DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-0324-25**	**Applicant:**	**Defence Infrastructure Org.**
Proposal:	Installation of 2 new target barges		
Location:	Raf Holbeach - Bombing Range Durhams Road Gedney Dawsmere		
Terminal Date:	30th September 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

Section 12 - Achieving well designed places
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	4

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for the installation of two new target barges at the RAF Holbeach Bombing Range, Gedney Dawsmere.

Fundamentally, the proposal is to locate two re-purposed barges at the new position known as 'Target 10', these barges would be 56.3m in length and 11.3m in width with a height of 5m - 8m. They would be set out in a t-shape with a footprint of around 6250sqm each. These would replace targets 6 and 8 which are now deemed to be expired.

Initially, the Agent submitted the application alongside a BNG Exemption Statement. This was amended during the course of application with the LPA arguing the point alongside the in-house Ecologist that the development is not exempt. The proposal is now being determined based upon revised and amended details in relation to the Shadow Habitats Regulation Assessment, Biodiversity Net Gain Design Stage Report BNG Metric Calculation Tool.

Site Description

The site is located in the sea bed of The Wash Site of Special Scientific Interest (SSSI). A Habitats Regulation Assessment (HRA) was submitted to the Marine Management Organisation (MMO) to ensure that the flora and fauna or this habitat was protects from the impacts of the proposal.

History

H06-1141-22 - Installation of two new target barges, 30m in length by 6m in width, within the Holbeach air weapons range - Approved

Consultation Responses

Gedney Parish Council

Council support this application.

Environment Agency

Environment Agency position

We have reviewed the submitted Water Framework Directive (WFD) Assessment dated 26 March 2025, ref: 'CL-2501 - HOLBEACH AWR TARGET 10 APPLICATION', prepared by Marmus Ltd and agree with its conclusion that the proposed development will not jeopardise the Wash Inner waterbody from meeting the WFD/WER objectives. We therefore have no objection to this application.

Crime Prevention Design Advisor

Lincolnshire police do not have any objections to this application.

Ministry of Defence - Offshore

I can confirm that from the information provided, the MOD has no objection regarding this activity.

Lincolnshire County Council Highways Authority

Recommendation: No objection

The proposal is for Installation of 2 new target barges, and it does not have an impact on the Public Highway or Surface Water Flood Risk.

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.

South Holland District Council Environmental Health

No comments.

Natural England

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on The Wash SPA, The Wash Ramsar site, The Wash and North Norfolk Coast SPA and The Wash SSSI. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Habitats Regulations Assessment - Appropriate Assessment.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Comments After Amendment

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutory designated sites including The Wash SPA, The Wash RAMSAR site, The Wash and North Norfolk Coast SPA and The Wash SSSI and has no objection.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

South East Lincolnshire Council Partnership Ecologist

Proposed installation of 2 new target barges located in intertidal zone.

Summary: I believe a holding objection should be place on this application, noting that the HRA and EcIA are deficient in incorrectly concluding that the new target barges will cause no direct physical disturbance and habitat loss, nor impact invertebrate communities within this nationally designated site (RAMSAR, SPA, SAC, NNR,SSSI; see details below). Therefore, an HRA undertaken by Natural England is required prior to determination. I also note that neither the HRA nor EcIA consider the operational use of the new target site as a bombing range, which is a material consideration that should also be scoped into the HRA. Lastly, I believe the development is not BNG exempt, and that ideally this application should not have been validated without a Biodiversity Net Gain Assessment and accompanying habitat maps and statutory metric.

Documents reviewed:
- Briefing Notes BNG Exemption
- 03 target 10 coordinates

- 04 target 10 site boundary coordinates
- Shadow Habitat Regulation Assessment
- Ecological Impact Assessment

Comments

Ecological Considerations:

- The shadow Habitat Regulations Assessment (HRA) and Ecological Impact Assessment (EcIA) submitted with this application are thorough and we support the sensitive installation methods described to minimize ecological impacts. However, the HRA and EcIA are incorrect in stating that the new barges will not directly cause physical disturbance and habitat loss (e.g., section 3.4.1 of the shadow HRA, and sections 5.4.1 and 5.7.1 of the EcIA). The new barges will directly impact the above through disturbing the substrate and invertebrate communities present there on every low tide when the barges run aground. In addition, there may likely be additional impacts from shading. Together, these impacts will also result in a marginal (though cumulative) loss of foraging habitat for wintering birds using the area.

- Since the barges are sited in a new location from previous targets, the above will constitute new disturbance to the habitat and communities therein. For this reason, the operation of the site should also be considered in an EcIA and HRA due to the novel and cumulative impacts of ordinance detonating and associated pollution/contaminants on the aquatic community at this new location within this designated site (RAMSAR, SPA, SAC, SSSI, NNR).

