

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-1035-24 **Applicant:** Nationwide Produce PLC

Proposal: Details of Biodiversity Net Gain Plan, and Written Scheme of Archaeological Investigation (Conditions 6, and 13 of H11-1084-23)

Location: Cowpers Gate (South) Station Road Long Sutton

Terminal Date: 3rd February 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework December 2024

12 achieving well designed places
15 Conserving and enhancing the natural environment
16 Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of Biodiversity Net Gain Plan, and Written Scheme of Archaeological Investigation (Conditions 6, and 13 of H11-1084-23).

Site Description

As host consent.

History

H11-1007-10 - Permission Renewal - Change of use of land and buildings from agricultural/horticultural uses to vegetable processing/storage (renewal of H11-0029-08) - Approved 4 February 2011.

H11-0208-13 - Agri Det - Proposed produce store - Approved 5 April 2013.

H11-0027-14 - Full - Proposed enclosed canopy extension to existing agricultural building - Approved 12 March 2014.

H11-0011-16 - Full - Change of use of land and buildings from agricultural/horticultural use to vegetable processing/storage - Approved 2 March 2016.

H11-0236-21 - Full - Change of use of land and buildings from agricultural/horticultural use to vegetable processing/storage - Approved 4 May 2021.

H11-1084-23 - Proposed extensions to existing agricultural buildings including revised access arrangements and alterations to the concrete area to the south of the extensions. Approved 2 July 2024.

H11-0860-24 - Details of external materials, scheme of landscaping and tree planting, acoustic fencing and earth bund (Conditions 4, 5, 8 and 9 of H11-1084-23). Approved 9 December 2024.

Consultation Responses

Lead Local Flood Authority

Further information requested.

Internal Drainage Board

Lack of information and consent required under their byelaws.

LCC Historic Environment

The archaeological written scheme of investigation submitted is acceptable for the discharge of condition 13 of planning permission H11-1084-23.

LCC Ecologist

I've reviewed the proposed planting plan, biodiversity gain plan, and Landscape Biodiversity Management Plan submitted to discharge condition 5 and 6 for the development above. I am broadly supportive of the grass, scrub, and tree planting plans and proposed species mixes, and believe there is sufficient detail describing the creation and maintenance of these habitats in the submitted plans to discharge condition 5 and 6.

However, I note that condition 5 requires that the "Biodiversity Metric 3.1 (or any successor)" be used to demonstrate biodiversity gains on site, but unfortunately there is no metric or baseline habitat maps submitted with this application to evidence the on-site biodiversity gains as conditioned. Yet, the application was submitted prior to mandatory BNG coming into force, and therefore the lack of these documents are not necessarily grounds to refuse the discharge of condition and I would leave this to your discretion.

I also note that there are no bird nest box provisions included in the biodiversity gain plans (nor in the decision notice conditions), but would strongly encourage both swift boxes and universal bird boxes to be included as appropriate on buildings (e.g., 4-6 boxes attached 4+m high on north and east facing aspects of buildings close to hedges or trees; Vivara Pro WoodStone Swift Nest Box - NHBS Practical Conservation Equipment), as well as attaching 2-4 woodcrete universal bird boxes to pre-existing trees near hedge, tree, or scrub habitat (e.g., The Schwegler 1B from Living with Birds).

Planning Considerations

Please note condition 11 was removed from the application and the application forms and description was amended accordingly. This removed consideration of the drainage details and maintenance strategy. The comments from the Lead Local Flood and Highway Authority and the Internal Drainage Board related to drainage. This aspect is to be pursued via a separate application.

Condition 6 Wording

Prior to the commencement of any building hereby permitted beyond oversight, a Biodiversity Net Gain Plan to demonstrate a net gain in biodiversity on-site shall be submitted to, and approved in writing by, the Local Planning Authority. This shall be supported by a Biodiversity Management Plan setting out how the biodiversity enhancements will be managed and monitored for the lifetime of the development.

Condition 6 Detail

It should be noted that the condition was imposed prior to Mandatory 10% BNG requirements.

A proposed planting plan was submitted, with a Biodiversity Net Gain Plan, and a Landscape, together with a Biodiversity Management Plan.

The car parking areas are shown as existing modified grassland and are to be retained, as are existing trees. Part of the land is bare earth which is to be retained. Along the eastern boundary a native shrub mix is proposed, with a native hedge proposed further north. A bund is also incorporated into the scheme. This area is to be planted by a general purposes meadow mixture with wildflowers (Emorsgate EM1).

9 trees are proposed along the eastern boundary, together with a native hedge with a native shrub mix on the bund. The trees consist of Field Maple, Wild Cherry and English Oak.

The native hedge consists of Field Maple, Hawthorn, Dogwood, Hazel, Holly and Guelder Rose.

The native shrub planting consists of Field Maple, Hawthorn, Dogwood, Hazel, Holly, Wild Cherry, Blackthorn, English Oak and Guelder Rose.

Whilst the comments of the Ecologist are appreciated that there is no baseline habitat maps, the application was submitted prior to mandatory BNG coming into force. It is not possible to refuse due to the lack of this information.

It is noted that there are no bird nest provisions but prior to mandatory BNG net gain these tended to be controlled via a specific condition. Given that this condition was not applied in this case, it is not considered that the local planning authority can insist upon nest boxes in this situation.

It is considered therefore that the submitted details are satisfactory and the condition can be discharged.

Condition 13 Wording

No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).

2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work. The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Condition 13 Detail

A written scheme of investigation was submitted with this application.

This related to setting out the geology and topography, archaeological and historical background, planning background and research objectives, scope of works, methodology, finds recovery, processing and treatment, archaeological science and environmental sampling, recording, reporting and publication, archive preparation and deposition, monitoring and liaison, health and safety, Lincolnshire HER and Resources and programming.

LCC historic environment raise no objection to the details.

The details are considered satisfactory and it is considered condition 13 can be discharged.

Conclusion

Discharge conditions 6 and 13.

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.