

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0747-25 **Applicant:** Mr L Connolly

Proposal: Details of ecological survey & ecological biodiversity enhancement measures (Conditions 13 & 14 of H06-0286-23)

Location: Broadgate Nursery Broadgate Gedney

Terminal Date: 1st October 2025

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 ecological survey & ecological biodiversity enhancement measures (Conditions 13 & 14 of H06-0286-23).

- Condition 13 relates to an ecological survey
- Condition 14 relates to ecological biodiversity enhancement measures.

Site Description

The site (some 0.17ha) is located on the south-eastern side of Broadgate, Gedney and forms part of a horticultural nursery. Its frontage is occupied by a traditional early 20th Century farm building of brick construction, with a replacement fibre cement/asbestos roof. A utilitarian agricultural building is situated behind, plus two static caravans that appear to be unoccupied.

The nearest residential properties are a converted barn (Olive Tree Barn) some 100 metres to the

north on the opposite side of Broadgate, Haveril House some 150 metres to the north-east and Teasel Cottage/Poplar Cottage approximately 130 metres to the south-west.

History

H06-0286-23 - Conversion of agricultural building into residential dwelling including the removal of cold store building and static caravans. Approved 23-05-23.

Consultation Responses

Ecologist

Summary:

- In total 3 bat emergence surveys were conducted.
- The proposed development works will destroy a common pipistrelle hibernation roost; Natterer's transitional roost; and a brown long-eared day roost.
- The proposed development could also potentially effect nesting birds within and surrounding the buildings. Requirements and recommendations:
- The proposal will significantly alter buildings that support bats, and will clearly result in the loss of the roosts. Therefore, a European Protected Species (EPS) license is required for this development and Natural England must be consulted and a license obtained before any works commence that may affect these species or their habitats.
- Following the recommendations we request that "Three Schwegler 2F bat boxes to be erected on retained suitable mature trees immediately to the northeast of the development" and "A bat loft to be created within the converted barn with suitable features to provide alternative roost provision for all types of bats recorded roosting or hibernating within the barn" and "The provision of two Beaumaris Woodstone bat boxes on the northeast facing gable end suitable for crevice dwelling bats."
- Due to the potential nesting habitats for birds on site we request that: Works should not be carried out in the main nesting season (March 1st - August 1st). If not possible then a suitably qualified ecologist must perform a breeding bird survey of the site prior to any works beginning onsite. Any active nests discovered during inspections will be protected with a suitable exclusion buffer (of appropriate size to the species) to prevent disturbance and monitored until the nest is no longer active / all chicks have fledged, when the ecologist will provide a sign off for clearance work to continue.
- We further request that all mitigation and enhancement recommendations provided in the PEA are followed throughout the development process for this site.

Planning Considerations

Condition 13 relates to an ecological survey

The condition requires:

Before any works are commenced an ecological survey shall be carried out to determine the presence, or otherwise, of protected species upon the site and the results of such a survey shall be submitted to the Local Planning Authority. If protected species are present a working design, method and timetable to mitigate any harm to the species involved shall be submitted to and approved in writing before any works of demolition are commenced and thereafter be carried out in accordance with the approved details prior to occupation.

The applicant has provided:

-Ecological Impact Assessment Report

The above report shows that there will be disturbance/destruction of breeding sites of European protected species (EPS) due to the development. In this instance the impact relates to common pipistrelle bats.

Due to this, the applicant will need to apply for a European Protected Species Licence. This point is acknowledged by the Ecologist. This effect cannot be avoided and so the EPS is the only route that the applicant can take to meet with UK legislation on protected species.

The proposed development could also potentially affect nesting birds within and surrounding the buildings. These are mitigated within the recommendations, that are discussed under the condition below.

For the purposes of this condition the information is acceptable. An ecological survey has been provided. Protected species are confirmed as present and affected. Whilst the PEA provides a working design, method and timetable to mitigate any harm to the species involved, there may be some change to the methods in relation to re habitation of bats. If this is the case, and the EPS suggest alternative methods are sought these condition may need to be discharged.

Condition 14 relates to ecological biodiversity enhancement measures

The condition requires:

Prior to practical completion full details of ecological biodiversity enhancement measures to be installed in conjunction with the development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be constructed/installed in accordance with the details so approved prior to the development being brought into use and shall thereafter be retained.

The applicant has provided:

-Ecological Impact Assessment Report

The ecologist has confirmed agreement with the methods contained within the PEA. It is of note that there is a stipulation of when demolition work can begin and this corresponds with bird nesting season. Any permission granted is in relation to that scenario. The methods put forward in the PEA would represent biodiversity enhancement. New habitation of bats and additional fixtures for birds are noted and welcomed.

On this basis the proposal is considered acceptable.

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 13 & 14 of H06-0286-23 are hereby discharged. The applicant's need to secure a EPS licence prior to any works commencing on site.