DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0622-26**	**Applicant:**	**Spalding Energy Park Limited**
Proposal:	Construction and operation of an unmanned Battery Energy Storage System ('BESS') with a power capacity of up to 550 megawatt ('MW') with associated works including control and protection systems, power conversion systems (and associated transformers), temperature regulation systems, a main step-up transformer(s) and switchgear, welfare facilities, electrical cabling and electrical connection, and other associated works - Approved under H16-1327-21. Modification of Conditions 4, 5, 6 & 7 to allow amendments to previously approved/submitted plans		
Location:	Land At Spalding Power Station West Marsh Road Spalding		
Terminal Date:	6th October 2026		

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
07	Improving South East Lincolnshire's Employment Land Portfolio
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework August 2026

Chapter 10: Securing Clean Energy and Water
Chapter 14: Achieving Well-Designed Places
Chapter 15: Promoting Sustainable Transport
Chapter 17: Pollution, Public Protection and Security
Chapter 18: Managing Flood Risk and Coastal Change
Chapter 19: Conserving and Enhancing the Natural Environment
Chapter 20: Conserving and Enhancing the Historic Environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	1	5

CASE OFFICER ASSESSMENT

Proposal

This is a Section 73 application seeking the variation of Conditions 4, 5, 6 and 7 attached to planning permission H16-1327-21. That permission allowed for the *"Construction and operation of an unmanned Battery Energy Storage System ('BESS') with a power capacity of up to 550 megawatt MW with associated works including control and protection systems, power conversion systems (and associated transformers), temperature regulation systems, a main step-up transformer(s) and switchgear, welfare facilities, electrical cabling and electrical connection, and other associated works"*. The principle and overall nature of the approved development would therefore remain unchanged.

The proposed variations relate to the approved parameter, layout and elevation drawings. Following changes in BESS technology and further detailed design work, the applicant proposes to retain the approved capacity of up to 550 MW whilst reducing the permanent development footprint and concentrating the above-ground infrastructure within the southern part of the application site. The revised scheme includes the relocation of the BESS arrays, electrical banking station/substation, welfare facilities and associated infrastructure, together with revised access arrangements within the site and provision for a future augmentation area.

The revised design also includes a change from the previously indicated Air Insulated Switchgear arrangement to a more 'compact' Gas Insulated Switchgear substation, single-level battery units in place of the previously indicated double-stacked arrangement, and the introduction of associated infrastructure including MV skids, switchrooms, a control room, storage facilities, auxiliary transformers and fire-water tanks. The application boundary remains unchanged.

Conditions 4 and 5 are therefore proposed to be varied to substitute the revised parameter and indicative drawings, while Conditions 6 and 7 would be updated so that the final layout, external appearance and scale of each phase are controlled by reference to the revised plans.

Site Description

The application site extends to approximately 12.6 hectares and is located off West Marsh Road, Spalding, to the south of the existing InterGen-owned Spalding Combined Cycle Gas Turbine ('CCGT') Power Station and immediately to the west of the InterGen-owned Spalding Open Cycle Gas Turbine ('OCGT') Power Station. The existing National Grid 400kV Spalding North Substation

is situated within the northern part of the wider application site.

The site lies within a predominantly commercial and industrial context, with the existing power generation and National Grid infrastructure, Fowler Welch Transport Depot and adjoining industrial estates forming prominent features in the surrounding area.

The application site currently comprises predominantly vacant land. Historically, the land formed part of the former sugar beet factory site and included railway sidings and settlement ponds. Material associated with the former settlement lagoons was subsequently deposited within the site during construction of the adjoining CCGT power station, resulting in parts of the site being elevated above the surrounding land. The site now principally comprises ruderal grassland and made ground, with earth bunding to the north and south and a tree line along the western boundary.

Much of the application site also forms part of the consented and partly implemented Spalding Energy Expansion development, originally authorised in 2010 under Section 36 of the Electricity Act 1989 with deemed planning permission under Section 90 of the Town and Country Planning Act 1990. That consent, subsequently varied, authorised a CCGT and OCGT generating station incorporating battery energy storage. The OCGT element has since been constructed and is operational. The larger standalone BESS development was subsequently granted planning permission under application H16-1327-21.

History

H16-1327-21 - Construction and operation of an unmanned Battery Energy Storage System ('BESS') with a power capacity of up to 550 megawatt ('MW') with associated works including control and protection systems, power conversion systems (and associated transformers), temperature regulation systems, a main step-up transformer(s) and switchgear, welfare facilities, electrical cabling and electrical connection, and other associated works. Approved 14-06-23

H16-0847-21 - Non-material amendment to the conditions of the deemed planning permission associated with the Section 36 consent for the construction and operation of an electricity generating station of up to 945MW (H16-0835-17). Amendments to condition 1 (definitions), condition 6 (removal and/or reprofiling of the Mound), conditions 21 & 22 (construction traffic management plan & access route), condition 43 (biodiversity enhancement measures and condition 45 (surface water drainage) in order to allow for removal and/or reprofiling of the mound as part of the permitted preliminary works and to omit the permitted preliminary works from triggering certain requirements under conditions that would be more appropriately dealt with as part of future development proposals. Approved 03/09/2021.

