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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H16-0462-24 **Date of Decision:** 17th January 2025

Applicant: South Holland District Council
Council Offices
Priory Road
Spalding
PE11 2XE

Location: Castle Sports Complex Albion Street Spalding

Description: Demolition of existing swimming pool building following the construction of a two storey extension including basement area to existing Castle Sports Complex building to provide new and upgrade indoor leisure and health related facilities including two new swimming pools, plant area and changing rooms. Reconfiguration of existing building to provide new and upgraded sports facilities and physical activity facilities and related supporting services. Provision of a new 3G artificial turf pitch (ATP), an Informal Outdoor Games Area (IOGA), other outdoor play areas, an informal running trail/track, a health and well being garden and an outdoor splash pad relating to the new swimming pool. The provision of supporting infrastructure including additional car parking and landscaped areas.

South Holland District Council hereby give notice that permission has been GRANTED (or equivalent) subject to the following condition(s):

1 The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following

approved plans and/or documents, unless where required or allowed by other conditions attached to this permission:

Documents
Application Form
Design & Access Statement - (Nov 2024)
Planning Statement - May 2024 - (JEH085/Rev 2)
Statement of Community Involvement - May 2024 - (Rev 2)
Construction Environmental Management Plan - May 2024
Ground Investigation Report - May 2024 - (AG3565-23-AR81)
Risk Management System - Materials & Waste - (RMS-PR-060b Rev A)
Heritage Impact Assessment - May 2024 - (2520887.1)
Archaeological Desk Based Assessment - November 2023 - (AAL2023155)
Archaeological Report - (Specification of Archaeological Evaluation)
Archaeological Evaluation Report - November 2024
Exception Test 5 Sport England Playing Fields Policy - Version 8
Indicative Operational Waste Management Plan - 21 May 2024
Ventilation Extraction Statement - (M00514-VZV-ZZ-XX-RP-M-0003 Rev P02)
Arboricultural Impact Assessment - May 2024 - (RT-MME-160845-02 Rev B)
Transport & Infrastructure Planning - May 2024 - (SHH-BWB-GEN-XX-RP-TR-0003 Rev P02)
Transport & Infrastructure Planning - May 2024 - (SHH-BWB-GEN-XX-RP-TR-0005 Rev P02)
Transport Technical Note 2 (SHH-BWB-GEN-XX-RP-TR-0007 Rev P02)
Environmental Survey & Preliminary Acoustic Design - (Rev B)
Flood Risk Assessment - (1st November 2024)
Flood Risk Assessment Maps
Sequential/Exception Test Assessment - 21 May 2024 - (JEH0085/ Rev 2)
Drainage Strategy - (01st Nov 2024)
Protected Species Report - 30 August 2023 - (SQ-1354 Issue 2)
Preliminary Ecological Appraisal (PEA) Survey 14 May 2024 - (SQ-1167 Issue 3)
Biodiversity Net Gain Report - (8th October 2024)
Statutory Biodiversity Metric
Preliminary Arboricultural Assessment - October 2023 - (RT-MME-160845-01)
Air Quality Assessment - May 2024 (SHH-BWB-XX-ZZ-RP-LA-0001_AQA V2)
External Lighting Report - 20 May 2024 - (M00514-VZV-ZZ-ZZ-RP-E-0630 Rev P02)
South Holland Pitch Lighting Plan

Plans
Existing Location Site Plan - H&WH - (M00514-SBA -01 -00 -DR-A -0100 Rev P02)
Proposed Site Plan - (M00514-ONE-ZZ-XX-D-L-0002 Rev P11)
Proposed Site Plan - (M00514-SBA-00-00-DR-A-0104 Rev P05)
Landscape Proposed Site Plan - (M00514-ONE-ZZ-XX-D-L-0002 Rev P02)
Demolition Ground Floor Plan - (M00514-SBA -01 -00 -DR-A -0120 Rev P01)
Demolition First Floor Plan - (M00514-SBA -01 -01 -DR-A -0121 Rev P01)
Demolition of Roof Plan - (M00514-SBA -01 -02 -DR-A -0122 Rev P01)
Demolition Elevations - 1 of 2 - (M00514-SBA -01 -ZZ -DR-A -0123 Rev P01)
Demolition Elevations - 2 of 2 - (M00514-SBA -01 -ZZ -DR-A -0124 Rev P01)
Demolition of Sections - 1 of 2 - (M00514-SBA -01 -ZZ -DR-A -0125 Rev P01)
Demolition of Sections - 2 of 2 - (M00514-SBA -01 -ZZ -DR-A -0126 Rev P01)

