DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-0768-25**	**Applicant:**	**SJC Property Kent Ltd**
Proposal:	Use of land to provide 16 additional mobile homes for Gypsy & Traveller Use		
Location:	Green Acres Park Ropers Gate Gedney		
Terminal Date:	29th 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
20	Accommodation for Gypsies, Travellers and Travelling Showpeople
28	The Natural Environment
29	The Historic Environment
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
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

Policy paper - Planning policy for traveller sites (2024)

The Government's Planning Policy for Traveller Sites (2024) sets out national planning policy in relation to traveller site development and is to be read alongside the National Planning Policy Framework.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	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
RUBEN LOPEZ, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	5
RESIDENTS	4	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This application seeks full planning permission for the intensification of the existing Gypsy and Traveller site to provide a total of 16 Gypsy and Traveller pitches. The proposed development would result in the stationing of 32 mobile homes, 16 touring caravans, 8 utility rooms and 3 stable blocks.

The application is supported by a proposed site layout plan showing access from Ropers Gate. At present, the wider site benefits from two access points, and the submitted layout shows the use of a central access arrangement with an internal road extending through the site to serve the rear plots. In addition to the proposed site plan, the applicant has submitted a Planning Statement, biodiversity and ecology information, and a Flood Risk Assessment.

Site Description

The application site lies outside the defined settlement limits of Gedney and is therefore located within the open countryside as identified on the Policies Map of the South East Lincolnshire Local Plan (SELLP). Vehicular access is taken from Ropers Gate. The site presently accommodates a number of traveller pitches and is already in use for Gypsy and Traveller purposes.

The land is bounded to the south by a field drain. The site and surrounding land are located within Flood Zone 3. Hazard mapping contained within the Strategic Flood Risk Assessment indicates that the site falls partly within a danger for most area.

Hallgate Cottage, a detached dwelling set within substantial grounds, lies to the west of the site. Other dwellings are located further away within sizeable garden plots. Hallgate House, a Grade II

listed building, is also situated to the west, with Hallgate Cottage and intervening land separating it from the application site. The listed building sits within its own curtilage and is not functionally related to the application land.

History

H06-0969-24 - Use of land to provide thirteen additional gypsy/traveller pitches with internal access road and landscaping. Refused 28.04.2025.

H06-0436-24 - Demolition of timber structured mobile homes/day rooms and outbuildings and erection of 24 semi/terraced bungalows. Refused 19.09.2024.

H06-1163-19 - Proposed gates with pillars to all three accesses. Approved 05.03.2020.

H06-1046-19 - Details of foul and surface water disposal (Condition 4 of H06-0233-19).

H06-0233-19 - Change of use of land (part retrospective) to provide five additional gypsy/traveller pitches with one day room per pitch and existing stables converted to dayrooms. Also, erection of one new store and retention of sheds for pitch 1, with construction of internal road to facilitate separate ingress and egress to and from the site, including hardstanding. Approved 05.09.2019.

H06-0226-18 - Erection of day room. Approved 22.06.2018.

H06-0022-17 - Erect fencing around the site with associated landscaping and planting. Approved 07.03.2017.

H06-0558-15 - Change of use of paddock to gypsy/traveller site comprising 2 pitches, including alterations to existing accesses and construction of roadways and hardstanding. Approved 21.10.2015.

H06-0105-15 - Provision of three stable blocks, animal feed/supply store and alterations to existing accesses. Approved 15.05.2015.

H06-0145-13 - Change of use of paddock to gypsy/traveller site comprising 2 pitches, including alterations to access and construction of roadway and hardstanding. Approved 06.09.2013.

H06-1091-13 - Details of landscaping, surface materials and Flood Risk Assessment "safe haven" (Conditions 5, 6 and 7 of H06-0145-13). Approved 04.03.2014.

Of particular relevance to the current assessment is permission H06-0233-19. That permission allowed for a total of 8 pitches on the site. Each approved pitch was described as being capable of accommodating two mobile homes (static caravans), space for two touring caravans, a day room, garden space, parking and a domestic scale storage shed.
Notwithstanding that description, the approved site plan under H06-0233-19 shows a more intensive form of occupation, with 3 mobile homes shown on 5 of the plots, day rooms or sheds associated with the pitches, and multiple touring caravans. In total, the approved plan shows 21 mobile homes, 7 day rooms, 1 purpose-built day room and 21 touring caravans, together with associated sheds. This permission is material to the consideration of the current proposal and represents an important fallback position in assessing the extent of any actual intensification of the site.

