

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0625-24 **Applicant:** Harlaxton Estates Limited

Proposal: Details of Biodiversity Net Gain Plan (Condition 6 of H14-1135-23)

Location: Land Off Bervor Close Wardentree Lane Pinchbeck

Terminal Date: 16th September 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

28 The Natural Environment

National Guidance

National Planning Policy Framework 2023

Section 15: Conserving and enhancing the natural environment.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Details of Biodiversity Net Gain Plan (Condition 6 of H14-1135-23).

Site Description

As per host consent.

History

H14-1135-23 - Erection of 3 light industrial units (Class B2, B8, E(g)(i)(ii)&(iii) with associated parking spaces - approved 16 April 2024.

Consultation Responses

Senior Ecologist

Due to the very limited scope for achieving biodiversity gains on this site, I would suggest the submitted BNG plan is acceptable. Obviously, there would be more that could be accomplished for biodiversity on the site with the addition of a green roof, but since this application came in before 10% BNG was mandatory and the site was previously developed, then I would judge that the BNG plan meets the 10% gain requirement.

Pinchbeck Parish Council

The Parish Council feels that the proposed plan is disappointing and does not go far enough to enhance local biodiversity.

Planning Considerations

Condition 6

Condition 6 is worded as follows:

"Prior to the commencement of the development hereby permitted beyond oversight, a Biodiversity Net Gain Plan to demonstrate a net gain in biodiversity on-site 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.

Note: Development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat and barn owl roost boxes and integrating nesting opportunities into buildings. The use of swift bricks on new developments would help minimise the decline in swifts, a priority species.

Reason: To ensure that the development is able to deliver a net gain in biodiversity. This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, December 2023."

Condition detail

A Biodiversity Net Gain plan has been submitted together with a biodiversity management plan.

The site is an unused area of hardstanding with limited opportunity for biodiversity enhancement. The measures include soft landscaping to the gravel area to the northern end of the site adjacent to the main access from Bervor Road. 2 new native trees would be added.

3 new swift nesting boxes are to be added to the eastern building elevations. The swift boxes need to be checked annually.

The comments of the Parish Council that they are disappointed about how much has been provided are noted, however the Senior Ecologist recognises that this proposal was submitted prior to BNG being mandatory, and therefore it is not considered that further measures could reasonably be insisted upon.

It is concluded that the proposals are considered acceptable.

Conclusion

The proposals are considered acceptable. Discharge condition 6.

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.