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Pitch Components - (24-0414(G-213319) 03 Version 1)
Pitch Elevations - (24-0414(G-213319) 04 Version 1)
Acoustic Board Elevations - (24-0414(G-213319) 05 Version 1)
Site Phasing Plan - (M00514-SBA-00-00-DR-A-0105 Rev P04)
Pitch Site Plan - (24-0414(G-213319) 01 Rev 02)
Pitch Development Layout - (24-0414(G-213319) 02 Rev 02)
Sports Hall Layout - (M00514-SBA-02-00-DR-A-3017 Rev P01)
Site Sections - (M00514-SBA-00-ZZ-DR-A-0138 Rev P02)
Proposed Ground Floor Plan - (M00514-SBA-02-00-DR-A-0131 Rev P03)
Proposed First Floor Plan - (M00514-SBA-02-01-DR-A-0132 Rev P03)
Proposed Roof Plan - (M00514-SBA-02-02-DR-A-0133 Rev P03)
Proposed Basement Plan - (M00514-SBA-02-B1-DR-A-0130 Rev P03)
Proposed Sections - 1 of 2 - (M00514-SBA-02-ZZ-DR-A-0134 Rev P03)
Proposed Sections - 2 of 2 - (M00514-SBA-02-ZZ-DR-A-0135 Rev P03)
Proposed Elevations - 1 of 2 - (M00514-SBA-02-ZZ-DR-A-0136 Rev P03)
Proposed Elevations - 2 of 2 - (M00514-SBA-02-ZZ-DR-A-0137 Rev P03)

Reason: For the avoidance of doubt and in the interests of proper planning.

3 The proposed building shall not be used until the access, parking and turning facilities shown on drawing as shown on the Proposed Site Plan (ref. M00514-SBA-00-00-DR-A-0104 Rev P05) has been provided.

Reason: In the interests of highway safety and the amenity of nearby residents.
This Condition is imposed in accordance with Paragraph 116 of the National Planning Policy Framework (December 2024).

4 No development shall take place until a method statement for the demolition and/or construction of that part of the overall development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement.

The statement shall provide for:
·the routeing and management of construction traffic;
·the parking of vehicles of site operatives and visitors;
·loading and unloading of plant and materials;
·storage of plant and materials used in constructing the development;
·the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
·wheel cleaning facilities;
·measures to control the emission of dust and dirt during construction;
·protection of Public Rights of Way;
·details of noise reduction measures;
·a scheme for recycling/disposing of waste resulting from demolition and construction works;
·the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site.

Reason: In the interests of highway safety and the amenity of nearby residents.

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This Condition is imposed in accordance with Paragraph 116 of the National Planning Policy Framework (December 2024).

5 The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be submitted to, and approved in writing by, the Local Planning Authority.

The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;

-the phasing of the development to include access construction;
-the on-site parking of all vehicles of site operatives and visitors;
-the on-site loading and unloading of all plant and materials;
-the on-site storage of all plant and materials used in constructing the development;
-wheel washing facilities;
-a strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawings) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

6 Demolition/ground works/construction works/ deliveries and collections during the construction phase of the development, shall not take place outside the following hours:

-Monday to Friday 08.00 - 18.00hrs
-Saturday 08.00 - 13.00hrs
-There shall be no work on Sundays or Public Holidays

Reason: In the interests of highway safety and the amenity of nearby residents.
This Condition is imposed in accordance with Paragraph 116 of the National Planning Policy Framework (December 2024) and Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

7 No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is used. The scheme shall:

-be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
-provide flood exceedance routing for storm event greater than 1 in 100 year;
-provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage

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infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
-provide attenuation details and discharge rates which shall be restricted to no more than what would be the greenfield run-off rate of the undeveloped land;
-provide details of the timetable for and any phasing of implementation for the drainage scheme and
-provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.
-the use of the permitted development shall not be commenced until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the site can be adequately drained
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, December 2024.

8 No part of the development hereby permitted shall be occupied before the works to improve the public highway (by means of tactile crossing points at the Albion Street access and The Green junction) have been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework (December 2024).

9 No building hereby permitted shall be first occupied until details of the noise from fixed plant and machinery (which shall not exceed the background noise level by more than 5dB(A) when measured as a 15-minute L(A)eq on any residential boundary not within the applicant's ownership) have been submitted to and approved in writing by the local planning authority.

Reason: To ensure development would not result in unacceptable impact on residential amenity.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework (December 2024).

10 No building hereby permitted shall be first occupied until details of the design, implementation, maintenance and management of foul water drainage works have been submitted to and approved in writing by the local planning authority.

The development shall be carried out in accordance with the approved details.

Reason: To ensure development would not result in unacceptable risk of pollution or harm

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to the environment or landscape.
This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework (December 2024).

11 No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

a) Samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
b) Samples of all hard surfacing materials
c) Sample materials of boundary treatments

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the provisions of the National Planning Policy Framework, December 2024.

