

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H07-0967-24 **Applicant:** Mr S Kennally

Proposal: Stationing of 8 Lodges and 32 Static Caravans (Some to Replace Existing Touring Caravan Pitches Resulting in a Net Gain of 18 new Units) for Use as Tourism Accommodation

Location: North View Fishing Lakes North Road Gedney Hill

Terminal Date: 3rd 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
09	Promoting a Stronger Visitor Economy
28	The Natural Environment
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

- 9 - Promoting sustainable transport
- 12 - Achieving well-designed places
- 14 - Meeting the challenge of climate change, flooding and coastal change
- 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
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1

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	3
RESIDENTS	0	1	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a Full planning application, seeking permission for the stationing of 8 lodges and 32 static caravans for use as tourism accommodation. Some of the static caravans are replacing existing units, resulting in a net gain of 18 units.

The lodges would be located towards the east of the site. Each would measure 10.8m by 3.9m, with a ridge height of 3.7m. Each would have a timber finish, with steep roof constructed of grey tiles. A low eaves height of 1.3m is proposed.

14 caravans would be located towards the west of the site. These caravans would replace existing units. Each would measure 4.3m by 12.2m, with a height of 2.75m. There is a fairly ad-hoc arrangement to the units.

The remaining 18 caravans would be located on a currently vacant strip of land to the north of the site. The caravans would measure 4m by 12.2m, with a height of 2.75m. A linear arrangement is proposed.

Site Description

The site lies in open countryside with Gedney Hill village to the south west and the Gedney Hill golf course to the north. The entire fishing complex lies between the parallel roads of West Drove North and North Road. To the north east there is existing residential development fronting North Drove and open agricultural fields to the south before the built-up edge of the settlement is reached. The golf course to the north incorporates a significant number of trees which are now maturing and provide a large green oasis in what is a landscape dominated in the main by open fields in monoculture. North View Fishing Lakes also incorporates a number of trees and shallow earth bunds with the northern most and oldest lake benefitting from the most landscaping.

History

H07-1338-05 - Full - Change of use of agricultural land to fishing lakes in association with existing North View Lakes facilities - Granted 30 December 2005.

H07-0846-08 - Full - Proposed fishing lake, additional touring caravan pitches, new accommodation for site manager, log cabins and a clubhouse - Withdrawn 4 February 2009.

H07-0211-09 - Full - Proposed fishing lake, additional touring caravan pitches, log cabins and club

house (part retrospective) - Granted 14 September 2009.

H07-0938-10 - O/A - Residential development - affordable housing - Refused 21 February 2011. Appeal dismissed.

H07-0244-12 - S73A - Variation of Condition 3 of H07-0211-09 to allow log cabins to be used as holiday accommodation only and not be occupied during the period of 1st February and 28th February in any one year - Refused 6 June 2012.

H07-0541-12 - Full - Proposed dwelling for manager/owner - Granted 19 September 2012.

H07-0549-21 - Stationing of 17 additional cabins and static caravans for use as tourism accommodation. Approved 9 August 2021.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Anglian Water

"Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments to make"

Lincolnshire Police

"Lincolnshire police do not have any objections to this application."

Historic Environment Officer

"Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. The site was subject to a previous archaeological evaluation in 2004 and 2006, and no significant archaeological remains were identified: ELI8413 - Archaeological evaluation on land at North View Lakes, Gedney Hill and ELI4597 - Land at North Road, Gedney Hill. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request"

South Holland Internal Drainage Board

Outline that Land Drainage Consent may be required for the proposal.

Environment Agency

Initial comments, received 23rd December 2024:

The Environment Agency raise no objection to the proposal; however, they advise that an appropriate Flood Warning and Evacuation Plan is submitted. The Agency support raising floor levels and anchoring caravans.

Outline that an Environmental Permit may be required, although they confirm that this is a separate matter the granting of planning consent.

Further comments, received 27th March 2025:

"We have no further comments to make on the amended plans and refer you to our letter dated 23 December 2024 for our position on this application."

Environmental Protection

"No comments regarding land contamination or environmental protection."

