introductory information about the requirement for HRA and the approach that would be taken to the assessment.
- 3.3 All Natura 2000 sites lying partially or wholly within 20km of the North East Lincolnshire Borough boundary have been included in the HRA of the Local Plan, in order to address the fact that impacts from development may affect Natura 2000 sites which are located outside the administrative boundary of the Plan. A distance of at least 15km has generally been considered reasonable in other local authority HRAs to ensure that all designated sites that could potentially be affected by development are identified and included in the assessment. However, in order to be consistent with the HRA work that was carried out previously during the preparation of the North East Lincolnshire Core Strategy, the same even more precautionary distance of 20km has been applied in the HRA of the Local Plan. For some local authorities, there is the possibility that sites beyond even the 20km distance could be affected by development within a district, for example where the water resources used to supply the district come from a source that lies further afield and which is subject to European designation. This issue will be considered further during the HRA process and it may become apparent that other Natura 2000 sites, located more than 20km away from North East Lincolnshire, should also be included in the assessment.
- 3.4 Four Natura 2000 sites are located within 20km of North East Lincolnshire. The Humber Estuary represents three of these four sites given its separate but overlapping SAC, SPA and Ramsar designations. The SAC, SPA and Ramsar site mainly cover the estuary and so are mostly located outside of the Borough boundary, but they buffer the coastal boundary of North East Lincolnshire and extend up to approximately 1.5km into the Borough in places. Outside of the Borough boundary, Saltfleetby-Theddlethorpe Dunes & Gibraltar Point SAC lies approximately 17km down the coast to the south. These Natura 2000 sites are mapped in **Figure 3.1** at the end of this section.
- 3.5 The qualifying features for which these sites are designated and the factors which contribute to and define their integrity have been described in detail in **Appendix 1**. In doing so, reference was made to the Conservation Objectives for each site, as well as the Standard Data forms for SACs and SPAs<sup>10</sup> and Site Improvement Plans prepared by Natural England. This analysis has enabled Natura 2000 site interest features to be identified, along with the features of each site which determine site integrity and the specific sensitivities of the site. This information allows an analysis of how the potential impacts of the emerging North East Lincolnshire Local Plan may affect the integrity of each site.

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<sup>10</sup> These were obtained from the Joint Nature conservation Committee and Natural England websites ([www.jncc.gov.uk](http://www.jncc.gov.uk) and [www.naturalengland.org.uk](http://www.naturalengland.org.uk))

## Assessment of 'likely significant effects' of the Local Plan

- 3.6 As required under Regulation 102 of the Conservation of Habitats and Species Regulations 2010 an assessment was undertaken of the 'likely significant effects' of the Pre-submission Draft Local Plan and this has now been updated to take account of the proposed modifications described in **Chapter 2**. Screening matrices were prepared in order to assess which components of the Pre-submission Draft Local Plan would be likely to have a significant effect on Natura 2000 sites. The findings of the updated screening assessment are summarised in **Chapter 4** and the full screening matrices can be found in **Appendix 2**. Separate screening matrices were prepared for each Natura 2000 site, although a single matrix was prepared for the Humber SPA and Ramsar site due to the significant amount of crossover in the qualifying features of those sites.
- 3.7 A risk-based approach involving the application of the precautionary principle was adopted in the assessment, such that a conclusion of 'no significant effect' was only reached where it was considered very unlikely, based on current knowledge and the information available, that a proposal in the Pre-submission Draft Local Plan (taking into account proposed modifications) would have a significant effect on the integrity of a Natura 2000 site.
- 3.8 Previously, according to EC Guidance<sup>11</sup>, mitigation measures were not generally considered as part of the screening stage. However, the High Court judgement from 2008 case law<sup>12</sup> implied that this should not be the case. Therefore, during the screening stage of this HRA the potential for the implementation of mitigation measures such as good practice and other statutory safeguards (e.g. Environmental Permitting regime etc.) to make significant effects unlikely to occur has been taken into account. This information is recorded in detail in **Appendix 2** and in some cases enabled likely significant effects from a policy or proposal to be ruled out. In other cases, even in light of the identified mitigation, likely significant effects could not be ruled out at the screening stage and it was therefore necessary for the issue to be considered in more detail during the later Appropriate Assessment (see **Chapter 5**).
- 3.9 A 'traffic light' approach has been used to record the likely impacts of the Local Plan policies on Natura 2000 sites and their qualifying habitats and species, using the colour categories shown below.

Red	There are likely to be significant effects (Appropriate Assessment required).
Amber	There may be likely significant effects, but this is currently uncertain (Appropriate Assessment required).
Green	There are unlikely to be significant effects (Appropriate Assessment <b>not</b> required).

- 3.10 It is important to note that the colour coded matrix in **Appendix 2** shows the findings of the initial screening stage of the HRA only and where likely significant effects could not be ruled out, the conclusions of the Appropriate Assessment (described in **Chapter 5**) supersede the earlier screening conclusions.

## Assumptions applied during the screening assessment

- 3.11 The following high level assumptions were applied during the screening assessment and were taken into account prior to preparation of the screening matrices.

### Physical loss of or damage to habitat

- 3.12 Any development resulting from the North East Lincolnshire Local Plan will be located within the Borough boundary; therefore loss of habitat from within the boundaries of a Natura 2000 site can be ruled out in relation to any sites that lie entirely outside of North East Lincolnshire i.e. Saltfleetby-Theddlethorpe Dunes and Gibraltar Point SAC.

<sup>11</sup> Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provision of Articles 6 (3) and (4) of the Habitats Directive 92/43/EEC. European Commission, November 2001.

<sup>12</sup> Judgment of Sullivan J in Dilly Lane litigation (CO/7623/2007) handed down 1 May 2008 and issued 2 June 2008.

- 3.13 However, the potential for loss of habitat from within the boundaries of the Natura 2000 sites that lie partially within the Borough (i.e. the Humber Estuary SAC, SPA and Ramsar site) needs to be considered if proposals in the Local Plan could result in development coming forward in those areas.
- 3.14 In addition, habitat loss from development in areas outside of the Natura 2000 site boundaries may result in likely significant effects on site integrity where that habitat contributes towards maintaining the interest feature for which the Natura 2000 site is designated. This includes both greenfield and brownfield land which may provide offsite foraging, loafing and roosting habitat for birds associated with the Humber Estuary SPA and Ramsar site. The Humber Estuary SAC and Saltfleetby-Theddlethorpe Dunes and Gibraltar Point SAC do not include birds amongst their qualifying features and so likely significant effects relating to offsite habitat loss can be screened out for those sites.
- 3.15 **Therefore, likely significant effects from the North East Lincolnshire Local Plan as a result of onsite physical loss of or damage to habitat need to be considered in relation to the Humber Estuary SAC, SPA and Ramsar site and can be screened out in relation to Saltfleetby-Theddlethorpe Dunes and Gibraltar Point SAC. Offsite physical loss of or damage to habitat needs to be considered in relation to the Humber Estuary SPA and Ramsar site but can be screened out in relation to the Humber Estuary SAC and Saltfleetby-Theddlethorpe Dunes and Gibraltar Point SAC.**

#### **Non-physical disturbance (noise, vibration and light pollution)**

- 3.16 Noise and vibration effects, e.g. during the construction of new housing or other development, are most likely to disturb bird species and are therefore a key consideration for the qualifying bird species associated with the Humber Estuary SPA and Ramsar site. These effects may also impact upon grey seals which are a qualifying species of both the Humber Estuary SAC and Ramsar site.
- 3.17 The effects of disturbance from noise, vibration and light are most likely to be significant if development takes place adjacent to the Humber Estuary or offsite habitats which are functionally linked (e.g. areas used by the qualifying birds for foraging, loafing and roosting).
- 3.18 Saltfleetby-Theddlethorpe Dunes and Gibraltar Point SAC is located 17km to the south of the Borough and is designated for its dune habitat which is not vulnerable to non-physical disturbance. Therefore, impacts associated with noise, vibration and light pollution can be screened out for that site.
- 3.19 **Likely significant effects associated with non-physical disturbance therefore need to be considered in relation to the Humber Estuary SPA, SAC and Ramsar site but can be screened out in relation to Saltfleetby-Theddlethorpe Dunes and Gibraltar Point SAC.**

#### **Air pollution**

- 3.20 Local Plan policies that are likely to result in increased traffic (such as housing and employment allocations) have the potential to contribute to increased air pollution. Employment allocations and waste management proposals also have the potential to result in an increase in emissions of pollutants. Where employment or waste management development is proposed, consideration has therefore been given to whether activities within the site could potentially result in effects on Natura 2000 sites as a result of increased air pollution from industrial and waste management processes.
- 3.21 Air pollution is most likely to affect Natura 2000 sites where plant, soil and water habitats are the qualifying features, but some qualifying animal species may also be affected, either directly or indirectly, by any deterioration in habitat as a result of air pollution. Deposition of pollutants to the ground and vegetation can alter the characteristics of the soil, affecting the pH and nitrogen availability that can then affect plant health, productivity and species composition.
- 3.22 In terms of vehicle traffic, nitrogen oxides (NO<sub>x</sub>, i.e. NO and NO<sub>2</sub>) are considered to be the key pollutants. Deposition of nitrogen compounds may lead to both soil and freshwater acidification, and NO<sub>x</sub> can cause eutrophication of soils and water.

- 3.23 Based on the Highways Agency Design for Road and Bridges (DMRB) Manual Volume 11, Section 3, Part 1<sup>13</sup> (which was produced to provide advice regarding the design, assessment and operation of trunk roads (including motorways)), it is assumed that air pollution from roads is unlikely to be significant beyond 200m from the road itself. Where increases in traffic volumes are forecast, this 200m buffer needs to be applied to the relevant roads in order to make a judgement about the likely geographical extent of air pollution impacts.
- 3.24 The DMRB Guidance for the assessment of local air quality in relation to highways developments provides criteria that should be applied at the screening stage of an assessment of a plan or project, to ascertain whether there are likely to be significant impacts associated with routes or corridors. Based on the DMRB guidance, affected roads which should be assessed are those where:
- Daily traffic flows will change by 1,000 AADT (Annual Average Daily Traffic) or more.
  - Heavy duty vehicle (HDV) flows will change by 200 AADT or more.
  - Daily average speed will change by 10 km/hr or more.
  - Peak hour speed will change by 20 km/hr or more.
  - Road alignment will change by 5 m or more.
- 3.25 An assessment has been undertaken to identify which Natura 2000 sites lie within 200m of the strategic road network. The Humber Estuary, SAC, SPA and Ramsar were found to be located within 200m of a number of 'A' roads including the A1077, A1098, A15, A18 and A180. Therefore, if there is a significant increase in AADT along those routes as a result of the development proposed through the Local Plan, there could be significant effects on site integrity as a result of increased air pollution. There may also be significant effects relating to air pollution if employment or waste-related development were to take place in close proximity of the sites, resulting in an increase in emissions. The qualifying habitats and species of the Humber Estuary SAC, SPA and Ramsar are potentially sensitive to air pollution – the Site Improvement Plans for these sites identify the impact of atmospheric nitrogen deposition as a priority issue.
- 3.26 Saltfleetby-Theddlethorpe Dunes and Gibraltar Point SAC has been screened out in relation to increased air pollution as it is located approximately 17km away from North East Lincolnshire at the nearest point, at which distance diffuse pollution associated with proposals in the Local Plan would not be expected to result in likely significant effects. Although the site is within 200m of the A1031, that route is not expected to experience a significant increase in traffic generation as a result of development in North East Lincolnshire as it does not provide a key link to or from the larger towns where development in North East Lincolnshire will be focussed. The A1031 runs part of the way from Grimsby south towards Skegness but does not follow a direct route and does not go as far as Skegness. Traffic moving between those towns would therefore be more likely to use the faster and more direct A16 which travels directly from Grimsby right to Skegness.
- 3.27 **Therefore, likely significant effects from the North East Lincolnshire Local Plan as a result of increased air pollution need to be considered in relation to the Humber Estuary SAC, SPA and Ramsar site but can be screened out in relation to Saltfleetby-Theddlethorpe Dunes and Gibraltar Point SAC.**

### Recreation and urban impacts

- 3.28 Recreation activities and general human presence can result in likely significant effects as a result of physical disturbance, e.g. through erosion, arson and trampling as well as disturbance to qualifying species including breeding birds and seals. Where policies or site allocations in the Local Plan are likely to result in an increase in the local population, or where an increase in tourism is considered likely, the potential for an increase in visitor numbers and the associated recreation and urban impacts at Natura 2000 sites has been identified. The nature of development proposed needs to be taken into account, for example employment sites are less likely to result in increased recreation pressure than residential sites as employees will be at work within the development site for the majority of the time.

<sup>13</sup> Design Manual for Road and Bridges. Highways Agency. <http://dft.gov.uk/ha/standards/dmr/index.htm>

- 3.29 The qualifying bird species of the Humber Estuary SPA and Ramsar site are likely to be particularly susceptible to recreational disturbance from dogs, anglers, illegal use of off-road vehicles and motorbikes, and illegal wildfowling. The potential for these types of activities to have significant effects is likely to be more pronounced in the vicinity of important roosting locations such as the Pywipe mudflats to the west of Grimsby port. The effect of increased recreational activities could also result in increased collection of *Salicornia* plants from the saltmarsh habitat. This plant is a qualifying feature of the Humber Estuary SAC and therefore its collection has potential to adversely affect the site.
- 3.30 Saltfleetby-Theddlethorpe Dunes and Gibraltar Point SAC has been screened out in relation to increased recreation pressure, due to its distance from North East Lincolnshire which is approximately 17km away at the closest point. There is no information in the Site Improvement Plan for the SAC to indicate that recreation pressure or human disturbance is a priority issue at the site.
- 3.31 **Therefore, likely significant effects on the Humber Estuary SAC, SPA and Ramsar site as a result of recreation and urban impacts arising from the Local Plan need to be considered, but these types of effects can be screened out in relation to Saltfleetby-Theddlethorpe Dunes and Gibraltar Point SAC.**

### Water quantity and quality

- 3.32 The increased demand for water and its impacts on water quality is considered a priority issue in the Site Improvement Plan for the Humber Estuary. The qualifying habitats of the SAC are highly sensitive to changes in water levels, quality, and salinity. Changes in these factors have the potential to result in degradation of the SAC habitat through pollution, or changes in the vegetation associated with altered conditions. New development has the potential to result in increased demand for water treatment, abstraction, disposal and urban runoff. The qualifying bird species of the Humber Estuary SPA are not vulnerable to changes in water quality or water levels although this issue needs to be considered for the Ramsar site as the qualifying features of the Ramsar site include the grey seal as well as bird species.
- 3.33 Saltfleetby-Theddlethorpe Dunes and Gibraltar Point SAC is located 17km to the south of the Borough boundary. Given this distance and the lack of direct hydrological connectivity between North East Lincolnshire Borough and the SAC, likely significant effects on the site as a result of changes in water quality and quantity due to Local Plan proposals have been screened out.
- 3.34 **Therefore, likely significant effects on the Humber Estuary SAC and Ramsar site as a result of changes in water quantity and quality from the North East Lincolnshire Local Plan need to be considered but this type of effect can be ruled out in relation to the Humber Estuary SPA and Saltfleetby-Theddlethorpe Dunes and Gibraltar Point SAC.**
- 3.35 Based on the screening assumptions set out above, likely significant effects of any nature on Saltfleetby-Theddlethorpe Dunes and Gibraltar Point SAC were able to be ruled out and a screening matrix did not need to be prepared in **Appendix 2** for that site.

### Interpretation of 'likely significant effect'

- 3.36 Relevant case law helps to interpret when effects should be considered as a likely significant effect, when carrying out HRA of a land use plan.
- 3.37 In the Waddenzee case, the European Court of Justice ruled on the interpretation of Article 6(3) of the Habitats Directive (translated into Reg. 102 in the Habitats Regulations), including that:
- An effect should be considered 'likely', *"if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site"* (para 44).
  - An effect should be considered 'significant', *"if it undermines the conservation objectives"* (para 48).
  - Where a plan or project has an effect on a site *"but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on the site concerned"* (para 47).

- 3.38 In the 'Sweetman' case, the Court of Justice of the European Union commented that:
- "The requirement that an effect in question be 'significant' exists in order to lay down a de minimus threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the site were to be caught by Article 6(3), activities on or near the site would risk being impossible by reason of legislative overkill."*
- 3.39 This opinion (the 'Sweetman' case) therefore allows for the authorisation of plans and projects whose possible effects, alone or in combination, can be considered 'trivial' or de minimus; referring to such cases as those *"that have no appreciable effect on the site"*. In practice such effects could be screened out as having no likely significant effect; they would be 'insignificant'.

## Mitigation provided by the Local Plan

- 3.40 Some of the potential effects of the North East Lincolnshire Local Plan could be mitigated through the implementation of other policies in the plan itself, such as those relating to the provision of habitat mitigation along the Humber South Bank (which could help mitigate the impacts of loss of offsite habitat), improved sustainable transport links (which could help to mitigate potential increases in air pollution associated with increased vehicle traffic) and the provision of green infrastructure (which could help mitigate an increase in recreation activities at Natura 2000 sites).
- 3.41 In addition, the use of good practice construction techniques may help to mitigate potential noise and light pollution effects associated with new development during the construction phase. The extent to which mitigation may be achieved through the Local Plan itself has been considered during the screening process and has influenced the screening conclusions (see **Appendix 2** and **Chapter 4**).
- 3.42 As described in **Chapter 1**, a significant amount of work has been undertaken by the South Humber Ecology Group, which includes North East Lincolnshire Council and Natural England as well as other parties, to develop the South Humber Gateway Mitigation Strategy. The mitigation provided by that strategy (as well as the information gathered to inform its preparation) has been taken into account throughout this HRA and has informed the conclusions reached.

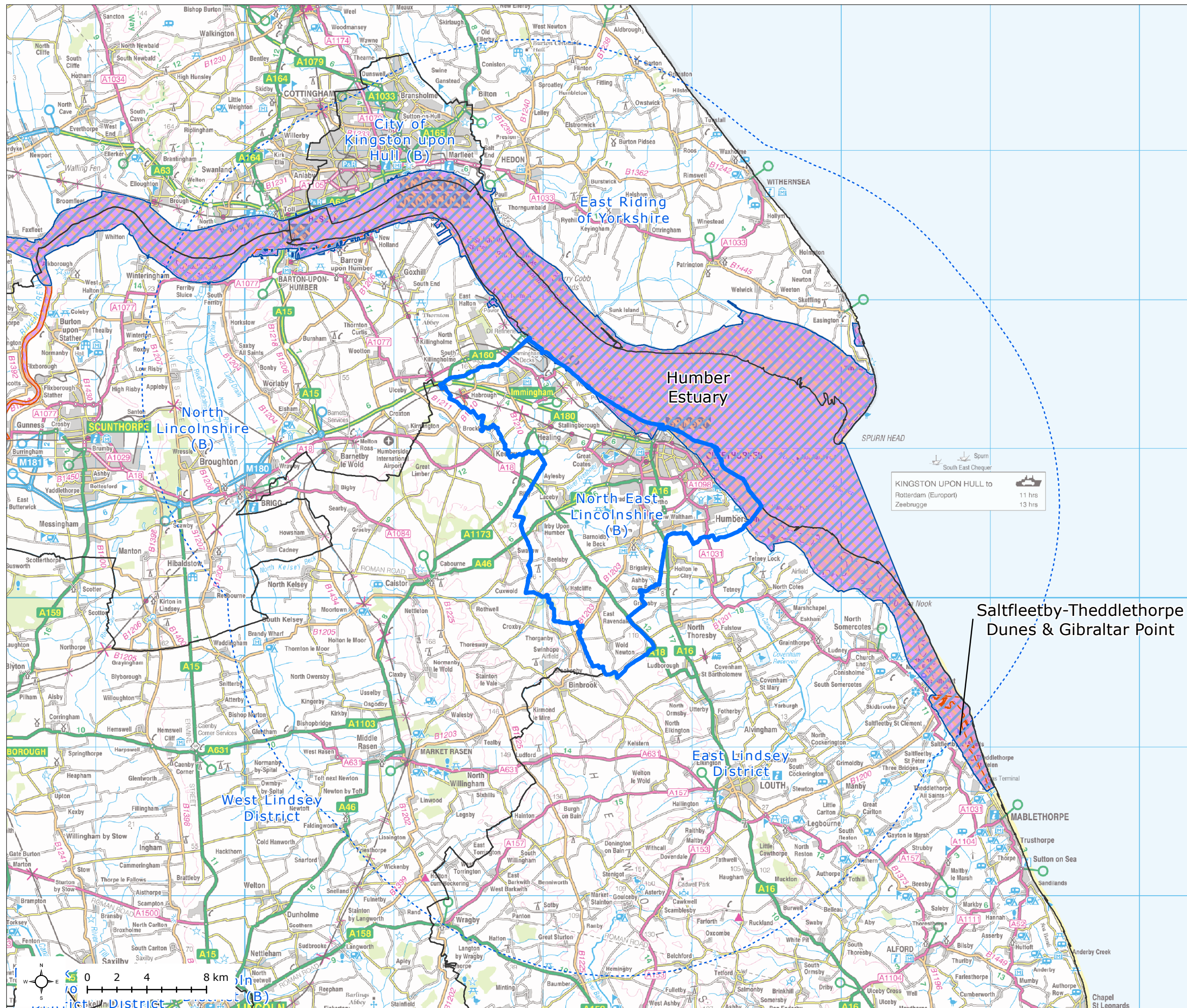
## Identification of other plans and projects which may have 'in-combination' effects

- 3.43 Regulation 102 of the Amended Habitats Regulations 2010 requires an Appropriate Assessment where *"a land use plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site"*. Therefore, where likely significant effects are identified from the North East Lincolnshire Local Plan, it is necessary to consider whether there may also be significant effects in combination with other plans or projects.
- 3.44 The first stage in identifying 'in-combination' effects involves identifying which other plans and projects in addition to the North East Lincolnshire Local Plan may also affect the Natura 2000 sites that are the focus of this assessment.
- 3.45 There are a large number of potentially relevant plans; therefore the review has focussed on planned spatial growth within the authorities that are adjacent to North East Lincolnshire and the Natura 2000 sites included in this HRA. The findings of any associated HRA work for those plans have been reviewed where available to inform conclusions about the likelihood of in-combination effects.
- 3.46 **Appendix 3** presents the review of potential in-combination effects, outlining the components of each plan that could have an impact on nearby Natura 2000 sites and considering the findings of the accompanying HRA work (where available). This information is also summarised in **Chapter 4** along with a summary of the potential in-combination effects of relevant projects.

3.47 The Local Plans of the following authorities have been considered in assessing the potential for in-combination effects on Natura 2000 sites with North East Lincolnshire's Local Plan:

- North Lincolnshire.
- West Lindsey.
- East Lindsey.
- East Riding of Yorkshire – *this District is not adjacent to North East Lincolnshire but borders the Humber Estuary Natura 2000 sites on the other side of the estuary.*





**Figure 3.1**

**European sites within 20km of North East Lincolnshire**

- 20km buffer
- NE Lincolnshire district boundary
- Surrounding districts
- Special Protection Areas
- Special Areas of Conservation
- Ramsar

KINGSTON UPON HULL to  
Rotterdam (Europort) 11 hrs  
Zeebrugge 13 hrs

Saltfleetby-Theddlethorpe  
Dunes & Gibraltar Point

**Map Scale @ A3:1:250,000**





## 4 HRA Screening Assessment of the Pre-Submission Draft Local Plan

- 4.1 As described in **Chapter 3**, a screening assessment has been carried out in order to identify the likely significant effects of the North East Lincolnshire Pre-submission Draft Local Plan on the Natura 2000 sites in and around the Borough. The detailed screening matrices used for this assessment can be found in **Appendix 2**. The screening work described in this chapter has been updated since it was originally presented in the HRA Report for the Pre-Submission Draft Local Plan (January 2016) in order to take account of the modifications that the Council is now proposing to make to the Local Plan and to reflect Natural England's consultation comments.
- 4.2 This HRA report has taken the approach of screening each policy individually, which is consistent with current guidance. In reality, however, the policies and site allocations in the Local Plan will combine to deliver the overall scale of development within the Borough and the in-combination effects of the policies together have therefore been taken into consideration.
- 4.3 A summary of the findings of the updated screening assessment is provided below.

### Significant effects likely

- 4.4 Two policies in the Pre-submission Draft Local Plan were considered **likely** to result in significant effects on the Humber Estuary SPA and Ramsar site as a result of **offsite habitat loss**:
- Policy 4: Employment allocations
  - Policy 11: Housing allocations
- 4.5 These policies allocate sites for housing and employment development within close proximity of the SPA and Ramsar site (although none are within the boundaries of a Natura 2000 site) and so are likely to result in the loss of offsite habitat which is used by the qualifying bird species of the SPA and Ramsar site, potentially resulting in significant effects on the integrity of those sites. Policy 4 allocates 20 sites for employment development within 2km of the SPA and Ramsar site, and Policy 11 allocates 24 sites for housing development within 2km of the designations, as listed in **Table 4.1** below.

