DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0027-26**	**Applicant:**	**Mr R Gaunt**
Proposal:	Details of 30-year Habitat Management & Maintenance Plan (HMMP) & Biodiversity Gain Plan (Conditions 13 & 14 of H14-0573-25)		
Location:	18 Crossgate Lane Pinchbeck Spalding		
Terminal Date:	10th March 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application seeking permission to discharge Conditions 13 and 14 of

H14-0573-25.

Site Description

The site is located within the defined settlement boundary of Pinchbeck as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). Crossgate Lane is located just off Surfleet Road within the northern part of the settlement. No 18 is a detached bungalow on a relatively small plot. A large field is located to the south of the site which has recently received permission for new houses.

History

H14-0573-25 - Proposed Replacement Dwelling - Approved

Consultation Responses

South East Lincolnshire Council Partnership Ecologist

Details of 30-year Habitat Management & Maintenance Plan (HMMP) & Biodiversity Gain Plan (Conditions 13 & 14 of H14-0573-25).

Documents reviewed:
- Biodiversity Gain Plan
- HMMP
- Original BNG metric

Comments:

BNG Comments and Notes to applicant:
- We are happy with the Biodiversity gain plan and HMMP provided and are confident that they reflect the details and proposed enhancements laid out within the BNG metric for this site. We therefore support the discharge of conditions 13 and 14 of application H14-0573-25.

Conclusion: We support the discharge of conditions 13 and 14 of application H14-0573-25.

Planning Considerations

HMMP Condition

Condition 13 of H14-0573-25 states that:

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) Details of the phasing and implementation of the habitats

C) Details of the management operations necessary to achieving aims and objectives.

D) Preparation of a works schedule, including timescales for habitat clearance and habitat creation and/or enhancement.

E) Details of the monitoring needed to measure the effectiveness of management and details of an assessment as to whether the target condition is achieved within the time to target period specified within the approved metric.

F) Details of the persons responsible for the implementation and monitoring.

G) Mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.

Reason: To meet the requirements in delivering the 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.

The Ecologists comments outline that they are happy with the HMMP which has been provided and are confident that it reflects the details and proposed enhancements laid out within the BNG Metric.

Condition 13 can therefore be discharged.

Biodiversity Gain Condition

Condition 14 of H14-0573-25 states that:

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.

Reason: To comply with Schedule 7A of the Town and Country Planning Act (1990, as amended).

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.

The information provided has been sufficient enough to satisfy the Ecologist with their comments outlining that they are happy with the Biodiversity Gain Plan and are confident that they reflect the details and proposed enhancements laid out within the BNG metrics for this site.

Condition 14 can therefore 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

Conditions 13 and 14 of H14-0573-25 can therefore be discharged.