DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-0894-26**	**Applicant:**	**JEPCO Ltd**
Proposal:	Excavation and placing of spoil to form earth banks for lined reservoir		
Location:	Land North Of Gable End Farm Marsh Road Gedney Marsh		
Terminal Date:	15th October 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework August 2026

Representations:

	Object	Support	No Obj.	Comments
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks to establish if prior approval is required for the excavation of soil to form earth banks to extend an existing reservoir on land to the north of Gable End Farm, Marsh Road, Gedney Marsh.

According to the application form, the agricultural unit comprises 910ha. Permitted development rights for agricultural development on units of 5 hectares or more are set out within Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended).

Relevant Planning History

H06-1240-25: (Prior Notification) Excavation & placing of soil to form earth banks for lined reservoir - prior approval not required 07 January 2026

The following application relates to land approximately 250m to the north of the site:

H06-1108-22: (Full Application) Proposed temporary met mast up to 140m high to gather a range of meteorological data during c. 18 month period as part of overall feasibility assessment for the

electrolysis, wind and PV at Jepco including the repowering of Red House Wind Farm - approved 28 March 2023

Consultation

As the application is a prior notification application, there is no requirement for formal consultation.

Planning Assessment

Whether the proposal is permitted development

The application is a prior notification application submitted under Schedule 2, Part 6, Class B of the Town and Country Planning (General Permitted Development Order) 2015 (as amended).

Class A states that development consisting of the following is permitted:

"A. The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of
(a) works for the erection, extension or alteration of a building; or
(b) any excavation or engineering operations,
which are reasonably necessary for the purposes of agriculture within that unit."

This is subject to restrictions which are set out under Section A.1 parts (a) to (l). The proposed tank does not exceed any of these limitations, as set out below.

"a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;"

The parcel of land where the development is located exceeds 1ha. As such, the proposals would not be within a separate parcel of land which is less than 1ha.

"b) it would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins;"

The local planning authority is not aware of any other development that has taken place under Class Q or S within the agricultural unit.

"c) it would consist of, or include, the erection, extension or alteration of a dwelling;"

The proposed development would not consist of, or include, the erection, extension or alteration of a dwelling.

"d) it would involve the provision of a building, structure or works not designed for agricultural purposes;"

According to the submitted Background Statement, the increased capacity reservoir is necessary for the storage of rainwater to irrigate crops for the agricultural unit. A reservoir is considered to be reasonably necessary for agricultural purposes.

"e) the ground area which would be covered by
(i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations ; or
(ii) any building erected or extended or altered by virtue of Class A ,
... calculated as described in paragraph D.1(2)(a) of this Part;"

Part e is not relevant as the proposal is for a reservoir rather than a building or for plant or machinery.

"f) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;"

Wingland Airfield is located approximately 2.8km to the south-west of the site; however, the

reservoir would not exceed 3m in height.

"g) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;"

As set out above, the reservoir would not exceed 12m in height.

"h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;"

The proposed development is not within 25 metres of a metalled part of a trunk road or classified road.

"i) it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;"

The proposed development does not relate to the accommodation of livestock or for the storage of slurry or sewage sludge.

"j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming;"

The site does not comprise article 2(4) land.

"k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system
(i)would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or
(ii)is or would be within 400 metres of the curtilage of a protected building;"

The proposed development is not for the storing of fuel or waste from a biomass boiler.

"(l) the erection or extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument;"

The site does not feature a scheduled monument.

Therefore, the proposed reservoir accords with Section A.1 parts (a) to (l).

Conditions of Class A

Section A.2 set out the conditions that must be met for development to be permitted under Class A. Some of the conditions are not relevant to the current proposals, however, the proposed reservoir meets the relevant conditions set out in parts (1) to (7). For example, the current application has been submitted to establish if prior approval is required which is required under part (2).

Section A.2 (2)(d)(i) sets out that the developer must apply to the local planning authority (LPA) for a "determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be".

To summarise, the proposal seeks to extend an existing reservoir to the east of its current location. The earth banks around the proposed larger reservoir would be the same height as the current earth banks which are approximately 2.5m tall.