**Table 4.1 Site allocations within 2km of the Humber Estuary Natura 2000 sites**

Residential site allocations	Employment site allocations
HOU001	ELR001
HOU017	ELR011
HOU018	ELR003
HOU034	ELR020
HOU037	ELR019
HOU042	ELR016a
HOU044	ELR015a
HOU056B	ELR015b
HOU057	ELR008a
HOU074A	ELR008b
HOU074B	ELR008c
HOU082	ELR008d
HOU084A	ELR008e
HOU118	ELR005
HOU119	ELR027
HOU141A	ELR007
HOU231	ELR037
HOU249A	ELR024

Residential site allocations	Employment site allocations
HOU295	ELR022
HOU301	ELR036
HOU302	
HOU303	
HOU316	
HOU353	

- 4.6 The potential for any of these site allocations to result in offsite habitat loss impacting upon the integrity of the Humber Estuary SPA and Ramsar site therefore needs to be considered in more detail during the Appropriate Assessment stage of the HRA.
- 4.7 None of the policies in the Local Plan are **likely** to have significant effects on the integrity of the Humber Estuary SAC or Saltfleetby-Theddlethorpe Dunes and Gibraltar Point SAC.

### Significant effects uncertain

- 4.8 For a number of the Local Plan proposals the likelihood of a significant effect on a Natura 2000 site was uncertain. Therefore, in line with the precautionary approach being applied in the HRA, until significant effects can be ruled out they are identified as likely significant effects.
- 4.9 The following proposals would all result in development which could combine to increase **air pollution** from vehicle traffic and/or **pressure for recreation space**. There may also be effects relating to changes in **water quality** either as a result of increased demand for water treatment or as a result of deposition from air pollution. In addition, depending on the location of development resulting from the proposals there is a chance that **physical damage/loss of habitat** or **non-physical disturbance** could affect the Humber Estuary SAC, SPA and Ramsar site, if development were to take place in that part of the Borough.
- 4.10 On this basis, the following proposals were highlighted as having potential but uncertain significant effects on Natura 2000 sites:
- Policy 4: Employment Allocations (*note that this policy is considered to have likely significant effects on the Humber Estuary SPA and Ramsar site as described above, but effects on the Humber Estuary SAC are classed as uncertain*).
  - Policy 9: Rural Economy
  - Policy 10: Tourism and Visitor Attractions
  - Policy 11: Housing Allocations (*note that this policy is considered to have likely significant effects on the Humber Estuary SPA and Ramsar site as described above, but effects on the Humber Estuary SAC are classed as uncertain*).
  - Policy 22: Grimsby Town Centre Opportunities
  - Policy 23: Cleethorpes Town Centre Opportunity Sites
  - Policy 24: Immingham Town Centre
  - Policy 29: Grimsby Town Football Club Community Stadium
  - Policy 30: Renewable and Low Carbon Infrastructure
  - Policy 36: Safeguarding Transport Infrastructure
  - Policy 46: Future Requirements for Waste Facilities
- 4.11 Therefore, in line with the precautionary principle applied in the HRA, the potential for these policies to have significant effects on the integrity of one or more of the Humber Estuary Natura 2000 sites needed to be considered in more detail through the Appropriate Assessment (see **Chapter 5**).

### Significant effects unlikely

- 4.12 Significant effects on the integrity of a Natura 2000 site are considered **unlikely** in relation to most of the Local Plan policies. The following 29 policies are screened out because they will not result directly in development (i.e. they set out criteria for development that will be delivered

through other policies, which have been screened separately for their impacts on Natura 2000 sites):

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Boundaries
- Policy 3: Providing Infrastructure
- Policy 5: Existing Employment Sites
- Policy 7: Office Development
- Policy 8: Skills and Training
- Policy 12: Development of Strategic Housing Sites
- Policy 13: Housing Mix
- Policy 14: Provision for Elderly Person's Housing Needs
- Policy 15: Housing Density
- Policy 16: Affordable Housing
- Policy 17: Rural Exceptions
- Policy 18: Self Build and Custom Build Homes
- Policy 19: Provision for Gypsies and Travellers
- Policy 20: Good Design in New Developments
- Policy 21: Retail Hierarchy and Town Centre Development
- Policy 25: Primary Shopping Frontages
- Policy 26: Freeman Street District Centre
- Policy 27: Local Centres
- Policy 28: Social and Cultural Places
- Policy 31: Energy and Low Carbon Living
- Policy 32: Flood Risk
- Policy 34: Telecommunications
- Policy 37: Parking
- Policy 38: Conserving and Enhancing the Historic Environment
- Policy 41: Landscape
- Policy 43: Safeguarding Minerals and Related Infrastructure
- Policy 44: Future Minerals Extraction
- Policy 47: Safeguarding Waste Facilities and Related Infrastructure

4.13 Another eight policies are **unlikely** to have significant effects on Natura 2000 sites because, as well as not directly resulting in new development, they could provide mitigation for the potential effects of development proposed elsewhere in the Local Plan:

- Policy 6: Habitat mitigation-South Humber Bank
- Policy 33: Water Management
- Policy 35: Promoting Sustainable Transport
- Policy 39: Developing a Green Infrastructure Network
- Policy 40: Biodiversity and Geodiversity
- Policy 42: Green Space and Recreation
- Policy 45: Restoration and Aftercare (Minerals)

- Policy 48: Restoration and Aftercare (Waste)

- 4.14 Where likely significant effects were not able to be ruled out through the screening exercise, these were examined in more detail during the Appropriate Assessment stage of the HRA, as reported in **Chapter 5**.

## In-combination effects

- 4.15 As described in **Chapter 3**, a review was undertaken of other plans and projects which could lead to likely significant effects on Natura 2000 sites when considered in combination with the North East Lincolnshire Local Plan. The detailed review of neighbouring plans can be found in **Appendix 3** and the findings are summarised below.
- 4.16 For all of the neighbouring plans reviewed, likely significant effects in combination with the North East Lincolnshire Local Plan are not considered likely. This is the case for **Central Lincolnshire, North Lincolnshire, East Riding and East Lindsey's** Local Plans. HRA work undertaken for those plans has concluded that they are not expected to lead to significant effects on Natura 2000 sites (including the Humber Estuary SAC, SPA and Ramsar site) either alone or in combination with other plans and projects, once mitigation is taken into account. Prior to mitigation, likely significant effects from North East Lincolnshire's employment site allocations in-combination with the North Lincolnshire Local Plan were identified; however the implementation of the South Humber Gateway Mitigation Strategy provides adequate mitigation allowing for likely significant in-combination effects to be ruled out.

### *Projects which could have in-combination effects*

- 4.17 In North Lincolnshire, the Able Marine Energy Park is located on land near North Killingholme and the site is partly located within the Humber Estuary SAC, SPA and Ramsar site. Planning permissions was granted in June 2013 for a business park, offices, transport depot, warehousing, external storage, distribution, chilled and frozen logistics, vehicle storage, motel and HGV park. The site is connected directly to the adjacent port of Immingham, which lies within North East Lincolnshire Borough.
- 4.18 The HRA Report for the development concluded during the Appropriate Assessment that the scheme would have likely significant effects on the integrity of the Humber Estuary SAC as a result of loss of intertidal mudflats. The proposal would also result in the loss of important supporting habitat for the qualifying bird species of the Humber Estuary SPA and Ramsar site. As part of the HRA process, consideration was therefore given to potential alternative solutions and Imperative Reasons of Overriding Public Importance (IROPI) and mitigation was agreed with Natural England. More than one third of the site will be extensively landscaped with major wildlife and nature reserves to provide alternative habitat and therefore meet the provisions of the Habitat Regulations. On this basis, **likely significant effects in-combination with North East Lincolnshire's Local Plan are not considered likely.**

## 5 Appropriate Assessment

- 5.1 Following the screening stage, if likely significant effects on Natura 2000 sites are unable to be ruled out, the plan-making authority is required under Regulation 102 of the Habitats Regulations 2010 to make an 'Appropriate Assessment' of the implications of the plan for Natura 2000 sites, in view of their conservation objectives. EC Guidance<sup>14</sup> states that the Appropriate Assessment should consider the impacts of the plan (either alone or in combination with other projects or plans) on the integrity of Natura 2000 sites with respect to their conservation objectives and to their structure and function.
- 5.2 A site's integrity depends on it being able to sustain its 'qualifying features' (i.e. those Annex 1 habitats, Annex II species, and Annex 1 bird populations for which it has been designated) and to ensure their continued viability. A high degree of integrity is considered to exist where the potential to meet a site's conservation objectives is realised and where the site is capable of self-repair and renewal with a minimum of external management support.
- 5.3 An Appropriate Assessment has therefore been undertaken for all of the Natura 2000 sites in North East Lincolnshire Borough (+20km) where likely significant from the Pre-submission Draft Local Plan were identified (or were not able to be ruled out) during the screening stage, i.e. the Humber Estuary SAC, SPA and Ramsar site. Potential likely significant effects on those sites, either alone or in combination with other policies and proposals, were identified for a number of the Local Plan policies. It was concluded during the screening stage that the North East Lincolnshire Local Plan will not result in likely significant effects on Saltfleetby-Theddlethorpe and Gibraltar Point SAC and an Appropriate Assessment did not therefore need to be undertaken for that site.
- 5.4 The Appropriate Assessment work presented in this chapter has been updated since it was originally presented in the January 2016 HRA Report for the Pre-Submission Draft Local Plan in order to take into account consultation comments from Natural England and additional work undertaken as a result, and to reflect the modifications that North East Lincolnshire Council is now proposing to make to the Local Plan.
- 5.5 During the Appropriate Assessment stage, a conclusion needs to be reached as to whether or not the policies or site allocations in the Local Plan would adversely affect the integrity of a Natura 2000 site. As stated in the EC Guidance, assessing effects on site integrity involves considering whether the predicted impacts of the Local Plan policies (either alone or in combination) have the potential to:
- Cause delays to the achievement of conservation objectives for the site.
  - Interrupt progress towards the achievement of conservation objectives for the site.
  - Disrupt those factors that help to maintain the favourable conditions of the site.
  - Interfere with the balance, distribution and density of key species that are the indicators of the favourable condition of the site.
  - Cause changes to the vital defining aspects (e.g. nutrient balance) that determine how the site functions as a habitat or ecosystem.
  - Change the dynamics of relationships that define the structure or function of the site (e.g. relationships between soil and water, or animals and plants).
  - Interfere with anticipated natural changes to the site.
  - Reduce the extent of key habitats or the population of key species.
  - Reduce the diversity of the site.

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<sup>14</sup> Assessment of plans and projects significantly affecting European sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. European Commission Environment DG, November 2001.

- Result in disturbance that could affect the population, density or balance between key species.
  - Result in fragmentation.
  - Result in the loss of key features.
- 5.6 The conservation objectives for each Natura 2000 site (listed in **Appendix 1**) are generally to maintain the site's qualifying features in favourable condition. The Site Improvement Plans for each Natura 2000 site provide a high level overview of the issues (both current and predicted) affecting the condition of the Natura 2000 features at the site(s) and outline the priority measures required to improve the condition of the features. This information has been drawn on to help to understand what is needed to maintain the integrity of the Natura 2000 sites.
- 5.7 Where likely significant effects were identified or considered uncertain at the screening stage in relation to a policy in the Local Plan (i.e. those policies listed in paragraphs 4.4 and 4.10 and shaded red or orange in the screening matrices in **Appendix 2**), the potential impacts have been set out below and judgements made (based on the information available) regarding whether the impact will have an adverse effect on the integrity of each Natura 2000 site. Consideration has been given to the potential for mitigation measures to be implemented that could reduce the likelihood or severity of the potential impacts, such that there would not be an adverse effect on the integrity of the site.

## Humber Estuary SAC

- 5.8 The Humber Estuary SAC is located to the north east of North East Lincolnshire Borough. A small area of the SAC extends inland within the Borough boundary although it mainly covers the Humber Estuary. The qualifying features of the SAC are mostly habitats (estuary, sandbanks, coastal lagoons, Atlantic salt meadows and dunes) although it is also designated for salicornia, sea lamprey, river lamprey and grey seal. More information about the Conservation Objectives, qualifying features and key vulnerabilities of the SAC can be found in **Appendix 1**.
- 5.9 As described in **Chapter 4**, Local Plan policies could potentially affect the SAC as a result of physical damage/loss of onsite habitat, non-physical disturbance such as noise and light pollution, air pollution, recreational disturbances and hydrological changes.

### Physical damage/loss of habitat (onsite)

- 5.10 As described in **Chapter 3**, offsite habitat loss or damage was able to be screened out for the SAC because of the nature of its qualifying features, but the potential for onsite habitat loss or damage needed to be considered. The SAC extends within the boundaries of North East Lincolnshire and therefore has the potential to be affected by habitat loss or damage where Local Plan policies could result in development in that part of the Borough.
- 5.11 The Local Plan does not allocate any development within the boundaries of the SAC. However Policy 30: Renewable and low carbon infrastructure could potentially result in renewable energy development anywhere in the Borough, therefore the potential for habitat loss or damage within the boundaries of the SAC was identified in the screening matrix if development resulting from the policy was to come forward in that area. Policy 30 intends to deliver 75MW of installed grid-connected renewable energy, specifically referring to wind energy and hydropower, which could affect the SAC directly. However, it is noted that the supporting text to Policy 30 states that opportunities for onshore wind energy development are considered to be limited and that renewable energy capacity is most likely to be increased through further solar farm development.

### Mitigation

- 5.12 Policy 40: Biodiversity and Geodiversity will provide a level of protection to the SAC because it sets out the Council's commitment to have regard to biodiversity and geodiversity when considering development proposals (which will include proposals for renewable energy). Specifically, it seeks to protect, manage and enhance international, national and local sites of biological and geological conservation importance, having regard to the hierarchy of designated sites and the need for appropriate buffer zones. In addition, the supporting text to Policy 30 (see paragraph 15.114 in the Pre-Submission Local Plan) recognises that renewable energy

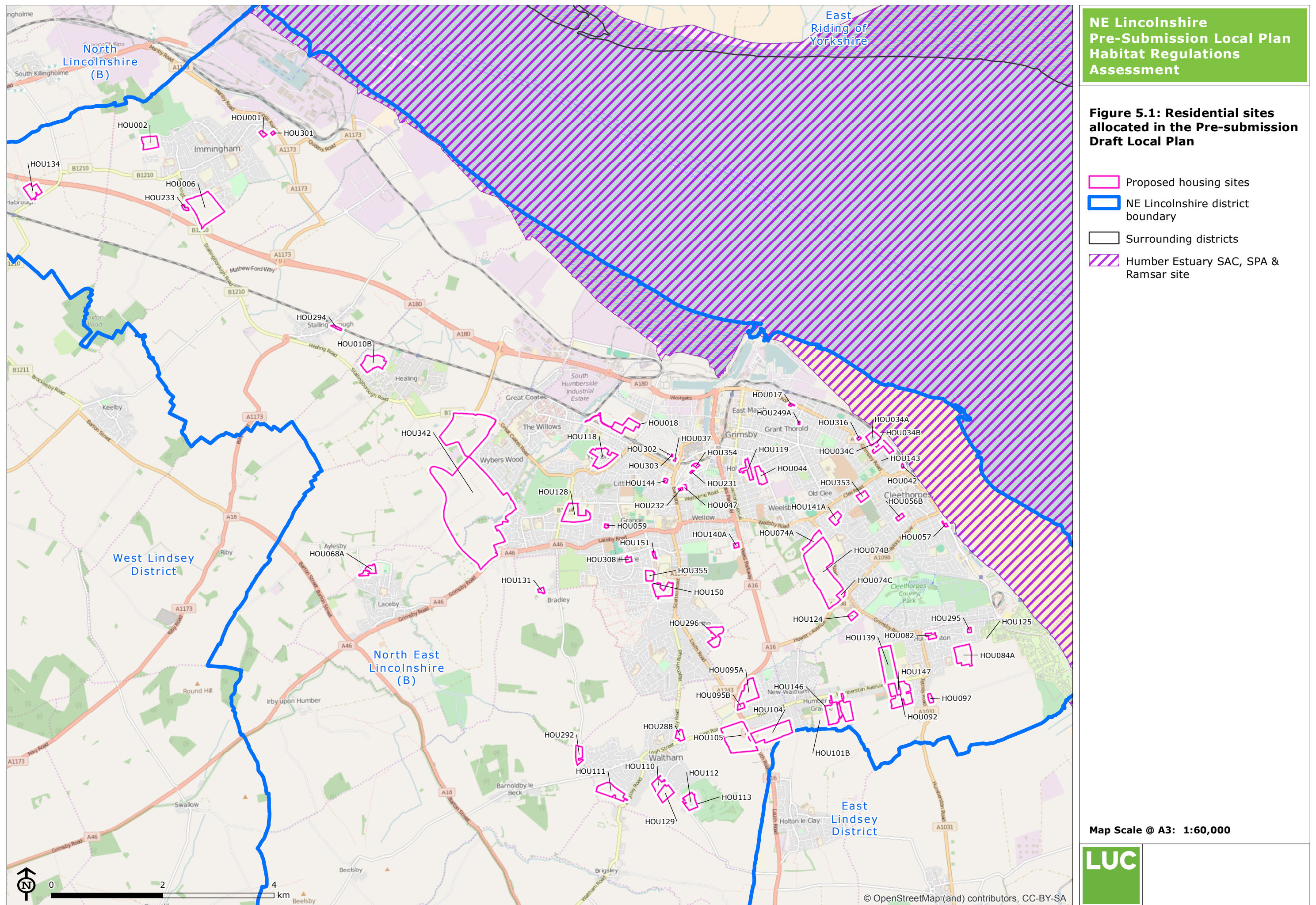
development can impact upon biodiversity during the construction, operation and decommissioning stages and states that proposals will therefore be considered against Policy 40: Biodiversity and Geodiversity and that, where possible, mitigation measures should be used to compensate and improve biodiversity.

- 5.13 If a proposal came forward for a renewable energy installation within the boundaries of the SAC, it would be subject to the requirements of the Habitats Regulations and a project-level HRA would be required. This would ensure that the impacts of the particular scheme in question on the SAC would be assessed and mitigation incorporated if required, and that the proposal would only be able to be implemented if there would be no adverse effects on the integrity of the SAC in relation to habitat loss (or any other type of impact).
- 5.14 In an earlier draft version of the HRA Report for the Pre-Submission Local Plan it was recommended that the wording of the supporting text at paragraph 15.114 be strengthened. The supporting text previously stated that the Council will give particular consideration to the potential for any renewable energy proposal to disturb or displace SPA birds caused by the loss of suitable feeding, roosting and loafing sites. It was therefore recommended that this text be expanded to also refer to the potential for damage or disturbance to the SAC. This recommendation has since been addressed in the Local Plan.
- 5.15 **Therefore, it is concluded that the Pre-submission Draft Local Plan (taking into account proposed modifications) would not have an adverse effect on the integrity of the Humber Estuary SAC as a result of loss of or damage to onsite habitat.**

#### **Non-physical disturbance**

- 5.16 As described in **Chapter 3**, non-physical disturbance such as noise, vibration and light pollution could affect the qualifying grey seal of the SAC although the qualifying habitats and plants would not be affected in this way. No development is allocated within the boundaries of the SAC through the Local Plan, although as described above, Policy 30: Renewable and Low Carbon Infrastructure could in theory result in renewable energy development proposals in any part of the Borough. Therefore, the potential for non-physical disturbance to affect the SAC was identified in the screening matrix if development resulting from the policy was to come forward in that area. Policy 30 intends to deliver 75MW of installed grid-connected renewable, specifically referring to wind energy and hydropower, which could affect the SAC through noise, vibration or light pollution particularly during the construction phase but also throughout the life of the development. However, as noted above, the supporting text to Policy 30 states that opportunities for onshore wind energy development are considered to be limited and that renewable energy capacity is most likely to be increased through further solar farm development.
- 5.17 In addition, if any type of development were to occur outside of the SAC but within very close proximity there could be impacts on the qualifying grey seal as a result of non-physical disturbance. There are a number of housing and employment site allocations within very close proximity of the SAC, in particular ELR005 which is a large employment allocation immediately adjacent to the SAC and housing allocations HOU034, HOU042, HOU057 and HOU316 which are within 500m of the SAC. The locations of the allocated residential and employment sites are shown in **Figures 5.1 and 5.2** overleaf. However, these sites are mainly surrounded by existing development which will minimise the potential for non-physical disturbance at the SAC, as described in **Table 5.1**.







**Figure 5.2: Employment Sites Allocated in the Pre-Submission Draft Local Plan**

- Map Scale @ A3: 1:40,000**





**Table 5.1 Site allocations close to the Humber Estuary SAC and existing development nearby**

Site Allocation	Existing development nearby
ELR005	Surrounded by built development on three sides and is a mainly brownfield site.
HOU034	Railway line between the site and the SAC. Site surrounded on three sides by existing built development and is partially brownfield land.
HOU042	Existing built development and a road (North Promenade) between the site and the SAC. Existing buildings also located between the site and the SAC.
HOU057	Existing road (A1098 Kingsway) between the site and the SAC. Site surrounded by existing development.
HOU316	Site is over 280m from the SAC, with significant existing development in between.

- 5.18 On the basis of the significant amount of existing development around these allocated sites, including in most cases between the site and the SAC, their development for housing and employment uses is not considered likely to have an adverse effect on the integrity of the Humber Estuary SAC in relation to non-physical disturbance.

#### *Mitigation*

- 5.19 As described above in relation to loss of habitat, Policy 40: Biodiversity and Geodiversity will also provide a level of protection to the SAC in relation to non-physical disturbance because it sets out the Council's commitment to have regard to biodiversity and geodiversity when considering development proposals. It seeks to protect, manage and enhance international, national and local sites of biological and geological conservation importance, having regard to the hierarchy of designated sites and the need for appropriate buffer zones. In addition, the supporting text to Policy 30 (see paragraph 15.114 in the Pre-Submission Draft Local Plan document) recognises that development can impact upon biodiversity during the construction, operation and decommissioning stages and states that proposals will be considered against Policy 40: Biodiversity and Geodiversity with mitigation measures being used where possible to compensate and improve biodiversity.
- 5.20 As also described above, any proposal for a renewable energy installation within close proximity of the SAC would be subject to the requirements of the Habitats Regulations, which provides further protection to the SAC in relation to the potential impacts of non-physical disturbance from construction and operation.
- 5.21 Using good practice construction techniques could mitigate the potential impacts of noise, vibration and light pollution during the construction phase. This might involve placing restrictions on the times of day or seasons in which construction activities can take place.
- 5.22 **Therefore, it is concluded that the Pre-submission Draft Local Plan (taking into account proposed modifications) would not have an adverse effect on the integrity of the Humber Estuary SAC as a result of loss of non-physical disturbance.**

#### **Air Pollution**

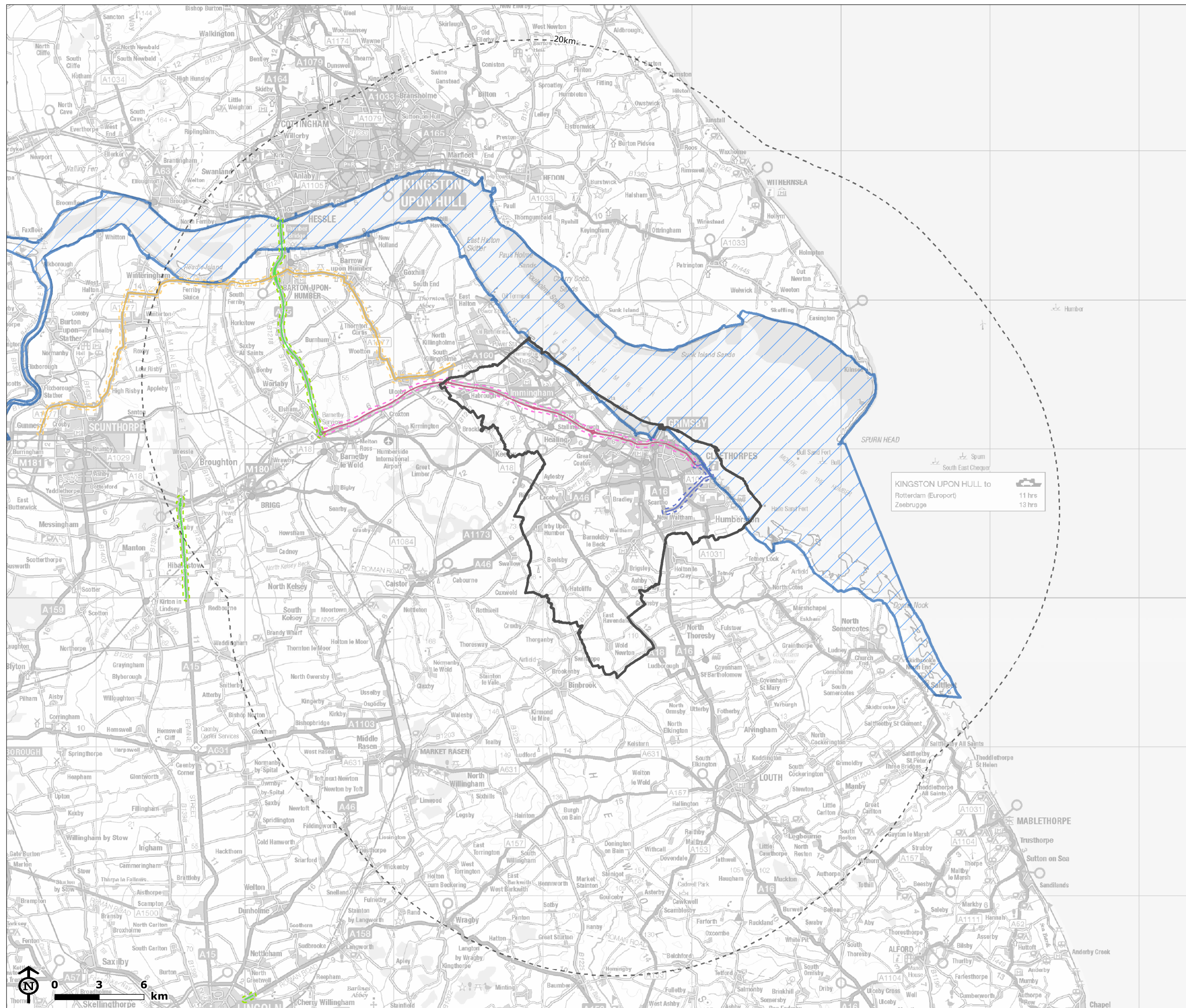
- 5.23 Air pollution, in particular nitrogen deposition has been highlighted as a priority issue in Natural England's Site Improvement Plan for the Humber Estuary. In addition, APIS data<sup>15</sup> show that levels of nitrogen deposition at the site are already exceeding critical loads in relation to certain habitat types. Nitrogen deposition has the potential to result in eutrophication of habitats, (particularly estuaries and salt marshes), which can result in a change in water quality and lead to successional changes to plant communities. Therefore, as noted in **Chapter 3**, any development proposal which could result in a significant increase in traffic along a road situated within 200m of the SAC, or that will result in increased levels of air pollution from commercial or waste management activities, has the potential to adversely affect the integrity of the SAC.