H16-0835-17 - Variation of the 2015 varied Section 36 Consent to enable a Battery Energy Storage System (BESS) to be provided alongside the Combined Cycle Gas Turbine Unit(s) (CCGT)and the Open Cycle Gas Turbine Unit(s) (OCGT)'.
No objection to the Section 36 consent and deemed planning permission variation confirmed 28/11/2017. Granted by the Secretary of State 31/01/2018.

H16-0605-17 - Non-material amendment to the conditions of the deemed planning permission associated with the Section 36 consent for a generating capacity of the development permitted of up to 945MW (H16-0492-15). Proposed additional condition to provide that a phasing scheme be submitted to and approved by the Local Planning Authority, amendments to Conditions 1, 4, 7, 8, 13, 14, 21, 23, 27, 28, 40, 41, 42, 45, 48, 49 and 50 to allow the details to be submitted prior to the commencement and/or commissioning of each phase of development. Approved 07/08/2017.

H16-0492-15 - Variation of Section 36 consent for a generating capacity of the development permitted of up to 945 MW. No objection to the Section 36 consent and deemed planning permission variation confirmed 07/07/2015. Granted by the Secretary of State 30/10/2015.

H16-0241-09 - Proposed 900MW CCGT Electricity Generating Station. No objection to the Section 36 consent and deemed planning permission confirmed 28/01/2010. Granted by the Secretary of State 11/11/2010

Consultation Responses

Anglian Water

Thank you for your email consultation on H16-0622-26 | Variation of conditions 4, 5, 6 & 7 to approved planning application H16-1327-21. We have reviewed the submitted documents with the variation of condition and there are no drainage related documents therefore we are unable to make comments on the above application. Please do not hesitate to consult Anglian Water for drainage related matters/conditions.

IDB

No comments received yet

EA

We did not recommend the conditions referred to on application H16-1327-21 and therefore have no comment to make on this application.

Highways & SuDs Support

No Objections - Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.
Comments: The proposal is for minor amendments to condition nos. 4, 5, 6, and 7 that already has approval under H16-1327-21. The minor amendments proposed will not have an adverse impact upon the public highway or surface water flood risk.

National Gas Transmission

In relation to the planning application H16-0622-26: Land at Spalding Power Station, there are no National Gas assets aÃ? ected within this area. If you wish to check whether any other utility assets are present, please raise an enquiry via www.lsbud.co.uk. Additionally, if the site location or type of works changes, a new enquiry should be submitted.

Lincs Fire

Provided detailed BESS fire safety advice rather than raising an objection. The response covers battery spacing and avoidance of vertical stacking, detection and suppression systems, emergency access, firefighting water supply, vegetation management and emergency planning. It recommends preparation of a site-specific Battery Safety Management Plan and Emergency Response Plan in consultation with the Fire and Rescue Service.

Ecology

Thank you for consulting us on this application. We have reviewed the proposals and have no ecological concerns to raise at this time; therefore, we have no objections.

Historic Places Team
We reiterate our previous comments regarding application H16-1327-21.

Environmental Protection

No comments regarding environmental protection.

I request a precautionary land contamination condition be applied at this location as follows:
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority (LPA). An investigation and risk assessment must be undertaken in accordance with details to be agreed with the LPA. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the LPA. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved by the LPA.

No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019

Lincolnshire Police

The consultee makes 'No Observations'.

Planning Considerations

Planning permission H16-1327-21 already establishes the principle of a 550MW BESS at this site. The purpose of this Section 73 application is therefore to consider whether the proposed changes to the approved parameters, layout, scale and appearance are acceptable and whether they would result in any new or materially different planning impacts.

The main matters considered in the assessment are:

·Background and Changes Sought;
·Principle of Development;
·Flood Risk and Drainage;
·Highway Safety and Construction Traffic;
·Character, Landscape and Heritage Impacts;
·Environmental and Amenity Impacts;
·Fire Safety and Emergency Response;
·Ecology and Biodiversity;
·Land Contamination;
·Planning Obligations; and
·Reattachment of Conditions.

Background and Changes Sought

Planning permission H16-1327-21 was granted on 14th June 2023 for an unmanned Battery Energy Storage System (BESS) with a capacity of up to 550MW and associated infrastructure.

