Lincolnshire County Council
Planning Permission

Town and Country Planning Act 1990

Town and Country Planning General Regulations 1992

Date of Proposal: 2 September 2025

Application No. H02-1259-25

LCC Ref. No. PL/0074/25

Part 1 Planning Permission

1. On 17 February 2026 Lincolnshire County Council, for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992, granted Planning Permission for construction of new pedestrian footpath at South View Community Primary School, Postland Road, Crowland.

2. Take notice that the development hereby granted Planning Permission shall be carried out in accordance with the application and plans submitted subject to the following Biodiversity Gain Information and Schedule of Conditions.

Part 2 Conditions

(A) The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for this development is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

a. a Biodiversity Gain Plan has been submitted to the planning authority; and
b. the planning authority has approved the plan.

Signed Neil McBride
Head of Planning
Lincolnshire County Council

Date 17 February 2026

NOTES:

1. This permission must be entered in the statutory register of planning decisions maintained by the District Council (as required by the Town and Country Planning General Regulations 1992). In addition the District Council is requested to make an entry in the Land Charges Register of any conditions attached to this permission.

2. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

Schedule of Conditions

1. The development must be begun no later than the expiration of three years beginning with the date of this permission.

   Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall only be carried out in accordance with the following documents and plans. The approved documents and plans are as follows:

   - Application Form (date stamped received 02 September 2025)
   - Design & Access Statement dated August 2025 (date stamped received 02 September 2025)
   - Flood Risk Assessment dated 20 October 2025 (date stamped received 12 November 2025)
   - Contamination Risk Assessment dated October 2025 (date stamped received 12 November 2025)
   - Drawing Number 40915-KD-XX-D-B-100001 – External Works Planning Application Proposed Plan (date stamped received 03 September 2025)
   - Drawing Number 40915-KD-XX-D-B-100000 – External Works – Planning Application Existing Plan (date stamped received 03 September 2025)

   Reason: To ensure the development is carried out in accordance with the approved Details.

3. Prior to the commencement of development, the means of delivering at least 10% Biodiversity Net Gain shall be submitted to, and agreed in writing by, the local planning authority in one of the following ways:

   - onsite; or
   - offsite and therefore prior to the commencement of development a s.106 legal agreement or conservation covenant shall be entered into to secure the delivery, management, monitoring and reporting of the BNG, including any fees associated with the monitoring arrangements; or
   - through the provision of proof of the purchase of Habitat Bank Biodiversity Units (evidence to be submitted for approval); or
   - through the provision of proof of the purchase of Statutory Biodiversity Credits (evidence to be submitted for approval); or
   - a combination of the above, secured by the appropriate mechanism.
     The delivery of biodiversity net gain shall thereafter be carried out in accordance

with the approved method.

4. The Biodiversity Gain Plan approved pursuant to the deemed Biodiversity Gain Condition shall be implemented in full.

5. Where the required Biodiversity Net Gain (BNG) of at least 10% is to be delivered onsite (whether in full or in part), prior to the commencement of development, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and approved in writing by, the local planning authority. The HMMP shall include:

   (a) details of how the required BNG will be:

      (i) enhanced,

      (ii) created,

      (iii) retained (including making good any losses and replacement due to damage and / or failure),

      (iv) managed and maintained for a period of 30 years after the completion of development, and

      (v) monitored and reported to the local planning authority;

   (b) a timetable for the delivery of the required BNG and a definition of the completion of development that shall be the trigger point for the commencement of the management and monitoring arrangements;

   (c) details of when the BNG will be monitored and the arrangements for such monitoring to be reported to the local planning authority, including the mechanism for agreeing any fees related to the monitoring arrangements, as appropriate; and

   (d) provision for the review of the management and maintenance should the findings of the monitoring indicate that the approved approach requires Amendment.

   The management and monitoring of the BNG shall be implemented in full in accordance with the approved HMMP.

   Reasons for conditions 3, 4 and 5: To meet the requirements of the Biodiversity Gain Objective set out in paragraph 2 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) and to meet the requirements of the deemed Biodiversity Gain Condition imposed by paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended).

Informative

Attention is drawn to:-

(i) Biodiversity Gain Information

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Lincolnshire County Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.
Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

   (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

   (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

   4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

(i) the application for planning permission was made before 2 April 2024;

(ii) planning permission is granted which has effect before 2 April 2024; or

(iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

(i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

(ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

(i) consists of no more than 9 dwellings;

(ii) is carried out on a site which has an area no larger than 0.5 hectares; and

(iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any

of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.
The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.
The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73(2D) of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

(i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and

(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

(ii) Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1970;

(iii) Design Note 18 "Access for Disabled People to Educational Buildings", published in 1984 on behalf of the Secretary of State for the Environment, or any prescribed document replacing that note; and

(iv) In dealing with this application the County Planning Authority has worked with the applicant in a positive and proactive manner by processing the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way

to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.