<sup>15</sup> <http://www.apis.ac.uk/src/select-a-feature?site=UK0030170&SiteType=SAC&submit=Next>

### *Emissions from traffic*

- 5.24 The following policies are identified as potentially contributing to an increase in air pollution within and around North East Lincolnshire as a result of increased vehicle traffic:
- Policy 4: Employment Allocations
  - Policy 9: Rural Economy
  - Policy 10: Visitor Economy
  - Policy 11: Housing Allocations
  - Policy 22: Grimsby Town Centre Opportunities
  - Policy 23: Cleethorpes Town Centre Opportunity Sites
  - Policy 24: Immingham Town Centre
  - Policy 29: Grimsby Town Football Club Community Stadium
  - Policy 30: Renewable and Low Carbon Infrastructure
- 5.25 As well as the potential for increased traffic along existing roads, the Local Plan refers to proposals to develop two link roads: the South Humber Bank Link Road and Grimsby West Link Road. The routes for these roads are to be safeguarded through Policy 36: Safeguarding Transport Infrastructure and the Grimsby West Link Road is an integral part of the delivery of one of the Local Plan site allocations, the Grimsby West strategic housing site (HOU342). However, the Grimsby West Relief Road would be located more than 3km from the Humber Estuary SAC and therefore traffic along that route would not affect the SAC in relation to increased air pollution. The South Humber Bank Link Road would be much closer to the SAC but would still be outside of the 200m buffer area within which significant effects in relation to air pollution could occur.
- 5.26 As described in **Chapter 3** and shown in **Figure 5.3** overleaf, there are a number of 'A' roads within 200m of the SAC including the A1077, A1098, A15 and A180. Therefore, if there is a significant increase in AADT along any of those routes as a result of the development proposed through the Local Plan, there could be significant effects on the SAC as a result of increased air pollution. Information about these routes and a commentary about the likelihood of each one seeing a significant increase in AADT is recorded in **Table 5.2**. The table also describes which housing and employment site allocations are most likely to contribute additional traffic to each route, although this is based on the location of the site allocations alone and so provides an indication only.





## North East Lincolnshire SA

**Figure 5.3: Strategic Roads within 200m of the SAC**

- NE Lincolnshire district boundary
- 20km buffer from district boundary
- Humber Estuary SAC

### Road

- A1077
- A1098
- A15
- A180

### Road buffer (200m)

- A1077
- A1098
- A15
- A180

Map Scale @ A3: 1:250,000

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**Table 5.2 Strategic roads within 200m of the Humber Estuary SAC**

Strategic road	Route and likely significance in relation to Local Plan proposals	Site allocations that are most likely to contribute additional traffic to the strategic road
A1077	The part of the road within 200m of the SAC is approximately 14km outside of North East Lincolnshire, near Barton upon Humber. The road does not provide a direct connection into North East Lincolnshire Borough or to any of the key locations proposed for growth in the Local Plan.	Site allocations in the north of North East Lincolnshire such as the employment site allocations between Immingham and Grimsby and housing site allocations HOU002, HOU004, HOU006 and HOU134 may be most likely to contribute traffic to this route, although the distance of the part of the road within 200m of the SAC from the District means that there are no site allocations that are considered particularly likely to result in additional traffic directly onto this route.
A1098	A main route into Cleethorpes from the A16 which runs north-south through North East Lincolnshire Borough.	The site allocations within closest proximity of the A1098 are HOU074A, HOU074B, HOU074C, HOU124, HOU056B and HOU057. Other site allocations within reasonably close proximity of the route in Cleethorpes include HOU141A, HOU353 and HOU139.
A15	Crosses the Humber Estuary SAC (the Humber Bridge) approximately 13km to the north of North East Lincolnshire Borough. The A15 links with the A180, a key route through North East Lincolnshire.	Site allocations in the north of North East Lincolnshire such as the employment site allocations between Immingham and Grimsby and housing site allocations HOU002, HOU004, HOU006 and HOU134 may be most likely to contribute traffic to this route, although the distance of the part of A15 within 200m of the SAC from the District means that there are no site allocations that are considered particularly likely to result in additional traffic directly onto that road. There are, however, a number of allocated sites within close proximity of the A180 through North East Lincolnshire, which could generate traffic that ultimately ends up on the A15 within 200m of the SAC. These sites include housing site allocations HOU134 and HOU006, as well as employment site allocations ELR016A, ELR016B, ELR011, ELR008A, ELR008B, ELR008C, ELR008D, ELR008E, ELR024 and ELR036.
A180	The main route into Grimsby from the west.	As described above, there are a number of allocated sites within close proximity of the A180 through North East Lincolnshire including housing site allocations HOU134 and HOU006, as well as employment site allocations ELR016A, ELR016B, ELR011, ELR008A, ELR008B, ELR008C, ELR008D, ELR008E, ELR024 and ELR036.

- 5.27 On the basis of this information it is reasonable to assume that the A1098, A15 and A180 could experience an increase in vehicle traffic as a result of development in North East Lincolnshire, although this is not expected in the case of the A1077 due to its lack of direct links with North East Lincolnshire. Therefore, traffic forecast data is required in order to understand whether there is likely to be an increase in AADT along the A1098, A15 or A180 at a level that could be considered significant. Traffic forecast data has been provided by North East Lincolnshire Council and is presented in **Table 5.3** below.



**Table 5.3 Traffic forecasting data provided by North East Lincolnshire Council in relation to the strategic roads within 200m of the Humber Estuary SAC**

Strategic road	Traffic forecasting data provided by North East Lincolnshire Council
A1098	Assessed between Low Farm Roundabout and Humberston Road: 2015: 21,779 (Source: DfT Traffic Count Data) 2032: 24,827 (Factored up from modelling predictions & traffic survey data)  Likely increase in AADT = 3,048
A15	No data available (this route is outside of North East Lincolnshire)
A180	Assessed near Westgate Roundabout: 2015: 33,977 (Source: DfT Traffic Count Data) 2032: 38,861 (Factored up from modelling predictions & traffic survey data)  Likely increase in AADT = 4,884

- 5.28 It can be seen that forecasted increases in traffic along the A1098 and A180 exceed the significance threshold of 1,000 additional AADT. While data are not available for the A15, under the precautionary principle it is assumed that increases along this route will also be significant.
- 5.29 Analysis was undertaken to identify the areas of the SAC that are located within 200m of the A15, A180 and A1098 and a detailed analysis of aerial photography using sources such as Google Earth and Google Maps was carried out to identify broad habitat types of the SAC, in order to understand the likely effects of air pollution on the integrity of the Natura 2000 site.
- 5.30 The study identified that 0.26% of the SAC lies within 200m of one of these strategic roads with the largest area located outside of the Borough in North Lincolnshire and East Riding. Overall, the areas of the SAC within 200m of a strategic road were found to be small fragments within the Natura 2000 site. Due to the small size and distribution of the areas likely to be affected by increased traffic levels, it is considered that any effects are likely to result in localised impacts that are unlikely to affect the integrity of the SAC as a whole. **Table 5.4** below shows the percentage of the SAC within 200m of each of the roads considered in this assessment.

**Table 5.3 The area of the Humber Estuary SAC within 200m of a strategic road**

Road	Area SAC within 200m of a strategic road (%)
A15	0.2105
A180	0.0001
A1098	0.0451

- 5.31 The A180 and A1098 are situated within the Borough and are likely to receive the highest levels of increased traffic levels as a result of development within the Borough of North East Lincolnshire. The areas of the SAC within 200m of the A180 and the A1098 are relatively small compared to the overall size of the SAC, with only 0.001% of the SAC within 200m of the A180 and 0.0451% within 200m of the A1098. Both areas of the SAC are comprised of mud and sand flats, which are habitats with low sensitivity to air pollution. Alongside this, APIS data<sup>16</sup> indicates current levels of nitrogen deposition are at 13.3 kg N/ha/year, which does not exceed critical loads of 20-30kg N/ha/year for coastal saltmarshes, which include mud- and sand flats. Increases in traffic along the A180 and A1098 are therefore not considered to have an adverse effect on the integrity of the SAC.
- 5.32 The A15 is situated outside of the Borough in North Lincolnshire and East Riding and is a key route across the Humber Estuary from North East Lincolnshire. Only 0.1041% of the SAC is within 200m of the A15 and this comprises the estuary, mudflats and either Atlantic salt meadows or dune grasslands (analysis of aerial photography could not confirm habitat type). The estuary and mudflats are not considered to be sensitive to increases in air pollution whilst the Atlantic salt

<sup>16</sup> Air Pollution Information System <http://www.apis.ac.uk/>

meadow and dune grassland are highlighted by the Site Improvement Plan as features that would be affected by increased pressure from air pollution and are therefore likely to be sensitive to changes in vehicle traffic. APIS data indicates that current levels of nitrogen deposition are at 22.12kg N/ha/year. For coastal saltmarshes, which include Atlantic saltmarshes and intertidal mudflats, this is within the critical load range of 20-30kg N/ha/year whilst coastal stable dune marshes are exceeded. Although these habitats are likely to be particularly sensitive to increases in traffic levels over the A15 Bridge, due to the distance of approximately 22km to travel from this area to the Borough, North East Lincolnshire is unlikely to contribute significantly to increased vehicle traffic along the A15 (traffic accessing the main conurbations to the west and north of the Borough is more likely to use the M180, with the exception of traffic that needs to access Kingston upon Hull). Growth within the Borough is therefore unlikely to cause adverse effects on the integrity of this area of the SAC. Alongside this, the main contributors to increased traffic levels along the A15 are likely to be North Lincolnshire and East Riding and the HRA work undertaken for those districts has not identified any adverse effects on integrity alone or in combination to the SAC from increased vehicle traffic.

- 5.33 **Overall, it is therefore unlikely that increased vehicle traffic from the Pre-submission Draft Local Plan (taking into account proposed modifications) will have an adverse effect on the integrity of the Humber Estuary SAC.**

*Emissions from industrial and commercial activities*

- 5.34 As well as emissions from road traffic, the Local Plan is likely to result in an increase in emissions from employment and waste management sites, particularly because the Local Plan allocates sites within fairly close proximity of the SAC. Policy 46: Future Requirements for Waste Facilities could result in an increase in emissions from waste management activities and Policy 4: Employment Allocations could result in emissions from commercial activities at the allocated employment sites. The majority of the proposed sites are large-scale developments, including two which are within 200m of the SAC (ELR015a and ELR005). Both of these sites are allocated for use by the Chemicals and Processing sector and are identified in Policy 46 as potential sites for waste management. Because of the proposed use of those sites, existing regulatory processes and requirements would apply to the operation of those sites, such as The Environmental Permitting (England and Wales) Regulations 2010, which would require potential likely significant effects on the SAC to be taken into consideration. However, permitting constraints operate on a site-by-site basis and do not take into account the cumulative effects of all of the site allocations in the Local Plan; therefore in theory the first site to come forward could result in emissions at a level that prevent development being permitted at the other allocated employment sites, at which point the Plan would be undeliverable.
- 5.35 In most cases the Local Plan is not specific about the expected nature of commercial activities at the allocated employment sites, and this information cannot be assumed until specific applications come forward for those sites. Therefore, it is not possible to make assumptions about the likely level of emissions from each of the allocated sites in order to inform a conclusion about their likely cumulative impacts. It was therefore recommended during the process of updating this HRA report that the Local Plan should be amended to include a qualification regarding employment sites, stating that:

*"employment uses that give rise to emissions to air that could prejudice the delivery of other employment sites through in-combination likely significant effects with other existing or potential sources of air pollution on the integrity of the Humber Estuary SAC, SPA and Ramsar site, will be required to undertake a Habitats Regulations Assessment. Planning consent will not be granted until such an assessment concludes that there will be no adverse effects on the integrity of the SAC, SPA and Ramsar site, either alone or in combination with other plans or projects".*

- 5.36 This additional text has now been added to the proposed modifications to the Local Plan.

*Mitigation*

- 5.37 Policy 35: Promoting Sustainable Transport may help to mitigate the potential impacts of development in relation to increased emissions from vehicle traffic, as it requires development proposals to promote the use of sustainable modes of transport. Specifically, developments should prioritise pedestrian and cycle access to and within the site; protect and improve public transport provision and/or facilities, adopting a 400m walk to bus stop standard; make suitable

provision to accommodate the efficient delivery of goods and supplies; and make suitable provision for electric vehicle charging, car clubs and car sharing when considering car park provision. These measures should help to reduce traffic generation resulting from residential, employment and other types of development.

- 5.38 Policy 40: Biodiversity and Geodiversity will provide some mitigation for the potential impacts of air pollution on the SAC because it sets out the Council's commitment to have regard to biodiversity and geodiversity when considering development proposals. It seeks to protect, manage and enhance international, national and local sites of biological and geological conservation importance, having regard to the hierarchy of designated sites and the need for appropriate buffer zones.
- 5.39 The additional text that has been added to the supporting text of Policy 4 also provides mitigation in relation to the potential impacts of emissions from industrial sources.
- 5.40 **Taking into account the identified mitigation, it is concluded that the Pre-submission Draft Local Plan (taking into account proposed modifications) would not have adverse effects on the integrity of the Humber Estuary SAC as a result of air pollution, either from increased traffic or commercial sources.**

### Recreational Pressure

- 5.41 Public access and disturbance, in particular to the estuary and Atlantic salt marshes, has been identified as a priority issue in Natural England's Site Improvement Plan for the Humber Estuary. Recreational activities undertaken within the Humber Estuary range from onshore activities such as walking, cycling, beach recreation, bird and seal watching to offshore activities, such as kite surfing, kite flying and motor cruising.
- 5.42 There is public access to most of the Humber Estuary via footpaths and bridleways along the sea wall, access to beaches and saltmarsh. The North Shore has mostly continuous access along the estuary with the only gap at Saltend industrial area. There is public access to most of the South Bank but there are more areas with no access to the foreshore due to industry at Grimsby and Immingham Docks and also due to private landownership from Read's Island round to Alkborough<sup>17</sup>.
- 5.43 While disturbance is more of an issue in relation to the qualifying bird species of the SPA and Ramsar site (considered separately further ahead in this chapter), the qualifying habitats of the SAC can still be vulnerable to the impacts of recreation. The SAC habitats, including sand dunes, may be most vulnerable to the impacts of walking and beach recreation. Visitor survey work undertaken by Footprint Ecology<sup>18</sup> was unable to identify particular hotspots for walking, although casual walking locations are linked to the main population centres. There were found to be a large concentration of dog walking locations around Cleethorpes. The same study found that beach recreation is focussed around Cleethorpes, along the Lincolnshire Coast (around Mablethorpe) and at Spurn.
- 5.44 Policies in the Pre-submission Draft Local Plan that could have a significant effect on the SAC as a result of increased recreation pressure include:
- Policy 10: Visitor Economy
  - Policy 11: Housing Allocations
  - Policy 22: Grimsby Town Centre Opportunities
  - Policy 23: Cleethorpes Town Centre Opportunity Sites
  - Policy 24: Immingham Town Centre
- 5.45 The Humber Estuary is a key attraction for recreation and is likely to experience increased visitor numbers as a result of the housing development proposed through the Local Plan, as well as any growth in the tourism sector. A significant amount of new housing is proposed within fairly close proximity of the Humber Estuary which could result in an increase in visitor numbers, particularly

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<sup>17</sup> Footprint Ecology (2010) Desk Based Study on Recreation Disturbance to Birds on the Humber Estuary.

<sup>18</sup> Footprint Ecology (2010) Desk Based Study on Recreation Disturbance to Birds on the Humber Estuary.



the housing allocations within Cleethorpes and along the Humber Estuary. Visitor survey work carried out by Footprint Ecology at the Humber Estuary<sup>19</sup> identified that the average distance travelled by local visitors to reach the Humber Estuary is 4.42km. Most of the housing sites allocated in the North East Lincolnshire Local Plan are within 4.42km of the SAC.

#### *Mitigation*

- 5.46 Local Plan Policy 39: Green Infrastructure and Policy 42: Green Space and Recreation may provide some mitigation for increased recreation pressure, in particular from residential development, by providing alternative locations for recreation activities. However, the effectiveness of this type of mitigation depends to some extent on the nature of green infrastructure provided in the Borough and whether it offers a similar experience or can accommodate similar activities to the SAC. While green infrastructure provision may offer locations for onshore activities such as dog walking (provided that it is designed to be dog-friendly), the effects of any increase in offshore recreation activities would not be mitigated through the provision of green infrastructure. However, it is also reasonable to assume that only a relatively small proportion of the growing population would take part in offshore recreation activities.
- 5.47 It was recommended in an earlier draft of the HRA Report for the Pre-submission Draft Local Plan that the Local Plan should make reference to the need to incorporate improvements to visitor management at the Humber Estuary, to avoid the SAC being adversely affected by an increase in visitor numbers. This recommendation was incorporated into the Local Plan by the Council - the introductory text to Policy 10: Tourism and Visitor Attractions in the Pre-submission Draft document recognised the potential impacts of recreation on the Humber Estuary sites and noted that appropriate visitor management will be required. The Local Plan also stated that the Council will need to consider potential impacts of development and incorporate improvements to visitor management as the visitor numbers increase, in particular considering the management suggestions set out in the Footprint Ecology study.
- 5.48 Policy 10: Tourism and Visitor Attractions states that the Council will support developments that maintain the integrity of the designated Humber Estuary Natura 2000 sites, and one of the modifications to the Pre-submission Draft Local Plan now proposed involves an additional requirement within the policy that developments of this nature protect and enhance sites of biodiversity and geodiversity importance. North East Lincolnshire Council has also proposed a further modification to the supporting text of Policy 10, explaining that the Council is an active member of the Humber Nature Partnership, an organisation made up of statutory regulators, public sector, business sector and voluntary sector members and other Humber stakeholders which works collectively to deliver sustainable management of the Humber Natura 2000 sites. It specifically works on the delivery of the Humber management Scheme, providing ecological services to members of the partnership and developing and implementing projects to meet the Humber Conservation Objectives.
- 5.49 The supporting text to the policy also refers to the management suggestions for the Humber Estuary as set out in the Footprint Ecology study on recreational disturbance to birds at the Humber Estuary<sup>20</sup> which include on and offsite education highlighting the conservation importance of sites, details of access points and parking; zoning; changing local bylaws controlling access particularly related to dogs, and zoning of particular activities. It is noted that these measures were set out in the study as suggestions only and were not specific to any one location or any particular scale of development. Therefore, it will be necessary for the Council to work as part of the Humber Nature Partnership (as described above) to determine which if any actions are appropriate in specific locations.
- 5.50 **On the basis of this mitigation, it is concluded that the Pre-submission Draft Local Plan (taking into account proposed modifications) will not have an adverse effect on the integrity of the Humber Estuary SAC as a result of recreational disturbance.**

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<sup>19</sup> Footprint Ecology (July 2012) Results of the Recreational Visitor Surveys Across the Humber Estuary.

<sup>20</sup> Footprint Ecology (2010) Desk Based Study on Recreation Disturbance to Birds on the Humber Estuary

### Water quality and quantity

- 5.51 Water pollution is a key priority issue in Natural England's Site Improvement Plan for the Humber Estuary with regards to the estuary, mudflat and sand-flat habitats. Particular issues that could affect water quality include dissolved oxygen, which may act as a barrier to migrating sea lamprey, and leaching from industries which is likely to affect nutrient levels. Water quantity is also likely to be affected by water abstraction and disposal, as well as from urban water runoff.
- 5.52 Policies that could have a significant effect on the SAC in relation to changes to water quality and quantity include:
- Policy 4: Employment Allocations
  - Policy 10: Visitor Economy
  - Policy 11: Housing Allocations
  - Policy 22: Grimsby Town Centre Opportunities
  - Policy 23: Cleethorpes Town Centre Opportunity Sites
  - Policy 24: Immingham Town Centre
- 5.53 However, taking into account the water flows and capacity of the Humber Estuary SAC, any changes in water quality would have to be of considerable magnitude in order to have a significant effect on the integrity of the site. Any effects on water quality resulting from the North East Lincolnshire Local Plan would be localised and should be regulated and managed by Environment Agency consents and water company Asset Management Programmes.

### Mitigation

- 5.54 Mitigation for potential impacts on water quality and quantity is provided through Policy 33: Water Management. This policy states that development proposals must demonstrate that adequate and sustainable water supplies are available to support the development proposed; that provisions are made for the efficient use of water, including its re-use and recycling; and that appropriate and sustainable sewerage systems are provided for the disposal of foul and surface water.
- 5.55 **In light of the mitigation incorporated into the Local Plan it is concluded that the Pre-submission Draft Local Plan (taking into account proposed modifications) will not have an adverse effect on the integrity of the Humber Estuary SAC as a result of changes to water quality and quantity.**

### Humber Estuary SPA and Ramsar site

- 5.56 The Humber Estuary SPA and Ramsar site are located to the north east of the North East Lincolnshire boundary. A small area of the SPA and Ramsar site extends within the Borough although the designations mainly cover the Humber Estuary. The qualifying features of the SPA are all bird species while the Ramsar site is designated for its bird species and also the grey seal (which is also a qualifying feature of the SAC). More information about the Conservation Objectives, qualifying features and key vulnerabilities of the SPA and Ramsar site can be found in **Appendix 1**.
- 5.57 The SPA and Ramsar site are considered together in this section as many of their qualifying features are the same. Where different conclusions are reached in relation to the SPA and the Ramsar site this is made clear in the sections below.
- 5.58 The SPA and Ramsar cover almost exactly the same area as the Humber Estuary SAC; therefore much of the information set out above in relation to the SAC is also relevant to the SPA and Ramsar site. Instead of repeating the same information here, reference is made to the sections above where relevant.
- 5.59 As described in **Chapter 3**, the Local Plan has the potential to significantly affect the Humber Estuary SPA and Ramsar site as result of physical damage/loss (both onsite and offsite), non-physical disturbance, air pollution and recreational disturbance. Impacts on water quality and

quantity were ruled out at the screening stage for the SPA but needed to be considered further in relation to the Ramsar site as the qualifying grey seal could be affected.

- 5.60 As described in **Chapter 3**, because the qualifying bird species of the SPA and Ramsar site make use of offsite habitat, consideration needs to be given to the potential for the Local Plan to have significant effects on the integrity of the SPA and Ramsar site as a result of habitat loss or damage offsite as well as onsite.

#### **Physical damage/disturbance to species/habitat loss (onsite)**

- 5.61 The SPA and Ramsar site extend within the boundaries of North East Lincolnshire and therefore have the potential to be directly affected by onsite habitat loss/damage or disturbance to species where Local Plan policies could result in development in that part of the Borough. As described above in relation to the Humber Estuary SAC, the Local Plan does not allocate any development within the boundaries of the SPA or Ramsar site but Policy 30: Renewable and Low Carbon Infrastructure could in theory result in renewable energy development anywhere in the Borough; therefore the potential for onsite habitat loss/damage or disturbance to species at the SPA and Ramsar site was identified in the screening matrix if development resulting from the policy was to come forward in that area.
- 5.62 However, it is noted that the supporting text to Policy 30 states that opportunities for onshore wind energy development are considered to be limited and that renewable energy capacity is most likely to be increased through further solar farm development – this would not have the same potential to affect the qualifying bird species of the SPA and Ramsar site in terms of bird strike etc. as wind energy developments could.

