Oscar Patman
Planning Officer
South Holland District Council
Priory Road
Spalding
PE11 2XE

11th August 2025

Dear Oscar,

I wish to submit a Section 73 application for the removal of a planning condition, following the grant of planning permission for Harvey's Barn, Day's Lane, Donington.

The Section 73 application form and supporting documents (including this statement) are attached to my e.mail.

You will recall our telephone conversation of 28th May, 2025 when I raised concern with you regarding the imposition of an archaeological condition. We were not aware of any archaeological conditions being required, even though Lincolnshire County Council Historic Environment Department provided their opinion on 27th January 2025. To allow Planning Approval to be granted, I agreed to this condition, but indicated that I would need to seek advice from an archaeological consultant who may be able to assist us in this respect.

Having had the opportunity to discuss the process of archaeological investigation with a respected local archaeologist and the SIPP Administrators, significant issues have been highlighted: -

1. Planning permission was previously granted for the site in 2015, and no archaeological condition was attached to that permission.

2. The owner of Harvey's Barn is a Self-Administered Pension Scheme (SIPP). The SIPP Administrators have confirmed that they would not permit the scheme to proceed if the current archaeological clause is in place. This is due to the potential open end cost risk associated with this archaeological clause. The SIPP Administrators have a legal duty to protect the pension scheme from possible capital erosion or exhaustion so would not be able to consider exposing the pensions to an unquantifiable expense. A copy of their correspondence is attached to this e.mail for your information.

3. A formal pre-application advice was sought prior to the latest planning application being submitted. A full pre-application advice report was provided by Catherine Sutton. There was no mention in the pre-advice report, not even as a possibility, that any such extreme archaeological condition would be required. Had the report so provided, then the planning application would not have been submitted in the first instance.

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4. It is difficult to understand why such an extreme archaeological scheme has been applied to this site, given that the total site is only 2475m^2 and the GIFA of the proposed building is only 680m^2.

5. Oglesby and Limb have been commissioned to consider the likelihood of significant archaeological value on this site. Their report is attached and suggests that the site has low archaeological potential.

Clearly, however, point 2 above is of overriding significance and is non-negotiable. Consequently, the construction cannot be authorised to proceed, and the structural engineering planning is currently suspended pending the outcome of this section 73 application.

I refer to our telephone conversation of 28th July, were you indicated the possibility of an alternative condition, which would require the developer to notify if an artifact is found during the construction process. You indicated that you have previously used such 'watching briefs' as a condition in similar instances.

By way of example: - "*If any unexpected Circa pre-1900 archaeological evidence is discovered during the process of undertaking the approved works, the developer shall contact the Lincolnshire County Council Historic Environment Record immediately to inform them of the discovery, so that the necessary recording may be undertaken."*

We would welcome the Council's agreement to a similar watching brief.

Whilst all parties should consider archaeology, I contend that it must be so considered in the context of the other planning policies. I draw attention, by way of example, to the National Planning Policy Framework, Section 6 – Building a Strong, Competitive Economy. Paragraph 85 thereof states, inter alia "*Planning policies and decisions should help create the conditions in which businesses can invest, expand, and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*."

At present Harvey's Barn is occupied by Royal Brinkman (https://royalbrinkman.com). This is a highly respected, global horticultural organisation, that has chosen South Holland as the location for its UK operations. The organisation is a 'high skills' employer, boasting Agronomists, Horticultural Consultants, and Horticultural Engineers amongst its workforce. If the expansion of Harvey's Barn cannot proceed, and Royal Brinkman outgrow the current capacity, then there is a risk that the company may choose to re-locate, possibly outside of our region.

I hope that SHDC will look favourably on the section 73 application. If, however, that proves not to be the case, it is almost certain that this project will be abandoned. I am therefore advised to reserve our right to proceed to appeal.

I would be grateful if you could confirm receipt of this e.mail and trust that you will feel free to contact me should you wish to discuss any aspect in greater detail.

With thanks and regards,

For and on behalf of The Nicholl-Smith Group SIPP
Yours sincerely,



Andrew NICHOLL-SMITH