DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0869-24**	**Applicant:**	**University of Lincoln**
Proposal:	Details of 30-year Habitat Management & Maintenance Plan (HMMP) (Condition 4 of H09-0319-24) and Biodiversity Gain Plan		
Location:	Centre Of Excellence In Agri-Food Technology 2 Peppermint Way Holbeach		
Terminal Date:	19th December 2024		

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

Description of Proposal

This application seeks to discharge condition 4 of H09-0319-24 (relating to a details of 30-year Habitat Management & Maintenance Plan (HMMP)) and the standard Biodiversity Net Gain condition placed on the application under Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).

Site Description

The site is outside of the defined settlement boundaries outlined within the South East Lincolnshire Local Plan, 2019, lying approximately 75 metres east of Holbeach. Despite this, the site is within the Food Enterprise Zone, a cluster of agri-research and related businesses. The campus itself is comprised of a squat rectangular building and associated grassed and hardstanding areas. A mowed grassed area is located between the A151 and the building.

Relevant History

H09-0771-16. OUTLINE. Proposed Centre of Excellence in Agri Food with associated roads, car parking and landscaping. Approved. 08-11-16.

H09-0230-18. RESERVED MATTERS. Proposed Centre of Excellence in Agri-Food with associated roads, car parking and landscaping - outline H09-0771-16. Approved. 13-04-18.

H09-0949-19. NON MAT AMENDMENT. Proposed Centre of Excellence in Agri-Food with associated roads, car parking and landscaping - approved under H09-0230-18 - Amendments to include minor changes to elevational treatment. Approved 18-10-19.

H09-1147-19. CONDITION COMPLIANCE. Details of surface water drainage, ground investigation report, site and floor levels, construction management plan and foul water strategy (Conditions 6, 8, 9, 10 and 12 of H09-0771-16). Approved 20-01-20

H09-0661-20. ADV. CONSENT. Proposed signage on south and north elevation of building. Approved 17-09-20.

H09-0057-21 - S73. Proposed centre of excellence in Agri-Food with associated roads, car parking & landscaping - approved under H09-0230-18. Modification of Condition 1 to allow amendments to previously approved plans. Approved 12-04-21.

H09-0319-24 - Full. Proposed external seating for staff and students including associated hard landscaping. Approved 05-09-24

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 Ecologist

"Overall, I found the information and management prescriptions sound and feasible, however, I do think there are a few features that have been overlooked in this HMMP, but which are necessary from a monitoring and enforcement perspective. Unfortunately, I realize we are time pressed on this discharge, so unsure if there are any steps that can be taken at this point to address the problem?

The two issues are 1. A lack of a clear timeline of exactly when habitat work will be completed (e.g., habitat creation/capital works to be completed within 1 year of the development work concluding), which is needed to provide a clear trigger to start the 30 year BNG countdown.

2. There is no reference to a reporting schedule, wherein the applicants periodically send us BNG assessment reports documenting the ecological condition of the on-site habitat creation/enhancement. We do not require frequent or detailed monitoring reports because of the relatively uncomplicated habitat creation and management involved (establishing a species rich neutral grassland, and 4 new tree plantings). However, we would require an initial report after the habitat establishment work has finished that evidences their completion and condition/status (e.g., via photos and habitat condition criteria assessments), and we require similarly structured reports submitted to the authority periodically over the 30 year period (e.g., every 5 years).

For example, ideally we would like to see words in the HMMP similar to below:
Monitoring reports as specified below in the HMMP shall be completed by a suitably qualified person and sent to the local authority by November 1st of each year in which monitoring is undertaken (year 1, year 5, year 10, year 20, year 25, year 30). As a minimum these reports shall contain:
1) a summary of management actions taken over the previous monitoring period and their timing;
2) a summary of problems encountered in meeting management objectives and any mediation actions taken or planned to address problems;
3) A current UK habitat condition assessment for each post-development habitat accompanied by the following supporting evidence:
i) species composition and % cover quadrat data used to assess grassland habitats following sampling methods of the National Vegetation Classification (NVC; Rodwell 1992*),
ii) whole feature assessment of the sedum sky roof, and nestbox and hibernacula structures; and

iii) photographs of each habitat parcel and feature listed above.

If it is too late to get this HMMP amended, as it stands it probably does contain sufficient information for enforcement purposes, and perhaps we'll just have to take special pains in the future to keep an eye on monitoring the site ourselves."

Key Planning Considerations

Biodiversity Gain Plan and Habitat Monitoring Plan

Condition 4 of H09-0319-24 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.

Reason: To meet the requirements of 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."

This condition supports the standard Biodiversity Net Gain condition applied by default to all non-exempt applications. Schedule 7A, Part 2, Paragraph 13(2) of the Town and Country Planning Act outlines the wording of the standard condition, being as follows:

"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"

The consultation response from the Senior Ecologist stated that the submission "does contain sufficient information for enforcement purposes". While there are clear shortcomings of the proposed plan, such as a lack of defined timeline for habitat completion and reporting, the details are considered acceptable. The submission will deliver a clear net gain of over 10%, which can be clearly maintained for the required 30 years.

As such, it is considered the details are acceptable and Condition 4 as well as the standard biodiversity 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

Condition 4 of H09-0319-24 can be discharged, along with the standard biodiversity gain condition.

Recommendation

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