DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0823-26**	**Applicant:**	**Foxburrow Farm Services**
Proposal:	Details of biodiversity gain plan and written 30-year Habitat Management and Maintenance Plan (HMMP) (Conditions 4 and 5 of H05-0456-26)		
Location:	Foxburrow Farm Winslow Gate Holbeach		
Terminal Date:	27th October 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
28	The Natural Environment

National Guidance

National Planning Policy Framework August 2026

Section 3 - Decision-making policies (DM1 - 10)
Section 4 - Achieving sustainable development (S1 - S6)
Section 19 - Conserving and enhancing the natural environment (N1 - 9)

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge condition 4 and 5 of planning permission H05-0456-26. Approval was granted under permission H05-0456-26 for an agricultural barn and an access roadway. Conditions 4 and 5 requires details relating to how a net gain in biodiversity will be delivered and details of a Habitat Management and Maintenance Plan.

Site Description

The site comprises land at Foxburrow Farm on Winslow Gate in Fleet. The site includes an

agricultural access from Winslow Gate and part of an agricultural field. There is a tree belt to the north and relatively open land to the east and south-east of the site. There are 4 dwellings located to the south of the site all of which are accessed from Winslow Gate.

The site is outside any defined settlement boundary, as identified by the South East Lincolnshire Local Plan 2011-2036 and the accompanying policies map.

The site is located within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Relevant Planning History

H05-0835-82: (Outline Application) Erection of bungalow and garage with access - approved 08th December 1982

H05-0280-83: (Full Application) Proposed new bungalow - approved 01st June 1983

H05-0456-26: (Full Application) Proposed agricultural barn and access roadway from existing highway access - approved 24th July 2026

Consultation

Ecology Officer:

While the gain plan provided sufficiently demonstrates the outputs of the metric for this application, as an authority we require the gain plan to be submitted in the format of the official government gain plan template (Biodiversity gain plan template).

While the HMMP is mostly sufficiently detailed, we request that a small section of wording be inserted into the HMMP to define what shall be included within the monitoring reports - wording can/should be altered regarding the habitats proposed for this site.

-"The monitoring reports as referenced below shall contain as a minimum:
-(1) a summary of management actions taken over the previous monitoring period and their timing;
-(2) a summary of problems encountered in meeting management objectives and any mediation actions taken or planned to address problems;
-(3) A current UK habitat condition assessment for each post-development habitat accompanied by the following supporting evidence:
-(a) species composition and % cover quadrat data for grassland habitats following sampling methods of the National Vegetation Classification or similar (NVC; Rodwell 1992*);
-(b) species composition of hedgerow and woodland habitat; and
-(c) representative photographs of each habitat parcel"

Key Planning Considerations

Condition 4 set out the following:

"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.

Reason: To comply with Schedule 7A of the Town and Country Planning Act (1990, as amended). This Condition is imposed in accordance with Schedule 7A of the Town and Country Planning Act (1990, as amended) and Policy 28 of the South East Lincolnshire Local Plan, 2019."

Condition 5 set out the following:

" 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.

The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain:

A) Aims, objectives and targets for management, including habitat target conditions matching the Statutory Biodiversity Metric submitted with the application.

B) Details of the phasing and implementation of the habitats

C) Details of the management operations necessary to achieving aims and objectives.

D) Preparation of a works schedule, including timescales for habitat clearance and habitat creation and/or enhancement.

E) Details of the monitoring needed to measure the effectiveness of management and details of an assessment as to whether the target condition is achieved within the time to target period specified within the approved metric.

F) Details of the persons responsible for the implementation and monitoring.

G) Mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.

Reason: To meet the requirements in delivering the Mandatory Biodiversity Net Gain and to ensure net gain in biodiversity is provided on site.
This Condition is imposed in accordance with Schedule 7A of the Town and Country Planning Act (1990, as amended) and Policy 28 of the South East Lincolnshire Local Plan, 2019."

As set out previously, the council's ecology officer reviewed the submitted Biodiversity Gain Plan and HMMP and considered that the information was acceptable. The officer requested that the Biodiversity Gain Plan be inputted into the standard format and this has been undertaken. The officer also requested some additional wording be added to the HMMP. This wording has been added within Paragraph 3.3.2. Therefore, it was not deemed necessary to re-consult the ecology officer as the requested amendments had been made.

Therefore, it is considered that the submitted information addresses the requirements of the conditions and both conditions can 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.

Conclusion

The details address the requirements of conditions 4 and 5 of permission H05-0456-26.

Recommendation

Discharge conditions 4 and 5.