Consultation Responses

Parish Clerk
Objection. The Parish Council strongly objects to the application on the following grounds:

Insufficient detail regarding sewage disposal and surface water drainage;
Doubt as to the capacity of the existing sewage arrangements to serve the proposed development;
Concern that village infrastructure, including schools and healthcare services, is insufficient to support additional residents;
The local road network is considered inadequate to accommodate increased traffic;
Concern regarding overcrowding resulting from the addition of 16 further pitches; and
Conflict with Policies 2, 3 and 20 of the South East Lincolnshire Local Plan 2019 and the

Government's Planning Policy for Traveller Sites 2024.

Anglian Water

No comments received at the time of writing.

South Holland IDB

Surface Water

The applicant indicates that surface water is intended to be disposed of by infiltration, however no evidence has been provided to demonstrate the viability of this approach. Ground investigations are therefore recommended to establish infiltration potential, with testing undertaken in accordance with BRE Digest 365 if conditions are favourable. If infiltration is not feasible, the Board would expect discharge to a watercourse in accordance with the drainage hierarchy, in which case consent would be required under Byelaw 3. The Board advises that discharge rates should accord with the National Standards for Sustainable Drainage Systems, published in June 2025, and in accordance with the Board's own policy, restricting discharge to 2l/s/ha or QBar/QMed, whichever is higher.

Treated Foul Water

The applicant has stated that foul water would discharge into a cess pit. The Board has requested further clarification regarding how foul water would subsequently be managed. Should treated foul water be discharged to a watercourse, consent would be required under Byelaw 3.

EA

1st Response:

The Environment Agency objected to the proposal on the basis that it falls within a flood risk vulnerability category which is inappropriate to the Flood Zone in which the site is located. It was therefore considered contrary to the NPPF and associated Planning Practice Guidance, and refusal was recommended on that basis.

Officer Position

Officers wrote to the Environment Agency on 11 March, advising in part that the Authority also had regard to the identified need for additional Gypsy and Traveller accommodation within the district and the fact that the proposal relates to an existing and operational site already in use for this purpose. It was explained that, should the Local Planning Authority ultimately be minded to approve the proposal, it would be on the basis that the scheme relates to the continued and intensified use of an established site and that the identified accommodation need, together with the existing use of the wider site for this purpose, may represent material considerations weighing in favour of the development in the overall planning balance, notwithstanding the flood risk concerns.

2ND Response EA

The Environment Agency subsequently advised that it was mindful that such material considerations are matters for the Local Planning Authority to weigh in the determination of the application. It confirmed that, if the Authority considers those matters outweigh the flood risk concerns at the site, it would not pursue its objection. The Agency strongly advised that the finished floor level of the mobile home on plot 8 be raised further, or alternatively that it be sequentially located within the lower depth band area.

Highways and SuDs Support

No objection. This application is a re-submission of H06-0969-24 and the Highway Authority has confirmed that its previous comments remain applicable. The site lies on the south side of Ropers Gate and currently comprises traveller pitches served by multiple accesses. The proposal would

consolidate access arrangements to a single central access point. This would reduce the number of openings onto Ropers Gate and is considered to be beneficial in terms of local highway safety, efficiency and capacity. The access is of sufficient width to accommodate two-way vehicle movements, acceptable visibility can be achieved, and suitable parking and turning can be provided within the site to allow vehicles to enter and leave in a forward gear. The impact of the proposed development would not be severe in terms of highway safety or capacity. The Authority also advises that the proposal would not increase surface water flood risk, as surface water from the mobile homes would disperse naturally into the ground.

Natural England

Generic consultation response received. No objection raised.

Crime Prevention Officer

No objection. Lincolnshire Police raises no objection to the proposal.

Ecology

The Council's Ecologist advises that sufficient ecological information has been provided to enable the application to be determined. Support is given to the mitigation and enhancement recommendations set out within the Preliminary Ecological Appraisal, and it is recommended that these are secured by condition. Additional ecological enhancements are also requested in the form of 5 tree-mounted bat boxes and 5 tree-mounted bird boxes.