#### *Mitigation*

- 5.63 As described above in relation to the SAC, Policy 40: Biodiversity and Geodiversity will also provide a level of protection to the SPA and Ramsar site because it sets out the Council's commitment to have regard to biodiversity and geodiversity when considering development proposals (which will include proposals for renewable energy). In addition, the Habitats Regulations would apply to any proposal for a renewable energy installation within the boundaries of the SPA and Ramsar site, and the supporting text to Policy 30 states that the Council will give particular consideration to the potential for any renewable energy proposal to disturb or displace SPA birds caused by the loss of suitable feeding, roosting and loafing sites. It is also recognised that
- 5.64 **Therefore, it is concluded that the Pre-submission Draft Local Plan (taking into account proposed modifications) will not have adverse effects on the integrity of the SPA and Ramsar site as a result of habitat loss or damage (onsite).**

#### **Physical damage/disturbance to species/habitat loss (offsite)**

- 5.65 The Pre-submission Draft Local Plan (taking into account proposed modifications) allocates a number of sites for employment and housing development within close proximity of the SPA and Ramsar site, in areas where bird survey work has shown that the qualifying bird species of these sites make use of offsite habitat for foraging, roosting and loafing. Therefore, Policies 4: Employment Allocations and 11: Housing Allocations were identified during the screening stage as likely to have significant effects on the integrity of the SPA and Ramsar site as a result of offsite habitat loss.
- 5.66 Following comments received by Natural England during the consultation on the Pre-submission Draft Local Plan and accompanying HRA Report, a desk-based study was undertaken to identify potential impacts from proposed employment and housing allocations on offsite habitat used by the qualifying bird species of the Humber Estuary SPA and Ramsar site. The desk-based study involved a data search from Greater Lincolnshire Nature Partnership (GLNP) and British Trust for Ornithology (BTO)<sup>21</sup>, a consultation with the North East Lincolnshire Council ecologist and a desk-based assessment using aerial photography and mapping, and species records. See **Appendix 5** for details of assessment. In line with Natural England's advice, all of the allocated sites were included in the assessment and not just those within 2km from the SPA and Ramsar site.

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<sup>21</sup> The data search from BTO is still in progress and will be cross-referenced against the findings of this study once received

- 5.67 Information gathered from the desk based study was cross referenced against known habitat preferences for the qualifying bird species. This enabled the relative importance of offsite parcels for SPA and Ramsar birds to be recognised. Known habitat preferences were taken from Birds of the Western Palearctic and British Trust for Ornithology and are summarised in **Table 5.4** below.

**Table 5.4: Typical offsite habitat preferences for SPA and Ramsar birds**

Bird species		Comments on broad habitat types of potential importance	Susceptible to loss of offsite habitat allocated within Pre-submission Draft Local Plan (taking into account proposed modifications)
1	Avocet	Wetland (coastal and freshwater)	No
2	Bittern	Wetland (reedbed specialist)	No
3	Hen Harrier	Coastal and freshwater marsh and wetland (winter)	No
4	<b>Golden Plover</b>	Winter feeding on broad range of wetland and farmland including arable and pasture, short grazed grassland, harvest fields and floodplains	<b>Yes – may utilise arable and short grazed pasture within site allocations</b>
5	Bar-tailed godwit	Wetland (coastal and freshwater)	
6	<b>Marsh harrier</b>	Wide ranging - coastal and freshwater marsh and wetland. Rough grassland where functionally linked to coastal, wetland and riparian habitat	<b>Yes – (rough grassland only)</b>
7	Little tern	Wetland (coastal and freshwater)	No
8	Shelduck	Wetland (coastal and freshwater) – typically feeds on sands and mudflats exposed to sea	No
9	Redshank	Breeding dependent on wetland (coastal and freshwater) whilst outside breeding season predominantly coastal	No
10	Knot	Wetland (coastal and freshwater)	No
11	<b>Dunlin</b>	Wetland (coastal and freshwater) – outside breeding season favours saltmarsh, rough grassland and river floodplains	<b>Yes – where rough</b>
12	Black-tailed godwit	Wetland (coastal and freshwater)	No
Assemblage of 20,000 birds including species listed above and below (where additional to those listed above):			
13	<b>Brent goose</b>	Strongly attached to intertidal feeding zones but in Britain increasing numbers have utilised inland areas to feed on crops and grassland.	<b>Yes - this species will use pasture and arable crop for feeding</b>
14	<b>Wigeon</b>	Will use a variety of wetland habitat and often recorded feeding in large numbers on flooded grassland which may be used in preference to coastal waters.	<b>Yes- Where fields are prone to flooding</b>
15	Teal	Wetland (coastal and freshwater)	No
16	Mallard	Wetland (various)	No
17	Pochard	Wetland (various)	No
18	Scaup	Wetland (coastal and freshwater)	No
19	Goldeneye	Wetland (coastal and freshwater)	No
20	Oystercatcher	Wetland (coastal and freshwater) – this	No

Bird species		Comments on broad habitat types of potential importance	Susceptible to loss of offsite habitat allocated within Pre-submission Draft Local Plan (taking into account proposed modifications)
		species will utilise a wide variety of habitats for feeding but is primarily dependent upon shorelines and associated molluscs, marine worms and crustaceans.	
21	Ringed plover	Wetland (primarily coastal) with little dependence on inland fields of arable and pasture	No
22	Grey plover	Wetland (coastal and freshwater) – some use on inland staging points recorded included grass fields, but typically only wetland habitats such as flood meadows inland.	No – although it will use a wide variety of habitat types its dependence on inland areas of pasture and arable habitat is low in comparison to coastal and wetland habitats.
<b>23</b>	<b>Lapwing</b>	Breeding and feeding on broad range of wetland and farmland including arable and pasture	<b>Yes – may utilise pasture and arable within allocations</b>
24	Sanderling	Wetland (coastal and freshwater)	No
25	Ruff	Wetlands. Dry grasslands and harvested fields will be used but their preference is much stronger for wetland sites (both coastal and freshwater).	No
26	Whimbrel	Wetland (coastal and freshwater)	No
<b>27</b>	<b>Curlew</b>	Breeding on range of sites with tall grasslands or marsh. After breeding, will feed on a range of grasslands and farmland but typically coastal and favours inter tidal and marine habitats.	<b>Yes – limited to marshy/flood plain grasslands only</b>
28	Greenshank	Wetland (coastal and freshwater)	No
29	Turnstone	Wetland (coastal and freshwater)	No

5.68 The review of habitat preferences revealed that many of the species for which the SPA/Ramsar is designated are not dependent upon the grassland/arable farmland sites which potentially comprise the allocation sites. Indeed, 22 of the 29 species listed could be ruled out from significant adverse effects because they are marine, or wetland (coastal and freshwater) specialists which are not reliant upon the brownfield, grassland and arable habitats potentially affected by the site allocations. As a result, the potential for significant effects as a result of the loss of offsite habitat is limited to three species for which the SPA/Ramsar is designated. These include:

- Golden plover (short-grazed grasslands and arable only).
- Marsh harrier (rough grassland only where functionally linked to wetland and coastal habitat).
- Dunlin (rough grasslands close to riparian/floodplains only).

5.69 In addition, a further four species which contribute to the SPA qualification for supporting a bird assemblage of over 20,000 birds were identified as being susceptible to loss of offsite habitat. These include:

- Brent goose (all pasture and arable potentially suitable).
- Wigeon (flood prone pastures/arable only).
- Lapwing (all pasture and arable potentially suitable for feeding and breeding).

- Curlew (marshy/flood grasslands only for breeding, feeding predominantly coastal wetlands).
- 5.70 The SPA regularly supports 153,934 water birds. This amount greatly exceeds the assemblage qualification threshold of 20,000 birds. Therefore, the loss of parcels of offsite habitat with potential to support those species which are listed as contributing to the assemblage, but are not present in sufficient numbers to represent a qualifying feature in their own right, is unlikely to result in adverse effects on the integrity of the Humber Estuary SPA/Ramsar, given the broader extent of suitable habitats available.
- 5.71 Because the majority of bird species listed as part of the assemblage are not dependent upon the habitat types potentially affected, the numbers of birds as an assemblage are unlikely to change significantly. The effect of site allocations in the Local Plan would not be expected to reduce the total number of the bird assemblage to such an extent that the threshold is at risk either alone or in-combination with other plans and projects. As a result, the potential for significant effects on SPA birds for these species has been ruled out.
- 5.72 In light of the above, the loss of offsite habitats as a result of the site allocations is considered likely to be restricted to golden plover, marsh harrier and dunlin. These species are referred to below as 'target bird species'.
- 5.73 Following the establishment of typical habitat preferences for each species, each allocation site in the Pre-submission Draft Local Plan (taking account of proposed modifications) was attributed a rating of suitability based on a number of parameters, as described in **Table 5.5** below. The rating given to each allocation relied on the criteria provided but was also subject to professional judgement and interpretation. For example, a site with suitable habitat adjacent to the site may be rated as being of high suitability in spite of the absence of records of the target bird species.

**Table 5.5: Habitat suitability rating criteria**

Habitat suitability rating	Description of general criteria
High	Records of several target SPA birds (as described above) and/or significant numbers on site or close by; functionally linked along riparian zones; wetland or flooded habitats present likely to provide suitability for several SPA bird species; closer to SPA
Medium	Records of individual/low numbers of target SPA birds in wider area; suitable habitats present for one or more SPA species
Low	No records of target SPA birds on site, low numbers of records in proximity; increased distance from SPA; habitat types of potential suitability for one or more SPA bird species present.
Negligible	No records of SPA birds; increased distance from SPA; supports habitats of limited value for SPA birds; is compromised by high levels of existing use; isolated within urban areas.

- 5.74 The findings of the desk based review, which seek to identify the relative likely importance of a site for SPA bird species, are provided below.

#### *Employment site allocations*

- 5.75 The desk-based study identified a small number of employment site allocations with high potential to support the SPA/Ramsar qualifying bird species. These sites were found to have suitable habitat and qualifying bird species within and/or in close proximity to the site. Distance from the SPA and Ramsar site was also considered. This was the case for the following sites:
- ELR020
  - ELR015a
- 5.76 A number of other employment site allocations were found to have medium potential to support the qualifying bird species. These sites support suitable habitat for qualifying bird species and show evidence of supporting qualifying bird species in or close to the site. It is uncertain whether these sites are likely to be of importance for the qualifying SPA birds. These sites comprise:
- ELR011



- ELR019
- ELR005
- ELR027

5.77 The remaining employment site allocations were considered to have low or no potential to support the SPA/Ramsar qualifying bird species.

5.78 All of the employment site allocations are located within the South Humber Bank mitigation zone, as described under the mitigation section below.

#### *Housing Allocations*

5.79 The desk-based study identified a number of site allocations with high potential to support the SPA/Ramsar qualifying bird species. These sites were found to have suitable habitat and qualifying bird species within and in close proximity to the site. Only one site (HOU342) was recorded as supporting the qualifying bird species but the analysis also considered the distance from the SPA and Ramsar site and connectivity within the wider landscape. The following sites were identified as having high potential to support the qualifying bird species:

- HOU342
- HOU34a
- HOU104
- HOU101B
- HOU074b
- HOU074a
- HOU084a
- HOU294

5.80 Two other site allocations were found to have medium potential to support the qualifying bird species. As these sites support suitable habitat for qualifying bird species and records of low numbers of target birds occur within or close to the site. It is uncertain whether these sites are likely to be of importance for target SPA birds. This was the case for the following sites:

- HOU144
- HOU010b

5.81 The remaining housing site allocations not listed above were considered to have low or no potential to support the SPA/Ramsar qualifying bird species

5.82 The desk-based study therefore showed that there are eight housing allocations with high potential to be of value for the target SPA birds. A total of two sites were identified where the habitats present are considered likely to be of medium suitability for SPA birds. The remaining sites were considered to be of low or no quality based on key assessment criteria including the habitat types present, distribution of bird records, position in the landscape and proximity to SPA.

5.83 The habitats present within the housing allocation sites are likely to be unsuitable for breeding marsh harrier, because they lack the extensive areas of reed bed, wetland, and marsh habitat typically favoured for nesting. During winter, this species will roam widely and is less dependent on its breeding areas, and will utilise rough grasslands, riparian corridors and wet ditches in open farmland landscapes. The allocation sites are typically located at the edge of existing urban areas where urban edge effects are likely to occur, thereby reducing the likely importance of habitats for this species. In addition, the majority of allocations support grassland and arable habitats which are unsuitable or of low quality for this species and given the extent of retained rough grasslands and riparian corridors within North East Lincolnshire, the extent of habitat loss is considered unlikely to result in significant adverse effects on the Humber Estuary SPA marsh harrier population as a result of loss of functionally linked habitat.

5.84 The housing site allocations do not provide suitable habitat for breeding dunlin but may be utilised by this species during winter. The 'Birds of the Western Palearctic' literature reports that outside the breeding season this species favours "*lowland and grassland coastal habitat, including salt-*

*marsh, rough grazing land, sand dunes, or sandy machair with moist depressions, edges of brackish lagoons, sand or gravel shores and river flood plains*". As a result the pasture and arable fields which comprise the majority of the site allocations are considered likely to be of low value for this species. Furthermore, a review of the distribution of records for this species (as shown in **Figure 5.4** at the end of this chapter) in relation to site allocations reveals that the distribution is predominantly coastal with no records of this species identified in, and very few close to, the site allocations. Therefore, on balance, no adverse effect on the Humber Estuary SPA/Ramsar is predicted as a result of the loss of offsite habitat for Dunlin.

- 5.85 In light of the above, the potential for loss of offsite habitat as a result of the proposed site allocations to adversely affect qualifying bird species is restricted to golden plover, largely because this species readily uses arable and short grazed grasslands for feeding. Nevertheless, the distribution of golden plover records outside of the SPA is predominantly coastal and records away from the coast are scattered and widespread with no clear preference for a specific area indicated. Indeed, the majority of records occur in and around the South Humber employment area and therefore, the loss of habitat in this area would be expected to be mitigated by the South Humber Gateway Mitigation Strategy. No notable records of this species were identified within the housing allocation sites, and given the extent of similar habitat in the wider landscape, and the relatively small proportion of habitat loss resulting from the housing allocations, the reliance of this species on the housing allocation sites is considered likely to be low. Nevertheless, in order to provide sufficient certainty in concluding no adverse effect in combination, it is recommended that mitigation measures are incorporated into the Local Plan, as detailed below.

#### *Mitigation*

- 5.86 In order to address the potential impacts of development in the Humber Estuary area in relation to offsite habitat loss, North East Lincolnshire Council has undertaken a significant amount of work along with other organisations in the South Humber Ecology Group (including Natural England, the RSPB and landowners in the South Humber employment area). The group has been integral in the co-ordinated preparation of the South Humber Gateway Mitigation Strategy, which is based upon extensive and targeted bird survey findings which have allowed key habitat parcels to be identified, safeguarded and managed to ensure potential impacts on the qualifying bird species of the SPA and Ramsar site associated with employment development in this area can be successfully mitigated. This work has fed into the preparation of the Pre-submission Draft Local Plan, in particular the development of Policy 6: Habitat Mitigation-South Humber Bank. That policy states that a number of identified mitigation sites will be implemented and managed over the long-term, to provide alternative offsite habitat for the qualifying bird species of the SPA and Ramsar site. Developer contributions from proposals within the identified Mitigation Zone will be required to deliver and manage this land.
- 5.87 The South Humber Gateway Mitigation Strategy is therefore crucial to the mitigation of the potential impacts of offsite habitat loss at the SPA and Ramsar site. Should any changes be made to the Strategy, these should be reflected in Policy 6 of the Local Plan.
- 5.88 All of the employment sites identified through the desk-based study as having high potential to support the qualifying bird species of the Humber Bank SPA and Ramsar site are located within the South Humber Bank Mitigation zone (shown on the Local Plan Policies Map); therefore the potential loss of offsite habitat resulting from their development would be mitigated through the delivery of the mitigation sites,
- 5.89 However, the South Humber Gateway Mitigation Strategy does not provide mitigation for the potential impacts of housing site allocations in relation to habitat loss for golden plover. Therefore, in order to ensure that there are no significant effects the following recommendations are made:
- Specific wording will be required to ensure all development proposals for allocated housing sites with high or medium potential to support golden plover will require a detailed assessment for this species and that a suitable project level assessment is carried out. For such sites, wording must be provided to ensure appropriate measures are taken to mitigate impacts, such as provision of alternative habitat, and/or contributions towards enhancing strategic sites for this species elsewhere. In addition, phasing of site allocations coupled with site specific bird survey data for golden plover will be key, to ensure that, cumulative effects



on this species can be monitored during the lifetime of the Local Plan. If significant numbers of birds are likely to be affected in-combination, provision of suitable mitigation in the form of habitat provision or enhancement should be provided in parallel.

- 5.90 **Provided that the mitigation strategy is implemented in line with Policy 6 in the Pre-submission Draft Local Plan (taking into account proposed modifications) and the recommendations above are incorporated into the Local Plan and implemented, adverse effects on the integrity of the SPA and Ramsar site as a result of offsite habitat loss or damage are not expected.**

#### Non-physical disturbance

- 5.91 The Appropriate Assessment findings for the SPA and Ramsar site in relation to non-physical disturbance are as described above in relation to the Humber Estuary SAC. Because of the extent of existing built development around the allocated employment and residential sites within 500m of the SPA and Ramsar site, and the mitigation included in the Local Plan, **it is concluded that the Pre-submission Draft Local Plan (taking into account proposed modifications) will not have adverse effects on the integrity of the SPA and Ramsar site in relation to non-physical disturbance.**

#### Air pollution

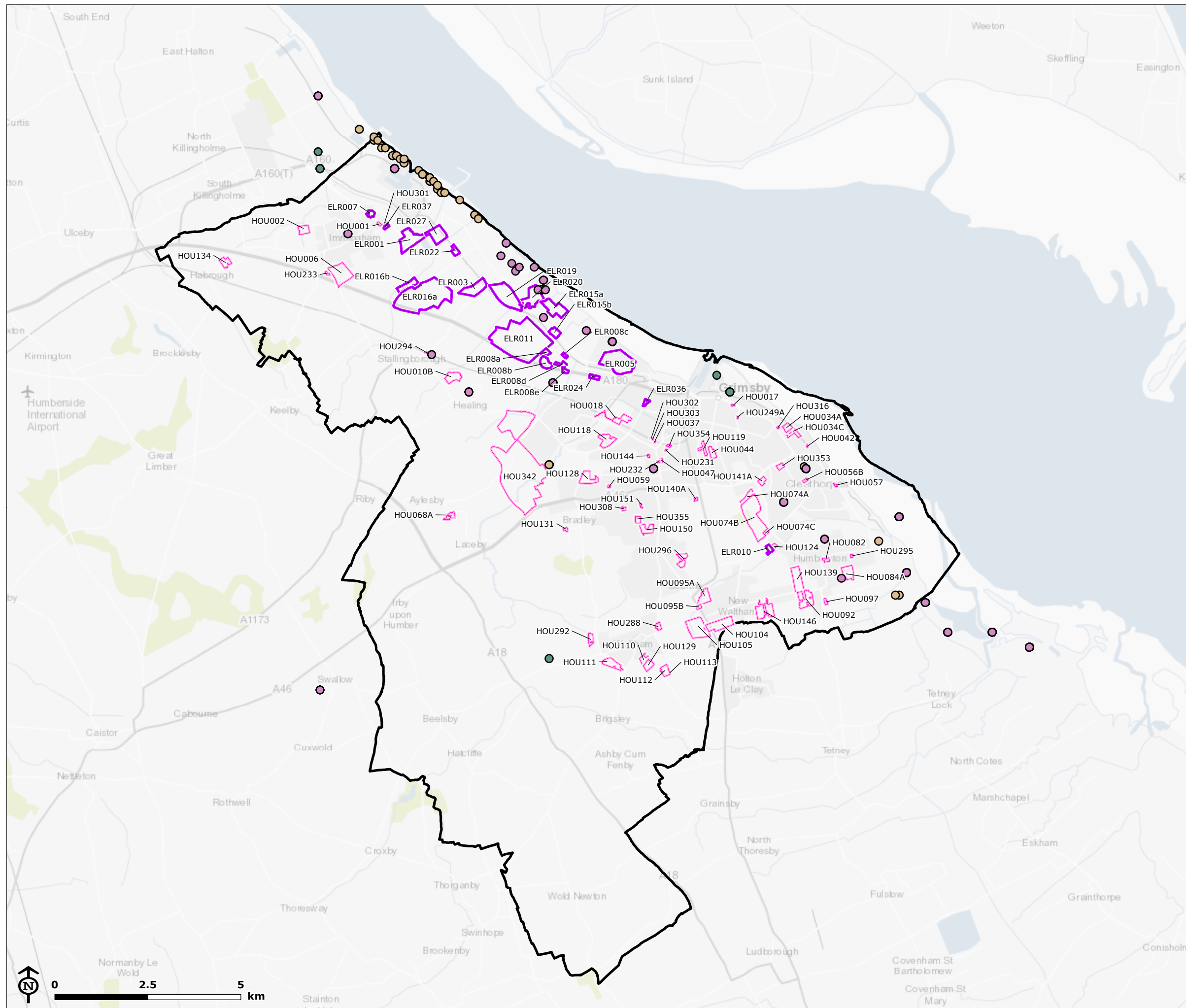
- 5.92 The Appropriate Assessment findings for the SPA and Ramsar site in relation to air pollution are as described above in relation to the Humber Estuary SAC. The mitigation described in relation to emissions from commercial sources will also mitigate any potential impacts on the SPA/Ramsar site. The same roads lie within 200m of the SPA and Ramsar site as described above for the SAC and for the reasons described in that section, **it is concluded that the Pre-submission Draft Local Plan (taking into account proposed modifications) will not have adverse effects on the integrity of the SPA and Ramsar site in relation to air pollution.**

#### Recreation pressure

- 5.93 The Appropriate Assessment findings for the SPA and Ramsar site in relation to recreation pressure are as described above in relation to the Humber Estuary SAC. Although the nature of impacts on the SPA and Ramsar site may be different to the SAC (being more associated with disturbance to birds), the mitigation described above for the SAC would also mitigate impacts on the SPA/Ramsar site. **Therefore, it is concluded that the Pre-submission Draft Local Plan (taking into account proposed modifications) will not have will not have adverse effects on the integrity of the Humber Estuary SPA and Ramsar site as a result of recreational disturbance.**

#### Water quality and quantity

- 5.94 The qualifying features of the Humber Estuary SPA are not vulnerable to changes in hydrology although the Ramsar site could potentially be affected by changes to water quality/quantity as the qualifying grey seal could be affected. The Appropriate Assessment conclusions for the Ramsar site are as described above in relation to the Humber estuary SAC, because the qualifying grey seal which could be affected at the Ramsar site is also a qualifying feature of the SAC. As described above, **it is concluded that the Pre-submission Draft Local Plan (taking into account proposed modifications) will not have will not have adverse effects on the integrity of the Humber Estuary Ramsar site as a result of changes to hydrology.**



## North East Lincolnshire HRA

**Figure 5.4: Distribution of Golden Plover, Marsh Harrier and Dunlin in relation to proposed employment and housing allocations**

- NE Lincolnshire district boundary
- Employment allocations
- Housing allocations

### Bird species

- Dunlin
- Golden Plover
- Marsh Harrier

Map Scale @ A3: 1:100,000



## 6 Conclusions and Next Steps

- 6.1 The HRA of the North East Lincolnshire Pre-submission Draft Local Plan (incorporating proposed modifications) has been undertaken in accordance with currently available guidance and is based on a precautionary approach, as required under the Habitats Regulations. The updated overall HRA findings reached during the Appropriate Assessment stage are presented in **Chapter 5** of this report and the HRA conclusions and recommendations are summarised below.
- 6.2 Provided that the identified mitigation and recommendations are implemented, adverse effects on the integrity of Natura 2000 sites around North East Lincolnshire from policies and site allocations in the Local Plan will not occur, either alone or in-combination with other plans or projects, in relation to:
- Physical loss or damage to habitat, both onsite and offsite.
  - Noise/vibration and light pollution.
  - Increased air pollution (from commercial sources or increased traffic).
  - Recreation.
  - Changes to water quality or quantity.
- 6.3 The conclusion of no adverse effects on integrity in relation to physical loss or damage to offsite habitat at the Humber Estuary SPA and Ramsar site depends on the implementation of the South Humber Gateway Mitigation Strategy, as detailed in the Pre-submission Draft Local Plan (incorporating proposed modifications).

### Next Steps

- 6.4 The schedule of proposed modifications will be submitted by North East Lincolnshire Council to the Secretary of State for Examination along with the Pre-Submission Local Plan. This updated HRA Report will also be submitted along with the Local Plan documents.

