DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H03-0175-26**	**Applicant:**	**Lord Carrington**
Proposal:	Demolition of agricultural building and erection of grain store and associated infrastructure		
Location:	Park Farm Banks Drove Deeping St Nicholas		
Terminal Date:	28th May 2026		

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
29	The Historic Environment
30	Pollution
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework December 2024

Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL	0	0	0	1

DRAINAGE BOARD				
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	1	0	1	7

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the demolition of an agricultural building and the erection of a grain store and associated infrastructure at Park Farm, Banks Drove in Deeping St Nicholas. The grain store would measure approximately 90 meters by 42 meters. The store would feature a dual pitched roof, with a maximum height of 12 metres. The store would have an eves height of 8 metres to the eaves. The store would be constructed of typical materials, featuring concrete panels and olive-green steel sheeting on the elevations and grey cement sheeting on the roof.

Site Description

The application site is part of an existing established agricultural holding at Park Farm, Deeping St Nicholas. There is an existing storage building to the east, the farmhouse to the south east and open fields to the north, south and west. The wider area is rural, dominated by agricultural uses and sparse dwellings.

History

No relevant planning history.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Lincolnshire Police

Lincolnshire Police do not have any objections to this amendment

Environment Agency

This proposal comes under cell H4 of the local flood risk standing advice and does not appear to fit any other criteria
on our consultation checklist, 'When to consult the Environment Agency'.

It was therefore not necessary to consult us; please consider the proposals against the guidance of the standing
advice.

We do not need to be consulted further on this application.
However, if you believe you do need our advice, please contact me on the below details.

Anglian Water

We have no asset encroachment concerns.

Regarding surface water, from the Flood Risk & Drainage Assessment Report REV 01 February 2026 submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

If planning permission is granted, the strategy should be listed within the decision notice with any approved plans.

Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Fire & Rescue

I refer to the planning application reference H03-0175-26. The Fire Authority object to the application on the
grounds of inadequate water supply. It is the opinion of the Fire Authority that in order to remove the objection
the following measures are required.

WATER SUPPLY
Lincolnshire Fire and Rescue requires the installation of one fire hydrant conforming to BS750-2012 within 90m
of the premises entrance in respect of this planning application to be provided at the developer's expense. Fire
hydrant acceptance testing will be carried out by a Hydrant Inspector on completion and a standard hydrant
marker "H" plate will be fitted nearby. Following adoption, the Fire Service will be responsible for the ongoing
maintenance and repairs for the lifetime of the fire hydrant.

LCC Highway and Lead Local Flood Authority

Recommendation for No objection subject to the following condition:
No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments: The proposal is for the demolition of agricultural building and erection of grain store and associated infrastructure. The existing access, parking and turning facilities will continue to be used. There will be a reduction in vehicle movements to and from the site as the grain can be stored on site rather than relying on storage elsewhere. I have requested that a Condition for a Construction Management Plan is submitted due to the nature of the surrounding roads. The proposal will not have an adverse impact on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Historic England

We note the presence of later prehistoric / Roman period archaeological remains in this area with scheduled monuments comprising Settlements North and South-West of Park Farm (viz https://historicengland.org.uk/listing/the-list/list-entry/1004980 & https://historicengland.org.uk/listing/the-list/list-entry/1004981). Adjacent to the proposed Biodiversity Net Gain Area is the line of what appears to be an ancient gravel road bounded by

ditches appearing as crop-mark with a group of rectangular enclosures adjacent viz https://www.heritagegateway.org.uk/Gateway/Results_Single.aspx?uid=1f08b4a6-6b63- 4667-a1a5-8d1dd1ba2445&resourceID=19191 and https://www.heritagegateway.org.uk/Gateway/Results_Single.aspx?uid=3c61b3fc-eeed 49ab-9d26-6f63b14082e5&resourceID=19191.

