DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-1256-25**	**Applicant:**	**Mr L Connolly**
Proposal:	Details of Biodiversity Gain Plan & 30-year Habitat Management & Maintenance Plan (HMMP) (Conditions 3 & 4 of H06-0711-25)		
Location:	Broadgate Nursery Broadgate Gedney		
Terminal Date:	12th February 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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 condition application providing details of Biodiversity Gain Plan & 30-year Habitat Management & Maintenance Plan (HMMP) (Conditions 3 & 4 of H06-0711-25).

Site Description

Broadgate nurseries are located approximately 2 km to the southwest of Long Sutton. There are a number of buildings on the site, close to the access is a brick built barn that benefits from an extant permission to convert into a dwelling, this was approved under H06-0286-23, this included the removal of a cold store and caravans.

The application site naturally is located within the open countryside and outside of any defined settlement boundary. The site is located within Flood Zone 3 of the Environment Agency's Flood Maps and the South East Lincolnshire SFRA indicates that the site is within an area designated as a low hazard area.

History

H06-0711-25 - Proposed new pond & associated landscaping. Approved 8th October 2025

Consultation Responses

Planning Considerations

Condition 3 - Biodiversity Gain Plan

The Condition States:

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.

The applicant has provided:

·FINAL Rev 1 - October 2025 - Biodiversity Net Gain
·TE/LB/25_788/1 - Preliminary Ecological Appraisal

The details have been reviewed by the ecologist who states that "We are happy with the biodiversity gain Plan provided and are confident that it reflects the BNG metric for this application and therefore support the discharge of condition 3 of H06-0711-25." Therefore, on the basis of the above documents condition 3 is discharged.

Condition 4 - HMMP

The Condition States:

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.
H)Reporting on the delivery of on-site gains on years 1, 2, 5, 10, 20 and 30 following the implementation of the habitats in accordance with the above details.

The applicant has provided:

·2025_788/3 V1 - Habitat Management & Monitoring Plan

The ecologist has reviewed the HMMP and has stated "Overall, we are happy with the proposals in the HMMP and are confident that they are detailed enough to ensure that proposed habitats are created on site. However, we require a couple of sections of wording to be added to the HMMP before we can support the discharge of condition 4 of H06-0711-25. We request that specific wording be inserted into the HMMP to trigger the start of the 30 year BNG clock, e.g., "habitat creation and enhancement works in accordance with the Habitat Management and Monitoring Plan will be completed no later than 12 months after the completion of development work."

Notwithstanding these comments the HMMP states that "Monitoring reports will follow the approved

template, and accompanying excel template, for each relevant habitat type and will be submitted to the LPA or Responsible body according to the schedule outlined within the planning permission for the site, i.e. Reporting on the delivery of on-site gains in years 1, 2, 5, 10, 20 and 30 following the implementation of the habitats in accordance with the above details. Year 1 is anticipated to be 2027."

The applicant has therefore given the LPA a likely start date. Furthermore, the TCPA 1990, as amended by the Environment Act 2021, establishes that the 30-year maintenance period begins based on the type of gain, for onsite this is:
·On-site Gains: The 30-year period typically starts from the date the development is completed.

Therefore, once the development is carried in accordance with the agreed plans, it is evident that the maintenance period has begun. Moreover, the applicant also intends to provide "site gains in years 1, 2, 5, 10, 20 and 30 following the implementation" this therefore excludes part H of condition 4 being ever discharged until the maintenance period is legally complete (this is standard with all SHDC condition on HMMP), the LPA are therefore able to understand then, when the HMMP will be awaiting these details.

On this basis the information is sufficient to discharge the said condition as far as sections A - G are concerned and the condition 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

Conditions 3 & 4 of H06-0711-25 are hereby discharged, the applicant will also need to provide further details that include reporting on the delivery of on-site gains on years 1, 2, 5, 10, 20 and 30 following the implementation of the habitats in accordance with the approved HMMP.