DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-1015-22**	**Applicant:**	**Bellway Homes Eastern Counties**
Proposal:	Details of further ecology survey (Condition 5 of H14-0165-21)		
Location:	Land Off Wardentree Lane Pinchbeck Spalding		
Terminal Date:	13th December 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

28 The Natural Environment

National Guidance

National Planning Policy Framework 2021

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

CONDITION COMPLIANCE. Details of further ecology survey. (Condition 5 of H14-0165-21).

Site Description

Relevant History

H14-0165-21. RESERVED MATTERS. Erection of 96 dwellings and associated works - outline approval H14-0720-18. APPROVED 12-01-22.

Consultation Responses

Lincolnshire Wildlife Trust

No response has been received. The Trust was consulted on 26 October 2022 for 21 days, and prompted on 21 November 2022.

Planning Considerations

Condition 5

In accordance with the recommendations of the Preliminary Ecological Appraisal. 11 June 2021. Rev D, hereby approved, further surveys shall be submitted and approved by the Local Planning Authority prior to the commencement of any works to the Blue Gowt Drain. The works shall be undertaken in accordance with the recommendations of these further surveys.

Reason: In the interests of biodiversity.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and the provisions of the National Planning Policy Framework, 2021.

The details appear to be acceptable.

Conclusion

The details are considered to be 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.