Gedney Parish Council

"The parish council supports this proposal. The fishing lakes are an asset to the village, bringing in tourists, trade for local business and work for villagers"

Highway and Lead Local Flood Authority

Initial Comments, received 16th January 2025:

"A breakdown of what accommodation exists on site is required. A simple Transport Statement is also required detailing the current vehicle movements in/out of both accesses compared to those envisaged with the proposal. The different types/sizes of vehicles should be detailed."

Revised Comments, received 12th March 2025:

"No objections:

"Highway safety

It is safe to walk along North Road, it is a wide road with a suitable verge for pedestrians to wait should they need to. I would not be concerned with pedestrians walking along here. The size of the proposal and the lack of amenities in Gedney makes it unreasonable to ask for a footway to be provided here - it would not meet the tests of the NPPF. There are no recorded personal injury accidents in the vicinity of the site.

Highway capacity

There is no precise definition of "severe" with regards to NPPF Paragraph 115, which 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 would be severe." Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:

The highway network is over-capacity, usually for period extending beyond the peak hours

The level of provision of alternative transport modes

Whether the level of queuing on the network causes safety issues

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF.

Site Layout

The site is split into two as a watercourse runs through the middle there are therefore two access points into the site off North Road which are established and of good construction. The parking is acceptable for the proposal.

Flood Risk and Drainage

The site is in flood Zone 3a and has the protection of flood defences maintained by the Environment Agency. The lodges will have a finished floor level of 300mm and the static caravans have a floor level of 500mm above the ground level. The site is in the catchment of South Holland Drainage Board and they are responsible to maintain the arterial fluvial system. Flooding can occur in intense rainfall, often over short durations of time that is unable to soak into the ground or enter the drainage system. The natural topographic nature of the ground having no high ground around the site will not cause any rapid inundation of the site. There are no known groundwater problems. There are no known public sewers in the vicinity of the site.

Gedney Hill does not have a sewerage system so it is reliant upon package treatment plants and although some of the proposed units will rely on existing systems on site, it is proposed to introduce further plants to cater for the additional units. The rainfall from the roofs of the units will discharge to ground or be discharged to the lake. The new roadways will be constructed with permeable materials such as hardcore with a gravel surface.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to Drainage on all Major Applications. The Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site."

Senior Ecologist

Initial comments, received 06/03/25

I've reviewed the PEA/BNG assessment and BNG metric submitted with the above application and

wish to raise two issues related to BNG, as well as another in relation to water voles.

1. The applicants have fulfilled the national validation requirements by submitting a baseline biodiversity assessment, however, they have not provided any BNG information about what the site will look like post-development. Therefore, the authority can not assess the likelihood of whether the development can achieve 10% BNG or not, or whether the mitigation hierarchy has been appropriately followed.

2. The PEA indicates that sewage infrastructure is likely required for water quality purposes, and therefore the red-line boundary should be re-drawn to include where these works will occur. However, consequently the red-line boundary and development proposals should include watercourse/riparian habitat, and therefore the watercourse module should be included in the BNG assessment to calculate the baseline and post-development water course unit values.

Overall, it is my view that the BNG information is not sufficient for determining whether this development can appropriately achieve the mandatory 10% net gain in biodiversity and there are risks associated with the lack of post-development information. Broadly it is best practice to submit as much post-development information as possible to foster good planning and facilitate the planning process. However, BNG is not a determination issue, but rather is a pre-commencement issue, thus, even if the applicants receive planning permission, they would run the risk of not being able to proceed with the development if the authority refuses to approve their gain plan because they do not adequately adhere to the mitigation hierarchy and/or their proposed habitat provisions are unrealistic/unachievable.

