

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H18-0275-26 **Applicant:** Sis Pitches

Proposal: Details of biodiversity gain plan and written 30-year Habitat Management and Maintenance Plan (HMMP) (Conditions 4 and 5 of H18-1242-25)

Location: Sutton Bridge Memorial Park Sutton Bridge Spalding

Terminal Date: 18th May 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of condition application providing details of biodiversity gain plan and written 30-year Habitat Management and Maintenance Plan (HMMP) (Conditions 4 and 5 of H18-1242-25).

Site Description

This area of Memorial Park is located within allocated recreational open space, as well as within flood zone 3 in accordance with Environment Agencies Mapping Systems.

The proposal relates to an approved MUGA located close to existing playing pitches. There is a TPO in the area and whilst the MUGA is located away from the root protection area. The Curlew Centre is accessed from Bridge Road, car parking exists to both the front and rear of the building. A play area is located to the east of the Memorial Park.

The proposed site for the pavilion is located away from the existing playing pitches.

History

H18-1242-25 - Construction of new MUGA playzone for football basketball and netball with associated fencing and lighting.

Consultation Responses

Ecology

1st response

We require further evidence regarding the off-site units secured on-site before we can support the discharge"

2nd Response (Following receipt of confirmation for the purchase of off-site units)

Thank you for getting these to me. I'm now confident that the appropriate units have been secured and we are happy to support the discharge of this condition.

Planning Considerations

Condition 4 - Biodiversity Gain Plan

The condition requires:

"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 thereafter be carried out in accordance with the approved details."

The applicant has submitted the following information in support of the discharge of this condition:

- Biodiversity Unit Purchase Certificate
- Biodiversity Gain Plan
- BNG Metric Calculation Tool

The Council's Ecologist was consulted and initially advised that, due to the scale and scope of the development, a formal Habitat Management and Monitoring Plan (HMMP) was not required in this instance. The Ecologist confirmed that the submitted Biodiversity Gain Plan and BNG Metric provided sufficient detail to support the discharge of Condition 5.

However, the Ecologist requested further information before supporting the discharge of Condition 4, specifically:

- Completion of Section 6.3 of the Biodiversity Gain Plan to demonstrate that a 10% biodiversity net gain could not be achieved on-site;
- A certificate/receipt/bill of sale confirming the purchase of off-site biodiversity units, including the relevant unit allocation reference numbers;
- A finalised statutory biodiversity metric including the off-site habitat information and habitat parcel references associated with the gain site; and
- Confirmation that the unit allocation had been registered on the national gain site register to enable independent verification by the Local Planning Authority.

Following receipt of the additional information, the Council's Ecologist confirmed that they were satisfied the appropriate biodiversity units had been secured and advised that they supported the discharge of the condition.

Having regard to the submitted details and the advice of the Council's Ecologist, the information provided is considered sufficient to satisfy the requirements of Condition 4. The condition can therefore be discharged.

Condition 5 - Habitat Management and Maintenance Plan (HMMP)

The condition requires:

"Prior to any vegetation clearance (defined as the deliberate removal of any semi-natural vegetative habitat including grassland, trees, and native shrubs), or prior to the commencement of development hereby permitted (whichever occurs first), a written 30-year Habitat Management and Maintenance Plan (HMMP) for the site shall be submitted to and approved in writing by the Local Planning Authority."

The Council's Ecologist has advised that, due to the limited scope of the development and the reliance on off-site biodiversity net gain provision, a formal HMMP is not required in this instance. The Ecologist is satisfied that the submitted Biodiversity Gain Plan and BNG Metric contain sufficient information to address the requirements of the condition.

As biodiversity net gain will be delivered entirely off-site through secured biodiversity units, and in light of the Ecologist's advice, the submitted information is considered acceptable. Condition 5 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

The submitted Biodiversity Gain Plan documentation, supporting metric information, and evidence of off-site biodiversity unit allocation have been reviewed by the Council's Ecologist and are considered sufficient to satisfy the requirements of Conditions 4 and 5. Accordingly, both conditions are recommended for discharge. Therefore conditions 4 and 5 of H18-1242-25 are hereby discharged.