DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H03-0139-21**	**Applicant:**	**Mr E Whitfield**
Proposal:	Details of wildlife survey (Condition 5 of H03-0915-20)		
Location:	Railway Cottage Counter Drain Drove Tongue End		
Terminal Date:	8th April 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

28 The Natural Environment

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Details of wildlife survey (Condition 5 of H03-0915-20)

Site Description

As host application.

History

H03-0915-20. Replacement Dwelling following demolition of existing dwelling. APPROVED. 09-02-21.

Consultation Responses

Lincolnshire Bat Group

Thank you for consulting Lincolnshire Bat Group about this protected species report. This is an excellent and comprehensive report. Note some bat evidence has been found and further surveys are needed. See 5.1.2 and Precautionary Working Practices, pp 25 and 26.

Planning Considerations

Condition 5 - No demolition shall commence until a wildlife survey incorporating a refuge search has been undertaken by a suitably qualified ecologist to identify the presence of any protected species within the dwelling to be demolished, and the results of that survey have been submitted to, and approved in writing by, the Local Planning Authority. In the event that protected species are identified, the survey report shall include a scheme of mitigation measures to protect any such species affected by the development. The scheme of mitigation shall thereafter be implemented in full accordance with the approved details prior to any works being carried out on the site.

The wildlife survey is considered to be acceptable, and sets out recommendations, that can be controlled by condition.

Conclusion

Approve.

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.