DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-0437-25**	**Applicant:**	**Mr & Mrs Cross**
Proposal:	Details of biodiversity net gain and written 30-year Habitat Management & Maintenance Plan (HMMP) (Condition 8 of H07-0629-24)		
Location:	Cordon Villa 24 Station Road Gedney Hill		
Terminal Date:	4th July 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

28 The Natural Environment

National Guidance

National Planning Policy Framework December 2024

Representations:

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

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks to discharge condition 8 of the H07-0629-24, relating to a details of a 30-year Habitat Management & Maintenance Plan (HMMP), and to discharge the statutory biodiversity gain condition required by Schedule 7A of the Town and Country Planning Act, 1990.

Site Description

The application site is located to the west of Station Road in Gedney Hill. The site comprises a detached two storey dwelling with an open field to the rear. Residential dwellings are located to the north, east and west, with open fields to the south.

History

H07-1219-22 - Full - Change of use of agricultural land to paddock - Approved 07.02.2023

H07-0629-24 - Full - Proposed two storey and single storey extensions, detached garage, stables and menage - Approved 15.01.2025

H07-0263-25 - Condition Discharge - Details of boundary treatments, written 30-year Habitat Management and Maintenance Plan & foul & surface water disposal (Conditions 7,8 & 9 of H07-0629-24) - Withdrawn 06.05.2025

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

BNG Ecologist

"Having looked at this HHMP and biodiversity net gain plan, we are confident that the requested amendments have been made and are happy to support this condition discharge."

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

BNG Condition Wording

The effect of Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". Paragraph 13 (2) states that, "the condition is that the development may not be begun unless

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan"

Paragraph 14 of Schedule 7A expands upon this, outlining what would be required within a gain plan.

Condition 8 - Wording

Condition 8 of H07-0629-24 reads as follows:

"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) Descriptions of the management operations necessary to achieving aims and objectives.

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

D) Details of monitoring needed to measure the effectiveness of management.

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

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

Assessment

It is considered that the proposed HMMP and Biodiversity Gain Plan are suitably detailed to ensure that the required net gains are achieved on site and that they shall be properly maintained for the requisite period. The submitted biodiversity gain plan adequately conforms to the requirements of Paragraph 14 of Schedule 7A. This view has been reiterated within the comments from the Ecologist, who clearly state that the discharge of the conditions can be supported.

As such, it is considered that the submitted details are acceptable and that Condition 8 of H07-0437-25 and the standard biodiversity net gain 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

The details address the wording of the relevant condition and so Condition 8 of H07-0437-25 and the statutory biodiversity condition outlined in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 can be discharged.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.