3. Water voles are fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended; <http://www.legislation.gov.uk/ukpga/1981/69/contents>). As stated in the PEA, the impacts on water quality and water voles arising from foul water discharge into the Lambert 2 Drain to Highstock Drain LWS requires further investigation to assess their severity and determine whether appropriate compensation measures can be designed for this protected species. Similarly, the impacts of installing sewage infrastructure within the riparian zone of the drain must also be assessed. Therefore, a condition will be needed requiring that surveys should be carried out by a competent person at the appropriate time of year in accordance with Dean et al. (2016) The Water Vole Mitigation Handbook. Surveys should cover all wet ditches and water bodies. If any ditches or water bodies are excluded from the search, the criteria used for this selection should be justified in any submitted report. Specifically, information is needed on the impacts of reduced water quality and potential habitat loss on water voles to inform an appropriate mitigation strategy and support an application for a mitigation license prior to any construction activity. The following link gives the standing advice relating to water voles: <https://www.gov.uk/guidance/water-voles-advice-for-making-planning-decisions>; Water voles: advice for making planning decisions - GOV.UK."

Revised comments, received 08/05/25

I have reviewed the amended Statutory Biodiversity Metric, the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment documents submitted to application H07-0967-24 - North view fishing Lakes, and I view these to be suitably rigorous, accurate, and complete to determine the application.

Ecological Considerations:

I support all recommendations provided in the PEA, noting that the installation of the proposed drains for the packing treatment plants will require that we condition that an ecologist with a class CL32 license should survey the site and displace water voles as necessary prior to these works. In addition, due to the largely unassessed/unknown impacts on water quality that the additional sewage discharge may have on water voles present in the associated LWS's, I would strongly encourage habitat remediation of the peripheral ditches on the site as described in section 6.5.3, page 14 of the amended PEA to provide additional/compensatory habitat for water voles.

Please note that the proposed sewage discharge scheme will require the applicants to apply for an Environment Agency permit because the proposals would not be compliant with EA's non-binding rules in regard to discharging wastewater into the surface water of the Lambert Drain to Highstock Drain Local Wildlife Site. Broadly, guidance states that discharges to surface water should not occur within 50 m of an aquatic LWS (please see:

<https://www.gov.uk/government/publications/small-sewage-discharges-in-england-the-general-binding-rules/general-binding-rules-for-small-sewage-discharges-ssds-with-effect-from-2-october-2023#for-a-discharge-that-was-started-on-or-after-1-january-2015-the-following-general-binding-rules-also-apply>).

BNG:

I believe the authority can have confidence that the proposal development will achieve the mandatory 10% BNG requirement overall; the metric assessment indicates a 15.9% gain in area-habitat units, a 332% in hedge habitat units, and a -50% deficit in watercourse units. However, note that the applicants will have to satisfactorily evidence how they will achieve 10% gains in watercourse units pre-commencement (e.g., ditch restoration or purchase of 0.1 off- watercourse units from an off-site habitat bank).

I would also note that the authority should consider securing the proposed habitat gains via a section 106 planning obligation to be inline with national guidance due to the relatively significant habitat creation proposed to achieve the 10% net gain (0.6579 ha of grassland enhanced to species rich neutral grassland = 4.47 area-habitat units). The applicants will thus need to submit a biodiversity gain plan and a habitat management and monitoring plan included as a schedule to the S106 to discharge the biodiversity gain condition pre-commencement.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, three letters of representation have been received, split into two letters of comments and one letter of support.

These can be summarised as:

Support

- Asset to village
- Brings tourism to area
- Adds appeal to the village

Comments

- Concern that scale of development is excessive
- Concern that the new statics are to be used for permanent, low income housing
- Query level of landscaping/ boundary treatments proposed
- Concern work has already commenced on site
- Concern regarding noise

Planning Considerations

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 (SELLP), 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 December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle of Development and Sustainability

The SELLP 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 SELLP 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.

Where a proposal involves the visitor economy, Policy 9 is also relevant. Policy 9 broadly outlines that the development of tourism facilities within settlements will be supported, and that outside of these settlements, certain criteria must be met. To this end, Policy 9 states: "Outside these settlements, small-scale development to support the visitor economy, including farm diversification, equine development and fishing lakes, will be supported provided that proposals:

1. do not conflict with neighbouring land uses;
2. are in keeping with the character of the locality; and
3. demonstrate a functional link with an existing rural attraction or farm enterprise.

Larger developments will only be supported outside settlement boundaries in exceptional circumstances, for instance to proportionally support or enhance the enjoyment of an established visitor attraction where this cannot reasonably be achieved from a town or village location."