BNG Comments

The Council's Biodiversity Officer advises that the biodiversity assessment and metric calculations appear robust and that confidence can be placed in their conclusions. It is considered that the proposal can achieve 10% net gain in respect of hedgerow units, although it is requested that the target condition for the newly planted native hedgerow to the north of the site is revised from "good" to "moderate", having regard to the site context and likely urban edge pressures.
The officer further advises that the submitted metric demonstrates that the mandatory 10% biodiversity net gain cannot be achieved fully on-site, and that 1.2 area habitat units will therefore need to be secured off-site. This can be achieved either through habitat creation or enhancement on land within the applicant's control or through the purchase of registered off-site habitat units. A Biodiversity Gain Plan, updated metric and Habitat Management and Monitoring Plan will therefore be required prior to commencement.

Education

Lincolnshire County Council seeks an education contribution in the sum of £54,502.68. It is requested that any Section 106 monies are paid at the halfway point of the development in order to enable timely investment in local school provision.

Historic Places Team

The Historic Places Team advises that, having reviewed the application documents and the available historic environment information, the proposal is unlikely to affect significant archaeological remains. No further archaeological input is required.

Environmental Protection

No comments in respect of environmental protection or land contamination.

Representations

The application has been advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2015 (as amended). A total of 4 objections have been received, one of which is from the Parish Council. The material planning issues raised can be summarised as follows:

·Conflict with planning policy;
·Highway concerns;
·Impact on residential amenity;
·Concern that Gedney is not a sustainable location; and
·Lack of local services and facilities.
·The extent to which need and site-specific justification has been demonstrated;
·A need for clarity regarding the proposed number of pitches and the overall site capacity;
·Flood risk concerns raised by the Environment Agency; and
·The request for an education contribution.

Definitions

Planning policy for traveller sites defines a "pitch" as a pitch on a Gypsy and Traveller site, whereas a "plot" relates to travelling showpeople. This distinction is relevant in understanding the way in which site capacity is described and assessed.

Planning Considerations

The main issues and considerations in this case are:

·Principle of Development and Sustainability
·Accommodation for Gypsies, Travellers and Travelling Showpeople
·Impact on Neighbouring Residents/Land Users/Land Uses
·Education Obligation
·Flooding Risk Considerations
·Foul and Surface Water Drainage
·Layout, Design and Impact on the Character of the Area
·Highway Safety and Parking
·Ecology & Biodiversity
·Planning Balance

Evaluation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

In this instance, the adopted South East Lincolnshire Local Plan 2011-2036, adopted in March 2019, forms the development plan for the District and is the basis for decision-making. The relevant development plan policies are identified within this report. The National Planning Policy Framework (December 2024) is also a material consideration, alongside any other relevant guidance. No relevant Neighbourhood Plan has been adopted for this area.

Boston and South Holland Gypsy and Traveller Accommodation Assessment (2016)

The primary objective of the Boston and South Holland Gypsy and Traveller Accommodation Assessment 2016 is to provide a robust assessment of the current and future need for Gypsy, Traveller and Travelling Showpeople accommodation across the two authority areas. The study was also prepared in the context of the publication of the revised Planning Policy for Traveller Sites in 2015.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan establishes the settlement hierarchy for the delivery of sustainable development. Policy 1 identifies the most sustainable locations for growth and confirms that the open countryside represents the least sustainable location for new development.

Part D of Policy 1 states that land outside the defined settlement boundaries is designated as countryside, where development will be permitted where it is necessary for 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 supporting text at paragraph 3.2.17 further explains that certain forms of housing may be justified in the countryside by way of exception, including accommodation for Gypsies, Travellers and Travelling Showpeople under Policy 20.

The application site already benefits, in its entirety, from permissions relating to its use as a Gypsy and Traveller site, and the wider site is established in that use. In that context, the principle of traveller accommodation in this location is not new and the proposal represents an intensification. The proposal is therefore capable, in principle, of falling within the type of countryside exception anticipated by Policy 1, subject to the site-specific matters considered elsewhere in this report, including flood risk, residential amenity, highway safety, drainage and visual impact.

Accordingly, the proposal is considered to be acceptable in principle under Policy 1, subject to compliance with the more detailed requirements of the development plan and other material considerations.

Accommodation for Gypsies, Travellers and Travelling Showpeople

Policy 20 of the South East Lincolnshire Local Plan is the principal development plan policy in relation to Gypsy and Traveller accommodation. The policy is to be read alongside the Government's Planning Policy for Traveller Sites. Policy B(13) of that document echoes much of the criteria-based approach contained within Policy 20.