Further to our GPA 3 Setting of Heritage Assets we would view broadly contemporary archaeological remains in the vicinity of the above scheduled monuments as contributing to their significance and hence at least worth of recording to mitigate or minimise any impact upon the designated assets further to para 208, notwithstanding the public benefits of the scheme as a whole (further to para 215 & 216 if such remains are present).

We refer you to the expertise of your archaeological advisors who may have further information regarding archaeological finds and features in the area. We suggest that further to NPPF para 218 you should seek their advice regarding any necessary archaeological supervision or recording in association with is development.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 208, 215, 216 and 218 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

National Grid Electricity Distribution

No comments from NGED, landowner is already in discussion with planning department.

Conservation Officer

The proposal is not expected to have any impact on above- ground heritage assets.
However, the site does hold archaeological potential, and full weight should therefore be given to the advice and recommendations of the archaeological consultants.

LCC Historic Environment

Thank you for consulting us on this application.
It is noted that the applicant has not provided an assessment of the archaeological or heritage potential of the site, as required by paragraph 207 of the NPPF.

The Historic Environment Record (HER) identifies multi-period activity around the site. Prehistoric evidence includes Iron Age artefacts and saltern activity (MLI20295; MLI23271; MLI23273). Romano-British activity is well represented, including settlement and saltern remains (MLI22063; MLI23239; MLI23272; MLI23274) and cropmark complexes (MLI22345). Possible early medieval activity is indicated (MLI22072), with medieval settlement and associated features also recorded (MLI20007; MLI20008; MLI22065; MLI22069). The wider landscape includes enclosure and field systems and cropmark evidence of land division (MLI22062; MLI22088; MLI20299; MLI20300; MLI20297; MLI22076). Satellite imagery also confirms the presence of cropmarks to the south-west and north-east of the site. The site lies on a large roddon crest; this type of raised, silted palaeochannel is known to have attracted activity across multiple periods in this landscape.

The proposed development comprises 'Demolition of agricultural building and erection of grain store and associated infrastructure.". The proposed development groundworks and any temporary works associated with the development (including landscaping, drainage connections and BNG planting) will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present.

As mentioned above, there is potential for development on this site to have an impact on buried remains that should be recorded prior to their destruction - NPPF (paragraph 218). There is archaeological potential, and we do not possess evidence that previous limited development activity truncated possible present heritage assets.

We recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will comprise a phased approach of archaeological investigation and mitigation work.

This will initially comprise but may not be limited to a geophysics survey and a trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above and to inform a programme of further archaeological mitigation work which may be required if archaeological remains are identified in the evaluation.

This will enable any remaining archaeology which currently survives on this site to be properly assessed and recorded prior to their alteration or destruction.

This should be secured by South Holland District Council's standard conditions AR01, 02, 03 and 05. This is in accordance with National Planning Policy Framework paragraphs 207 and 218 and the South East Lincolnshire Local Plan (Policy 29).

With respect to the attached archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1YL, 07386 656079, email ruben.lopez@lincolnshire.gov.uk to discuss the requirements and request preparation of a brief for the works.

It is recommended that the Written Schemes of Investigation (evaluation/mitigation strategy) are agreed by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority for approval. Ten days' notice is required before commencement of any archaeological works.

BNG Ecologist

Summary: There has been sufficient evidence provided to determine this application, and we are confident that 10% biodiversity net gain can be achieved on site for this application. We will require a BG plan and an HMMP pre-commencement.

Documents reviewed:

- BNG Statutory Metric
- Preliminary Ecological Appraisal
- BNG assessment

Comments
Ecological Considerations:

- The applicant has provided thorough ecological documentation therefore in my judgement providing sufficient ecological data to determine this application.
- We support all mitigation and enhancement recommendations provided in the PEA and request they be set as a condition at discharge.