12 Notwithstanding the detail submitted on the proposed preliminary landscape plan (ref. M00514-ONE-ZZ-XX-D-L-0002 Rev P11), no development above ground floor slab level shall commence until a full hard and soft landscaping plan is submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework (December 2024).

13 Notwithstanding the maintenance details submitted as part of the application, before the first occupation of the development hereby permitted, a schedule of landscape maintenance in perpetuity shall have been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation, long-term design objectives, management responsibilities and maintenance schedules for all landscape areas.

The approved landscape maintenance schedule shall be fully implemented.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy

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Framework (December 2024).

14 Where trees are shown to be retained on site they shall be protected during construction work as follows:

i)chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made;
ii)no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained;
iii)no services shall be routed under the spread of the crowns of the trees to be retained;
iv)no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority;
v)if any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of trees on the site.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework (December 2024).

15 No work shall commence on site until an Employment, Skills and Local Procurement Strategy shall be submitted to and approved in writing by the Local Planning Authority. This strategy shall set out measures to provide local employment, skills and business opportunities during the construction phase of the development hereby approved.

The development shall be carried out in accordance with the details so approved.

Within 12 months of the development hereby approved being first brought into use, a Statement of Conformity shall be submitted to the Local Planning Authority, setting out how the approved measures were implemented and shall include a review of Employment, Skills and Procurement outcomes arising from the approved Strategy.

Reason: To ensure that the development provides opportunities for local employment and training opportunities.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework (December 2024).

16 Notwithstanding the submitted Environmental Survey & Preliminary Acoustic Design (dated 24 May 2024), before the development hereby permitted is first occupied, full details of all proposed boundary treatment, including extending the proposed acoustic fence at both ends to the west of the AGP, shall be submitted to and approved in writing by the Local Planning Authority.

The approved boundary treatments shall be erected before the development is first

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brought into use and thereafter retained in that form.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the residential amenity of the overall development, to prevent noise pollution and to ensure that the development is adequately lit.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the provisions of the National Planning Policy Framework (December 2024).

17 Notwithstanding the submitted lighting details, before the development hereby permitted is first occupied, details of any external lighting to be provided in association with the development shall be submitted to and approved in writing by the Local Planning Authority.

The details shall include times when the external lighting will be switched on. Only external lighting that is in accordance with the approved details, shall be provided on the application site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no other external lighting provided on the application site.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the provisions of the National Planning Policy Framework (December 2024).

18 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment by Engenuiti dated 01/11/24 forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

-Mitigation measures for all flood depths include utilising flood resilient design, construction and materials. For depths up to 0.3m a water exclusion strategy is to be adopted, minimising water entry and maintaining structural integrity by incorporating flood barriers. For depths 0.3-0.6m water is to kept out in full or in part. For depths above 0.6m water is to be allowed through the building via water passages.
-A Flood Warning and Evacuation Plan for the proposed development for site users to follow in the event of flooding when the site is in use. If warning of a flood is received ahead of the event, site users should avoid the proposed development.
-These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.
This Condition is imposed in accordance with Policies 3 and 4 of the South East

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Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework (December 2024).

19 No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:

-The programme and methodology of site investigation and recording.
-The programme for post investigation assessment.
-Provision to be made for analysis of the site investigation and recording.
-Provision to be made for publication and dissemination of the analysis and records of the site investigation.
-Provision to be made for archive deposition of the analysis and records of the site investigation.
-Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that the development conserves any potential heritage assets.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework (December 2024).

20 No development shall take place until a bespoke offsite ecological compensation package that achieves habitat units has been submitted to and approved by the Local Planning Authority. The bespoke compensation package shall include:

i. Identification of a receptor site/s within the LPA area or National Character Area
ii. Details of the compensation requirements evidenced by the submitted statutory biodiversity metric calculation
iii. A management and monitoring plan, to include for the provision and maintenance of the compensation measures for a period of not less than 30 years from the commencement of the scheme. The management and monitoring plan is to include:

a. Description of all habitat(s) to be created/restored/enhanced within the scheme including expected management condition and total area;
b. Review of Ecological constraints;
c. Current soil conditions of any areas designated for habitat creation and where required detailing of what conditioning must occur to the soil as part of the compensation measures prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulphur);
d. Detailed design and working methods (management prescriptions) to achieve proposed habitats and management conditions, including extent and location of the proposed works;
e. Type and source of materials to be used, including species list for all proposed planting

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and abundance of species within any proposed seed mix;
f. Identification of persons responsible for implementing the works;
g. A timetable of ecological monitoring to assess the success of all habitat creation/enhancement. Ecological monitoring reports should be submitted to the LPA at year 1, 2, 5, 10, 15, 20, 25 and 30.
h. The inclusion of an appropriate feedback mechanism to the LPA, allowing for the alteration of working methods/management prescriptions, should the monitoring deem it necessary.