The site in this instance lies outside of any of the defined settlement boundaries, and as such can be considered to be within the Countryside from a planning perspective.

Policy 9 does not provide a definition of what would classify as a "larger development". That being said, in this instance it is considered appropriate to apply the larger development. In any event, the proposal would still be able to demonstrate conformity with the relevant criteria for small-scale development, although as this point is not entirely pertinent, further discussion will not be undertaken here.

It is considered that the proposal conforms to the requirements of Policy 9 in respect of larger developments. The development is proportional to the overall scale of the existing tourism use. The increase in units is large, but is proportionate to the size of the plot and the overall scale of the business need. The Design and Access Statement presented as part of this application outlines that there is sufficient demand to necessitate the increase in units, which clearly demonstrates that the proposal will support the proper function of an existing tourism venture. The proposal could not reasonably be achieved in a town or village location, as they relate specifically to an existing tourism venture. To locate them elsewhere would be entirely impractical and result in the development failing to serve its purpose.

It should also be noted on this point that the existing use of the site would already seemingly fall within the "larger development" category; therefore, meaning that an intense use has already been well established on the site.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 and 9 of the SELLP when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the NPPF 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 NPPF, 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 SELLP 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 NPPF, 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 NPPF 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 proposal would intensify the use; however, not to such an extent as to be out of character with the area. The scale of the use is still proportionate to the overall scale of the site. Additional landscaping would reduce the evidence of the intensification, thereby reducing the impact upon the character of the area. Accordingly, a landscaping condition is recommended to ensure this impact is suitably mitigated.

The red line location plan is rather contrived, as it relates solely to the area of change. That being said, the rest of the site would remain unchanged by the proposal, and as such, encompassing it would not be strictly necessary.

The proposed plan shows 8 lodges shown at the front of the property which would be situated behind landscaping along the front next to an earth bund which acts as a screen from the existing lodges situated immediately behind. There are 6 in situ at present. The lodges will be connected to a package treatment plan. In terms of impact on the street scene, the lodges are relatively well designed, taking account of their rural setting, and would not have an adverse impact on the street scene. Landscaping will also soften their appearance, reducing the potential impact upon the character of the area.

The smaller static caravans would be situated in a line set back 46 metres from the front of the site. The design of the caravan lodges is considered acceptable, being broadly consistent with existing designs on the site. That being said, it is recommended that a landscaping condition be applied to soften the appearance further, reducing views from the roadside to further mitigate impact.

The 4.3m x 12.2m static caravans are arranged in a more naturalised arrangement towards the rear of the site around two of the fishing lakes. This area has existing mature landscaping which will screen the caravans. They are set back from the road and would not have any significant impacts on the street scene. Caravans are already well established in this portion of the site, and their replacement would represent an upgrade on existing conditions.

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 SELLP and Section 12 of the NPPF.

Impact on Residential Amenity/Land Users

Paragraph 135 of the NPPF 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 SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The caravans are situated a reasonable distance to any residential dwelling, with the closest unit being greater than 50m from a dwellinghouse. It is considered that this distance, when existing landscaping is taken into account, would be sufficient to prevent a significant amenity impact.

The lodges are located closer to some residential dwellings; however, the intensity of the use and the number of dwellings in close proximity are considered to be low enough as to prevent significant harm. No concerns have been raised by the Environmental Protection department who are the relevant consultee with respect to noise nuisance.

The nature of the development ensures no overlooking or overshadowing occurs. In any event, landscaping would further prevent any potential impacts in this regard.

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 NPPF, and Policies 2 and 3 of the SELLP.

Highway Safety and Parking

Section 9 of the NPPF specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the NPPF 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 of the SELLP 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.

Further, Policy 36, to be read in conjunction with Appendix 6, of the SELLP sets out minimum vehicle parking standards.

Each Lodge or caravan will have one car parking space and around the site there are pockets of overflow car parking spread throughout the wider site. North Road is a long straight road and was not busy at the time of the site visit. The lodges and caravans are for leisure use where users typically spend a few days staying and fishing.

There is no particular standard for this type of use but as each lodge or caravan has a car parking space it is not expected that the proposal would adversely affect the safety or free flow of traffic. The Highway Authority have raised no objection to the proposal, outlining that the development would not have a severe impact in line with Paragraph 116.