LUC  
September 2016

## **Appendix 1**

### Attributes of Natura 2000 sites within North East Lincolnshire Borough (+20km)

**Table A1.1: Attributes of Natura 2000 sites within North East Lincolnshire Borough (+20km)**

Site name	Area (ha)	Location	Qualifying features	Key vulnerabilities and environmental conditions to support site integrity
<b>Natura 2000 sites within 20km of North East Lincolnshire Borough</b>				
Humber Estuary SAC	36,657.15	Situated to the north of the boundary stretching along the estuary from Goole to the coastline. A small section falls within the Borough boundary.	<p><u>Annex I Habitats:</u></p> <p>Estuary</p> <p>Sandbanks which are slightly covered by sea water all the time</p> <p>Coastal lagoons</p> <p>Salicornia and other annuals colonizing mud and sand</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)</p> <p>Embryonic shifting dunes</p> <p>"Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("white dunes")"</p> <p>"Fixed coastal dunes with herbaceous vegetation ("grey dunes")"</p> <p>Dunes with <i>Hippopha rhamnoides</i></p> <p><u>Annex II species</u></p> <p>Sea lamprey <i>Petromyzon marinus</i></p> <p>River lamprey <i>Lampetra fluviatilis</i></p>	<ul style="list-style-type: none"> <li>Human impacts<sup>22</sup></li> <li>Climate change</li> <li>Sea level rise</li> </ul> <p>Key issues include:</p> <ul style="list-style-type: none"> <li>coastal squeeze</li> <li>impacts on the sediment budget,</li> <li>impacts on the geomorphological structure and function of the estuary (due to sea level rise, flood defence works, dredging, and the construction, operation and maintenance of ports, pipelines and other infrastructure),</li> <li>changes in water quality and flows,</li> <li>pressure from additional built development, and</li> <li>damage and disturbance arising from access, recreation and other activities.</li> </ul> <p>The conservation objectives are to<sup>23</sup>:</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p>

<sup>22</sup> Humber Estuary SAC Site Citation 2011 (<http://jncc.defra.gov.uk/protectedsites/sacselection/n2kforms/UK0030170.pdf>)

<sup>23</sup> European Site Conservation Objectives for Humber Estuary SAC (UK0030170), Natural England, 2012.



Site name	Area (ha)	Location	Qualifying features	Key vulnerabilities and environmental conditions to support site integrity
			Grey seal <i>Halichoerus grypus</i>	<ul style="list-style-type: none"> <li>The extent and distribution of qualifying natural habitats and habitats of qualifying species</li> <li>The structure and function (including typical species) of qualifying natural habitats</li> <li>The structure and function of the habitats of qualifying species</li> <li>The supporting processes on which qualifying natural habitats and habitats of qualifying species rely</li> <li>The populations of qualifying species, and,</li> <li>The distribution of qualifying species within the site.</li> </ul>
Humber Estuary SPA	37630.24	Situated to the north of the boundary stretching along the estuary from Goole to the coastline. A small section is found within the Borough boundary.	<p><u>Article 4.2: Annex 1 Birds:</u></p> <p>Avocet <i>Recurvirostra avosetta</i></p> <p>Bittern <i>Botaurus stellaris</i></p> <p>Hen harrier <i>Circus cyaneus</i></p> <p>Golden plover <i>Pluvialis apricaria</i></p> <p>Bar-tailed godwit <i>Limosa lapponica</i></p> <p>Ruff <i>Philomachus pugnax</i></p> <p>Marsh harrier <i>Circus aeruginosus</i></p> <p>Little tern <i>Sterna albifrons</i></p> <p><u>Article 4.2: Regularly occurring migratory birds – internationally important assemblage of breeding birds:</u></p> <p>Shelduck <i>Tadorna tadorna</i></p>	<ul style="list-style-type: none"> <li>Human impacts<sup>24</sup></li> <li>Climate change</li> <li>Sea level rise</li> </ul> <p>Key issues include:</p> <ul style="list-style-type: none"> <li>coastal squeeze</li> <li>impacts on the sediment budget,</li> <li>impacts on the geomorphological structure and function of the estuary (due to sea level rise, flood defence works, dredging, and the construction, operation and maintenance of ports, pipelines and other infrastructure),</li> <li>changes in water quality and flows,</li> <li>pressure from additional built development, and damage and disturbance arising from access, recreation and other activities.</li> </ul>

<sup>24</sup> Humber Estuary SPA Citation 2007 (<http://jncc.defra.gov.uk/pdf/SPA/UK9006111.pdf>)

Site name	Area (ha)	Location	Qualifying features	Key vulnerabilities and environmental conditions to support site integrity
			Knot <i>Calidris canutus</i> Dunlin <i>Calidris alpina</i> Black-tailed godwit <i>Limosa limosa</i> Redshank <i>Tringa tetanus</i>	The conservation objectives are to <sup>25</sup> :  Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring; <ul style="list-style-type: none"> <li>• The extent and distribution of the habitats of the qualifying features</li> <li>• The structure and function of the habitats of the qualifying features</li> <li>• The supporting processes on which the habitats of the qualifying features rely</li> <li>• The population of each of the qualifying features, and,</li> <li>• The distribution of the qualifying features within the site.</li> </ul>
Humber Estuary Ramsar	37987.8	Situated to the north of the boundary stretching along the estuary from Goole to the coastline. A small section is found within the Borough boundary.	Internationally important wetland site. <sup>26</sup>  <u>Annex 1 Birds:</u> European golden plover <i>Pluvialis apricaria</i> Red knot <i>Calidris canutus islandica</i> Dunlin <i>Calidris alpina alpina</i> Black-tailed godwit <i>Limosa limosa islandica</i> Common redshank <i>Tringa totanus tetanus</i>	N/A

<sup>25</sup> European Site Conservation Objectives for Humber Estuary SPA (UK9006111), Natural England, March 2014.

<sup>26</sup> Humber Estuary Ramsar itation 2008 (<http://jncc.defra.gov.uk/protectedsites/sacselection/n2kforms/UK0030170.pdf>)

Site name	Area (ha)	Location	Qualifying features	Key vulnerabilities and environmental conditions to support site integrity
			<p>Shelduck <i>Tadorna tadorna</i></p> <p>Bar-tailed godwit <i>Limosa lapponica</i></p> <p><u>Annex II species</u></p> <p>Grey seal <i>Halichoerus grypus</i></p>	
Saltfleetby-Theddlethorpe and Gibraltar Point SAC	960.2	Very small site located approximately 2km outside of the site boundary to the east.	<p><u>Annex I habitats:</u></p> <p>Mediterranean and thermo-Atlantic halophilous scrubs</p> <p>Embryonic shifting dunes</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("white dunes")</p> <p>Fixed dunes with herbaceous vegetation ("grey dunes")</p> <p>Dunes with <i>Hippophae rhamnoides</i></p> <p>Humid dune slacks</p>	<ul style="list-style-type: none"> <li>• Sedimentation</li> <li>• Recreational disturbance</li> </ul> <p>The conservation objectives are to<sup>27</sup>:</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring the extent and distribution of the habitats of qualifying species.</p> <ul style="list-style-type: none"> <li>• The extent and distribution of the qualifying natural habitats</li> <li>• The structure and function (including typical species) of the qualifying natural habitats, and,</li> <li>• The supporting processes on which the qualifying natural habitats rely</li> </ul>

<sup>27</sup> European Site Conservation Objectives for Saltfleetby\_Theddlethorpe and Gibraltar Point SAC Special Area of Conservation Site Code: UK0030270, Natural England, July 2014.

## **Appendix 2**

### HRA Screening of the North East Lincolnshire Pre-submission Draft Local Plan

**Table A2.1: Screening matrix for Humber Estuary SAC**

Note that this matrix presents the conclusions of the screening stage – where likely significant effects on the SAC could not be ruled out the relevant policies were subject to further assessment during the Appropriate Assessment stage of the HRA (see **Chapter 5**).

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on the Humber Estuary SAC	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on the Humber Estuary SAC (taking mitigation into account)?
Policy 1: Presumption in favour of sustainable development	None – the policy sets out the high level presumption in favour of sustainable development but it will not itself result directly in development which could affect the integrity of Natura 2000 sites.	N/A	N/A	No
Policy 2: Development boundaries	None – the policy sets out criteria for assessing proposals for development outside of development boundaries but will not itself result directly in development. The policy approach to development boundaries seeks to focus development within existing built up areas where it is less likely to affect sensitive Natura 2000 sites.	N/A	N/A	No
Policy 3: Providing infrastructure	The policy relates to the mechanisms for delivering physical, social and green infrastructure but will not itself result in the development of new infrastructure that could	N/A	N/A	No



Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on the Humber Estuary SAC	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on the Humber Estuary SAC (taking mitigation into account)?
	affect the integrity of Natura 2000 sites.			
Policy 4: Employment allocations	Employment development  Increased vehicle traffic  Increased demand for water treatment	<p>Development of employment sites may impact levels of <b>air pollution</b> from increased vehicle traffic and from industrial activities. This has the potential to increase pollutants, which may affect water quality and plant communities (in particular Salicornia, Atlantic salt meadows and dune habitats).</p> <p>The increased demand for water treatment and disposal could also affect the integrity of the Humber Estuary SAC as a result of increased discharge and changes in <b>water quality</b>.</p> <p>Significant effects on the SAC in relation to <b>physical damage/loss of habitat</b> are not considered likely, because the area of the Operational Port, within</p>	<p>Policy 6: Habitat Mitigation – South Humber Bank sets out the Council's strategy for preserving the integrity of the Humber Estuary Natura 2000 sites while allowing future economic development to take place, and includes a requirement for developers to make contributions towards the provision and management of mitigation sites.</p> <p>Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals, specifically seeking to establish and secure appropriate management of, long term mitigation areas within the Estuary Employment Zone, managed specifically to protect the integrity of the internationally important biodiversity sites.</p>	Uncertain – the policy has the potential to significantly affect air pollution and water quality. Although other policies in the Local Plan would provide some mitigation, more detail is required to establish whether these impacts will have a likely significant effect on site integrity.

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on the Humber Estuary SAC	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on the Humber Estuary SAC (taking mitigation into account)?
		which development proposals for port related use will be actively supported, as identified on the policies map, does not extend within the boundaries of the SAC. None of the employment site allocations listed in the policy are within the boundaries of the SAC.	Policy 33: Water Management ensures appropriate management of water is considered and implemented during and after development. This should help to prevent impacts on water quality and quantity in the SAC.  Policy 35: Promoting Sustainable Transport requires developers to address the impacts of their proposals in relation to increased vehicle traffic and to promote sustainable transport use.	
Policy 5: Existing employment sites	Development or re-use of vacant sites within existing employment areas	This policy advocates the use of existing employment sites and is therefore unlikely to result in additional development affecting the SAC. However, changes or intensification of site use may result in impacts on <b>water quality</b> and <b>air pollution</b> .	Policy 6: Habitat Mitigation – South Humber Bank sets out the Council's strategy for preserving the integrity of the Humber Estuary Natura 2000 sites while allowing future economic development to take place, and includes a requirement for developers to make contributions towards the provision and management of mitigation sites.  Policy 40: Biodiversity and	No – this policy will not result in likely significant effects on the SAC as it will only result in the redevelopment or re-use of sites in already in existing employment areas which means that increases in vehicle traffic or demand for water treatment are likely to be minimal. Therefore, taking into account the mitigation built into the Local Plan, likely significant effects are not expected.

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on the Humber Estuary SAC	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on the Humber Estuary SAC (taking mitigation into account)?
			Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals, specifically seeking to establish and secure appropriate management of, long term mitigation areas within the Estuary Employment Zone, managed specifically to protect the integrity of the internationally important biodiversity sites.	
Policy 6: Habitat mitigation – South Humber Bank	None – the policy will not itself result in development.	N/A	This policy itself should provide mitigation for the potential effects of other Local Plan proposals. The policy sets out the Council's strategy for preserving the integrity of the Humber Estuary Natura 2000 sites while allowing future economic development to take place, and includes a requirement for developers to make contributions towards the provision and management of mitigation	No

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on the Humber Estuary SAC	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on the Humber Estuary SAC (taking mitigation into account)?
			sites.	
Policy 7: Office development	Office development  Increased vehicle traffic  Increased demand for water treatment	Office development will be directed to town centres and their peripheries which means that development would be steered away from the SAC. However, such development is likely to cause an increase in vehicle traffic, which may result in increased levels of <b>air pollution</b> . This has the potential to change <b>water quality</b> levels and plant communities.  The increased demand for water treatment and disposal could also result in a negative impact on the integrity of the Humber Estuary SAC, as a result of increased discharge and changes in <b>water quality</b> .	Policy 33: Water Management ensures appropriate management of water is considered and implemented during and after development. This should help to prevent impacts on water quality and quantity in the SAC.  Policy 35: Promoting Sustainable Transport requires developers to address the impacts of their proposals in relation to increased vehicle traffic and to promote sustainable transport use.  Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals, specifically seeking to establish and secure appropriate management of, long term mitigation areas within the Estuary Employment Zone, managed specifically to protect the	No - the policy steers office development to town centres in favour of more peripheral locations, where significant traffic generation is less likely and the mitigation built into the Plan means that likely significant effects on the SAC are not expected.



Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on the Humber Estuary SAC	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on the Humber Estuary SAC (taking mitigation into account)?
			integrity of the internationally important biodiversity sites.	
Policy 8: Skills and training	None – the policy supports proposals that would help develop skills and training but will not itself result directly in new development.	N/A	N/A	No
Policy 9: Rural economy	Commercial or housing development in rural locations  Increased vehicle traffic  Increased demand for water treatment	Development in rural locations could result in high levels of car use, leading to an increase in <b>air pollution</b> which could affect the SAC.	Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals.  Policy 35: Promoting Sustainable Transport requires developers to address the impacts of their proposals in relation to increased vehicle traffic and to promote sustainable transport use.	Uncertain – while development resulting from this policy would be in the rural areas of the Borough and therefore likely to be located away from the SAC, it could contribute to an increase in vehicle use and the associated air pollution.
Policy 10: Visitor economy	Tourism-related development  Increase in recreational pressure  Increased vehicle traffic  Increased demand for water	An increase in visitor numbers in and around North East Lincolnshire as a result of this policy could result in increased <b>air pollution</b> from vehicle traffic and	Policy 33: Water Management ensures appropriate management of water is considered and implemented during and after development. This should help to prevent	Uncertain – the policy could contribute to an increase in air pollution and decline in water quality at the SAC, as well as an increase in visitor numbers causing disturbance. The mitigation within other Local Plan

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on the Humber Estuary SAC	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on the Humber Estuary SAC (taking mitigation into account)?
	treatment	changes in <b>water quality</b> from an increase in demand for water treatment. There could also be an increase in <b>visitor numbers</b> at the SAC resulting in noise and general disturbance.	impacts on water quality and quantity in the SAC.  Policy 35: Promoting Sustainable Transport requires developers to address the impacts of their proposals in relation to increased vehicle traffic and to promote sustainable transport use.  Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals.	policies is not enough to rule out likely significant effects at this stage.
Policy 11: Housing allocations	Residential development  Increase in recreational pressure  Increased vehicle traffic.  Increased demand for water treatment	The policy could result in non-physical disturbance during the construction phase and other impacts may include <b>air pollution</b> from an increase in traffic, which may impact <b>water quality</b> and plant communities and an increase in <b>recreational disturbance</b> on SAC habitats near to allocated development sites. Equally impacts from	Policy 33: Water Management ensures appropriate management of water is considered and implemented during and after development. This should help to prevent impacts on water quality and quantity in the SAC.  Policy 35: Promoting Sustainable Transport requires developers to address the impacts of their proposals in relation to	Uncertain – there is potential for housing located in close proximity to the SAC to have a significant impact on dune systems from increased levels of recreation and there may also be impacts relating to air and water pollution. Even with the mitigation built into the Local Plan, further assessment is therefore required.

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on the Humber Estuary SAC	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on the Humber Estuary SAC (taking mitigation into account)?
		increased demand for water treatment and disposal may affect the <b>water quality</b> and quantity of the Humber Estuary.	increased vehicle traffic and to promote sustainable transport use.  Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals.	
Policy 12: Development of strategic housing	None – the policy sets out criteria that will apply to the development of housing at three sites that are already allocated through Policy 11, which is considered separately above in relation to the potential impacts on the SAC.	N/A	The policy includes a number of criteria that will help to mitigate the impacts of the strategic housing developments, including requirements to incorporate green infrastructure, sustainable transport links and to enhance biodiversity where possible.	No
Policy 13: Housing mix	None – the policy will not itself result in new development.	N/A	N/A	No
Policy 14: Provision for elderly person's housing needs	None – the policy will not itself result in new development.	N/A	N/A	No
Policy 15: Housing	None – the policy will not itself	N/A	N/A	No

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on the Humber Estuary SAC	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on the Humber Estuary SAC (taking mitigation into account)?
density	result in new development.			
Policy 16: Affordable housing	None – the policy will not itself result in new development.	No effects	N/A	No
Policy 17: Rural exceptions	Small-scale housing development in rural areas  Increase in vehicle traffic  Increased demand for water treatment	The policy could lead to housing development which could affect the SAC through <b>non- physical disturbance</b> depending on the location of the development, and through an increase in <b>air pollution</b> from vehicle traffic and changes in <b>water quality</b> as a result of increased demand for water treatment.	Policy 33: Water Management ensures appropriate management of water is considered and implemented during and after development. This should help to prevent impacts on water quality and quantity in the SAC.  Policy 35: Promoting Sustainable Transport requires developers to address the impacts of their proposals in relation to increased vehicle traffic and to promote sustainable transport use.  Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals.	No – any development resulting from this policy would be very small in scale and therefore is unlikely to result in significant traffic generation or demand for water treatment. In order to affect the SAC through non- physical disturbance the development would need to be located within very close proximity of the SAC which is unlikely as the policy applies to the Borough's rural areas. Effects would be mitigated through the application of other policies in the Local Plan and likely significant effects are not expected.
Policy 18: Self build and custom build homes	None – the policy will not itself result in new development.	N/A	N/A	No

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on the Humber Estuary SAC	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on the Humber Estuary SAC (taking mitigation into account)?
Policy 19: Provision for Gypsies and Travellers	The policy sets out criteria that will be used to assess proposals for Gypsy and Traveller sites, but will not itself lead directly to development.	N/A	N/A	No
Policy 20: Good design in new developments	None – the policy will not itself result in new development.	N/A	N/A	No
Policy 21: Retail hierarchy and town centre development	Retail development and development relating to town centre uses  Increase in vehicle traffic	No effect as the policy promotes the development within town centres away from the Natura 2000 sites.	N/A	No
Policy 22: Grimsby town centre opportunities	Mixed use development  Increase in vehicle traffic  Increased recreation pressure  Increase in demand for water treatment	Development will not result in the physical loss of habitat at the SAC or non-physical disturbance as it will be located within Grimsby. However, there could be potential impacts on the SAC through increased <b>recreation pressure</b> , increased <b>air pollution</b> from vehicle traffic, which can affect <b>water quality</b> and vegetation and increased demand	Policy 33: Water Management ensures appropriate management of water is considered and implemented during and after development. This should help to prevent impacts on water quality and quantity in the SAC.  Policy 35: Promoting Sustainable Transport requires developers to address the impacts of their proposals in relation to increased vehicle traffic and	Uncertain – although development resulting from the policy would not be within close proximity of the Natura 2000 site and would be within the urban area, the effect on the SAC is uncertain in relation to air and water pollution and recreation pressure. To understand the impacts on the Natura 2000 site in more detail an Appropriate Assessment is required.



Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on the Humber Estuary SAC	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on the Humber Estuary SAC (taking mitigation into account)?
		for water disposal.	to promote sustainable transport use.  Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals.	
Policy 23: Cleethorpes town centre opportunity sites	Mixed use development Increase in vehicle traffic Increased recreation pressure Increase in demand for water treatment	Development will not result in the physical loss of habitat at the SAC or non-physical disturbance as it will be located within Cleethorpes. However, there could be potential impacts on the SAC through increased <b>recreation pressure</b> , increased <b>air pollution</b> from vehicle traffic, which can affect <b>water quality</b> and vegetation and increased demand for water disposal.	Policy 33: Water Management ensures appropriate management of water is considered and implemented during and after development. This should help to prevent impacts on water quality and quantity in the SAC.  Policy 35: Promoting Sustainable Transport requires developers to address the impacts of their proposals in relation to increased vehicle traffic and to promote sustainable transport use.  Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering	Uncertain – although development resulting from the policy would not be within close proximity of the Natura 2000 site and would be within the urban area, the effect on the SAC is uncertain in relation to air and water pollution and recreation pressure. To understand the impacts on the Natura 2000 site in more detail an Appropriate Assessment is required.

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on the Humber Estuary SAC	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on the Humber Estuary SAC (taking mitigation into account)?
			development proposals.	
Policy 24: Immingham town centre	Mixed use development Increase in vehicle traffic Increased recreation pressure Increase in demand for water treatment	Development will not result in the physical loss of habitat at the SAC or non-physical disturbance as it will be located within Immingham. However, there could be potential impacts on the SAC through increased <b>recreation pressure</b> , increased <b>air pollution</b> from vehicle traffic, which can affect <b>water quality</b> and vegetation and increased demand for water disposal.	Policy 33: Water Management ensures appropriate management of water is considered and implemented during and after development. This should help to prevent impacts on water quality and quantity in the SAC.  Policy 35: Promoting Sustainable Transport requires developers to address the impacts of their proposals in relation to increased vehicle traffic and to promote sustainable transport use.  Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals.	Uncertain – although development resulting from the policy would not be within close proximity of the Natura 2000 site and would be within the urban area , the effect on the SAC is uncertain in relation to air and water pollution and recreation pressure. To understand the impacts on the Natura 2000 site in more detail an Appropriate Assessment is required.
Policy 25: Primary shopping frontages	None - the policy relates to which uses will be acceptable within primary shopping frontages but will not itself lead to development. In	N/A	N/A	No

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on the Humber Estuary SAC	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on the Humber Estuary SAC (taking mitigation into account)?
	addition the policy relates to uses within urban areas away from the SAC.			
Policy 26: Freeman Street district centre	Mixed use development	No effect as development will be situated within Grimsby away from the SAC.	N/A	No
Policy 27: Local centres	Small scale retail development	Potential impacts on the SAC are likely to be minimal as development will occur within existing built up areas. An increase in air pollution is unlikely as retail developments would be small in scale and within local centres, so likely to be used by people living locally and accessed without the need to generate additional car journeys.	Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals.	No – the nature and location of any development that would result from this policy mean that significant effects on the SAC are unlikely.
Policy 28: Social and cultural places	None – the policy will not itself result in new development.	N/A	N/A	No
Policy 29: Grimsby town football club community	Development of a new football	Depending on the location of the stadium,	Policy 35 promotes the use of sustainable modes of	No – likely significant effects in relation to increased air

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on the Humber Estuary SAC	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on the Humber Estuary SAC (taking mitigation into account)?
stadium	stadium  Increased vehicle traffic  Increased demand for water treatment	the SAC could be affected by <b>non- physical disturbance</b> ; however loss of habitat from within the site boundary is not likely as the stadium would be an onshore development and is likely to be located within or on the edge of Grimsby. Potential effects include <b>air pollution</b> from increased traffic, which may increase pollutants, thus affecting <b>water</b> quality and vegetation structure and <b>demand for water treatment and disposal</b> , which may affect water quality and quantity.	transport and as such may provide mitigation for the impacts of other policies in relation to increased car use and the associated air pollution.  The policy itself states that a green transport plan will be required, along with facilities to maximise public transport patronage.  Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals.	pollution, water pollution or non- physical disturbance cannot be entirely ruled out at this stage until more information is available.
Policy 30: Renewable and low carbon infrastructure	Renewable and low carbon infrastructure development	Potential affects could include <b>physical loss of SAC habitat</b> depending on the location of the infrastructure. The SAC could also be affected by <b>non-physical disturbance</b> such as noise and light pollution during the construction	Using good practice construction techniques could mitigate the potential impacts of noise, vibration and light pollution during the construction phase.  Policy 40: Biodiversity and Geodiversity states that The Council will have regard to	Uncertain – the policy could result in development that could affect the integrity of the SAC depending on its exact location and nature, therefore further assessment is needed to identify whether likely significant effects will occur.