BNG Comments and Notes to applicant
- Overall, the biodiversity assessment and metric calculations appear rigorous, and we can have confidence in their conclusions. In this case the metric indicates that 10% mandatory net gain can be achieved on-site with a predicted overall gain of 10.3% in Habitat units and 11.58% in hedgerow units.

Specific wording request for BNG notes to applicant
- We will require a biodiversity gain plan and a HMMP to be provided pre-commencement due to the relative difficulty of creating some of the habitats on site.

Lincolnshire Wildlife Trust

Lincolnshire Wildlife Trust is a conservation charity in the county with a strategic remit to support conservation of the natural world, lead on the recovery of key habitats and species, and empower local communities to take action for nature. The Trust is supported by over 27,000 members across Lincolnshire.

Thank you for inviting comment from Lincolnshire Wildlife Trust on this application. Our conservation officers have reviewed the referenced development against a series of strategic conservation and ecological criteria. In review of the variation documents presented, The Trust has no substantive comments or recommendations on the proposal.

Welland & Deeping Internal Drainage Board

The proposed surface water discharge into the adjacent dyke is agreeable with the Board in principle. An application will need to be made to the Board for consent to discharge surface water, should planning permission be granted.

Based on the submitted information of a total impermeable area of 0.335ha and a maximum flow restricted to three and a half litres per second, this results in a development contribution of £8,478.78 payable in advance of connection. Please note that development contributions are subject to annual increase in line with RPI.

Prior to connection, the receiving riparian watercourse is to be inspected to see if it is capable of taking the proposed additional flow, and if not currently suitable, then it would need to be brought up to a suitable standard.

I note that the BNG uplift area appears to be outside of the Board's land ownership which I am pleased to see.

SHDC Environmental Protection Officer - Received 23.03.2026

I would ask that the developer please provides technical specification for the proposed fans and details of any acoustic protection methods if known of this development. This information should be submitted prior to completion for Local Authority approval.

No comments regarding land contamination.

SHDC Environmental Protection Officer - Received 28.04.2026

I have reviewed Woodcock and Wilson Ltd Fan Noise Data, Ref: Q54932c, Dated: 14/04/2026. Provided the fans are installed as proposed on the current site plans with the 6mm thick casing, noise levels should be within an acceptable range for the nearest residential property which is Park Farm Cottage

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within the Countryside, development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

The application site in this instance is outside any settlement boundary and therefore, is classes as Countryside. In this instance, as the proposal relates to an existing agricultural use, a use that necessitates a countryside location and therefore, the principle of such development is considered to be appropriate, comprising an appropriate form of development for the location.

As such, the proposal is considered to be in accordance with the requirements of the South East Lincolnshire Local Plan (2019) when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn as follows.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan (2019) outlines sustainable development considerations for development proposals, providing a framework for an operational

policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2024), in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework (December 2024) and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposed building would measure approximately 90 meters by 42 meters and stand a maximum height of 12 metres. The store would be constructed of typical materials, featuring concrete panels and olive-green steel sheeting on the elevations and grey cement sheeting on the roof. While the scale of the development, is sizeable, the size/materials are what would be expected from a grain store, the building is also proportionate to the size of the plot, the significant plot size would comfortably accommodate the grain store, therefore there are no significant concerns regarding its size and appearance. The building would not be readily visible to the public being set well within the application site (400m from the road). Given the location and nature of the development it is not considered to be out of keeping with the character of the agricultural character of the area.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2024).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2024) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The nearest neighbour is located approximately 50 meters to the south. The separation distance means there is not considered to be an overshadowing, overbearing, or overlooking impact on neighbouring buildings. The building is for storage purposes therefore there is not considered to comprise a use that would give rise to a noise or disturbance impact from any activities therein, that would be considered unsuitable or harmful.