The permission allowed flexibility in the detailed design through a combination of parameter plans and indicative drawings. Conditions 4 to 7 control the approved parameters, indicative layout, scale and appearance of the development and require the final details of each phase to remain within those approved limits.

The current Section 73 application seeks to vary Conditions 4, 5, 6 and 7 following further design work and advances in BESS technology. The revised scheme retains the approved 550MW capacity and the same red-line site boundary but concentrates the permanent development within the southern part of the site, releasing approximately 2.8 hectares in the north from permanent development.

The main changes include a smaller and relocated BESS compound, relocation of the electrical

banking station/substation to the south-west, use of more compact Gas Insulated Switchgear, replacement of double-stacked batteries with single-level units, and the introduction of MV skids, switchrooms, control and storage buildings, auxiliary transformers and fire-water tanks. A future augmentation area is also proposed.

The principal height parameters remain unchanged at 8 metres for the BESS compound, 14 metres for the electrical banking station and 6 metres for the welfare compound. The former laydown area, previously limited to 3 metres in height, would become an augmentation area with a maximum height of 8 metres. Despite this change, the overall permanent development footprint would be materially smaller than that approved.

An Environmental and Technical Report Addendum has also been submitted and concludes that the revised scheme would not result in any material change to the environmental effects previously assessed.

Principle of Development

The principle of a 550MW BESS at this site has already been established through planning permission H16-1327-21, granted on 14th June 2023. This Section 73 application only seeks changes to Conditions 4, 5, 6 and 7, which control the approved parameters, layout, scale and appearance.

The proposal must nevertheless be considered against the current Development Plan and other material considerations. Policy 1 of the South East Lincolnshire Local Plan sets the overall spatial strategy, while Policies 2 and 3 require development to be acceptable in terms of scale, layout, character, amenity, access, flood risk and design.

Policy 7 is particularly relevant. The site forms part of the Spalding Power Station Restricted Use Employment Sites, where power-generation-related development is supported. The BESS is closely related to the existing power station and National Grid infrastructure and its location was considered acceptable through the original permission.

Policy 31 supports renewable and low-carbon energy development where it would not cause significant harm to matters including landscape, amenity, highway safety, heritage or the natural environment, and where flood risk and climate change are properly addressed.

The August 2026 NPPF also gives clear support to BESS development. Policy W3 states that substantial weight should be given to the benefits of renewable and low-carbon energy development, including energy security, economic development and the move towards net zero. It also confirms that there is no requirement for applicants to demonstrate need.

There has therefore been no change in policy which would alter the acceptability of the principle of development. The approved capacity, site boundary and overall purpose remain unchanged. The main issue is whether the proposed changes to the approved layout and parameters are acceptable.

Flood Risk and Drainage

The site lies within Flood Zone 3. Policy 4 of the South East Lincolnshire Local Plan requires development to be safe for its lifetime, appropriately flood resistant and resilient, supported by a site-specific FRA, and to avoid increasing flood risk elsewhere. It also requires suitable Sustainable Drainage Systems where possible.

The site forms part of allocated employment sites SP037 and SP038. Policy 4 and Policy F5 of the NPPF confirm that the Sequential Test does not need to be repeated where a site has already been sequentially tested through the Local Plan process.

The BESS is classed as essential infrastructure and the Exception Test is therefore relevant. Policy F6 of the NPPF requires the wider sustainability benefits to outweigh flood risk, the development to remain safe for its lifetime, and no increase in flood risk elsewhere. The FRA identifies the benefits of reusing previously developed land, the existing 400kV grid connection and the contribution to energy security and decarbonisation.

An updated FRA has been submitted. It confirms that the main BESS infrastructure would remain on the higher parts of the site, with finished levels for the BESS, electrical banking station and welfare areas at or above 6.7m AOD. This accords with Policies F4, F6 and F7 of the NPPF.

Surface water would continue to be managed through SuDS, including on-site attenuation and controlled discharge. This accords with Policy 4 of the Local Plan and Policy F8 of the NPPF. Condition 13 of the existing permission already secures the detailed drainage arrangements and remains appropriate.

Lincolnshire County Council, as Lead Local Flood Authority, raises no objection. The Environment Agency has no comments on the proposed variation of Conditions 4-7. Anglian Water was unable to provide detailed drainage comments, and no response has been received from the Internal Drainage Board.

Overall, the revised scheme would remain safe for its lifetime and would not increase flood risk elsewhere. It is therefore considered to accord with Policy 4 of the South East Lincolnshire Local Plan and Policies F4, F5, F6, F7 and F8 of the NPPF.

