

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-0406-26 **Applicant:** Loosegate Developments (Long Sutton) Ltd

Proposal: Details of BNG Metric Calculation, BNG Plan & Statement & Habitat Management Maintenance Plan (Conditions 3, 4 & 5 of H11-0017-25)

Location: Land At Seagate Road Long Sutton Spalding

Terminal Date: 26th June 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

28 The Natural Environment

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 BNG Metric Calculation, BNG Plan & Statement & Habitat Management Maintenance Plan (Conditions 3, 4 & 5 of H11-0017-25)

Site Description

The application site forms the north western corner of previously approved planning application H11-1207-17, which benefits from outline planning permission to erect up to 215 dwellings.

Recently planning application H11-0017-25 was approved allowing for the erection of 5 no. dwellings in this area. The site forms part of a broader allocated housing site of which many houses are now occupied.

History

H11-1207-17 - Outline. Residential development of approximately 215 dwellings. Approved 26th September 2019 This was subject to a legal agreement dated 26 September 2019.

H11-1346-21 - Reserved Matters - Erection of 171 dwellings and associated works. Approved 1 September 2022.

H11-0882-21 - Full - Erection of 9 dwellings. Approved 16 February 2022.

H11-0076-22 - S73 - Residential Development of approximately 215 dwellings - approved under H11-1207-17. Modification of condition 12 to allow amendments to wording relating to Flood Risk Assessment. Approved 10 March 2022. This was subject to a legal agreement dated 9 March 2022.

H11-0972-22 - NMA - Erection of 171 dwellings and associated works - outline approval

H11-1207-17 - approved under H11-1346-21. Amendment to position of plots 143, 144 and 172.

Amendments to design of Yew, Blackthorn & Elder house types and solar panels added to all plots. Approved 3rd November 2022.

H11-0923-22 - Removal of 106 agreements relating to financial viability of the development - Planning approval

H11-1207-17 - Refused 19 January 2023. H11-0367-23 - Details of contamination, landscaping, boundary treatment, refuse & recycling, archaeological details, estate road & associated footways, surface water drainage scheme, travel plan, public open space including management plan and construction management including precautions to prevent mud deposit on public highway (Conditions 5, 6, 7, 8, 9, 16, 17, 18, 20, 21, 22 & 23 of H11-1207-17) - Undetermined.

H11-0365-23 - Details of external materials of construction of buildings and hard surfaced areas and management and maintenance schedule for areas of landscaping, incidental open space, drainage features, refuse & recycling collection points & parking courts/private drives (Conditions 2 & 5 of H11-1346-21) - Approved 1 March 2024.

H11-1047-23 - Section 73 - Erection of 171 dwellings and associated works - approved under H11-1346-21. Modification of Condition 1 to allow amendments to previously approved plans. Approved 1.5.2024.

H11-0349-23 - Modification of 106 Agreements relating to the removal of the affordable housing obligation from both the outline planning approval H11-1207-17 and full planning approval H11-0882-21. Approved 11 June 2024. This was subject to a legal agreement dated 7 June 2024.

H11-1122-23 - Full - Erection of 4 dwellings. Previous extant permission for 2 dwellings. Withdrawn 14 February 2024. H11-0137-24 - Non Material Amendment - Erection of 171 dwellings and associated works - outline approval H11-1207-17 - approved under H11-1346-21. Amendment of private drives to Plots 96 & 108 to improve access to both plots. Withdrawn 1.5.2024.

H11-0171-25 - Erection of 171 dwellings and associated works - outline approval H11-1207-17 - approved under H11-1346-21. Amendment to replace brick types (Plots 17-90, 97-107 & 115-180). Approved 18 March 2025.

H11-0017-25 - Erection of 5 no. Dwellings. Approved 31-03-26

Consultations

I've re-reviewed the application and have found the planning permission that authorised this degradation to be completed (H11-0882-21) and agree that the baseline habitat for this site is sealed surface and artificial unvegetated/unsealed surface and this application is therefore BNG exempt through de-minimis.

Conditions

The applicant seeks to discharge conditions 3, 4 & 5 of planning permission H11-0017-25

·Condition 3 - Biodiversity Metric Calculation

Prior to the commencement of development, a Biodiversity Metric Calculation (utilising the most up-to-date statutory biodiversity metric) shall be submitted to and approved in writing by the Local Planning Authority. The calculation shall include a full assessment of the pre-development biodiversity value of the site (the baseline). The development shall thereafter be subject to the statutory requirement to secure a minimum 10% biodiversity net gain, as demonstrated through the submission and approval of a Biodiversity Gain Plan in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

·Condition 4 - Biodiversity Gain Plan

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.

·Condition 5 - HMMP

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.

Assessment

The applicant has submitted a

- Biodiversity Metric Calculation,
- Biodiversity Gain Plan and
- Biodiversity Net Gain Statement

in support of this application to discharge conditions.

The submitted information confirms that the application site forms part of a wider residential development which benefits from planning permission under ref. H11-0882-21. The submitted statement explains that the site was cleared and stripped as part of the implementation of that permission during 2022 and has subsequently been utilised as a construction compound associated with the wider development.

The Biodiversity Net Gain Statement references the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and the provisions relating to de minimis development. The statement further notes that Government guidance on habitat degradation requires the biodiversity baseline to be assessed immediately prior to any habitat degradation where such degradation occurred after 25 August 2023. In this case, the submitted evidence demonstrates that the site clearance and associated habitat loss occurred during 2022 as part of the lawful implementation of planning permission H11-0882-21, prior to the relevant date.

The submitted Biodiversity Metric and accompanying plans identify the current baseline habitat as sealed surface and artificial unvegetated/unsealed surface. The applicant therefore concludes that the proposal does not impact any onsite priority habitat and falls within the de minimis exemption from the statutory Biodiversity Net Gain requirements.

The Council's Ecology Officer has reviewed the submitted information and has confirmed that planning permission H11-0882-21 authorised the site clearance and degradation works. The Ecology Officer agrees that the appropriate baseline habitat for the site is sealed surface and artificial unvegetated/unsealed surface and concludes that the proposal is exempt from the statutory Biodiversity Net Gain requirements through the de minimis exemption.

Having regard to the submitted Biodiversity Metric Calculation, Biodiversity Gain Plan, Biodiversity Net Gain Statement and the advice received from the Council's Ecology Officer, it is accepted that the development is exempt from the mandatory Biodiversity Net Gain requirements. As such, there is no requirement for the submission or approval of a Biodiversity Gain Plan or a 30-year Habitat Management and Maintenance Plan in this instance.

Accordingly, the requirements of Conditions 3, 4 and 5 have been satisfactorily addressed and it is recommended that these conditions be discharged in full.

Conclusion

Conditions 3, 4 & 5 of H11-0017-25 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.