- In consideration of the above, the Conservation of Habitats and Species Regulations 2017 therefore require that Natural England be consulted to perform an HRA with the above impacts scoped into the assessment, and the application should not be determined in the absence of this information on cumulative impacts and any measures required to mitigate
them.

BNG Considerations

- In light of the impacts to habitat and biodiversity described above. This application should not be considered exempt from achieving the mandatory 10% Biodiversity Net Gain requirement. I argue that the installation and operation of this development will negatively impact an area of habitat greater than 25 square-meters, which has not previously been
subject to this disturbance, and therefore the development does not qualify for the de minimis exemption.

- Ideally this application should not have been validated without a BNG Assessment and accompanying habitat maps and statutory BNG metric, and the authority should not determine this application in the absence of this information.

Conclusion

- This application does not contain sufficient information for determination under the Conservation of Habitats and Species Regulations 2017, and I believe a holding objection should be placed on it until Natural England performs a Habitat Regulations Assessment that scopes in the cumulative impacts of physical disturbance and impacts to invertebrates and wintering birds that arise from the installation and operation of the development.

- Similarly, the authority requires that a full BNG Assessment be undertaken for this development prior to prior to determination.

Comments After Amendment

The BNG metric and assessment demonstrate the appropriate level of accuracy and rigour, and we can be confident in their conclusions, which is that the proposal requires the equivalent of 2.19 high/very high distinctiveness units to achieve 10% BNG. As discussed, the applicants are seeking to secure these units off-site from a local 3rd party habitat bank, which has high-distinctiveness habitats available. Therefore, the authority can be confident that this proposal can achieve the mandatory 10% BNG requirement.

Marine Management Organisation

No objections and approved the Shadow Habitat Regulations Assessment.

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.

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):
- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety
- Flooding Risk Considerations and Drainage
- Biodiversity

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.

Planning Considerations

Principle of Development and Sustainability

The South East Lincolnshire Local Plan (2019) 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 (2019) 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.

Accordingly, development will only be permitted in the countryside 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.

Notwithstanding the above, the barges have come to the end of their use/cycle, it is therefore necessary to replace them and install two new targets. They cannot be located elsewhere and they are essential to this location as this is an active bombing range and RAF site. Therefore, despite the site being located outside of any defined settlement boundary and in the open countryside and contradictory to Policy 1, the application is considered to be acceptable in this regard.

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 existing barges are made from steel life expired targets and would be replaced with two steel barges as somewhat of a direct like-for-like replacement. Each barge has an approximate length overall of 56.3m, the beam would be 11.3m, the overall depth being 5.21m and there would be an approximate height of 8m for the added bridge section. The replacements would be re-purposed steel barges to be adapted with flooding ports. One would be adapted with additional support steelwork to support shipping containers mounted on the deck to 'represent a ships bridge'. Finally, both barges would be predominantly bare steel with some areas painted red and grey.

The replacement targets would make use of sustainable materials and resources where possible. It should be noted that it has limited potential for sustainable materials to be utilised due to the set criteria and targets which must be met given they are made from steel.

It is considered that the size, scale and layout of the proposed barges are comparable to the existing barges throughout, it is imperative that they are sited in this location in regard to how the RAF operate and can practice on them whilst also ensuring they are able to remain in place with the movements of the tide. The design is also suitable and acceptable in this location. Finally, the materials are mostly steel due to them being re-purposed barges, it is also considered that such materials are appropriate for both the use and the area. No harm should be caused to the character due to its remote location and necessity of use.

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.

Due to the nature of the development, there is not considered to be any material overlooking or overshadowing concerns. The nearest residential properties are all over 2km away from the barge site which further reduces this concern. Moving on from this, despite the use the barges will operate for, there is not considered to be any concerns from a noise perspective as irrespective of approving this development, the site has been used as a bombing range for nearly 100 years with no restrictions or conditions. The barges will operate as new targets but will not see any change in operation.

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).

Flood Risk and Drainage

Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

This goes on to state, within Paragraph 172, that all plans "should 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: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 173 of the National Planning Policy Framework (December 2024) goes on to state that "A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding", by following the steps set out within Section 14 of the National Planning Policy Framework (December 2024).

Paragraph 174 goes on to state that, "Within this context the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the strategic flood risk assessment being the tool to demonstrate this.

Paragraph 175 details that "The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)".

