

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0605-25 **Applicant:** Jepco

Proposal: Details relating to Construction Management Plan and Water Vole Survey (Conditions 5 and 6 of H06-0426-22)

Location: Gedney Marsh H3 Gedney Drove End Spalding

Terminal Date: 28th August 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
Section 15: Conserving and Enhancing the Natural Environment

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Planning permission was granted in July 2022 under application H06-0426-22) for the construction of a private roadway, providing access for commercial and agricultural traffic to the A17, to by-pass the village of Gedney Dyke.

This application seeks the discharge of Condition 05 (Construction Management and Method Statement) and Condition 06 (Water Vole Survey) of application H06-0426-22.

Site Description

The site forms part of an agricultural field extending east-west from the B1359 north-east of Gedney Dyke, as far as the private road at A.H. Worth's to the west. The site follows the route of an existing drain, which runs along the northern boundary.

History

H06-0426-22: Proposed roadway linking B1359 and existing private road giving access to Roman Bank at Hovenden Golf Club. Approved 28.07.2022.

H06-0960-21: Proposed glasshouse containing hydroponic growing system, glasshouse annex containing seeding and germination processes, main pack building, admin and welfare building, main plant room, external roads and hardstandings and landscaping. Approved 28.07.2022.

Consultation Responses

South Holland IDB

Advise Land Drainage Consent is required from the Board. It is also advised the IDB owns a section of land to which this application relates and has not been given the requisite consent.

Lincolnshire Wildlife Trust

Has no comment to make.

Senior Ecologist

Has no objection.

Highway and Lead Local Flood Authority

Has no objection.

Environmental Protection Officer

Has no objection.

Planning Considerations

Condition 05 Wording

No development shall take place until a Construction Management Plan and Method Statement covering both applications (ref. H06-0960-21 and H06-0426-22) has been submitted to and approved in writing by the Local Planning Authority. This shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development.

The Construction Management Plan and Method Statement shall include;

- phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;

- storage of plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material and;
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

The reason for the condition is:

To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction and to ensure that suitable traffic routes are agreed.

This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

Condition 05 Detail

The highway authority has no objection to the submitted details and the Environmental Protection Officer advises the control measures for dust, noise and vibration within the Construction Management Plan are acceptable. The IDB advise land drainage consent is required, this is not within the legislative framework of the planning system and will be for the applicant to require the necessary consent in this regard.

Condition 06 Wording

The development hereby permitted shall not be commenced until survey work has been carried out to ascertain whether water voles, badgers or otters (where relevant) utilise and/or are present in either the drain immediately to the north of the site or within the appropriate buffer zones for each species, and that the survey results have been submitted to, and approved in writing by, the Local Planning Authority. Mitigation measures shall be proposed which show how any negative effects to these protected species will be avoided, reduced or managed.

N.B. Survey(s) should be consulted by an ecologist experienced in water vole ecology. Please see the relevant standing advice for water voles at:
<https://www.gov.uk/guidance/water-voles-protection-surveys-and-licences>

The reason for the condition is:

In the interests of avoiding harm to protected species.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

Condition 06 Detail

The Council's Ecologist has advised after reviewing the water vole survey provided by H S Ecology, the Council's Ecologist is confident that water voles are not currently present on site and it is therefore advised that Condition 06 may be discharged.

Other Matters

South Holland IDB advise a section of land to which the application relates is owned by the Board. Planning permission is granted for the use of land, it does not permit an applicant to develop land outside their ownership. It is for the applicant to be satisfied that they own all land within the red edge application site and serve notice on owner(s) of the land if this is not the case.

Conclusion

The submitted details are considered acceptable.

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.

Recommendation

Conditions 05 and 06 of application reference H06-0426-22 are discharged.