DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-1054-24**	**Applicant:**	**Cadent Gas Limited**
Proposal:	Details of biodiversity net gain plan (Condition 3 of H18-0298-24)		
Location:	Bridge Road Sutton Bridge Spalding		
Terminal Date:	7th February 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment

National Guidance

National Planning Policy Framework December 2024

12 - Achieving well-designed and beautiful places

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application seeking permission to discharge condition 3of H18-0298-24.

Site Description

The concrete surface on which the building will be sited is bordered by a wire mesh fence approximately 2 metres in height. Beyond the wire mesh fence is an area of grass with established trees marking the north, east, south and west boundaries with an internal post and rail timber fence.

The site is in Environment Agency Flood Zone 3, and in a "Danger for Most" hazard area with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping.

History

H18-0036-81 - Full - Block valve installation - Approved

H18-1496-00 - Telecommunications Determination - Installation of telecommunication equipment - Approved

H18-0298-24 - Installation of new regulator building within existing operational site - Approved

Consultation Responses

No consultation responses received.

Planning Considerations

Ecology Management

Condition 3 of H18-0298-24 states that:

Prior to the commencement of the development hereby permitted beyond oversite, 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.

A covering letter has been submitted with the application identifying what they intend to feature within the site to accord to this condition. Firstly, bird and bat box detailing; this states that two Schwegler 2F or similar bat boxes will be installed on retained trees at the eastern site boundaries. They will face between southeast and southwest on the same tree or adjacent. They would be installed at a height of 4m and away from illumination. Furthermore, there would be six bird boxes, both hole-front and open-fronted designs. They would also be installed on individual retained trees at the site boundaries at a height of at least 2m. The open fronted boxes will be located away from any potential perches for predators.

The bird and bat boxes directly relate to the condition which stated that the development can incorporate a number of simple, low cost measurements to deliver biodiversity benefits; this included the use of bat and barn owl roost boxes and integrating nesting opportunities into buildings. It is therefore considered that the incorporation of these boxes would accord to the condition.

Finally, any fallen or broken boxes will be replaced. The bird boxes will be cleaned out annually and treated with boiling water to prevent disease, the bat boxes will remain in situ and only suitably licensed ecologists will move or inspect the bat boxes when required. They have also stated that upon approval from the LPA and erection of the boxes, photographs will be provided to fully discharge this condition, the number of boxes will also need to be confirmed. However, as the covering letter states that two bat boxes and six bird boxes will be erected, the LPA are content with this number and believe that the applicant should erect this amount.

Conclusion

Condition 3 of H18-0298-24 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.