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on the Humber Estuary SAC	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on the Humber Estuary SAC (taking mitigation into account)?
		phase.	<p>biodiversity and geodiversity when considering development proposals.</p> <p>The policy itself states that proposals for renewable energy development will be assessed in relation to impacts on biodiversity, geodiversity and nature, particularly in relation to designations, displacement, disturbance and collision and the impact of emissions/contamination.</p>	
Policy 31: Energy and low carbon living	None – the policy will not itself result in new development.	N/A	N/A	No
Policy 32: Flood risk	None – the policy will not itself result in new development.	N/A	N/A	No
Policy 33: Water management	None – the policy will not itself result in new development.	N/A	The policy ensures appropriate management of water is considered during and after development. This should help to prevent impacts on water quality in the SAC from other Local Plan policies.	No
Policy 34:	None – the policy sets out criteria that proposals for	N/A	N/A	No



Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on the Humber Estuary SAC	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on the Humber Estuary SAC (taking mitigation into account)?
Telecommunications	telecommunications will be assessed against but will not itself result in new development.			
Policy 35: Promoting sustainable transport	None – the policy will not itself result in new development.	N/A	The policy promotes the use of sustainable modes of transport and as such may provide mitigation for the impacts of other policies in relation to increased car use and the associated air pollution.	No
Policy 36: Safeguarding transport infrastructure	Development of Road and rail infrastructure  Increased vehicle traffic	Potential impact on SAC includes air pollution from increased vehicle traffic. However, the identified transport infrastructure improvement schemes are located over 1km away from the SAC so are therefore unlikely to have a significant affect.	N/A	No
Policy 37: Parking	None – the policy will not itself result in new development.	N/A	N/A	No
Policy 38: Conserving and enhancing the historic environment	None – the policy will not itself result in new development.	N/A	N/A	No

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on the Humber Estuary SAC	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on the Humber Estuary SAC (taking mitigation into account)?
Policy 39: Developing a green infrastructure network	None – the policy will not itself result in new development.	N/A	The policy may help to mitigate the potential effects of other proposals in the Local Plan in relation to increased pressure for recreation space at Natura 2000 sites.	No
Policy 40: Biodiversity and geodiversity	None – the policy will not itself result in new development.	N/A	The policy should provide mitigation for the potential effects of other Local Plan policies as it seeks to protect designated biodiversity sites from the potential impacts of development.	No
Policy 41: Landscape	None – the policy will not itself result in new development.	N/A	N/A	No
Policy 42: Green space and recreation	None – the policy will not itself result in new development.	N/A	The policy will safeguard the loss of any private or public green spaces and ensure development proposals include areas of green space within their plan. This may help to mitigate the potential effects of other proposals in the Local Plan in relation to increased pressure for recreation space at Natura 2000 sites.	No

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on the Humber Estuary SAC	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on the Humber Estuary SAC (taking mitigation into account)?
Policy 43: Safeguarding minerals and related infrastructure	None – the policy will not itself result in new development.	N/A	N/A	No
Policy 44: Future mineral extraction	None – the policy sets out criteria that will be used to assess future proposals for minerals extraction, but will not itself directly result in new minerals-related development.	N/A	N/A	No
Policy 45: Restoration and aftercare (minerals)	None – the policy will not itself result in new development.	N/A	The restoration of extractions sites could provide new opportunities to restore and enhance habitats, which may help to prevent coastal squeeze on SAC.	No
Policy 46: Future requirements for waste facilities	Development of waste management facilities  Increased vehicle traffic  Increased demand for water abstraction and treatment	Depending on the nature and exact location of waste management facilities there could be increased emissions from the facility itself and from vehicle movements, resulting in increased <b>air pollution</b> . There could also be <b>non-physical disturbance</b> or <b>habitat loss</b> depending on where development takes place.	Policy 33: Water Management ensures appropriate management of water is considered and implemented during and after development. This should help to prevent impacts on water quality and quantity in the SAC.  Policy 35: Promoting Sustainable Transport requires developers to	Uncertain – although there is mitigation built into the Local Plan, until more information is available it is not possible to rule out likely significant effects on the SAC.

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on the Humber Estuary SAC	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on the Humber Estuary SAC (taking mitigation into account)?
		<b>Changes to hydrology</b> may also result from demand for water abstraction and treatment.	address the impacts of their proposals in relation to increased vehicle traffic and to promote sustainable transport use.  Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals.	
Policy 47: Safeguarding waste facilities and related infrastructure	None – the policy will not itself result in new development.	N/A	N/A	No
Policy 48: Restoration and aftercare (waste)	None – the policy will not itself result in new development.	N/A	The restoration of extraction sites could provide new opportunities to qualifying bird species of Natura sites by restoring and enhancing habitats.	No

**Table A2.2: Screening matrix for Humber Estuary SPA and Ramsar site**

Note that this matrix presents the conclusions of the screening stage – where likely significant effects on the SPA and/or Ramsar site could not be ruled out the relevant policies were subject to further assessment during the Appropriate Assessment stage of the HRA (see **Chapter 5**).

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on Humber Estuary SPA/Ramsar site	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Humber Estuary SPA/Ramsar site (taking mitigation into account)?
Policy 1: Presumption in favour of sustainable development	None – the policy sets out the high level presumption in favour of sustainable development but it will not itself result directly in development which could affect the integrity of Natura 2000 sites.	N/A	N/A	No
Policy 2: Development boundaries	None – the policy sets out criteria for assessing proposals for development outside of development boundaries but will not itself result directly in development. The policy approach to development boundaries seeks to focus development within existing built up areas where it is less likely to affect sensitive Natura 2000 sites.	N/A	N/A	No
Policy 3: Providing infrastructure	The policy relates to the mechanisms for delivering physical, social and green infrastructure but will not itself result in the development of new infrastructure that could	N/A	N/A	No



Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on Humber Estuary SPA/Ramsar site	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Humber Estuary SPA/Ramsar site (taking mitigation into account)?
	affect the integrity of Natura 2000 sites.			
Policy 4: Employment allocations	Employment development  Increased vehicle traffic  Increased demand for water treatment	Some of the allocated employment sites listed in the policy are within 2km of the SPA and Ramsar site; therefore the SPA and Ramsar site are likely to be affected by <b>physical loss of offsite habitat</b> used by qualifying birds, as well as <b>non-physical disturbance</b> such as noise, vibration and light pollution, increased <b>air pollution</b> from increased levels of vehicle traffic and industrial activities and <b>increased demand for water treatment and disposal</b> , which could impact the quality and quantity of the Ramsar's near natural estuary.	Policy 6: Habitat Mitigation – South Humber Bank sets out the Council's strategy for preserving the integrity of the Humber Estuary Natura 2000 sites while allowing future economic development to take place, and includes a requirement for developers to make contributions towards the provision and management of mitigation sites.  Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals, specifically seeking to establish and secure appropriate management of, long term mitigation areas within the Estuary Employment Zone, managed specifically to protect the integrity of the internationally important biodiversity sites.	Yes – the proposed development would result in the removal of habitat, which is likely to be used by qualifying bird species from the SPA and Ramsar site. This is likely to have a significant effect; therefore a more detailed assessment will be required.  There could also be impacts from non-physical disturbance, air pollution and water degradation although they are less likely to be significant, taking into account mitigation.

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on Humber Estuary SPA/Ramsar site	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Humber Estuary SPA/Ramsar site (taking mitigation into account)?
			<p>Policy 33: Water Management ensures appropriate management of water is considered and implemented during and after development. This should help to prevent impacts on water quality and quantity in the SAC.</p> <p>Policy 35: Promoting Sustainable Transport requires developers to address the impacts of their proposals in relation to increased vehicle traffic and to promote sustainable transport use.</p> <p>Using good practice construction techniques could mitigate the potential impacts of noise, vibration and light pollution during the construction phase.</p>	
Policy 5: Existing employment sites	Development or re-use of vacant sites within existing employment areas	This policy advocates the use of existing employment sites and is therefore unlikely to result in additional development affecting the SPA or Ramsar site. However, changes or	Policy 6: Habitat Mitigation – South Humber Bank sets out the Council's strategy for preserving the integrity of the Humber Estuary Natura 2000 sites while allowing future economic development to take place,	No – this policy will not result in likely significant effects on the SPA or Ramsar site as it will only result in the redevelopment or re-use of sites in already in existing employment areas which means that increases in vehicle traffic or demand for water

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on Humber Estuary SPA/Ramsar site	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Humber Estuary SPA/Ramsar site (taking mitigation into account)?
		intensification of site use may result in impacts on <b>water quality</b> and <b>air pollution</b> .	and includes a requirement for developers to make contributions towards the provision and management of mitigation sites.  Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals, specifically seeking to establish and secure appropriate management of, long term mitigation areas within the Estuary Employment Zone, managed specifically to protect the integrity of the internationally important biodiversity sites.	treatment are likely to be minimal. Therefore, taking into account the mitigation built into the Local Plan, likely significant effects are not expected.
Policy 6: Habitat mitigation – South Humber Bank	None – the policy will not itself result in development.	N/A	This policy itself should provide mitigation for the potential effects of other Local Plan proposals. The policy sets out the Council's strategy for preserving the integrity of the Humber Estuary Natura 2000 sites while allowing future	No

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on Humber Estuary SPA/Ramsar site	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Humber Estuary SPA/Ramsar site (taking mitigation into account)?
			economic development to take place, and includes a requirement for developers to make contributions towards the provision and management of mitigation sites.	
Policy 7: Office development	Office development  Increased vehicle traffic  Increased demand for water treatment	Office development will be directed to town centres and their peripheries which means that development would be steered away from the SPA and Ramsar site. However, such development is likely to cause an increase in vehicle traffic, which may impact birds and water quality of the SPA and Ramsar site by increasing air pollution. The increased demand for water treatment and disposal may also have an impact on the Ramsar's estuary habitat.	Policy 33: Water Management ensures appropriate management of water is considered and implemented during and after development. This should help to prevent impacts on water quality and quantity in the SAC.  Policy 35: Promoting Sustainable Transport requires developers to address the impacts of their proposals in relation to increased vehicle traffic and to promote sustainable transport use.	No - the policy steers office development to town centres in favour of more peripheral locations, where significant traffic generation is less likely and the mitigation built into the Plan means that likely significant effects on the SPA and Ramsar site are not expected.
Policy 8: Skills and training	None – the policy supports proposals that would help develop skills and training but	N/A	N/A	No

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on Humber Estuary SPA/Ramsar site	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Humber Estuary SPA/Ramsar site (taking mitigation into account)?
	will not itself result directly in new development.			
Policy 9: Rural economy	Commercial or housing development in rural locations  Increased vehicle traffic  Increased demand for water treatment	Development in rural locations could result in high levels of car use, leading to an increase in <b>air pollution</b> which could affect the SPA and Ramsar site.	Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals.  Policy 35: Promoting Sustainable Transport requires developers to address the impacts of their proposals in relation to increased vehicle traffic and to promote sustainable transport use.	Uncertain – while development resulting from this policy would be in the rural areas of the Borough and therefore likely to be located away from the SPA and Ramsar site, it could contribute to an increase in vehicle use and the associated air pollution.
Policy 10: Visitor economy	Tourism-related development  Increase in recreational pressure  Increased vehicle traffic  Increased demand for water treatment	An increase in visitor numbers in and around North East Lincolnshire as a result of this policy could result in increased <b>air pollution</b> from vehicle traffic and changes in <b>water quality</b> from an increase in demand for water treatment. There could also be an increase in <b>visitor numbers</b> at the SPA and Ramsar site	Policy 33: Water Management ensures appropriate management of water is considered and implemented during and after development. This should help to prevent impacts on water quality and quantity in the SAC.  Policy 35: Promoting Sustainable Transport requires developers to address the impacts of their	Uncertain – the policy could contribute to an increase in air pollution and decline in water quality at the SPA and Ramsar site, as well as an increase in visitor numbers causing disturbance to the qualifying bird species. The mitigation within other Local Plan policies is not enough to rule out likely significant effects at this stage.



Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on Humber Estuary SPA/Ramsar site	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Humber Estuary SPA/Ramsar site (taking mitigation into account)?
		resulting in noise and general disturbance.	proposals in relation to increased vehicle traffic and to promote sustainable transport use.  Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals.	
Policy 11: Housing allocations	Residential development  Increase in recreational pressure  Increased vehicle traffic.  Increased demand for water treatment	Impacts on the SPA and Ramsar site are likely to result in <b>habitat loss (offsite), non-physical disturbance</b> such as noise, vibrations and light pollution, increased <b>recreational disturbances</b> to offsite habitat and increased <b>air pollution</b> . Increased demand for water treatment and disposal, may also affect the quality and quantity of the Ramsar site's estuary.	Policy 39: development will consider the need to maintain and improve green infrastructure whilst considering the impacts on local wildlife sites.  Policy 42: green spaces and recreation will be protected and new spaces will be provided, in conjunction with development. This will decrease pressure from increased recreational use.  See policy 33, 35 and 40  Using good practice construction techniques could mitigate the potential impacts of noise, vibration and light pollution during	Yes – the physical loss of habitat used by qualifying bird species of the SPA and Ramsar is likely to have significant impacts. There may also be impacts associated with air and water pollution and recreational disturbance. Some policies may provide potential mitigation for other impacts; however this needs to be considered in more detail through the Appropriate Assessment.

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on Humber Estuary SPA/Ramsar site	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Humber Estuary SPA/Ramsar site (taking mitigation into account)?
			the construction phase. above.	
Policy 12: Development of strategic housing	None – the policy sets out criteria that will apply to the development of housing at three sites that are already allocated through Policy 11, which is considered separately above in relation to the potential impacts on the SAC.	N/A	The policy includes a number of criteria that will help to mitigate the impacts of the strategic housing developments, including requirements to incorporate green infrastructure, sustainable transport links and to enhance biodiversity where possible.	No
Policy 13: Housing mix	None – the policy will not itself result in new development.	N/A	N/A	No
Policy 14: Provision for elderly person's housing needs	None – the policy will not itself result in new development.	N/A	N/A	No
Policy 15: Housing density	None – the policy will not itself result in new development.	N/A	N/A	No
Policy 16: Affordable housing	None – the policy will not itself result in new development.	No effects	N/A	No
Policy 17: Rural exceptions	Small-scale housing development in rural areas  Increase in vehicle traffic  Increased demand for water	The policy could lead to housing development which could affect the SPA or Ramsar site through <b>loss of offsite</b>	Policy 33: Water Management ensures appropriate management of water is considered and implemented during and	No – any development resulting from this policy would be very small in scale and therefore is unlikely to result in significant traffic generation or demand for

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on Humber Estuary SPA/Ramsar site	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Humber Estuary SPA/Ramsar site (taking mitigation into account)?
	treatment	<b>habitat</b> or <b>non-physical disturbance</b> depending on the location of the development, and through an increase in <b>air pollution</b> from vehicle traffic and changes in <b>water quality</b> as a result of increased demand for water treatment.	after development. This should help to prevent impacts on water quality and quantity in the SAC.  Policy 35: Promoting Sustainable Transport requires developers to address the impacts of their proposals in relation to increased vehicle traffic and to promote sustainable transport use.  Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals.	water treatment. In order to affect the SPA or Ramsar site through non-physical disturbance the development would need to be located within very close proximity of the sites which is unlikely as the policy applies to the Borough's rural areas. Effects would be mitigated through the application of other policies in the Local Plan and likely significant effects are not expected.
Policy 18: Self build and custom build homes	None – the policy will not itself result in new development.	N/A	N/A	No
Policy 19: Provision for Gypsies and Travellers	The policy sets out criteria that will be used to assess proposals for Gypsy and Traveller sites, but will not itself lead directly to development.	N/A	N/A	No
Policy 20: Good design in new developments	None – the policy will not itself result in new development.	N/A	N/A	No

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on Humber Estuary SPA/Ramsar site	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Humber Estuary SPA/Ramsar site (taking mitigation into account)?
Policy 21: Retail hierarchy and town centre development	Retail development and development relating to town centre uses  Increase in vehicle traffic	No effect as the policy promotes the development within town centres away from the Natura 2000 sites.	N/A	No
Policy 22: Grimsby town centre opportunities	Mixed use development  Increase in vehicle traffic  Increased recreation pressure  Increase in demand for water treatment	The development is likely to impact qualifying bird through increased <b>recreational pressure</b> and increased <b>air pollution</b> from vehicle traffic. The Ramsar site may also be affected by water pollution from an increased demand for water treatment and disposal.	Policy 33: Water Management ensures appropriate management of water is considered and implemented during and after development. This should help to prevent impacts on water quality and quantity in the SAC.  Policy 35: Promoting Sustainable Transport requires developers to address the impacts of their proposals in relation to increased vehicle traffic and to promote sustainable transport use.  Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals.	Uncertain – although development resulting from the policy would not be within close proximity of the Natura 2000 sites and would be within the urban area, the effect on the SPA and Ramsar site is uncertain in relation to air and water pollution and recreation pressure. To understand the impacts on the Natura 2000 site in more detail an Appropriate Assessment is required.

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on Humber Estuary SPA/Ramsar site	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Humber Estuary SPA/Ramsar site (taking mitigation into account)?
Policy 23: Cleethorpes town centre opportunity sites	Mixed use development Increase in vehicle traffic Increased recreation pressure Increase in demand for water treatment	The development could impact qualifying bird species of the Natura 2000 sites through <b>non- physical disturbances</b> during construction and <b>air pollution</b> from increased traffic. The Ramsar site is also likely to be affected by increased <b>recreational pressure</b> on the sand dunes situated next to the development and increased demand for water treatment which could affect <b>water quality</b> .	Policy 33: Water Management ensures appropriate management of water is considered and implemented during and after development. This should help to prevent impacts on water quality and quantity in the SAC.  Policy 35: Promoting Sustainable Transport requires developers to address the impacts of their proposals in relation to increased vehicle traffic and to promote sustainable transport use.  Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals.	Uncertain –there is potential for significant impacts on the SPA and Ramsar site as a result of the close proximity of the development to the designation. To understand the impacts on the Natura 2000 sites in more detail an Appropriate Assessment is required.
Policy 24: Immingham town centre	Mixed use development Increase in vehicle traffic Increased recreation pressure Increase in demand for water treatment	The development is situated within Immingham town, away from sensitive Natura 2000 sites. Impacts may include <b>increased recreation, air</b>	Policy 33: Water Management ensures appropriate management of water is considered and implemented during and after development. This should help to prevent	Uncertain – although development resulting from the policy would not be within close proximity of the Natura 2000 sites and would be within the urban area, the effect on the SPA and Ramsar site is uncertain in

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on Humber Estuary SPA/Ramsar site	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Humber Estuary SPA/Ramsar site (taking mitigation into account)?
		<b>pollution</b> from vehicle traffic and <b>water pollution</b> from increased demand for water treatment and disposal.	impacts on water quality and quantity in the SAC.  Policy 35: Promoting Sustainable Transport requires developers to address the impacts of their proposals in relation to increased vehicle traffic and to promote sustainable transport use.  Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals.	relation to air and water pollution and recreation pressure. To understand the impacts on the Natura 2000 site in more detail an Appropriate Assessment is required.
Policy 25: Primary shopping frontages	None - the policy relates to which uses will be acceptable within primary shopping frontages but will not itself lead to development. In addition the policy relates to uses within urban areas away from the SAC.	N/A	N/A	No
Policy 26: Freeman Street district centre	Mixed use development	No effect as development will be situated within Grimsby away from the SPA and Ramsar site.	N/A	No



Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on Humber Estuary SPA/Ramsar site	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Humber Estuary SPA/Ramsar site (taking mitigation into account)?
Policy 27: Local centres	Small scale retail development	Potential impacts on the SPA and Ramsar site are likely to be minimal as development will occur within existing built up areas. An increase in air pollution is unlikely as retail developments would be small in scale and within local centres, so likely to be used by people living locally and accessed without the need to generate additional car journeys.	Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals.	No – the nature and location of any development that would result from this policy mean that significant effects on the SPA and Ramsar site are unlikely.
Policy 28: Social and cultural places	None – the policy will not itself result in new development.	N/A	N/A	No
Policy 29: Grimsby town football club community stadium	Development of a new football stadium Increased vehicle traffic Increased demand for water treatment	Depending on the location of the stadium, the qualifying bird species of the SPA and Ramsar could be affected by <b>loss of offsite habitat or non-physical disturbance</b> ; however loss of habitat from within the site boundary is not likely as the stadium would be an onshore development	Policy 35 promotes the use of sustainable modes of transport and as such may provide mitigation for the impacts of other policies in relation to increased car use and the associated air pollution.  The policy itself states that a green transport plan will be required, along with facilities to maximise public	No – likely significant effects in relation to increased air pollution, water pollution or non-physical disturbance cannot be entirely ruled out at this stage until more information is available.

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on Humber Estuary SPA/Ramsar site	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Humber Estuary SPA/Ramsar site (taking mitigation into account)?
		and is likely to be located within or on the edge of Grimsby. Potential effects include <b>air pollution</b> from increased traffic, which may increase pollutants, thus affecting <b>water</b> quality and vegetation structure and <b>demand for water treatment and disposal</b> , which may affect water quality and quantity.	transport patronage.  Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals.	
Policy 30: Renewable and low carbon infrastructure	Renewable and low carbon infrastructure development	Impacts from development may include <b>loss of habitat</b> (on and offsite), <b>non-physical disturbance</b> and <b>air pollution</b> during construction.	Using good practice construction techniques could mitigate the potential impacts of noise, vibration and light pollution during the construction phase.  Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals.  The policy itself states that proposals for renewable energy development will be assessed in relation to impacts on biodiversity,	Uncertain – the policy could result in development that could affect the integrity of the SPA/Ramsar site depending on its exact location and nature, therefore further assessment is needed to identify whether likely significant effects will occur. It is noted that the supporting text to Policy 30 states that opportunities for onshore wind energy development are considered to be limited and that renewable energy capacity is most likely to be increased through further solar farm development; therefore the likelihood of disturbance or

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on Humber Estuary SPA/Ramsar site	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Humber Estuary SPA/Ramsar site (taking mitigation into account)?
			geodiversity and nature, particularly in relation to designations, displacement, disturbance and collision and the impact of emissions/contamination.	damage to bird species (e.g. through collision) is reduced.
Policy 31: Energy and low carbon living	None – the policy will not itself result in new development.	N/A	N/A	No
Policy 32: Flood risk	None – the policy will not itself result in new development.	N/A	N/A	No
Policy 33: Water management	None – the policy will not itself result in new development.	N/A	The policy ensures appropriate management of water is considered during and after development. This should help to prevent impacts on water quality in the SAC from other Local Plan policies.	No
Policy 34: Telecommunications	None – the policy sets out criteria that proposals for telecommunications will be assessed against but will not itself result in new development.	N/A	N/A	No
Policy 35: Promoting sustainable transport	None – the policy will not itself result in new development.	N/A	The policy promotes the use of sustainable modes of transport and as such may	No

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on Humber Estuary SPA/Ramsar site	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Humber Estuary SPA/Ramsar site (taking mitigation into account)?
			provide mitigation for the impacts of other policies in relation to increased car use and the associated air pollution.	
Policy 36: Safeguarding transport infrastructure	Development of Road and rail infrastructure  Increased vehicle traffic	The SPA and Ramsar site could be affected by physical loss of habitat (offsite), non-physical disturbances, such as noise, vibration and light and air pollution to the surrounding habitat.	Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals.	Uncertain – there could be a likely significant effect on the qualifying bird species of the SPA, due to the proximity of suitable offsite habitat for birds to the road. Further assessment is required to understand the level of impact on the SPA.
Policy 37: Parking	None – the policy will not itself result in new development.	N/A	N/A	No
Policy 38: Conserving and enhancing the historic environment	None – the policy will not itself result in new development.	N/A	N/A	No
Policy 39: Developing a green infrastructure network	None – the policy will not itself result in new development.	N/A	The policy may help to mitigate the potential effects of other proposals in the Local Plan in relation to increased pressure for recreation space at Natura 2000 sites.	No
Policy 40: Biodiversity and geodiversity	None – the policy will not itself result in new development.	N/A	The policy should provide mitigation for the potential	No

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on Humber Estuary SPA/Ramsar site	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Humber Estuary SPA/Ramsar site (taking mitigation into account)?
			effects of other Local Plan policies as it seeks to protect designated biodiversity sites from the potential impacts of development.	
Policy 41: Landscape	None – the policy will not itself result in new development.	N/A	N/A	No
Policy 42: Green space and recreation	None – the policy will not itself result in new development.	N/A	The policy will safeguard the loss of any private or public green spaces and ensure development proposals include areas of green space within their plan. This may help to mitigate the potential effects of other proposals in the Local Plan in relation to increased pressure for recreation space at Natura 2000 sites.	No
Policy 43: Safeguarding minerals and related infrastructure	None – the policy will not itself result in new development.	N/A	N/A	No
Policy 44: Future mineral extraction	None – the policy sets out criteria that will be used to assess future proposals for minerals extraction, but will not itself directly result in new	N/A	N/A	No

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on Humber Estuary SPA/Ramsar site	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Humber Estuary SPA/Ramsar site (taking mitigation into account)?
	minerals-related development.			
Policy 45: Restoration and aftercare (minerals)	None – the policy will not itself result in new development.	N/A	N/A	No
Policy 46: Future requirements for waste facilities	Development of waste management facilities  Increased vehicle traffic  Increased demand for water abstraction and treatment	Depending on the nature and exact location of waste management facilities there could be increased emissions from the facility itself and from vehicle movements, resulting in increased <b>air pollution</b> . There could also be <b>non-physical disturbance</b> or <b>habitat loss</b> depending on where development takes place. <b>Changes to hydrology</b> may also result from demand for water abstraction and treatment.	Policy 33: Water Management ensures appropriate management of water is considered and implemented during and after development. This should help to prevent impacts on water quality and quantity in the SAC.  Policy 35: Promoting Sustainable Transport requires developers to address the impacts of their proposals in relation to increased vehicle traffic and to promote sustainable transport use.  Policy 40: Biodiversity and Geodiversity states that The Council will have regard to biodiversity and geodiversity when considering development proposals.	Uncertain – although there is mitigation built into the Local Plan, until more information is available it is not possible to rule out likely significant effects on the SPA and Ramsar site.
Policy 47: Safeguarding waste facilities and	None – the policy will not itself result in new development.	N/A	N/A	No



Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects on Humber Estuary SPA/Ramsar site	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Humber Estuary SPA/Ramsar site (taking mitigation into account)?
related infrastructure				
Policy 48: Restoration and aftercare (waste)	None – the policy will not itself result in new development.	N/A	The restoration of extraction sites could provide new opportunities to qualifying bird species of Natura sites by restoring and enhancing habitats.	No

## **Appendix 3**

### Review of Potential for In-Combination Effects with other Local Authority Plans

## Local Plans

### Central Lincolnshire Local Plan: Submission version (October 2015)

*Planning policy in **West Lindsey** is the responsibility of the Central Lincolnshire Joint Planning Unit which is currently producing the Central Lincolnshire Local Plan. This emerging plan will cover the Local Authorities of the City of Lincoln, West Lindsey, and North Kesteven District Councils and replace the Local Plans of these areas. The Central Lincolnshire Local Plan was submitted to the Secretary of State on 29 June 2016.*

West Lindsey lies to the south west of North East Lincolnshire.