Whilst the landscape around the site is relatively flat and open, there is a relatively large area of trees to the south of the site to provide some screening of the reservoir. Furthermore, as the proposals seek to expand an existing reservoir, the visual impact of the proposals is considered to be acceptable given that the impact would be similar to the existing visual impact. Based on the surrounding context and the proposed development, it is considered that the visual impact of the replacement reservoir would be acceptable and appropriate in this case.

Environmental Impact Assessment

Within the 'Statutory Instruments' Section of the GPDO 'Permitted Development' Section 3.(10) sets out the following:

"*(10) Subject to paragraph (12), Schedule 1 development or Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011(2) ("the EIA Regulations") is not permitted by this Order unless*
(a) the local planning authority has adopted a screening opinion under regulation 5 of those Regulations that the development is not EIA development(3);
(b) the Secretary of State has made a screening direction under regulation 4(7) or 6(4) of those Regulations that the development is not EIA development; or
(c) the Secretary of State has given a direction under regulation 4(4) of those Regulations that the development is exempted from the application of those Regulations."

Schedule 2 developments include "Water management projects for agriculture, including irrigation and land drainage projects" which exceed 1 hectare. Although the submitted plans refer to the base area of the reservoir expansion as covering 5,900sqm of land, it is considered that the proposed reservoir and associated earth banks would cover more than 1 hectare of land. It is considered that the proposal is a Schedule 2 development as the proposal is for an expanded reservoir that would cover more than 1 hectare of land.

The applicant has not applied for an EIA Screening application. Without a screening opinion, the proposal would not meet the requirements of part (a) as outlined above. Whilst the applicant has not applied for a screening decision, the LPA can issue a screening opinion as part of the current application. For example, National Planning Practice Guidance sets out the following (Paragraph: 017 Reference ID: 4-017-20170728):

"'Screening' is a procedure used to determine whether a proposed project is likely to have significant effects on the environment. It should normally take place at an early stage in the design of the project. However, it can also occur after a planning application has been made or even after an appeal has been made."

The guidance also states:

"When screening Schedule 2 projects, the local planning authority must take account of the selection criteria in Schedule 3 of the 2017 Regulations. Not all of the criteria will be relevant in every case. Each case should be considered on its own merits in a balanced way. When the local planning authority or Secretary of State issues its opinion they must state the main reasons for their conclusion with reference to the relevant criteria listed in Schedule 3. Where it is determined that the proposed development is not Environmental Impact Assessment development, the authority must state any features of the proposed development and measures envisaged to avoid, or prevent what might otherwise have been, significant adverse effects on the environment (see regulation 5)."

In this case, in assessing whether the development is likely to give rise to significant environmental effects, the LPA has considered relevant environmental factors including flood risk, landscape impact and ecology.

The proposal would involve the excavation of land to create the reservoir and as such, no buildings or machinery are proposed as part of the development. Therefore, it is not considered that the proposal would produce waste or contribute towards air pollution due to the lack of any buildings or machinery being proposed. The development could give rise to some environmental effects including having an impact on the open rural landscape and due to its location within an area identified as Flood Zone 3. Vast areas within South Holland are located within Flood Zone 3 and it is not considered that the proposed reservoir would result in significant effects in terms of increase flood risk within the site. Having regard to the scale and nature of the proposal and the characteristics of the receiving environment, the effects of the development are considered to be localised.

Having regard to all of the above, and on the basis of the information available at this stage, it is the opinion of the LPA that the proposed development is not likely to have significant effects on the environment within the meaning of the EIA Regulations. Accordingly, the development does not constitute EIA development and the preparation of an Environmental Statement is not required.

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.

Having assessed the proposal against Class A of Part 6 Schedule 2, the proposal would comprise permitted development and in addition, the proposal would not require prior approval for the siting of the development.

The proposal has also been screened in relation to the EIA Regulations 2017. As it is considered that the development is unlikely to result in significant effects on the environment, an Environmental Statement is not deemed to be necessary.

Recommendation

Prior approval is not required.