Policy 20 states that planning permission will be granted for Gypsy and Traveller sites where proposals are adequately served by infrastructure, do not give rise to significant adverse effects on the amenity of existing residents or adjoining land users, and can be successfully assimilated into their surroundings. For unallocated sites, the policy further requires, amongst other things, that proposals provide an acceptable standard of amenity, do not place undue pressure on local infrastructure, do not prejudice highway safety, and, for permanent residential use, are not located within Flood Zone 3a or 3b.

The site already benefits from planning permission H06-0233-19 for the continued expansion of the existing Gypsy and Traveller site. That permission allowed for a total of 8 pitches. Importantly, however, the approved layout associated with that permission showed a materially more intensive pattern of occupation than the written description alone might suggest, with 21 mobile homes, 21 touring caravans, 7 day rooms and a purpose-built day room shown across the site.
This approved fallback is a significant material consideration. Whilst the current application proposes an increase in the number of pitches from 8 to 16, the actual increase in residential units on the site is less stark when compared to what has already been approved. In broad terms, the proposal would result in an increase of 11 mobile homes over the approved fallback position, whilst reducing the number of touring caravans. The apparent scale of intensification is therefore greater when expressed by reference to the number of pitches than when assessed by reference to the likely overall residential presence on the site. This proposal is not simply an indemnification therefore, it also offers the opportunity to regularise this site.

The Government's Planning Policy for Traveller Sites confirms that one of its aims is to increase the number of traveller sites in appropriate locations in order to address under-provision and maintain an appropriate level of supply. The Authority is also mindful of the district-wide need for additional Gypsy and Traveller accommodation and the evidence presented in support of this application regarding demand for pitches. This matter is of weight in the assessment.
A previous proposal on the site was refused in part because the evidence before the Authority at that time was not considered sufficient to justify the extent of development proposed, particularly given the lower level of actual occupation then taking place on the site. Circumstances have, however, moved on. The current application is supported by further information in relation to demand, and site observations indicate that the lawful use of the site is becoming more established and occupied. The site has also been subject to improvement works by its current ownership.

Although the Authority remains mindful that Policy 20 requires proposals to be appropriate in site-specific terms, the fact that the site is already established as a Gypsy and Traveller site, has been

the subject of previous permissions under the current policy framework, and serves an identified accommodation need are all material considerations which weigh in favour of the proposal.

It is therefore considered, subject to the detailed matters addressed below, that the proposal is acceptable in broad principle under Policy 20 and the Planning Policy for Traveller Sites, albeit noting that there remains conflict with policy in flood risk terms, which is addressed separately later in this report.

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2024) states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. Policies 2 and 3 of the South East Lincolnshire Local Plan similarly require regard to be had to the relationship of development to existing uses and the amenity of neighbouring occupiers.

Policy B(13)(a) of the Planning Policy for Traveller Sites seeks to promote peaceful and integrated co-existence between traveller sites and the local community.

The current proposal would increase the number of pitches on the site and would inevitably result in a greater level of activity than would arise from the presently occupied element of the site. However, the site is already established in Gypsy and Traveller use and benefits from an extant permission allowing a materially more substantial level of residential occupation than may be suggested by the simple pitch count alone.

When regard is had to the approved fallback position, the degree of actual intensification is more limited than first appears. The surrounding context is also relevant. The site is rural in character, neighbouring dwellings are not closely arranged around the site, and there is a degree of separation to nearby residential properties. Whilst some increase in noise, activity and comings and goings is inevitable, it is not considered that the proposal would give rise to unacceptable harm to the living conditions of neighbouring occupiers such that planning permission should be withheld.

Future occupiers would also benefit from pitches of a size capable of accommodating the intended use, together with utility provision, parking and circulation space. On this basis, the proposal is considered to provide an acceptable standard of amenity for future occupants and would not result in such a level of harm to neighbouring residents or land users as to conflict with Policies 2, 3 and 20 of the South East Lincolnshire Local Plan or the relevant provisions of the Planning Policy for Traveller Sites.

Education Obligation

Policy 6 of the South East Lincolnshire Local Plan relates to developer contributions and confirms that larger forms of development will be expected to mitigate their impacts upon infrastructure, services and the environment where necessary to make development acceptable in planning terms.

Lincolnshire County Council has requested an education contribution in the sum of £54,502.68.

The Local Planning Authority has carefully considered that request. However, in this instance, the Authority is not satisfied that the requested contribution has been justified to the extent necessary to meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). In particular, the Authority is not satisfied on the evidence before it that the requested contribution has been demonstrated to be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the proposal.