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in Zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zones 3 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 South East Lincolnshire Local Plan (2019) 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 South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The site lies within Flood Zone 3 of the Environment Agency's maps and is outside the scoping remit of the South Holland Strategic Flood Risk Assessment. The accompanying Flood Risk Assessment outlines that the site/activity can be considered as a compatible activity for a water-based location meaning it falls under 'Water Compatible'. As a result of this, an exception test is not needed with the development being considered appropriate in this location as Flood Zone 3b.

The following text has been taken from this same document and outlines the flooding considerations for the site: *'The barge will be acting as static structures, that are intended to flood on every tide, that will not have any persons occupying them at any time. They are situated within Flood Zone 3B but they are water compatible and require flooding to operate correctly. They are designed to be resilient to flooding as that is the purpose of their situation. They will not increase flood risk elsewhere as they allow water to freely flow into and out of their compartments. There will be no persons on board during times of flooding or at any point and evacuation will not be required. Any water which falls on the barge will drain through the structure and drain out of the flooding ports*'.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.

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.

There should be no increase in vehicle movements to and from the site as it is purely to install two new target barges, Lincolnshire County Council Highways have raised no objections to the application from a highway safety perspective due to it not having any impact on the public highway.

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 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

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 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.

Although it does not alter the decision in this instance, it is worth noting and discussing the BNG issues raised throughout the lifetime of this application involving the Agents, Natural England, Marine Management Organisation and the Council's in-house Ecologist. Upon the initial submission, a BNG Exemption Statement was submitted with the reasoning being outlined as follows:

'Although the site comprises priority habitat 'Intertidal mudflats', given the way in which the barges are proposed to be installed, there is no habitat loss or degradation anticipated that would result in a reduction in the biodiversity value of the habitat. Therefore the first condition has been met.

The development has been concluded not to result in any impacts on the intertidal mudflat habitat (the only habitat on site), therefore there will be no impacts on habitats at all. There are no linear habitat features on site. Therefore the second condition has been met.

It has therefore been concluded that the applications are exempt from the Biodiversity Gain Planning Condition, referred to in paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990'

The LPA did not consider these reasons to be an acceptable exemption with a holding objection being placed until further detail could be provided. To summarise, the Ecologist comments went on to say that the HRA and EcIA are deficient in incorrectly concluding that the new target barges will cause no direct physical disturbance and habitat loss, nor impact invertebrate communities within this nationally designated site. These comments also discuss that the development is not BNG Exempt. Finally, the application was not considered to contain sufficient information for determination under the Conservation of Habitats and Species Regulations 2017 and that a holding objection should be lodged until Natural England create a Habitat Regulations Assessment (HRA) with a BNG Assessment and Metric needing to be undertaken prior to determination.

Detailed correspondence was carried out beyond this between the Case Officer, Agents and the LPAs Ecologist. Discussions were held regarding the exemption from BNG as the Agents and client

believed to be exempt for some time after this. Eventually, a conclusion was reached that a BNG Assessment be provided alongside a detailed Metric, showcasing how a 10% net gain would be reached in a sufficient manner. Whilst this was not 100% agreeable upon first submission with some further discussion being had regarding how many units must be provided, these discussions eventually led to an acceptable metric being provided.

The LPAs Senior Ecologist comments state that we can be confident in the findings of the BNG Metric and Assessment which highlights that the proposal requires the equivalent of 2.19 high/very high distinctiveness units to achieve 10% BNG. The applicants are seeking to secure these units off-site from a local third party habitat bank with such habitats available. We can therefore be confident that this proposal can achieve the mandatory 10% BNG requirements. Following on from this, credits were purchased soon after, these being 'High Distinctiveness', 'A3' Tier 'Lowland Meadows' habitat type. These will stay in the region being in Snettisham (North Norfolk). These were agreed with by the Senior Ecologist and sent over to the Environment Bank. A condition will be attached to the decision notice to ensure this is carried out adequately.

Overall, despite initial concerns and issues, a positive conclusion was reached with adequate BNG information being provided and concluding that a 10% net gain be achieved through the purchasing of 2.26 units of 'Lowland Meadows'. The previous holding objection was removed with a comment now being provided suggesting that the LPA can be confident that a 10% net gain can be achieved.

Biodiversity & Ecology

Beyond this, Section 15 of the National Planning Policy Framework (December 2024) seeks to protect sites of biodiversity value, and minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures, including the need to incorporate features which support priority or threatened species such as swifts, bats and hedgehogs.

Paragraph 193 of the National Planning Policy Framework (December 2024) details that Local Planning Authorities should apply the following principles:
"a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate".

Policy 28 of the South East Lincolnshire Local Plan (2019) seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and promote biodiversity net gain by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserve or enhance habitat to adapt to climate change.

