

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0509-26 **Applicant:** National Grid Electricity Distribution

Proposal: Details of Biodiversity Gain Plan and 30 Year Habitat Management & Maintenance Plan (Conditions 11 and 12 of H05-0439-25)

Location: Land To The West Of Branches Lane South Holbeach Spalding

Terminal Date: 24th July 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

28 The Natural Environment

National Guidance

National Planning Policy Framework December 2024

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

This is a discharge of conditions application providing details of Biodiversity Gain Plan and 30 Year Habitat Management & Maintenance Plan (Conditions 11 and 12 of H05-0439-25)

Site Description

The application site is situated to the west of Branches Lane, Holbeach, at the corner with Pike Dam Lane. The nearest residential property is Oakwood Lodge, located to the north of the site. For planning purposes, the site lies within the countryside, outside any defined settlement boundary, and is therefore subject to the relevant South East Lincolnshire Local Plan (2019) countryside policies.

Topographically, the site is relatively flat and currently comprises agricultural land. A line of trees and a drainage ditch runs along the southern boundary, with open agricultural fields beyond. The

existing access is via an agricultural track from Branches Lane.

In terms of flood risk, the site is located within Flood Zone 3, according to Environment Agency mapping, and falls within areas classified as 'low hazard' and 'danger for some' on the South East Lincolnshire Flood Maps. These classifications have informed the submitted Flood Risk Assessment (FRA) and surface water management strategy for the site.

History

H05-0439-25 - Use of site to construct new primary substation. Approved 13-01-26

Consultation Responses

Ecology

The Council's Ecology Officer reviewed the submitted Biodiversity Gain Plan and supporting information and advised that they were satisfied that the appropriate off-site biodiversity units had been secured for the development. Having independently verified the off-site unit purchase, the Ecology Officer confirmed that the Biodiversity Gain Plan appropriately reflected the biodiversity net gain proposals for the site.

However, before supporting the discharge of the condition, the Ecology Officer requested submission of the finalised Biodiversity Metric, including details of the off-site habitat units.

Further Consultation Response (following submission of additional information)

Following receipt of the finalised Biodiversity Metric and supporting information, the Ecology Officer confirmed that the biodiversity units had been allocated to the development and registered on the Biodiversity Gain Site Register, enabling independent verification of the allocation.

The Ecology Officer further confirmed that the submitted Biodiversity Gain Plan and finalised Biodiversity Metric demonstrate that the development will achieve the mandatory minimum 10% Biodiversity Net Gain. Accordingly, the Ecology Officer raised no objection and fully supported the discharge of Conditions 11 and 12.

Planning Considerations

Due to the operational constraints and insufficient space on-site for meaningful habitat enhancement or creation, NGED will be delivering BNG entirely off site through the purchase of units. Off-site delivery ensures that a minimum 10% net gain is achieved for relevant habitat types in accordance with the statutory metric and biodiversity gain hierarchy.

BNG units have been secured from a Natural England-registered Habitat Bank to meet the required uplift. The allocation details and corresponding Natural England register references are provided below, as well as the details of the additional supporting documents:

- Preliminary Ecological Appraisal
- BNG Metric
- BNG Metric Condition Assessments
- Biodiversity Gain Plan
- Allocation Details - 21/04/2026
- Natural Asset Partners Invoice Details

Condition 11 - Biodiversity Gain Plan

The condition requires:

The development hereby permitted shall not commence until a biodiversity gain plan has been submitted to and approved in writing, by the Local Planning Authority. The development shall then be carried out in accordance with the details as approved.

Condition 12 - HMMP

Prior to any vegetation clearance (defined as the deliberate removal of any semi-natural vegetative

habitat e.g., grassland, trees, and native shrubs); or prior to the commencement of any development hereby permitted (whichever comes first); a written 30-year Habitat Management and Maintenance Plan (HMMP) for the Site in question shall be submitted to and approved in writing by the Local Planning Authority.

Assessment

The submitted Biodiversity Gain Plan, Biodiversity Metric, supporting habitat assessments and evidence of off-site unit allocation have been reviewed by the Council's Ecology Officer.

Following an initial request for the finalised Biodiversity Metric, further information was submitted by the applicant. The Ecology Officer has subsequently confirmed that the appropriate biodiversity units have been secured and registered on the Biodiversity Gain Site Register, enabling independent verification of the allocation. The Ecology Officer has also confirmed that the submitted Biodiversity Gain Plan and finalised metric demonstrate that the mandatory minimum 10% biodiversity net gain will be achieved.

Given the operational requirements of the development and the limited opportunities for meaningful on-site habitat enhancement, the use of off-site biodiversity units is considered appropriate and accords with the biodiversity gain hierarchy. The submitted information demonstrates that sufficient biodiversity units have been secured from an approved habitat bank to offset the impacts of the development and achieve the statutory biodiversity net gain requirement.

In light of the Ecology Officer's comments and the supporting documentation submitted, it is considered that the requirements of Conditions 11 and 12 have been satisfactorily addressed. The Biodiversity Gain Plan and 30-Year Habitat Management and Maintenance arrangements provide an appropriate mechanism for securing and maintaining the biodiversity enhancements associated with the development.

Accordingly, the submitted details are considered to comply with Schedule 7A of the Town and Country Planning Act 1990 (as amended) and Policy 28 of the South East Lincolnshire Local Plan (2019). The details submitted pursuant to Conditions 11 and 12 are therefore acceptable and should be approved.

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.

Conclusion

Conditions 11 and 12 of H05-0439-25 are hereby discharged.