Whilst the Authority recognises the general importance of education infrastructure, planning obligations must be supported by sufficiently clear evidence demonstrating a direct and proportionate link to the impact of the development proposed. In the absence of such evidence in this case, the requested contribution is not considered to satisfy the relevant statutory tests and is therefore not afforded determinative weight in the assessment of the application.

Flooding Risk Considerations

Section 14 of the National Planning Policy Framework provides the national policy basis for the consideration of flood risk. Policy 4 of the South East Lincolnshire Local Plan sets out the local policy approach.

The site lies within Flood Zone 3. The Strategic Flood Risk Assessment indicates that the site falls within an area identified as "danger for most" on the South Holland present day and 2115 flood hazard maps.

The proposal is for the intensification of an existing and established Gypsy and Traveller site. It does not involve the extension of the site into a new area of land, but rather seeks to increase the level of occupation and rationalise the layout of the existing site. That said, the proposal does constitute additional development and it is necessary to acknowledge clearly that the permanent residential use of caravans/mobile homes in Flood Zone 3 is in conflict with the strict wording of SELLP Policy 4 and national flood risk guidance.

The Environment Agency initially objected on the basis that the proposed use falls within a flood risk vulnerability category which is not ordinarily compatible with the flood zone. That remains an important consideration. However, following further correspondence, the Environment Agency confirmed that it would not pursue its objection if the Local Planning Authority considers that other material considerations outweigh the identified flood risk concerns. It also recommended that plot 8 either be raised further or repositioned within the lower depth band area.

The Authority attaches significant weight to the fact that the site is already established and lawfully used for Gypsy and Traveller accommodation, and that there is an extant permission for a materially intensive form of traveller occupation across the site. That fallback position is a significant material consideration in this case. The proposal therefore does not introduce this land to traveller use for the first time, but instead seeks to intensify an existing use in circumstances where a substantial residential fallback already exists.

The application is also supported by a site-specific Flood Risk Assessment, which addresses flood risk from all sources, includes resilience and resistance measures, and provides details of flood warning and evacuation procedures. Subject to appropriate conditions securing mitigation, the Authority is satisfied that the risks can be managed to the extent reasonably possible in the circumstances.

It is nevertheless important to recognise that the proposal remains in technical conflict with Policy 4 of the SELLP and with the general thrust of national policy relating to highly vulnerable development in areas of highest flood risk. The issue is therefore one of planning balance. In this regard, weight is given to the established lawful use of the site, the approved fallback position, the identified need for Gypsy and Traveller pitches, and the Environment Agency's confirmation that it would not maintain its objection should the Authority conclude that these considerations outweigh the flood risk concerns.

On that basis, whilst the proposal conflicts with SELLP Policy 4 in strict policy terms, it is considered that material considerations exist which justify a departure from the policy in this specific instance is justified.

Foul and Surface Water Drainage

The applicant proposes that surface water would be managed via soakaway/infiltration. At present, detailed infiltration evidence has not been provided and the Internal Drainage Board has requested further technical investigation in this regard. The site is, however, not constrained in principle from securing an acceptable drainage solution, whether through infiltration or an alternative compliant outfall, subject to detailed design and the necessary consents.

In respect of foul drainage, further detail is also required, particularly given the Board's comments regarding the proposed cess pit arrangements. Again, whilst the current submission lacks detail in this regard, there is no evidence before the Authority to demonstrate that an acceptable foul drainage solution cannot be achieved.

Accordingly, it is considered that both surface water and foul water drainage can be satisfactorily

addressed by planning condition, requiring full details to be submitted to and approved in writing prior to commencement. Subject to such conditions, the proposal would not warrant refusal on drainage grounds.

Layout, Design and Impact on the Character of the Area

Policy 2 of the SELLP requires development to have regard to size, scale, layout, density, character and appearance, and the relationship with existing development and land uses. Policy 3 similarly requires high quality design that responds appropriately to the local context.

The proposal would intensify the level of development within the site through the provision of additional pitches and associated structures. However, the site is already in traveller use and contains caravans, outbuildings and associated domestic paraphernalia. The proposal would therefore be read in the context of an established site of this nature, rather than as an isolated or entirely new form of development in the countryside.

Whilst the increase in pitches would inevitably result in additional visual activity, the structures proposed are generally of modest scale and domestic character. The wider impact on the character of the area would remain relatively localised. Additional landscaping and boundary planting would assist in assimilating the development more successfully into the surrounding countryside and in softening views from the public realm and neighbouring land.

