DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-0590-25**	**Applicant:**	**Seagate Homes**
Proposal:	Details of Biodiversity Net Gain Plan (Condition 10 of H11-0842-23) - approved on Appeal		
Location:	Four Acres 36 Lime Walk Long Sutton		
Terminal Date:	13th August 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
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
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions application providing details of Biodiversity Net Gain Plan (Condition 10 of H11-0842-23) - approved on Appeal.

Site Description

The application site relates to a housing allocation Los008 (which abuts Los026) the allocation site area is 1.72ha approximately (though this includes an existing dwelling and its curtilage) and the allocation sets a capacity for 34 number dwellings.

Number 36 Lime Walk is located immediately to the west. Phase 1 (70 dwellings) is located to the south west on the opposite side of a LCC footpath and estate (Anfield Road/Magpie Close) A play area is located to the south east and thereafter residential properties off St John Swains Way.

The application site abuts the open countryside along its northern boundary and recreational open space to its east. To the south the settlement is located and Lime Walk runs along the west.

History

H11-0842-FULL - Residential Development comprising 48 Dwellings. Allowed at appeal

H11-1264-18 - Outline - Proposed Residential Development (up to 70 dwelling) - Granted 7th November 2029

H11-0552-22 - RM - Erection of 70 dwellings - Outline approval H11-1264-18 - Approved 16th December 2023

H11-0196-23 -Condition discharge - Contamination and drainage (Conditions 6, 7 & 12 of H11-1264-18 and construction management plans (condition 5 of H11-0552-22). Approved

H11-0383-23 - S73 Proposed Residential Development - up to 70 dwellings - approved under H11-1264-18. Modification of Condition 11 to allow for a temporary access road into the site for construction traffic & deliveries rather than only the first 60 mts of estate road to be constructed before any dwelling is commenced.

H11-0994-FULL - Residential Development comprising of 56 dwellings. Appeal Allowed

Consultation Responses

Ecology - No comments received.

Planning Considerations

Condition 10 - Biodiversity Net Gain Plan

The condition requires:

Prior to any development ground level, a Biodiversity Net Gain Plan to demonstrate a minimum of 10% net gain in biodiversity on-site, calculated using the Biodiversity Metric 3.1 (or any successor) shall be submitted to, and approved in writing by, the local planning authority. This shall be supported by a Biodiversity Management Plan setting out how the biodiversity enhancements will be managed and monitored for the lifetime of the development. The development shall be undertaken and thereafter maintained in accordance with the approved details.

The applicant has provided:

- Biodiversity Gain Plan Form
- Tree Planting and Biodiversity Enhancements
- Habitat Management and Monitoring Plan
- Biodiversity Metric Calculation Tool

Whilst the ecologist has not made comments, the above suite of documents shows that the proposals for the site, which comprise of the creation of modified grass, neutral grass, a pond, ground-based green walls, urban trees and native hedgerows will result in a 33.78% net gain for area-based habitat units and a 100% net gain (from a baseline of zero) for linear-based hedgerow units. This is reaffirmed visually within the Tree Planting and Biodiversity Enhancements and data-based evidence is contained in the Biodiversity Metric Calculation Tool.

The applicant has also provided a Habitat Management and Monitoring Plan showing how the BNG will be maintained for a 30 year period, and this is acceptable.

Based on the submission of the above information it is considered that the applicant has met the terms of the condition and the information submitted to discharge is considered acceptable.

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 10 of H11-0842-23 is hereby discharged.