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 SELLP and Section 9 of the NPPF.

Flooding Considerations

Section 14 of the NPPF requires development plans to "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: (...) applying the sequential test and then, if

necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "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". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states 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 process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

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 SELLP 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 SFRA as a basis to apply the sequential test.

Within the SFRA the site is not classed as at risk of flooding. Accordingly, the tangible flood risk on the site is considered to be low.

Due to the SFRA classification, it is considered that the proposal passes Sequential Test.

While the Sequential Test is considered to be passed, due to the SFRA classification, for the sake of completeness, applying the exceptions Test, the proposal is considered to provide wider sustainability benefits to the community that outweigh the established low flood risk on the site. This is in the form of economic gains and employment opportunities associated with the tourism use.

The proposed use would be safe for its lifetime due to the proposal to raise the FFL of the units by 300mm and the use of an anchor on the caravans. This approach would mitigate some of the impacts of a flood in the unlikely event one would occur. The Environment Agency have outlined that this is an acceptable approach.

To further ensure the acceptability of the proposal, with respect to Policy 4, a Flood Warning and Evacuation Plan (FWEP) has been provided. Visitors and staff would be directed along an appropriate evacuation route, towards higher ground. This approach is considered appropriate given the scale of the site and the relative flood depths within the SFRA.

Policy 4 of the Local Plan also concerns surface and foul water drainage. Package treatment plants are proposed for each block of accommodation to handle wastewater. While this approach is acceptable in principle, further details are required of the scale of these treatment plants to ensure

they are wholly acceptable.

It is proposed that surface water for the new lodges would be disposed of into the existing lake. Again, while this approach may be acceptable in principle, further details are considered necessary to ensure the proposal is wholly in accordance with Policy 4.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

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.

The proposal in this instance is not exempt from the relevant condition. The initial submitted information was considered to be lacking in detail by the Senior Ecologist (see above consultation response in full). A revised scheme was subsequently submitted which appears to adequately demonstrate net gain for area-habitat units and hedge habitat units. Whilst there would be a deficit in watercourse units, it is considered that this can be suitably accounted for within the standard net gain condition, either via a revised onsite plan or the purchase of credits/ units from an off-site bank.

It has been recommended that these gains be secured via a S106.

The Senior Ecologist also identified potential harm to water voles, a protected species. To this end, a condition is recommended requiring the development to be carried out in accordance with the water voles survey to minimise the impact upon their habitat, in the event the application is approved. Habitat remediation has been recommended within the submitted PEA, which is considered an appropriate route forward.

Economic Sustainability

Paragraph 85 of the NPPF states that "Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development".

With respect to the rural economy, Paragraph 88 states that planning policies and decisions should enable "the sustainable growth and expansion of all types of business in rural areas" and "sustainable rural tourism and leisure developments which respect the character of the countryside".

Paragraph 89 outlines that these economic services may have to be located outside of settlement boundaries in rural areas. Where this is the case "it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist".

To this end, the proposal is considered to be in accordance with Section 6 of the NPPF. The proposal would generate economic gains, thus generating significant gains in its favour. While the development is outside of settlement boundaries, the allowances of Paragraph 89 enable regardless, as there is a clear association with the nearby settlement.

For these reasons, significant weight is given in favour of this proposal.

Outstanding Matters From Representations

To clarify points raised within the consultation exercise which have otherwise not been able to be explicitly addressed within other sections of this report; the accommodation is to be used strictly for tourism purposes. A condition limiting occupation, and preventing the use as a permanent residential dwelling is recommended in this instance to ensure this is the case.

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.

While the proposal is outside of any defined settlement boundaries, the development would solely relate to the expansion of a well-established visitor enterprise. To this end, the proposal would still be in accordance with the provisions of the Local Plan in principle. Significant weight is given in favour of the proposal under Section 6 of the NPPF. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

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 these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 9, 28, 33 and 36 of the SELLP, as well as Sections 6, 9, 12, 14 and 15 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

It is recommended that the application should be approved under Delegated Authority for the reasons above.