#### **Housing**

36,960 new dwellings will be provided across the Central Lincolnshire area between 2012 and 2036. Most development (23,654 new homes) will be accommodated in the Lincoln Strategy Area centred on the city of Lincoln. Gainsborough and Sleaford have each been identified as the locations for a further 12% (4,435 homes) of the total housing provision in the Central Lincolnshire Area. The remaining 12% of housing development required in the Central Lincolnshire area will be provided at other settlements in accordance with the settlement hierarchy.

#### **Employment Land Provision**

The Local Plan states that over the plan period an appropriate amount of new employment land will be delivered. The Policies Map has identified seven Strategic Employment Sites which are reserved for B1, B2 and B8 Uses. These are at Teal Park, Lincoln Science and Innovation Park, Network 46 Camp Road, Somerby Park, Sleaford Enterprise Park, land at Hemswell Cliff and land at Lincolnshire Showground. The gross size of all of these sites in total is 203.1ha.

#### **HRA Findings**

The **April 2016 Central Lincolnshire Local Plan Habitats Regulations Assessment (HRA) Methodology and Screening Report** for the Proposed Submission Local Plan (which was identical to the Submission version) concluded that the Local Plan mitigates against all of its own potential significant negative effects. The Local Plan was considered together with the positive mitigating impacts of other plans and projects which address, avoid or reduce potential significant negative effects on European Sites. All elements of the Central Lincolnshire Proposed Submission Local Plan have therefore been 'screened out', and it has been concluded that the Plan would not be likely to have a significant negative effect on a European Site alone, or in combination with other plans for projects. **Therefore, likely significant effects in combination with the North East Lincolnshire Local Plan are not expected.**

### North Lincolnshire: Adopted Core Strategy (June 2011) and Housing and Employment Land Allocations Development Plan Document 2016

North Lincolnshire lies to the north west of North East Lincolnshire. The Core Strategy was adopted in 2011 and the Housing and Employment Land Allocations DPD was prepared in the context of the overall growth figures in the Core Strategy in order to identify specific site allocations.

#### **Housing**

The Core Strategy states that between 2010 and 2026 12,063 new dwellings (754 new dwellings per year) are required to be provided in North Lincolnshire. The majority of housing is to be located in the Major Sub-Regional Town (Scunthorpe) and the Market Towns (Barton upon Humber, Brigg, Crowle, Epworth, Kirton in Lindsey and Winterton) of the District. Housing is to be distributed as follows:

- Scunthorpe: 9,892 homes
- Barton upon Humber: 724 homes
- Brigg: 844 homes
- Crowle: 145 homes
- Kirton in Lindsey: 181 homes
- Winterton: 277 homes

Specific sites for residential development are allocated in the Housing and Employment Land Allocations DPD and only sites that fit with the spatial strategy set out in the Core Strategy were considered for

## Local Plans

inclusion. Sites on brownfield land were prioritised.

### **Employment Land Provision**

The Employment Land Review 2010 for North Lincolnshire identified a requirement for 168ha of employment land in the District. As such a number of strategic employment sites are to be identified at the following broad areas as per Policy CS11 of the Core Strategy:

- Scunthorpe: 71ha
- Sandtoft Business Park: 58.5ha
- Humberside Airport: 20ha
- Market Towns: 10ha

Specific sites for employment development are allocated in the Housing and Employment Land Allocations DPD and the allocated sites reflect the ambition of the Core Strategy to achieve economic growth and diversification at Scunthorpe. Due to this, priority was given to site options within and adjacent to Scunthorpe, the South Humber Bank and immediate area, the Market Towns of Brigg and Barton upon Humber, Humberside Airport and land at Sandtoft for a business park.

### **HRA Findings**

The October 2010 HRA Screening Report for the Core Strategy Submission Draft concluded that eight of the 27 policies in the Core Strategy DPD were likely to lead to significant effects on the Humber Estuary SAC, SPA and Ramsar site and the Thorne Moor SAC, Hatfield Moor SAC and Thorne and Hatfield Moors SPA. The significant effects identified were related to changes in the Humber Estuary SAC, SPA and Ramsar site and Hatfield Moor SAC, Thorne Moor SAC and Thorne and Hatfield Moors SPA in terms of disturbance to key species, reduction in habitat area, changes to water quality and changes to air quality. Appropriate Assessment was subsequently carried out for the Core Strategy in December 2010. It was concluded that 21 development aspects of eight policies in the Core Strategy may lead to likely significant effects and thus adverse effects on the integrity of the European sites, without mitigation. Mitigation measures are provided in the report and it is concluded that the implementation of these appropriate measures will mean that alone or in combination with other plans and projects the Core Strategy will not lead to adverse effects on integrity of a European Site.

A separate HRA was also carried out in relation to the Housing and Employment Land Allocations DPD (Habitats Regulations Assessment Stage 1: Significance Test and Stage 2: Appropriate Assessment, December 2014). Prior to considering mitigation, the conclusion of the HRA was that it was not possible to ascertain that the DPD would not have an adverse effect on the integrity of the Humber Estuary SAC, SPA and Ramsar site. However, taking into account the mitigation provided through the South Humber Gateway Strategic Mitigation Strategy and other measures, the HRA conclusion was that the Housing and Employment Allocations DPD will not have an adverse effect on the Humber Estuary SAC, SPA and Ramsar Site either alone or in combination with other plans or projects.

**Therefore, likely significant effects in combination with the North East Lincolnshire Local Plan are identified prior to mitigation; however following implementation of the South Humber Gateway Strategic Mitigation Strategy, likely significant effects are not expected.**

## **East Riding: Local Plan Strategy Document (adopted April 2016)**

East Riding does not border North Eats Lincolnshire but is located on the opposite northern bank of the Humber Estuary. As such it buffers the northern boundary of the Humber Estuary SAC, SPA and Ramsar site.

### **Housing**

Provision will be made in East Riding for at least 23,800 (net) additional dwellings (1,400 per annum) in the East Riding between 2012 and 2029. The majority of housing development is to be provided in the principal towns of East Riding (Beverley, Bridlington, Driffield and Goole) where 10,850 new dwellings (45.6% of the total number of homes) will be located. The towns of the District will accommodate a further 22.4% (5,340 homes) and the Major Haltemprice Settlements will accommodate 14.9% of new housing development (3,550 homes) in the District. The remaining housing development required in the District is to be provided at the Rural Service Centres and Primary Villages as well as the Villages and Countryside in

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the District.

### **Employment Land Provision**

The Strategy Document identifies that the future needs of the East Riding economy will be met through the allocation of at least 235 hectares of employment land. 55 hectares is to be provided for B1 uses predominantly in the Major Haltemprice Settlements and the Principal Towns. 65 hectares are to be identified for B2 uses and this provision is to be spread across a range of sites around the East Riding. Locations along the East-West Multi-Modal Transport Corridor are to primarily be used to allocate 115 hectares for B8 uses.

### **HRA Findings**

The Habitat Regulations Assessment report for the East Riding Local Plan Strategy Document (April 2014) considered the potential impacts of the Proposed Submission Strategy Document on European sites (Flamborough Head and Bempton Cliffs SPA, Flamborough Head SAC, Hornsea Mere SPA, Humber Estuary Ramsar site, Humber Estuary SPA, Humber Estuary SAC, Thorne and Hatfield Moors SPA, Thorne Moor SAC, Lower Derwent Valley Ramsar site, Lower Derwent Valley SPA, Lower Derwent Valley SAC, River Derwent SAC and Skipwith Common SAC). It concluded that Draft Policy S6 part B, which relates to 240 hectares of land at Hedon Haven would result in the loss of land that is used as functional habitat by birds from adjacent Humber Estuary SPA/Ramsar. The Appropriate Assessment could not conclude that the policy as originally proposed would not have an adverse effect upon the integrity of the international sites due to the potential to affect the distribution of the birds in the adjacent part of the estuary which would be contrary to the conservation objective to maintain the distribution of the features of the SPA.

Mitigations measures were identified in the form of enhanced habitat at Newton Garth and Hedon Haven. These sites will provide wet grassland which is of a higher value as functional land than the arable land which is being lost. The Proposed Submission Local Plan policy S6 part B and its supporting text was amended to reduce the size of the allocation from 240 hectares to 205 hectares (including the low impact use in the mitigation buffer). The supporting text for the policy was also modified to recognise the need for the provision of the mitigation area. Taking into account this mitigation, the Appropriate Assessment therefore concluded that the Proposed Submission Policy S6 part B will not have an adverse effect upon the integrity of the Humber Estuary SPA/Ramsar. **Therefore, likely significant effects in combination with the North East Lincolnshire Local Plan are not expected.**

### **East Lindsey: Draft Core Strategy (February 2016)**

*The emerging East Lindsey Local plan is to be made up of two key documents; the Draft Core strategy and the Settlement Proposals document. Both documents were published for consultation in February 2016.*

East Lindsey is located to the north of North East Lincolnshire, across the other side of the Humber Estuary.

### **Housing**

The overall housing target set out in the Draft Core Strategy is 7,815 homes over the Plan period. The target is broken down into two separate targets:

- A maximum target on the coast of 1,308 which covers the area of the Coastal Flood Hazard maps and which will be confined to existing commitments.
- A minimum target of 6,534 for the inland part of the District.

### **Employment Land Provision**

Inland employment growth in the District is addressed in Strategic Policy 9 (SP9) of the Core Strategy document. The following allocations are made through this policy to support the growth and diversification of the local economy:

- Alford: 1ha
- Coningsby/Tattershall: 1 ha
- Horncastle: 5ha
- Spilsby: a minimum of 3ha
- Louth: 12ha

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### HRA Findings

The HRA Technical Note for the Local Plan (June 2016) considered the implications of changes to the Local Plan since HRA work was previously undertaken and sought to identify where this would affect the HRA conclusions previously reached in 2012 and 2013. The Technical Note concludes that, taking into account the mitigation provided through the Local Plan policies relating to the Natural Environment, the Plan will not have adverse effects on the integrity of European sites. **Therefore, significant effects in-combination with the North East Lincolnshire Local Plan are not expected.**



## **Appendix 4**

Consultation comments received from Natural England in relation to the January 2016 HRA Report for the Pre-Submission Local Plan and how they have been addressed in this updated HRA Report

**Table A4.1: Natural England consultation comments in relation to the HRA of North East Lincolnshire's Local Plan (Pre-Submission version) and responses including actions taken in this updated HRA report**

Aspect of the Plan/HRA being commented on	Natural England comment	Response/action taken
HRA	Natural England is concerned that there are a large number of issues with the Habitats Regulations Assessment (HRA) of the Local Plan that will need to be resolved at this stage of the plan making process. We would be keen to meet with the Council to provide further advice on how our concerns with the HRA can be resolved before formal submission. Once these issues have been resolved within the HRA, amendments will need to be made to the corresponding policies.	A meeting took place on Monday 16 <sup>th</sup> May between NELC, LUC and Natural England to discuss the consultation comments. Further detail about the specific amendments discussed is provided below.
HRA	<p>We have set out our concerns in detail throughout our representations but in summary we consider that the main issues to be:</p> <ul style="list-style-type: none"> <li>• Insufficient evidence to rule out adverse effects on integrity from air pollution.</li> <li>• Lack of an evidence trail of decision making with regards to the assessment of housing allocations and employment allocations regarding their impact on functionally linked land.</li> <li>• Lack of an evidence trail of decision making with regards to the assessment of housing allocations with regards to the impact of recreational pressure and disturbance.</li> <li>• The promotion of development within the boundaries of the Humber Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site.</li> </ul>	Noted – see responses to specific comments below.
HRA	<p>Natural England advises that the HRA should be undertaken in the light of the identified sites' conservation objectives as required by the legislation. We note that paragraph 3.5 of the report refers to the Standard Data Forms and Site Improvement Plans and these are referred to throughout the report whereas the conservation objectives and citations are only referred to in a footnote to Appendix 1. The Standard Data Forms and Site Improvement Plans are useful additional information but are not a basis for undertaking the assessment.</p> <p>We note that the conclusions of the Appropriate Assessment section (section 5) refer to likely significant effects where this stage of the process should be assessing whether there are</p>	<p>Noted, this terminology issue has been addressed in this update to the HRA report. Paragraph 3.5 has been updated to refer to the Conservation Objectives. These were already listed in detail for each site within the table in Appendix 1, with the footnote showing the reference source. References to 'likely significant effects' in Chapter 5 have been amended to instead refer to 'adverse effects on integrity'.</p> <p>The HRA was undertaken in the context of the</p>

Aspect of the Plan/HRA being commented on	Natural England comment	Response/action taken
	adverse effects on the integrity of European Sites.	qualifying features of each European site, with reference to the identified information sources as relevant.
HRA	<p>We note that paragraph 5.30 of the Habitats Regulations Assessment acknowledges that a likely significant effect on the Humber Estuary SAC cannot be ruled out as a result of air quality impacts from traffic emissions. Given that this is the appropriate assessment, the conclusion should read that it is not possible to ascertain that there will be no adverse effect on the site integrity of the Humber Estuary designated sites from development in these areas.</p> <p>If mitigation cannot be delivered, again the plan can only proceed if it is demonstrated that there are imperative reasons of overriding public interest (IROPI), there is no alternative and compensatory measures are provided for the impacts on the designated site habitat – i.e. it is not possible to end the Habitats Regulations Assessment at this stage and without the HRA being completed, it is not possible for the plan to be implemented.</p> <p>Natural England advises that the traffic forecast data referred to in the HRA report is provided and that any impacts identified by the data are resolved before the plan is submitted. Assessment of impacts should focus on the most sensitive habitats, particularly dune habitat. For more information we advise you refer to the Air Pollution Information System (APIS): <a href="http://www.apis.ac.uk/">http://www.apis.ac.uk/</a></p>	<p>Noted – the terminology has been amended in this update to the HRA report. The terminology in paragraph 5.30 has been amended to refer to 'adverse effects on integrity' rather than 'likely significant effects'.</p> <p>Reference to APIS data (showing that Nitrogen deposition levels at the Humber Estuary are exceeding critical loads in relation to certain habitats) has been added to the report.</p> <p>Table 5.2 has been expanded to comment on which site allocations could be most likely to contribute additional traffic to the strategic roads within 200m of Natura 2000 sites.</p> <p>The HRA report has been updated to take account of traffic forecasting data which has now been provided by NELC. This showed that increases in AADT along the identified routes of more than 1,000 were likely; therefore further ecological analysis was undertaken and the HRA conclusions have been updated on this basis.</p>
HRA	Natural England advises that the in-combination assessment should include assessment of the plan in-combination with the North Lincolnshire Housing and Employment Land	Noted, this DPD has been added to the in-combination effects assessment in Appendix 3 of this updated HRA

Aspect of the Plan/HRA being commented on	Natural England comment	Response/action taken
	Allocations Development Plan Document 2016.	report.
HRA	With regard to employment allocations in the South Humber Gateway area we consider that the HRA should determine that there are likely significant effects in-combination with North Lincolnshire but that adverse effects on integrity will be mitigated effectively should the South Humber Bank Mitigation Scheme be delivered.	Noted, the in-combination effects assessment in Appendix 3 has been updated to this effect.
Policy 4	<p><b>Employment - Operational Port</b></p> <p>Natural England notes that the 'Employment - Operational Port' area designation shown on the policies map includes land within the boundaries of the Humber Estuary SAC, SPA and Ramsar and that Policy 4 states that development within this area will be actively supported.</p> <p>Natural England advises that this will require an assessment under the Habitats Regulations and that without mitigation it will not be possible to ascertain that there will be no adverse effect on the site integrity of the Humber Estuary designated sites from development in these areas. If mitigation cannot be delivered (which will be difficult for habitat loss within the designated site boundary) the plan can only proceed if it can be demonstrated that there are imperative reasons of overriding public interest (IROPI), there is no alternative and compensatory measures are provided for the loss of designated site habitat.</p> <p>Given the difficulties of mitigating impacts of direct habitat loss within the designated site boundary, Natural England considers that the policies map should not include land within the boundaries of the Humber Estuary designated sites and that this should be amended prior to formal submission.</p> <p>If this is not amended, the Operational Port Areas element of Policy 4 must be assessed in the Habitats Regulations Assessment, although as stated above it will prove difficult to pass the tests of Regulation 103. Furthermore such development would not be in line with Policy 40 which seeks to protect manage and enhance international, national and local sites of biological and geological conservation importance.</p>	<p>At the meeting with Natural England on 16/05/16, North East Lincolnshire Council officers explained that the Policies Map and supporting text would be amended to show that the Operational Port area extends beyond the jurisdiction of the Council.</p> <p>The screening matrix in Appendix 2 has been amended to reflect the updated wording of Policy 4 and to be clear that the policy does not propose development within the boundaries of the Humber Estuary SAC, SPA or Ramsar site.</p>

Aspect of the Plan/HRA being commented on	Natural England comment	Response/action taken
Policy 4	<p><b>Air quality</b></p> <p>Natural England notes that, while the impact of increased vehicle traffic from Policy 4 Employment Allocations has been identified as a threat to the Humber Estuary designated sites, there is no evidence that potential for emissions from industrial sources as a result of the policy and allocations has been considered.</p> <p>In addition to the further traffic modelling and assessment identified in the Habitats Regulations Assessment we advise that the impact of employment allocations both alone and in combination with each other and other sources of air pollution, such as vehicle traffic should be undertaken. The assessment should consider the distance between allocations and sensitive habitats, existing background levels and potential contribution from the allocations.</p>	<p>The HRA report has been amended to more clearly recognise the potential for emissions from industrial activities to affect the Natura 2000 sites, as well as emissions from increased traffic. The updated HRA work resulted in a further recommendation being made to North East Lincolnshire Council regarding additional wording to be added to Policy 4. North East Lincolnshire Council has since addressed this recommendation through the proposed Modifications to the Local Plan and the updated HRA conclusions reflect this.</p>
Policy 4	<p><b>Functionally linked land</b></p> <p>Natural England disagree with para 5.54 of the Habitats Regulations Assessment which asserts that there are no likely significant effects with regards to the Humber Estuary SPA from offsite habitat loss and damage as there is no evidence that employment allocations outside of the South Humber Gateway mitigation area have been considered for their potential to impact on functionally linked land for SPA and Ramsar birds. We advise that the mitigation identified will only offset the impact of allocations within the mitigation zone.</p> <p>All employment allocations with the potential to impact on offsite habitat for SPA and Ramsar birds must be considered for their suitability for such species in a desk based assessment and should qualifying species in significant numbers be identified, either alone or in combination with other allocations, then mitigation measures should be delivered through the plan in order to avoid adverse effects on the integrity of the Humber Estuary SPA and Ramsar. We advise that mitigation delivered through the South Humber Bank strategic mitigation scheme specifically addresses allocations in the South Humber Bank Mitigation Zone and will not mitigate for housing or employment allocations outside the identified area.. Natural England is particularly concerned about the following sites but all allocations must be considered:</p> <ul style="list-style-type: none"> <li>• ELR010</li> </ul>	<p>Noted, the distinction between employment sites within the South Humber Gateway mitigation area and those outside of it has been made in this updated HRA report.</p> <p>The desk-based site survey work suggested by Natural England has been undertaken and presented in Chapter 5 of this updated HRA Report.</p>

Aspect of the Plan/HRA being commented on	Natural England comment	Response/action taken
	<ul style="list-style-type: none"> <li>• ELR036</li> <li>• ELR037</li> <li>• ELR016a</li> <li>• ELR016b</li> </ul> <p>Natural England advises that assessment of the potential for the allocated sites to support SPA and Ramsar birds is required before the sites are allocated. All allocations should be subject to a desk-based assessment of their suitability for SPA and Ramsar birds. This should involve:</p> <ul style="list-style-type: none"> <li>• A data search from the local Ecological Data Centre.</li> <li>• Consultation with the Council's Ecologist.</li> <li>• Consultation with local bird groups and other organisations that may hold relevant information.</li> <li>• A desk-based assessment - using aerial photography, mapping, habitat maps and relevant ecological literature – of the suitability for SPA birds of the habitats present on the proposed allocation.</li> </ul> <p>In cases where no evidence of the potential for use by SPA and Ramsar birds, then no further assessment of this issue is needed at plan stage. Where it is not possible to conclude that SPA and Ramsar birds would not use the site, further surveying may need be undertaken prior to the allocation of the sites in order to properly understand the level of use by SPA and Ramsar birds and any identified impacts on these birds should be avoided or mitigated.</p>	
Policies 4/6	<p><b>Project level assessment</b></p> <p>Natural England notes that paragraph 12.3 states that:</p> <p>"It is anticipated that the implementation of the strategic mitigation works will enable sites to come forward without further restrictions."</p> <p>We are concerned that this gives the impression that no further assessment will be needed for allocations within the South Humber Gateway mitigation zone. Natural England advise that the mitigation is concerned with offsetting the impact of development in this area on offsite bird habitat and does not consider the range of other impacts such development may</p>	<p>Noted, this point has been addressed by North East Lincolnshire Council through an amendment to the wording of Policy 6. No amendments to the HRA report were required to reflect this change.</p>



Aspect of the Plan/HRA being commented on	Natural England comment	Response/action taken
	<p>have on the Humber Estuary designated sites.</p> <p>Natural England advises that Policy 6 should make it clear that development proposals will need to consider the specific impacts of the development on the Humber Estuary designated sites.</p>	
Policy 6	<p>Since 2007, Natural England has invested considerable time and resources into the South Humber Bank strategic approach to mitigation and we welcome the recognition given to the importance of the Humber Estuary designated sites in the plan. We also support the goal to create a world class economy hand in hand with a world class environment, and acknowledge the potential to facilitate the delivery of this economically important development whilst avoiding adverse effects upon the Humber Estuary's internationally protected interest features. We therefore welcome the inclusion of the South Humber Bank mitigation in the plan; however we have a number of concerns regarding the delivery of the mitigation and thus the soundness of the South Humber Gateway employment allocations proposed in the plan and the legal compliance with the Habitats Regulations. We advise that these should be easy to resolve.</p> <p>Reference is made to the 2015 version of the South Humber Gateway Mitigation Strategy in paragraph 12.42. We assume this is the final document which was produced to support North Lincolnshire Council's LDF examination. This document may need updating to ensure it is still accurate and current for North East Lincolnshire's plan and Natural England advises that it will then need to be included as a supporting document in the Local Plan. This is to ensure that all necessary measures, which are already agreed, are available to support the implementation of the Policy.</p> <p>Natural England notes that para 12.43 of the supporting text for Policy 6 states that:</p> <p>"Two additional areas of potential managed wetland relate to a triangular area of land at the former Huntsman Tioxide site (ELR005) and further land west of the largest area of proposed managed wetland. These areas of land, at the time of publication of this Plan, are subject to final discussions regarding safeguarded mitigation land."</p> <p>We consider that the ELR005 site constitutes an important element of the mitigation strategy as the site regularly supports significant numbers of curlew, a protected SPA/ Ramsar</p>	<p>These issues relate mainly to the Local Plan, changes to which have been reflected in this updated HRA report. A further meeting took place between North East Lincolnshire Council and Natural England on 18/05/16 about the Mitigation Strategy and the sticking point with regards to mitigation land to be provided by Cristal was overcome. References in the HRA report to Policy 6 do not need to be changed to reflect the amendments to the policy wording proposed by the Council.</p>