A Habitats Regulation Assessment was not provided in the initial submission of the application meaning Natural England requested additional information be submitted before they could positively comment on the application. They required a Habitats Regulations Assessment (Appropriate Assessment) be provided to determine the significance of these impacts and the scope for mitigation as the application could have potential significant effects on The Wash SPA, The Wash Rasmar site, The Wash and North Norfolk Coast SPA and The Wash SSSI. Following on from this, a HRA and Ecological Impact Assessment (EIA) was provided. The HRA concluded that three source-receptor pathways were considered (physical disturbance, non-physical disturbance and the introduction or spread of invasive non-native species that may occur during the installation phase of the project). From this, it was determined that the proposal alone would have no likely significant effects on the area. Similarly, the EIA concluded there would be no harm caused due to the sensitive nature in which the barges would be installed meaning no direct impacts to these ecological features have been identified. As such, they considered the proposal to accord with Policy 28 of the SELLP.

As the competent authority, South Holland District Council were then asked to conduct and

complete our own Shadow Habitat Regulations Assessment as per the Habitat Regulations 2010. The LPAs Senior Ecologist was tasked with preparing this and discussed it with Natural England and the Marine Management Organisation respectively.

Before the HRA was finalised a meeting between SHDC, Natural England and Landmarc (Agents) was held to discuss the HRA and any further issues. In this, it was discussed that The Wash is one of the most important sites in the country for wintering birds in that it provides a safe place for around 500,000 birds, as such, the installation of two new barges could be damaging or disturbing. In an attempt to combat this, the first draft of SHDCs HRA suggested including condition(s) - the following were proposed:

'As the relevant competent authority, South Holland District Council has carried out a HRA of the planning application as required by the Habitat Regulations 2010, and has decided to permit this application, but only subject to the strict implementation of the following conditions:

1 - Operation of the new target site will not occur between the 9 November and 20 February (the critical severe weather period).

2 - Operation of the new target site will not occur within a 2-hour window (1 hour either side) of a given day's high water from October 1st to April 1st.

3 - Operation of the target site will not be permitted between 9 November and 20 February and will be further restricted to occur outside of a 1-hour period either side of high water between 1st October and 8 November, and again 21st February to 1st April.

These conditions were not considered to be acceptable to include on this permission for various reasons. Firstly, as the development seeks the installation of 2x new barges to replace those on site and does not seek permission for the use as a bombing range; a condition would seek to control development that is not being sought through this application and would therefore be unreasonable. Secondly, the existing use is unrestricted. The hours of operation are not currently controlled by any conditions. No evidence has been provided to show that the replacement barges would cause an increase in activity and therefore a restriction on an existing use, which would ultimately be largely unaltered with the exception of the replacement barges, would be unreasonable. Finally, the LPA consider it to be unenforceable to attach conditions such as this.

This was subsequently passed onto the Senior Ecologist in regard to how this would impact the HRA and its acceptability as no mitigation measures could be provided in relation to the wintering birds etc. Ultimately, the HRA was completed with a detailed rational in line with what has been identified above justifying why the conditions should not and will not, be attached to any decision notice. As per their original comment, Natural England were re-consulted again off the back of the HRA to ensure they had no concerns in relation to the lack of conditions and mitigation measures.

No objections were raised with their new comment reading as follows - *'Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutory designated sites including The Wash SPA, The Wash RAMSAR site, The Wash and North Norfolk Coast SPA and The Wash SSSI and has no objection'*. The LPA do wish to make the applicant aware that a lack of objection does not mean that there are no significant environmental impacts and that they are advised that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted. Further advise on designated sites/landscapes and advice on other natural environment issues are set out within the rest of the response. As such, the HRA is considered to be appropriate and acceptable despite the lack of mitigation measures featured, no objections have been raised and thus no significant impact is considered to be raised in relation to the habitats on site.

The Marine Management Organisation were happy with the findings and conclusion outlined within the HRA and therefore subsequently approved the document. This was then sent back to Natural England as per the standard procedure who also raised no objections.

When taking the above into account, whilst the development in this instance is not exempt from the mandatory 10% net gain, the findings and justification outlined within the Shadow Habitat Regulations Assessment would ensure it remains appropriate. Given the context of Section 15 of the National Planning Policy Framework (December 2024) and requirements of Policy 28 of the South East Lincolnshire Local Plan (2019) the proposal is considered to be acceptable with relevant justification being outlined within this report.

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 due to the rurality and extant use of the site.

It provides the mandatory 10% net gain for biodiversity whilst both the Shadow Habitat Regulations Assessment and the Ecological Impact Assessment have been assessed and signed off by all relevant parties. As a whole, the proposal conforms with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024).

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 and 28 of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (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.