

DECISION DELEGATED TO HEAD OF PLANNING

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Application No: H20-1045-25 **Applicant:** Ms Z Thornton

Proposal: Details of biodiversity gain plan and written 30-year Habitat Management and Maintenance Plan (HMMP) (Conditions 5 and 6 of H20-0942-24)

Location: The Paddocks Childersgate Lane Sutton St James

Terminal Date: 19th December 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

28 The Natural Environment
01 Spatial Strategy
02 Development Management
03 Design of New Development

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 an application to discharge Conditions 5 and 6 of Planning approval H20-0942-24.

That application granted a change of use of agricultural land to paddocks, the erection of a stable building and hardstanding, at The Paddocks Childersgate Lane Sutton St James.

The approval was subject to a number of conditions namely: Time condition; in accordance with

relevant plans; restricted to personal use; no burning.

The conditions that are sought to be discharged as part of this application are:

Condition 5

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.

Condition 6

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) Descriptions of the management operations necessary to achieving aims and objectives. C) Preparation of a works schedule, including timescales for habitat clearance and habitat creation and/or enhancement. D) Details of monitoring needed to measure the effectiveness of management. E) Details of the persons responsible for the implementation and monitoring. F) Mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets. Reason: To meet the requirements of mandatory biodiversity net gain and to ensure net gain in biodiversity is provided on site.

Site Description

The application site comprises approximately 4.2ha of agricultural land to the east of Childersgate Lane, located approximately 1km to the north-east of Sutton St James. The site is flat and is surrounded by similar flat agricultural fields, interspersed with some trees, dykes and hedgerows. The site is outside any defined settlement limit and as such is within the countryside in planning policy terms.

History

- H20-0942-24 Change of use of agricultural land to paddocks, erection of stable building and hardstanding - part retrospective.

Consultation Responses

BNG Ecologist

Initial response 13.11.25

Content with BNG Plan but required additions to the HMMP before the condition charge can be supported.

Subsequent response 16.12.25

Applicant has taken our comments on board and happy to support the discharge of the conditions.

Documents Reviewed

- Application Form
- Habitat Management & Monitoring Plan 14-11-2025 - Amendment 1 - Version 2
- Biodiversity gain plan.

Comments:

The BNG would be provided within the red line boundary. The site has a baseline of 9.34 habitat units increasing to 15.36 habitat units post development, representing a net increase of 6.02 units.

The 30 year management obligation is to begin once the habitat is created and the anticipated time for that is in the first year of the development. By year 5 the site is expected to have largely achieved the targeted habitat condition score.

Monitoring will be undertaken annually between years 1-5 and thereafter in years 10,20 and 30.

Planning Considerations

The information submitted, as amended provides sufficient detail to satisfy the conditions imposed.

The LPAs BNG Ecologist has provided comments in relation to the details submitted within this application as is satisfied.

Overall, the LPA are satisfied with the details provided and are comfortable to support the discharge of this condition.

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 5 and 6 of H20-0942-24 can therefore be discharged.