DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0731-25**	**Applicant:**	**Mrs D Jinks**
Proposal:	Details of biodiversity gain plan & written 30-year Habitat Management and Maintenance Plan (HMMP) (Conditions 5 & 6 of H08-0046-25)		
Location:	The Paddocks 106 Siltside Gosberton Risegate		
Terminal Date:	24th September 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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 conditions 5 and 6 of H08-0046-25, alongside the statutory biodiversity condition, which relate to a biodiversity gain plan & written 30-year Habitat Management and Maintenance Plan (HMMP).

Site Description

The site is outside of, but adjacent to, the boundaries of Gosberton Risegate outlined within the South East Lincolnshire Local Plan, 2019. The site is comprised of a grassed paddock, which is well churned by existing use. As the site is adjacent to Gosberton Risegate, a row of dwellings can be found to the south. To the north, east and west is agricultural land and paddocks.

Relevant History

H08-0046-25 - Full. Proposed outdoor riding arena (40m x 25m). Approved 06/06/25.

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:

Senior Ecologst

Initial comments dated 2nd Septmeber 2025

"There are three issues that require resolving before we can support discharging this biodiversity gain condition:

1.The post development habitat provision includes planting 68 "individual" trees to achieve 10%, however, it is unclear from the post-development map where these trees are going to be located as only one strip of 34 trees is indicated in the site plan. In addition, planting a strip of 34 trees down the east side of an 80 m long field does not provide enough space for each tree to grow to be considered an individual tree in the metric assessment -This would be much more appropriately considered a linear tree line in the metric calculations- thus, we recommend that the minimum spacing between trees should be at least 4 meters to count them as "individual rural trees" in the metric (i.e. each tree is provided with 2m spacing on all 4 sides).

2.The tree planting occurs outside of the red-line boundary for the development and thus, cannot be adequately secured by the authority over the 30 year BNG period. A section 106 agreement can be used to secure off-site habitat provision within the blue-line boundary, though this is relatively disproportionate relative to the limited extent of biodiversity provision in this case (roughly 0.85 biodiversity units). Another option would be to apply to vary the redline boundary via a s73 application to include the tree planting area.

3.The HMMP needs specific wording inserted into the HMMP to trigger the start of the 30 year clock to the effect of "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".

4.We also require some specific reporting requirements to be entered in the monitoring section for the ditch and grassland habitat to the effect of:

-"At a minimum monitoring reports shall contain:

o1) a summary of management actions taken over the previous monitoring period and their timing;
o2) a summary of problems encountered in meeting management objectives and any mediation actions taken or planned to address problems;
o3) A current UK habitat condition assessment for each habitat parcel or tree, accompanied by representative photographs.

It is unfortunate that the BNG assessment and approach to habitat provision submitted with this application were ecologically unsound to the extent that the authority cannot be confident that this development can achieve 10% BNG as proposed. I welcome further comments or discussion about how to feasibly achieve 10% gains and secure them over the 30 year period."

Revised comments, dated 23rd September 2025

"Yes, the amended site plan and HMMP documents address the initial issues we raised and satisfy the authority's requirements in this instance. Therefore, I am happy to support this application to discharge the biodiversity gain condition. Please could you ensure that these and the latest version of the metric are uploaded onto the public portal."

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

Condition 5

Wording

"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."

Assessment

The submitted net gain plan is considered to suitably address the requirements of the condition, and by extension the requirements of the statutory biodiversity gain condition, which Condition 5 was imposed to support. The SELCP Ecologist has recommended the discharge of this condition on this basis.

Condition 6

Wording

"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."

Assessment

The revised HMMP has fully addressed the initial concerns raised, and would appropriately secure the long term maintenance of the proposed gains. The details proposed are suitable and proportionate to the scale of development and measures proposed. On this basis, condition 6 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 provided are considered acceptable, and therefore, conditions 5, 6 and the statutory biodiversity gain condition can be discharged for H08-0046-25.

Recommendation

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