

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0548-24 **Applicant:** Seagate Homes (UK) Ltd.

Proposal: Details of scheme for the provision of swift nest bricks (Condition 8 of H04-1029-20)

Location: Land Off Malting Lane (Phase 2) Donington Spalding

Terminal Date: 16th August 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

28 The Natural Environment

National Guidance

National Planning Policy Framework 2023

NPPF - Section 15 Conserving and enhancing the natural environment.

Representations:

	Object	Support	No Obj.	Comments
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of scheme for the provision of swift nest bricks (Condition 8 of H04-1029-20)

Site Description

As host consent.

History

H04-0555-24 - Details of full closure report (Condition 8(ii) of H04-0244-16). Undetermined.

H04-0517-24 - Land off Malting Lane - details of water supplies to the Fire Service (Condition 17 of H04-0244-16). Undetermined.

H05-0549-24 - Details of schedule of external materials, kerbs and surfacing of roads and design & location of secure cycle storage (Conditions 4, 5 & 13 of H04-0244-16). Undetermined.

H04-0556-24 - Details of noise & vibration report & boundary treatment (Conditions 14 & 19 of H04-0244-16). Undetermined.

H04-0575-24 - Details of design & position of all external boxes for gas & electricity supplies and of any gas flues & soil vent pipes - Condition 11 (phase 2 only) of H04-0244-16. Undetermined.

H04-0582-24 - Details of design & positions of all external boxes for gas & electricity supplies & any gas flues & soil vent pipes (Condition 4 of H04-1029-20). Undetermined.

H04-0488-24 - Details of construction and traffic management scheme & precautions to prevent the deposit of mud on public highways (Conditions 12 & 15 of H04-0244-16). Approved 22 July 2024.

H04-0359-24 - Details of surface water drainage scheme, existing & proposed site levels & proposed floor levels and means of foul water disposal (Conditions 9, 16 & 18 of H04-0244-16). Approved 28 May 2024.

H04-0038-24 - Details of estate road & associated footways (Condition 7 of H04-0244-16). Approved 13 March 2024.

H04-0728-22 - Details of remediation method statement, surface water drainage scheme, construction and traffic management scheme, noise and vibration report, deposit of mud precautions, existing and proposed site levels/floor levels and foul water disposal (Conditions 8 (Part i), 9, 12, 14, 15, 16 and 18 of H04-0244-16). Approved 27 October 2023.

H04-1117-22 - Details of external materials, roads and/or footways, external gas and electricity boxes, cycle storage and proposed boundary treatment (Conditions 4, 5, 11, 13 and 19 of H04-0244-16). Approved 27 October 2023.

H04-1139-22 - Details of boundary treatments, gas and electricity external boxes, landscape management and maintenance and swift nest bricks. (Conditions 2, 4, 7 and 8 of H04-0268-20). Approved 27 October 2023.

H04-0268-20. RESERVED MATTERS. Erection of 40 Dwellings - outline approval H04-0244-16. Undetermined. Approved 2 November 2021.

H04-0244-16 - Outline planning application for a residential development of approximately 73 dwellings (Class C3), all matters are reserved, except for access. Approved 30th November 2017.

H04-0015-05 - Re-development of industrial Site for Residential. Refused 12 January 2005.

Consultation Responses

South East Lincolnshire Council's Partnership Ecologist

Initial Response

Only 4 swift bricks are provided over entire development. This is entirely inadequate ecological mitigation for the site, and I set out the justification for requiring a much larger provision of swift bricks below.

As of yet, there are no local or national requirements prescribing the minimum ratio of nestbrick provision, however, neither is there a maximum, and CIEEMs best practice guidance suggest a ration of "1:2 or 1:1 nest boxes per dwelling" (see Swift Bricks: The 'Universal' Nest Brick - by Dick Newell | CIEEM). Therefore, I would strongly encourage requiring all suitable dwellings to have a universal nest brick incorporated into the fabric of each building.

Rational for Swift Bricks:

Swifts were previously ubiquitous in towns, villages, and homes across the country, but they are losing valuable nesting habitats as older homes and buildings are renovated, insulated or demolished and replaced by energy efficient new-builds that leave no access/space for swifts to

nest in. This loss of habitat combined with reduced food availability from the cumulative effects of pesticide use and habitat loss has resulted in Swift populations declining by approx. 60% between 1995-2020 (Breeding Bird Survey), and they have been placed on the JNCC's red list of bird species of concern since 2021. Therefore, swift bricks, e.g., S Brick (actionforswifts.com) should be included within the large majority of new build homes as a simple, effective, and inexpensive mitigation measure to enhance biodiversity in urban areas as well as the surrounding landscape. These nest bricks can provide nesting habitat for multiple declining species (Swifts, House Martins, and House Sparrows), and offer a permanent, maintenance free solution to the loss of habitat affecting these species.

Swift populations also perform valuable ecosystem functions in the wider UK landscape by consuming significant numbers of airborne agricultural pests such as cabbage stem flea beetle, pollen beetle, aphids, and mosquitoes (e.g., Romanowski et al. 2024; <https://nsojournals.onlinelibrary.wiley.com/doi/10.1002/wlb3.01294>), and they perform equally important ecological roles in equatorial Africa over our winter months. Thus, including swift bricks in housing developments helps achieve several international, national and local planning policy objectives. For example, the House of Lords held a debate on introducing national mandatory requirements for swift bricks in housing in 2023, which received cross-party support. Similarly, swift brick provision already features in the South East Lincolnshire Local Plan, as well contributes to multiple NPPF objectives. Please see below for examples.

South East Lincolnshire Local Plan - 7.2.14 (page 116): Development can also incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure. The use of swift bricks on new developments in Boston in particular, would help minimise the decline in swifts, a priority species. This positive approach will also help the Local Planning Authorities fulfil their 'biodiversity duty' (identified by the Natural Environment Rural Communities Act 2006) and help improve biological resilience to climate change. Good practice can be found in the Climate Change Adaptation by Design - A Guide for Sustainable Communities, and Planning for a healthy environment - good practice for green infrastructure and biodiversity.

NPPF 2.8.c (page 5): c) an environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

NPPF 15.185.b (page 53): b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Response dated 29 July

I can confirm that I've had a look at the amended plans and they are much improved on the swift brick provision score, so am happy to support them.

Planning Considerations

Condition Wording

"A scheme for the provision of swift nest bricks shall be incorporated within the external walls of the dwellings hereby approved and shall be submitted to and approved by the Local Planning Authority and shall be retained in accordance with the approved details thereafter."

Condition Detail

A plan showing 4 swift bricks was originally submitted. The Council's Ecologist objected and a further amended plan was submitted.

This shows 39 swift bricks on flank elements on both works plans. Details are included as to height and orientation.

A further response demonstrated that the revised plan was satisfactory, much improved and the Ecologist supports the amended plan.

Conclusion

The revised details show greater numbers of swift box locations and the Council's Ecologist considers the detail to be satisfactory.

It is considered that the details are satisfactory and this condition can therefore be discharged.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.