The arrangement necessary to secure the delivery of the offsite compensation measures shall be executed prior to written approval by the Local Planning Authority. The bespoke compensation package shall thereafter be implemented in accordance with the requirements of the approved scheme.

Reason: Protected Species.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework (December 2024).

21 No work shall commence above slab level until the submission of a biodiversity gain plan and habitat management and monitoring plan (HMMP) to be approved by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason: Protected Species.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework (December 2024).

22 No work shall commence on site until a Community Use Agreement (CUA) has been submitted and approved (in conjunction with Sport England) by the Local Planning Authority. The agreement shall apply to the community use of the cycle and park run route, the Go-Ride Cycle Course, the sprint straight and running loop, the cycle obstacle course, the cycle rock garden, the Artificial Turf Pitch and the Sports Hall. The agreement shall include details of pricing policy, hours of use, access by community users to the land, ancillary facilities and car parking, management responsibilities and a mechanism for review. The development shall be used in compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sports.
This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework (December 2024).

23 The indoor and outdoor sports facilities approved in Phase 1 as shown on drawing No: DR-A-0105 Rev P04 shall be provided in full and in accordance with the approved details contained in the plans and supporting documentation listed in condition no. 2 (approved plans condition). All of the indoor and outdoor sports facilities in Phase 1 shall then be made available for use prior to any work commencing on Phase 2.

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Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and which delivers sufficient benefits to sport to outweigh the loss of playing field.
This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019 and national guidance contained the National Planning Policy Framework (December 2024).

24 Use of the Artificial Grass Pitch hereby approved shall not commence until:

(a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf - FIFA Quality or equivalent International Artificial Turf Standard (IMS) and
(b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy 32 and the NPPF.
This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019 and national guidance contained the National Planning Policy Framework (December 2024).

25 No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme to demonstrate suitable access for a fire appliance and associated equipment has been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

a) Suitable access and turning for fire truck to meet entrance of sports centre building
b) Hardstanding capable of withstanding 18 tonnes vehicle up to entrance of sports centre building.

The development shall be carried out in accordance with the approved details.

Reason: Fire Safety.
This condition is imposed in accordance with Paragraph 116 of the National Planning Policy Framework (December 2024).

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be

viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

Biodiversity Net Gain

The applicant's attention is drawn to the following Biodiversity Net Gain requirement.

The effect of Paragraph 13 of Schedule 7A of 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 planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be South Holland District Council.

This permission will require the submission and approval of a Biodiversity Gain Plan and Habitat Management and Monitoring Plan (HMMP before development is begun). This is over and above the information submitted and considered as part of this application, and will be required before development is begun, because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

For guidance on the contents, in respect of the details that must be submitted and agreed by the Local Planning Authority, prior to the commencement of the consented development, please see the GOV.uk website and Planning Practice Guidance.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at
https://www.gov.uk/guidance/biodiversity-net-gain.

For clarity, the Local Planning Authority do not consider that any of the exemptions apply in this case. As such, the development hereby permitted will be subject to the biodiversity gain condition.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

For clarity the LPA do not consider that irreplaceable habitats are present at this site.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where

(a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and

(b) the conditions subject to which the planning permission is granted:

(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and

(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

The applicant is reminded that it is an offence under the Wildlife and Countryside Act, 1981 (as amended) to kill, injure, or take (handle) any protected species occupying a place of shelter or protection and also to take, damage or destroy the nest of any wild bird while that nest is in use or being built. If evidence of bats is found before or whilst the work is carried out you are advised to contact Natural England at their Lincoln office (telephone 03000 603900).

All wild bird species are legally protected under the Wildlife and Countryside Act 1981 (as amended) from any form of disturbance between the onset of nest building and until such time as any dependent young have left the nest, principally from the beginning of March to the end of August.

Please contact the Lincolnshire County Council Streetworks and Permitting Team an 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority. For further guidance please visit the LCC website; www.lincolnshire.gov.uk/highways-planning/works-existing-highway

In order to minimise any nuisance from noise, vibration and dust during the construction phase the applicant should refer to the WRS Demolition & Construction Guidance and ensure its recommendations are complied with.

The Applicants attention is brought to the comments received by Anglian Water dated 16th November 2024.

The Applicants attention is brought to the comments received from the Lincolnshire Police Designing out Crime Officer received 8th November 2024.



Phil Norman
Assistant Director - Planning and Strategic Infrastructure
South Holland District Council

BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

https://www.gov.uk/appeal-householder-planning-decision

https://www.gov.uk/appeal-planning-decision

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in

giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.