Details of the utility rooms, stables and any associated structures can be controlled by condition, thereby enabling the Authority to retain appropriate oversight over their appearance and materials.

Subject to the imposition of suitable landscaping and design conditions, the proposal is considered to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan.

Highway Safety and Parking

Policy 2 of the SELLP requires development proposals to have regard to access and vehicle generation. Policy 3 further requires that development demonstrates how accessibility by a choice of travel modes will be secured where relevant. Section 9 of the National Planning Policy Framework advises that development should only be prevented or refused on transport grounds where there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.

The Highway Authority raises no objection to the proposal. It is noted that the development would consolidate multiple existing accesses into a single main access, which is regarded as an improvement in highway safety terms. The access is considered to be of sufficient width, acceptable visibility can be achieved, and suitable parking and turning can be accommodated within the site to allow vehicles to enter and leave in a forward gear.

The Highway Authority is satisfied that the proposal would not result in a severe impact on highway safety or capacity, and no evidence has been presented to indicate otherwise.

Accordingly, the proposal is considered to accord with Policies 2 and 3 of the SELLP and with Section 9 of the National Planning Policy Framework.

Ecology & Biodiversity

Paragraph 187 of the National Planning Policy Framework requires planning decisions to contribute to and enhance the natural environment, including by minimising impacts on biodiversity and securing measurable net gains where appropriate. Policy 28 of the South East Lincolnshire Local Plan is also relevant in relation to the protection of habitats and species and the enhancement of ecological networks.

The application is supported by ecological appraisal information and biodiversity net gain material. The Council's Ecologist is satisfied that sufficient information has been provided to determine the application and raises no objection subject to the implementation of mitigation and enhancement measures. Additional ecological enhancements in the form of bat and bird boxes are also

recommended.

The Council's Biodiversity Officer is satisfied that the assessment and metric are sufficiently robust and confirms that mandatory biodiversity net gain can be achieved, subject to the securing of off-site habitat units and the submission of a Biodiversity Gain Plan, updated metric and Habitat Management and Monitoring Plan prior to commencement.

Subject to the imposition of appropriate conditions, the proposal is therefore considered to accord with the NPPF and SELLP Policy 28.

Planning Balance

Section 38(6) requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise.

In support of the proposal, substantial weight is given to the fact that the site is already established in Gypsy and Traveller use and benefits from an extant permission representing a significant fallback position. Weight is also given to the identified need for additional Gypsy and Traveller accommodation within the district and to the aims of the Planning Policy for Traveller Sites, which seek to increase the supply of sites in appropriate locations. Further weight is given to the absence of objection from the Highway Authority, the absence of objection from ecology consultees subject to conditions, and the ability to control drainage, landscaping and detailed design matters by condition.

Against the proposal, significant weight must be given to the fact that the site lies within Flood Zone 3 and that the permanent residential use of caravans/mobile homes in this location conflicts with the strict wording of SELLP Policy 4 and the general approach of national flood risk policy. This is the principal policy harm arising from the proposal. Limited weight is also given to localised concerns regarding amenity, character and infrastructure; however, in the circumstances of this case, those matters are not considered to amount to unacceptable harm.

Having regard to the fallback position, the established lawful use of the site, the identified accommodation need, the mitigation proposed within the Flood Risk Assessment, and the Environment Agency's confirmation that it would not pursue its objection should the Authority conclude that these matters outweigh the flood risk concerns, it is considered that the material considerations in this case are sufficient to justify a departure from the development plan.

Conclusion

Taking all matters into account, the proposal is considered acceptable having regard to the overall planning balance. The site is already established as a Gypsy and Traveller site, there is an extant fallback permission of significant relevance, and the proposal would contribute towards an identified need for additional Gypsy and Traveller accommodation within the district.

Whilst the proposal conflicts with SELLP Policy 4 in strict flood risk terms, it is considered that the established use of the site, the fallback position, the district-wide need for accommodation, and the Environment Agency's final consultation response together amount to material considerations of sufficient weight to justify approval in this particular case.

Subject to conditions relating to flood mitigation, drainage, biodiversity net gain, landscaping, ecological enhancement and detailed design, the proposal is considered to accord overall with Policies 1, 2, 3, 20, 28, 30 and 36 of the South East Lincolnshire Local Plan 2019, together with the relevant provisions of the National Planning Policy Framework (December 2024) and the Government's Planning Policy for Traveller Sites (2024).

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.