The Environmental Protection department have raised no objections to the proposal; however, further information was requested during the application, with regards to the proposed fans and the proposed acoustic protection methods. Following this request fan noise data was provided resulting in the Environmental Protection department raising no objections providing the fans are installed as proposed on the current site plans with the 6mm thick casing, and the noise levels being within an acceptable range for the nearest residential property.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

The proposal is for the demolition of an agricultural building and the erection of grain store and associated infrastructure. The proposed grain store building would not require any alteration to the existing vehicular access to this established farm or the parking and turning facilities. There will be a reduction in vehicle movements to and from the site as the grain can be stored on site rather than relying on storage elsewhere. The relevant consultee the Highway Authority has raised no objections to the proposal, however, they have requested that a Condition for a Construction Management Plan is attached to the permission. The development therefore satisfactorily accords with Policies 2, 3 and 36 of the SELLP in terms of highway safety and parking.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

Historic Environment - Archaeology

The National Planning Policy Framework expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework (December 2024). Development proposals will expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology." Part C of Policy 29 concerns "archaeology and scheduled monuments". This Policy outlines five assessment points for an application which may impact upon archaeological remains, the first three of which are particularly relevant here:

"1. Proposals that affect archaeological remains, whether known or potential, designated or non-designated, should take every reasonable step to protect and, where possible, enhance their significance.
2. Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.
3. If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site."

Upon consultation with the Historic Places Team, it was commented that the application site lies within an area of multi-period activity. Prehistoric evidence includes Iron Age artefacts and saltern activity. Romano-British activity is well represented, including settlement and saltern remains and cropmark complexes. Possible early medieval activity is indicated, with medieval settlement and associated features also recorded. The wider landscape includes enclosure and field systems and cropmark evidence of land division. Satellite imagery also confirms the presence of cropmarks to the south-west and north-east of the site. The site lies on a large roddon crest; this type of raised,

silted palaeochannel is known to have attracted activity across multiple periods in this landscape.

Following the above, it is evident that the application site lies within an area of archaeological importance and sensitivity. In this regard, it is evident that the proposed development, with regard to groundworks and any temporary works associated with the development, will have the potential to impact on any surviving archaeological remains, resulting in total or partial loss, if present. Therefore, archaeological conditions for a mitigation strategy to effectively deal with this site has been recommended to be added to any subsequent permission. This will include a phased approach of archaeological investigation and mitigation work. This will enable any remaining archaeology which currently survives on this site to be properly assessed and recorded prior to their alteration or destruction.

Overall, subject to the conditions recommended, the proposal would not cause harm to any designated or non-designated heritage asset, including the archaeological importance of the site, and the proposal is considered to be in accordance with Policy 29 of the South East Lincolnshire Local Plan (2019) and Section 16 of the National Planning Policy Framework (December 2024).

Flooding Considerations

Section 14 of the National Planning Policy Framework (December 2024) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: applying the sequential test and then, if necessary, the exception test as set out below".

The site lies within Flood Zone 2 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South-East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan, including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the SELLP is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is not classed as at risk of flooding. As such, the actual chance of the site flooding is low. The proposed agricultural use is classed as less vulnerable by the Environment Agency and as such is acceptable within the context outlined here.

Overall, when considering the development on balance, it is considered that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan, or
(c) the development is exempt from the biodiversity gain condition.

For applications that are submitted prior to the introduction of this requirement, the development would be exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

When taking the above into account, the development in this instance is not exempt from the statutory 10% Biodiversity Net Gain requirements. Following the assessment of the information provided, the Council are confident that 10% biodiversity net gain can be achieved on site for this application. Overall, the biodiversity assessment and metric calculations appear rigorous, and we can have confidence in their conclusions. In this case the metric indicates that 10% mandatory net gain can be achieved on-site with a predicted overall gain of 10.3% in Habitat units and 11.58% in hedgerow units. We will, however, require a biodiversity gain plan and a HMMP to be provided pre-commencement due to the relative difficulty of creating some of the habitats on site.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development outside the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024) when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

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

Taking the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3, 4, 29,
30, 33 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (December 2024). The are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.