DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0538-26**	**Applicant:**	**Mr I Hetherington**
Proposal:	Details of biodiversity gain plan (Condition 4 of H13-0219-26)		
Location:	Land To East Of Church Lane Moulton Spalding		
Terminal Date:	31st July 2026		

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 condition 4 of H13-0219-26 relating to details of a biodiversity gain plan. The discharge of this condition would also cover the discharge of the statutory net gain condition, applied by Schedule 7A of the Town and Country Planning Act, 1990.

Site Description

The proposed building is located outside of any settlement boundaries outlined within the South East Lincolnshire Local Plan, 2019. The site is occupied by a private equestrian use. Agricultural fields surround the site. The access is taken off of Church Lane Moulton, which is a residential area of Moulton.

Relevant History

H13-0911-15 - Full - Change of use of land from agricultural to equestrian (recreational), retrospective permission for three field shelters and permission for the erection of a hay store and green container - retrospective - Approved 14-12-15

H13-0219-26 - Full - Relocation of hay store - Approved 02-06-26

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:

SELCP Ecologist

Having reviewed the biodiversity gain plan and BNG metric that was provided with the original application, we are confident that this site will achieve a 10.98% net gain on site. We therefore support the discharge of condition 4 of H13-0219-26.

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 4

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.

Assessment

The details provided are considered to be acceptable, and demonstrate that the requisite net gain would be achieved on site. This has been confirmed by the comments received from the SELCP Ecologist.

The requirements of Condition 4 of H13-0219-26 have been met. By extension, the requirements of the statutory biodiversity net gain condition, applied under Schedule 7A of the Town and Country Planning Act, 1990, have also been met.

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 submitted details achieve the aims of the conditions and are considered acceptable. Condition 4 of H13-0219-26 and the statutory net gain condition can be discharged.

Recommendation

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