



18 Westgate  
Old Town  
Bridlington  
East Yorkshire  
YO16 4QQ

T: 07734 953236  
E: [katie@kvaplanning.co.uk](mailto:katie@kvaplanning.co.uk)  
W: [www.kvaplanning.co.uk](http://www.kvaplanning.co.uk)

Lauren Birkwood  
North East Lincolnshire Council  
Municipal Offices  
Town Hall Square  
Grimsby  
DN31 1HU



The countryside charity  
Northern Lincolnshire

25<sup>th</sup> February 2021

Dear Lauren

**DM/1068/20/FUL - Change of use from arable fields to mitigation area for a quality habitat area for Special Protection Area (SPA) birds with associated works including water storage and habitat lagoon, shallow scrapes and ponds, bunding, a bird hide, cattle and fencing, culverts and a bridge.**

**At: Development Land Energy Park Way/Moody Lane Grimsby North East Lincolnshire**

KVA Planning Consultancy has been instructed to respond to the public consultation on the above-mentioned planning application to be submitted to North East Lincolnshire Council on behalf of the Northern Lincolnshire local group of CPRE The Countryside Charity (CPRENL).

### Planning Comment

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that: *'regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'* In February 2019, the Government published the revised National Planning Policy Framework (NPPF) which set out the Government's planning policies for England. It clarifies the Government's expectations in the delivery of appropriate development by setting a clear presumption in favour of sustainable development and is a clear material consideration to be weighed in the planning balance when determining this application.

Paragraph 213 of the NPPF confirms that due weight should be given to relevant policies in existing plans according to the degree of consistency with the framework. The statutory development plan for North East Lincolnshire Council comprises the policies of the North East Lincolnshire Local Plan (2013 to 2032), adopted March 2018. As such, the development plan is considered up to date for the purposes of determining this application in accordance with the NPPF.

The proposed site is located immediately adjacent to the Humber Estuary. This is afforded a range

of high level international environmental designations including: Natura 2000, Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Area for Conservation (SAC) and is a RAMSAR site for the internationally important accumulations of birds, specifically, the large numbers of waders it attracts.

The site has been proposed to purposely mitigate the impact of industrial development surrounding the South Humber bank which displaces wading birds. The site is located within the allocated Employment Zone as set out in the Local Plan and is entirely within the South Humber Bank Habitat Mitigation Zone. The Local Plan identifies circa 120ha of sites, to deliver appropriate mitigation which will address the adverse impacts of development within the Mitigation Zone at a strategic level. The allocated Mitigation Sites will be safeguarded against development, and appropriate habitat will be delivered and managed on these sites in accordance with the North East Lincolnshire South Humber Gateway Ecological Mitigation Delivery Plan.

This proposal is, therefore, considered to be in complete conformity with adopted Local Plan policy and is fully supported by CPRENL.

The Habitat Management Strategy sets out that North East Lincolnshire Council will act as the lead management authority for this site and the County Ecologist will be the managing officer being responsible for the provision of management, maintenance and monitoring of the site. The lead management authority will report directly to the South Humber Ecology Group, which is made up of representatives from Natural England, RSPB, Lincolnshire Wildlife Trust, North East Lincolnshire Council, North Lincolnshire Council, and local business representatives of the South Humber Bank. In accordance with the Local Plan paragraph 12.57 the mitigation site is designed to last in perpetuity and beyond the plan period (25 years). However, in circumstances where it is not possible to secure additional agreements for the identified sites (extensions to the lease period), an alternative mitigation site would be required to be developed prior to the loss of this mitigation site. CPRENL would hope that the Council make this a requirement of any planning condition and/or legal agreement when securing the site.

Yours sincerely

Katie Atkinson, MRTPI

**Director, KVA Planning Consultancy**

*On behalf of: David Rose, Chairman of Northern Lincolnshire CPRE*