Aspect of the Plan/HRA being commented on	Natural England comment	Response/action taken
	<p>waterbird. Without this site, the plan does not provide sufficient certainty that adequate mitigation will be provided to avoid adverse effects on integrity from the development proposed within the South Humber Gateway mitigation zone.</p> <p>Natural England also notes that Policy 6 states that</p> <p>"In the event that the contribution is not met or is disputed, proposals for development within the Mitigation Zone will, in addition to all other normal planning requirements, be required to identify the impact of the proposed development on the Humber Estuary SAC together with details of the proposed mitigation to address such negative impacts. It will be a requirement of any planning consent that the mitigation strategy is implemented prior to the commencement of development."</p> <p>While we acknowledge that this option will be open to developers we consider that, unless the proposal site will not impact on suitable habitat, such an option would be unviable; requiring significant additional survey work (at least one year) and consideration of the in-combination impacts. Furthermore any mitigation necessary will need to be of a scale and in a location to be effective to offset impacts on the Humber Estuary SPA/ Ramsar site. We consider that the evidence produced for the South Humber Gateway mitigation demonstrates that such an approach will not prove cost effective for developers and as such this approach should not be promoted in the plan as it may mislead developers and weaken the policy.</p> <p>Finally Natural England notes para 12.46 in the supporting text for Policy 6 which makes it clear that the Council has recognised that early implementation of the mitigation is vital to ensure that economic development is not delayed. Natural England strongly advises that the mitigation must be delivered before further development in the South Humber Gateway mitigation area can go ahead. This may require a phased approach if discussions regarding the site at ELR005 delays delivery on that site - i.e.to avoid delays with future developments, delivery of the mitigation must be started as soon as possible.</p> <p>The South Humber Gateway Mitigation Strategy should be provided as a supporting document to the plan. If any updates or amendments are required; Natural England would be pleased to help with this. The Humber Local Nature Partnership produced the original document and may also be willing to help.</p> <p>Natural England advises that the plan should provide sufficient certainty that the mitigation</p>	

Aspect of the Plan/HRA being commented on	Natural England comment	Response/action taken
	<p>site at ELR005 will be delivered so that it can be a proposed mitigation site rather than a potential site. Should this not prove possible, the Council will need to demonstrate why this site is no longer required and that the mitigation strategy can provide adequate and effective mitigation for the proposed development in the mitigation area without this site.</p> <p>Furthermore we advise that the following text should be removed from Policy 6:</p> <p>"In the event that the contribution is not met or is disputed, proposals for development within the Mitigation Zone will, in addition to all other normal planning requirements, be required to identify the impact of the proposed development on the Humber Estuary SAC together with details of the proposed mitigation to address such negative impacts."</p> <p>We advise that you also revise the supporting text for this policy to eradicate errors and would be happy to meet to discuss this and other issues discussed in this response.</p>	
Policy 10	<p><b>Recreational pressures:</b></p> <p>Natural England does not consider that the Appropriate Assessment of the impact of recreational pressures on the Humber Estuary SAC, SPA and Ramsar as a result of housing allocations and growth proposed in the plan is adequate. We are particularly concerned about the potential for disturbance of bird features, and trampling and damage to habitats, particularly sand dunes. We note the reference to the Footprint Ecology reports on recreational disturbance in the Habitats Regulations Assessment and in paragraph 12.75 of the plan, however we disagree with paras 5.35 and 5.36 of the Habitats Regulations Assessment as we do not consider that para 12.75 of the plan and Policy 10 are sufficient to deliver mitigation necessary to avoid adverse effects on the integrity of the Humber Estuary designated sites as it does not detail the specific mitigation measures necessary to avoid the predicted impacts.</p> <p>Natural England advise that Policy 10 should include specific deliverable mitigation proposals based on the recommendations of the Footprint Ecology reports referred to in the Plan.</p>	<p>The Appropriate Assessment conclusions in <b>Chapter 5</b> of this updated HRA report have been revised and expanded to address the points raised.</p>
	<p><b>Recreational Disturbance</b></p> <p>Natural England are concerned that the Habitats Regulations Assessment report provides</p>	<p>The Appropriate Assessment conclusions in <b>Chapter 5</b> of this updated HRA report have been revised and</p>

Aspect of the Plan/HRA being commented on	Natural England comment	Response/action taken
	<p>insufficient evidence to demonstrate that the impact of housing allocations on recreational pressures has been considered. We note for instance that para 5.33 refers to a 2km screening distance which we do not consider to be consistent with the findings of the Footprint Ecology reports. We note that East Riding of Yorkshire District Council is using a 4.42km screening distance based on the findings of the Footprint Ecology work. This will need to be considered in-combination with Policy 10.</p> <p>Natural England advises that evidence is provided to show that all housing allocations have been considered both alone and in-combination with regards to recreational pressure and damage to the habitat features of the Humber Estuary SAC and Ramsar, particularly sand dune habitats, and disturbance of Humber Estuary SPA and Ramsar birds. If adverse effects on integrity are determined, as implied in paras 5.31 to 5.36 of the HRA report, then specific deliverable mitigation proposals must be identified in the plan based on the recommendations of the Footprint Ecology reports referred to in the Plan.</p>	<p>expanded to address the points raised.</p>
Policy 11	<p><b>Functionally linked land</b></p> <p>Natural England disagree with para 5.54 of the Habitats Regulations Assessment which asserts that there are no likely significant effects with regards to the Humber Estuary SPA from offsite habitat loss and damage. We note that para 5.53 identifies uncertainty with regards to housing allocation HOU084a and advise that the further assessment necessary cannot be left to the planning application stage. This is because, should a later assessment show that the site is undeliverable due to impacts on the Humber Estuary SPA/ Ramsar site, the plan would not be sound.</p> <p>Furthermore there is no evidence that any housing allocation other than HOU084a has been considered with regards to offsite habitat loss or disturbance and advise that all allocations must be assessed for their potential to cause offsite impacts on SPA and Ramsar waterbirds. We note that the Sustainability Appraisal refers to a 1km screening distance to the Humber Estuary SAC, SPA, Ramsar and Site of Special Scientific Interest (SSSI) which we consider to be inadequate with regards to impacts on offsite habitat.</p> <p>All housing allocations with the potential to impact on offsite habitat for SPA and Ramsar birds must be considered for their suitability for such species in a desk based assessment and should qualifying species in significant numbers be identified, either alone or in combination</p>	<p>The desk-based site survey work suggested by Natural England has been undertaken and presented in Chapter 5 of this updated HRA Report.</p>

Aspect of the Plan/HRA being commented on	Natural England comment	Response/action taken
	<p>with other allocations, then mitigation measures should be delivered through the plan in order to avoid adverse effects on the integrity of the Humber Estuary SPA and Ramsar. We advise that mitigation delivered through the South Humber Bank strategic mitigation scheme specifically addresses allocations in the South Humber Bank Mitigation Zone and will not mitigate for housing or employment allocations outside the identified area.</p> <p>Natural England is particularly concerned about the following sites but all allocations must be considered:</p> <ul style="list-style-type: none"> <li>• HOU139</li> <li>• HOU074b</li> <li>• HOU342</li> <li>• HOU104</li> <li>• HOU105</li> <li>• HOU095a</li> <li>• HOU006</li> <li>• HOU002</li> <li>• HOU074b</li> <li>• HOU10b</li> <li>• HOU34a</li> <li>• HOU233</li> <li>• HOU097</li> </ul> <p>Natural England advises that assessment of the potential for the allocated sites to support SPA and Ramsar birds is required before the housing sites are allocated. All housing allocations should be subject to a desk-based assessment of their suitability for SPA and Ramsar birds. This should involve:</p> <ul style="list-style-type: none"> <li>• A data search from the local Ecological Data Centre.</li> <li>• Consultation with the Council's Ecologist.</li> <li>• Consultation with local bird groups and other organisations that may hold relevant information.</li> <li>• A desk-based assessment - using aerial photography, mapping, habitat maps and relevant ecological literature – of the suitability for SPA birds of the habitats present</li> </ul>	

Aspect of the Plan/HRA being commented on	Natural England comment	Response/action taken
	<p>on the proposed allocation.</p> <p>In cases where no evidence of the potential for use by SPA and Ramsar birds, then no further assessment of this issue is needed at plan stage. Where it is not possible to conclude that SPA and Ramsar birds would not use the site, further surveying may need to be undertaken prior to the allocation of the sites in order to properly understand the level of use by SPA and Ramsar birds and any identified impacts on these birds should be avoided or mitigated.</p> <p>We note that some allocations already have planning permission and therefore that HRA has already been undertaken for these sites. While no further assessment is necessary we advise that the findings of these assessments should be included in the HRA report for the North East Lincolnshire Local Plan and if necessary any mitigation identified in the planning permission should be detailed in the plan – ie the same conclusions should be detailed in the plan HRA as in the project level HRA.</p>	
Policy 30	<p>Natural England does not consider that Policy 30 Renewable and low carbon infrastructure has been adequately assessed in the Habitats Regulations Assessment and therefore does not consider the plan to be legally compliant with regards to the Conservation of Habitats and Species Regulations 2010 (as amended). We note that the policy includes a criterion regarding the impacts on biodiversity and further details in para 14.114 regarding impacts on the Humber Estuary Special Area of Conservation (SAC) and Humber Estuary Special Protection Area (SPA) however there is no evidence presented that there is capacity in the plan area to accommodate the proposed target of 75MW of grid connected renewable energy by 2032 without adverse effects on the integrity of the Humber Estuary SAC or SPA.</p> <p>We are particularly concerned about the potential impact on the SPA/ Ramsar site including collision and displacement from wind turbines and loss of offsite functionally-linked land.</p> <p>We also note that para 3.13 of the HRA report refers to potential for loss of habitat within the boundaries of Natura 2000 sites. We are not clear what part of Policy 30 this or any other section of the plan this refers to but advise that without mitigation it will not be possible to ascertain that there will be no adverse effect on the integrity of the Humber Estuary designated sites from development in these areas. If mitigation cannot be delivered, the plan can only proceed if it is demonstrated that there are imperative reasons of overriding public interest (IROPI), there is no alternative and compensatory measures are provided for the</p>	<p>Paragraph 3.13 of the HRA report explained the assumptions that have underpinned the screening assessment and conclusions – it did not refer to any particular policy or proposal within the Local Plan. However, the sentence referred to has been removed for the avoidance of confusion and because this doesn't affect the meaning of paragraph 3.13.</p> <p>This issue was discussed during the meeting with Natural England on 18/05/16 and Natural England advised that the HRA report should be amended so as not to refer to the potential for renewable energy development to result in the loss of habitat at European sites. The HRA report has now been amended to this effect. One of the Council's proposed modifications to the Local Plan comprises additional text to explain the fact that the renewable energy target will mainly be met through existing permissions for solar development and will not result in extensive</p>

Aspect of the Plan/HRA being commented on	Natural England comment	Response/action taken
	<p>loss of designated site habitat. This is a long and complicated process and so we advise that it is preferable to amend the plan to ensure that it does not result in an adverse effect on site integrity.</p> <p>Natural England advises that the Council assesses the capacity of the Plan area to accommodate the proposed target in Policy 30. We note that para 14.110 includes a commitment to produce a Supplementary Planning Document to identify areas within the borough that are suitable for wind energy development and suggest that evidence gathered for this purpose may provide the necessary information to inform this assessment.</p> <p>We advise that the statement regarding habitat loss within the boundaries of the Humber Estuary designated sites in para 3.13 is clarified and if necessary further assessment is undertaken.</p>	<p>wind energy development that could affect the Humber Estuary sites. Changes to the supporting text to Policy 30 in the Local Plan have been reviewed and minor changes have been made to the text in the screening matrix for the SPA/Ramsar site.</p>
Policy 43	<p>Natural England are concerned that the Minerals Safeguarding Areas map includes minerals deposits within the Humber Estuary designated sites. While we note that Policy 43 only promotes extraction where non-minerals development is proposed and includes a caveat for where such extraction is not environmentally acceptable, we advise that such areas should be removed from the policies map as it is likely that extraction would not be possible without adverse effects on the integrity of the Humber Estuary SAC, SPA and Ramsar or damage to the interest features of the Humber Estuary Site of Special Scientific Interest (SSSI).</p> <p>Natural England advises that minerals safeguarding areas within the boundaries of the Humber Estuary designated sites should be removed from Minerals Safeguarding Areas map.</p>	<p>North East Lincolnshire Council officers and Natural England discussed this point at the meeting on 16/05/16 and the Council officers agreed to amend the wording of the policy to strengthen the point about environmental constraints. These proposed policy amendments have been reviewed and no changes to the HRA report are required.</p>
Policy 40	<p>Natural England welcomes policy 40 which we consider to be in line with national policy.</p>	<p>Noted, no further work required.</p>
Policy 41	<p>Natural England welcomes policy 40 which we consider to be in line with national policy.</p>	<p>Noted, no further work required (assume this should refer to Policy 41).</p>



## **Appendix 5**

### Desk-based Ecological Survey of Site Allocations

**Table A5.1 Review of Employment Allocations**

Site Allocation	Broad Habitat Type	Distance from SPA (m)	GLNP Data	Comments	Suitability for SPA birds
			Species (Number) within site allocation		
ELR001	Grassland	1225	Mallard (6,4,2), Curlew (15), Lapwing (1)	Used by non-target SPA/Ramsar bird species.	Low
ELR011	Arable/Grassland	970	Curlew (2,3)	A single field to the north-east of the site was found to be used by a low number of curlew.	Medium
ELR007	Grassland/Scrub	1462	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise the site allocation.	Low
ELR037	Grassland	1560	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise the site allocation.	Low
ELR024	Buildings/Hard standing/ Rough Grassland	933	N/A	The site is primarily made up of buildings and hard standing with small patches of rough grassland and tall ruderal species. Not suitable for qualifying bird species.	Not suitable
ELR003	Arable	1150	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise the site allocation.	Low
ELR016b	Arable	2450	N/A	No bird records present. Although it is unlikely, there is potential for SPA/Ramsar qualifying species to utilise the site allocation.	Low
ELR020	Arable	326	Golden Plover, Lapwing and Redshank, (no exact records)	Species including Golden plover and Lapwing was also recorded in close proximity to the site.	High
ELR019	Arable/Hard standing	960	Mallard (no exact record) and Lapwing (3)	SPA/Ramsar bird species were also recorded in the wider area.	Medium

Site Allocation	Broad Habitat Type	Distance from SPA (m)	GLNP Data	Comments	Suitability for SPA birds
			Species (Number) within site allocation		
ELR016a	Arable	1980	N/A	No bird records present. Although it is unlikely, there is potential for SPA/Ramsar qualifying species to utilise the site allocation.	Low
ELR015a	Grassland/Woodland/Buildings/Hard standing	200	N/A	Large numbers of Golden Plover were recorded in close proximity to the site.	High
ELR015b	Arable/Woodland/Hard standing	765	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise the site allocation.	Low
ELR008a	Grassland/Tall ruderal/Scrub	1330	N/A	Non-target curlew species was recorded in the wider area.	Low
ELR008b	Grassland/Tall ruderal/Scrub	1495	N/A	No bird records present. However there is low potential for SPA/Ramsar qualifying species to utilise the site allocation.	Low
ELR008c	Grassland/Tall ruderal/Scrub	1085	N/A	No bird records present. However there is low potential for SPA/Ramsar qualifying species to utilise the site allocation.	Low
ELR008d	Grassland/Tall ruderal/Scrub	1256	N/A	No bird records present. However there is low potential for SPA/Ramsar qualifying species to utilise the site allocation.	Low
ELR008e	Grassland/Tall ruderal/Scrub	1324	N/A	No bird records present. However there is low potential for SPA/Ramsar qualifying species to utilise the site allocation.	Low
ELR005	Buildings/Hard Standing/ Grassland/ Tall ruderal	23	Curlew (no exact record)	Used by non-target species species including curlew. Records were also found in the wider area of the site. The site is within close proximity to the SPA/Ramsar.	Medium
ELR022	Hard standing	1035	N/A	No suitable habitats.	Not suitable

Site Allocation	Broad Habitat Type	Distance from SPA (m)	GLNP Data	Comments	Suitability for SPA birds
			Species (Number) within site allocation		
ELR027	Grassland/Tall ruderal/Scrub	818	N/A	Grey plover and lapwing were recorded in close proximity to the site.	Medium
ELR036	Hard standing/Rough Grassland	662	N/A	No bird records recorded. The site allocation is a small, highly disturbed area surrounded by development and is not considered suitable to support qualifying bird species.	Not suitable
ELR010	Hard standing/Bare ground	2470	N/A	No bird records and site has altered with majority of the site allocation developed on.	Not suitable

**Table A5.1 Review of Housing Allocations**

Site Allocation	Broad Habitat Type	Distance from SPA (m)	GLNP Data Species (Number) within site allocation	Comments	Suitability for SPA birds
HOU001	Rough grassland and scrub	1666	N/A	No bird records present. Site is small and enclosed by existing residential development on three sides with numerous informal pathways indicating regularly recreational use.	Not suitable
HOU002	Arable	2823	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise the site allocation.	Low
HOU006	Grassland/Arable	3108	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise the site allocation.	Low
HOU105	Arable	5477	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise the site allocation.	Low
HOU119	Buildings/Hard standings/ Grassland	2000	N/A	Mallard was recorded in the wider area of the site. This is a non-target species.	Not suitable
HOU074C	Arable	2236	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise the site allocation.	Low
HOU124	Grassland	2295	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise the site allocation.	Low
HOU233	Woodland/Grassland	3851	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise the site allocation.	Low
HOU037	Hard standing	1641	N/A		Not suitable
HOU134	Arable	5176	N/A	A large number of lapwing were recorded in the wider area of the site.	Low

Site Allocation	Broad Habitat Type	Distance from SPA (m)	GLNP Data Species (Number) within site allocation	Comments	Suitability for SPA birds
HOU249A	Buildings	818	N/A	A small site with records with a large number of Bar-tailed godwit, Little tern and Redshank. The site does not provide suitable habitat for qualifying bird species.	Not suitable
HOU301	Grassland/Tall Ruderal	1504	N/A	No bird records present. However the site is in close proximity to the SPA/Ramsar and provides suitable habitat for qualifying bird species.	Low
HOU294	Grassland/Scrub/Trees	3674	N/A	Records including Mallard, Dunlin, Bar-tailed godwit, Black-tailed godwit, Golden plover, Knot, Shelduck and Redshank were recorded adjacent to the site.	High
HOU110	Arable/Grassland	7000	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise the site allocation.	Low
HOU112	Arable/Grassland/Scrub	6771	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise the site allocation.	Low
HOU129	Arable/Grassland	7000	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise the site allocation.	Low
HOU111	Arable/Grassland/Woodland/Bare Ground	7696	Oystercatcher	A non-target species was recorded within the site and in the wider area. No target species were recorded in close proximity to the site.	Low
HOU292	Grassland	7743	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise the site allocation.	Low
HOU131	Grassland/Buildings/Trees	6277	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise the site allocation.	Low

Site Allocation	Broad Habitat Type	Distance from SPA (m)	GLNP Data Species (Number) within site allocation	Comments	Suitability for SPA birds
HOU150	Grassland/Buildings/ Hard Standing	4547	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise the site allocation.	Low
HOU059	Amenity Grassland	3102	N/A	No bird records present.	Not suitable
HOU018	Grassland/Tall Ruderal/Bare Ground	1184	N/A	Non-target species recorded in the wider area of the site. Aerial photography suggest site is under developed.	Not suitable
HOU302	Buildings/Hard Standing	1615	N/A	No bird records present.	Not suitable
HOU303	Buildings/Hard Standing	1615	N/A	No bird records present.	Not suitable
HOU047	Building/Amenity Grassland	2000	N/A	Records of SPA/Ramsar bird species recorded in close proximity to the site. Habitats present were not considered suitable.	Not suitable
HOU144	Rough Grassland/Tall Ruderal/Scrub	2033	N/A	Records of Knot, Marsh harrier, Bar-tailed godwit, Black-tailed godwit, Golden plover and Redshank were recorded in the wider area.	Medium
HOU151	Buildings/Hard Standing	3452	N/A	No bird records present.	Not suitable
HOU231	Building/Hard Standing	1723	N/A	The site is in close proximity to qualifying bird species. However habitats present are not suitable.	Not suitable
HOU232	Building/Amenity Grassland	2077	N/A	The site is in close proximity to qualifying bird species. However habitats present are not suitable.	Not suitable
HOU017	Building/Hard Standing/Grassland	680	N/A	The site is in close proximity to qualifying bird species. However habitats present are not suitable.	Not suitable



Site Allocation	Broad Habitat Type	Distance from SPA (m)	GLNP Data Species (Number) within site allocation	Comments	Suitability for SPA birds
HOU044	Bare ground	1921	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise the site allocation.	Low
HOU034C	Buildings/Hard Standing/Tall Ruderal	108	N/A	The site is in close proximity to qualifying bird species. However habitats present are not suitable.	Not suitable
HOU042	Bare Ground/Tall Ruderal	82	N/A	The site is in close proximity to the SPA/Ramsar. However habitats present are not suitable.	Not suitable
HOU057	Bare Ground/Tall Ruderal	47	N/A	The site is in close proximity to the SPA/Ramsar. However habitats present were not suitable.	Not suitable
HOU295	Grassland/Scrub/Trees	1000	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise areas of the site allocation.	Low
HOU082	Grassland/Tall Ruderal/Scrub	1550	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise areas of the site allocation.	Low
HOU084A	Grassland/Scrub	1233	N/A	Records of Mallard, Dark-bellied brent goose, Sanderling, Knot, Oystercatcher, Marsh harrier, Black-tailed godwit, Golden plover, Shelduck and Redshank were recorded adjacent to the site.	High
HOU097	Grassland/Woodland	2314	N/A	No bird records present. Mallard was recorded in the wider area of the site. There is low potential for qualifying bird species to use this site. Grassland is short and grazed by horses.	Low
HOU074A	Rough Grassland/Scrub	1982	N/A	In close proximity to the site are records on Redshank.	High
HOU074B	Arable	2022	N/A	In close proximity to the site are records on Redshank.	High

Site Allocation	Broad Habitat Type	Distance from SPA (m)	GLNP Data Species (Number) within site allocation	Comments	Suitability for SPA birds
HOU139	Grassland/Scrub/Trees/Pond	2545		No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise areas of the site allocation.	Low
HOU147	Buildings/Grassland/Bare Ground	2657	N/A	Mallard was recorded in the wider area of the site. However there is potential for SPA/Ramsar qualifying species to utilise areas of the site allocation.	Low
HOU092	Grassland	2526	N/A	Mallard was recorded in the wider area of the site. However there is potential for SPA/Ramsar qualifying species to utilise areas of the site allocation.	Low
HOU146	Arable	3986	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise areas of the site allocation.	Low
HOU296	Arable	4423	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise areas of the site allocation.	Low
HOU095A	Arable	4626	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise areas of the site allocation.	Low
HOU095B	Grassland/Scrub	4863	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise areas of the site allocation.	Low
HOU104	Arable	4740	N/A	Mallard, Redshank and Lapwing were recorded adjacent to the site. It is highly likely that for this site to be used by qualifying bird species.	High
HOU308	Amenity grassland	4744	N/A	No bird records present and habitat unsuitable.	Not suitable
HOU034B	Buildings/Hard Standing	190	N/A	Habitats present were not considered suitable.	Not Suitable

Site Allocation	Broad Habitat Type	Distance from SPA (m)	GLNP Data Species (Number) within site allocation	Comments	Suitability for SPA birds
HOU316	Bare Ground/Rough Grassland/Scrub	294	N/A	In close proximity to the SPA with a small area of habitat suitable for SPA birds.	Low
HOU010B	Arable	3337	N/A	Species including Golden plover, Marsh harrier and Black-tailed Godwit were recorded in the wider area.	Medium
HOU068A	Grassland	6393	N/A	No bird records present. The grassland is short and is unlikely to support qualifying bird species.	Not suitable
HOU034A	Pond/Rough Grassland/Scrub/Tall Ruderal	47	N/A	The habitats present and the proximity of the SPA/Ramsar site to the site allocation is likely to provide valuable habitat for qualifying bird species.	High
HOU342	Arable/Grassland/Woodland/Scrub	2870	Redshank, Mallard and Greenshank (recorded in 1987)	Habitats provide suitable habitat for SPA/Ramsar bird species.	High
HOU288	Arable	6169	N/A	No bird records present. The grassland is short and is unlikely to support qualifying bird species.	Low
HOU353	Amenity grassland	915	N/A	In close proximity to qualifying bird species. Habitats present were not considered suitable.	Not suitable
HOU141A	Amenity grassland	1532	N/A	No bird records present. Habitats were not considered suitable.	Not suitable
HOU355	Amenity grassland	4824	N/A	No bird records present. Habitats were not considered suitable.	Not suitable
HOU056B	Building/Hard Standing	592	N/A	In close proximity to qualifying bird species. Habitats present were not considered suitable.	Not suitable

Site Allocation	Broad Habitat Type	Distance from SPA (m)	GLNP Data Species (Number) within site allocation	Comments	Suitability for SPA birds
HOU140A	Rough Grassland/Scrub/Trees	3137	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise areas of the site allocation.	Low
HOU354	Hard Standing	2680	N/A	No bird records present. Habitats were not considered suitable.	Not suitable
HOU128	Grassland/Buildings/Hard Standing	2982	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise the site allocation.	Low
HOU118	Grassland (incl. amenity)/Scrub/Buildings/Hard Standing	1877	N/A	No bird records present. However there is potential for SPA/Ramsar qualifying species to utilise the some of the site that has not been developed.	Low