DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0178-25**	**Applicant:**	**D G M Growers**
Proposal:	Details of Biodiversity Gain Plan, 30-year Habitat Management and Maintenance Plan (HMMP) (Conditions 7 and 8 of H09-1088-24)		
Location:	D G M Growers Roman Bank Holbeach Clough		
Terminal Date:	17th April 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions application providing details of Biodiversity Gain Plan, 30-year Habitat Management and Maintenance Plan (HMMP) (Conditions 7 and 8 of H09-1088-24)

Site Description

The site is an existing horticultural business to the east of Saracen's Head with an access off Roman Bank to the south in the countryside. The existing buildings are set to the south of residential properties set within open fields. The site consists of a complex of large agricultural sheds and poly tunnels.

History

H09-1088-24 - Proposed pallet storage shed. Approved 17-02-25

Consultation Responses

This application has been advertised in accordance with the Development Management Procedure

Order 2015 (as amended), No comments or representations have been received.

Planning Considerations

Condition 7

The condition requires:

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:

No additional information.

However a net gain plan and report were provided by the applicant during the application stage, these plans are:
-Biodiversity Net Gain Report reference P2024-136 R1 Final dated 20/12/2024 by Phillip Parker Associates Ltd.
-Proposed Site Plan 7090-PL01

Both were approved and listed under condition 2. This condition is therefore not necessary as the gain plan has already been agreed. This condition is therefore discharged.

Condition 8

The condition requires:

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.

The applicant has submitted:

- Habitat Management and Maintenance Plan by DGM Growers

The document provides evidence that would satisfy the requirements of the above condition and is therefore discharged.

Conclusion

Conditions 7 and 8 of H09-1088-24 are hereby 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 xxx 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 xxx 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.