

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-0565-25 **Applicant:** Nationwide Produce PLC

Proposal: Details of mitigation strategy for the protection of archaeological remains in sensitive areas and notification of intention to commence archaeological investigations (Conditions 3 & 4 of H11-0095-25)

Location: Land Off Cowper'S Gate South Station Road Long Sutton

Terminal Date: 4th August 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
29 The Historic Environment

National Guidance

National Planning Policy Framework December 2024

Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
HISTORIC ENVIRONMENT OFFICER	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions application providing details of mitigation strategy for the protection of archaeological remains in sensitive areas and notification of intention to commence archaeological investigations (Conditions 3 & 4 of H11-0095-25)

Site Description

The site is located on the eastern side of Cowper's Gate close to the A17 roundabout. It is currently occupied by a number of buildings. Tree planting and a drain are situated along the northern

boundary. A house (White House Farm) and associated business premises are situated to the west fronting Cowper's Gate. Residential development is located to the south-west, including Sheaf Cottage which is grade II listed. A Tree Preservation Order is in place in close proximity to the site: (Ref : TPO-11-36-2015).

The hamlet of Sutton Crosses lies to the south and there is agricultural land to the east beyond an IDB controlled drain. To the north is Long Sutton, the site is located within the open countryside for policy purposes. The South East Lincolnshire SFRA shows the site to have a max hazard of 0.75 - 1.25 at categorised as a 'danger for some'.

History

H11-0095-25 - Proposed Internal Access Road, HGV Trailer Parking Area, Surface Water Lagoon, Security Fencing and Landscaping. Approved 06-05-25

Consultation Responses

Historic Places Team - The WSI proposed and submitted for this is not acceptable and we cannot recommend the discharge of the condition

Planning Considerations

Condition 3 - Archaeological Mitigation Strategy

The condition requires:

An archaeological mitigation strategy for the protection of archaeological remains in sensitive areas, shall be submitted to and approved by the local planning authority, this shall be submitted prior to any further work taking place on site except for demolition of the former dwelling known as White House Farm, shown on plan (ref: 889-9_FP_SP01). Where development would result in an archaeological impact to one of the identified areas of archaeological significance, identified in the archaeological mitigation strategy a written scheme of archaeological investigation must be submitted to and approved by the LPA. The archaeological site work and any other development works shall be undertaken only fully in accordance with the written scheme required by this condition

Condition 4 - Intention to commence

The condition requires:

The Local Planning Authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved Written Scheme at least 14 days before the said commencement. No variation shall take place without prior written consent of the Local Planning Authority.

Assessment

The applicant has provided:

-Written Scheme of Investigation for an Archaeological Strip Map & Record Excavation
The Historic Places Team have been consulted and consider that the above WSI is not acceptable and cannot be discharged. Therefore condition 3 will not be discharged. In turn given that there is no approved written scheme in place, condition 4 cannot be discharged.

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

Conditions 3 & 4 of H11-0095-25 are hereby NOT discharged and remain extant.