Highway Safety and Construction Traffic

Policies 2 and 33 of the South East Lincolnshire Local Plan require development to have suitable access and to avoid unacceptable effects from traffic generation. The NPPF takes a similar approach through Policies TR3, TR4 and TR6, which require safe access, suitable provision for service and emergency vehicles, and no severe impact on the transport network or unacceptable impact on highway safety.

The existing access from West Marsh Road would remain unchanged. The revised scheme mainly alters the internal layout, with suitable internal access retained around the BESS compound. Operational traffic would continue to be very limited.

Construction traffic has been reviewed through the Environmental and Technical Report Addendum, which confirms that the original traffic assumptions, construction period and phasing remain appropriate. The existing CEMP and Construction Traffic Management Plan controls also remain suitable, including the approved limits on construction HGV movements.

Lincolnshire County Council, as Highway Authority, raises no objection and considers that the proposed changes would not result in an unacceptable highway safety impact or a severe effect on the local road network.

The proposal is therefore considered acceptable in highway terms and accords with Policies 2 and 33 of the South East Lincolnshire Local Plan and Policies TR3, TR4 and TR6 of the NPPF.

Character, Landscape and Heritage Impacts

Policies 3 and 29 of the South East Lincolnshire Local Plan require development to respond appropriately to its surroundings, protect landscape character and conserve heritage assets and their settings. The NPPF takes a similar approach through Policies DP3, N2, HE5 and HE6.

The original permission accepted the landscape and heritage effects of a 550MW BESS at this location. The revised scheme reduces the permanent development footprint and concentrates infrastructure within a more contained part of the site. Most equipment would also be lower than previously indicated, including the battery units which would reduce from around 7.17 metres to approximately 3 metres.

The site is already within an established energy and industrial area containing the CCGT and OCGT power stations, National Grid infrastructure and other industrial uses. The Environmental and Technical Report Addendum concludes that the revised layout would improve containment and slightly reduce visibility, resulting in a neutral to beneficial change compared with the approved scheme.

Existing landscaping and bunding would be retained and Condition 14 would continue to secure

detailed landscaping. The Historic Places Team has raised no new concern and there is no evidence that the revised scheme would result in any greater effect on heritage or archaeological interests.

The proposal is therefore considered acceptable in character, landscape and heritage terms and accords with Policies 3 and 29 of the South East Lincolnshire Local Plan and Policies DP3, N2, HE5 and HE6 of the NPPF.

Environmental and Amenity Impacts

Policies 2, 30 and 31 of the South East Lincolnshire Local Plan require development to avoid unacceptable effects on amenity, including from noise, lighting and other forms of pollution. The NPPF takes a similar approach through Policies P3 and P4.

The site lies within an established commercial and industrial area containing power generation, grid and transport uses. The revised BESS would therefore remain compatible with the surrounding land uses and would not introduce a new sensitive use.

An updated Noise Impact Assessment has been submitted. With the proposed attenuated main step-up transformer and harmonic filter, operational noise at all assessed receptors is predicted to be Minor Adverse and Not Significant. This is broadly consistent with, and slightly better than, the original assessment.

Lighting would remain controlled by condition, with no permanent or regular lighting and limits on light spill. Construction effects would also continue to be managed through a detailed CEMP covering noise, dust, vibration and other temporary impacts.

Environmental Protection raises no objection in amenity terms and has only requested a precautionary condition relating to unexpected contamination, which is considered separately.

The proposal is therefore considered acceptable in environmental and amenity terms and accords with Policies 2, 30 and 31 of the South East Lincolnshire Local Plan and Policies P3 and P4 of the NPPF.

Fire Safety and Emergency Response

The revised layout has been designed with current BESS fire safety guidance in mind. The previously shown double-stacked battery units have been removed and replaced with single-level units with spacing between the battery containers. The layout also includes MV skids, switchrooms and other associated equipment arranged within the BESS compound.

Four fire-water tanks are proposed and the indicative layout also provides internal access suitable for emergency vehicles. The applicant advises that the layout has been prepared with regard to the National Fire Chiefs Council guidance.

Lincolnshire Fire and Rescue Service has provided detailed advice rather than raising an objection. It recommends that a site-specific Battery Safety Management Plan, including an Emergency Response Plan, is prepared in consultation with the Fire and Rescue Service. This can be secured by planning condition and is considered a suitable way of dealing with detailed fire safety and emergency arrangements.

Ecology and Biodiversity

Policy 28 of the South East Lincolnshire Local Plan and Policy N2 of the NPPF seek to protect habitats, biodiversity and protected species and require suitable mitigation where necessary.

An updated ecological survey undertaken in February 2026 found that the site remains of generally low ecological value and that the ecological baseline is broadly unchanged. No evidence of badgers or amphibians was recorded and no suitable bat roosting or hibernation features were identified.

The southern bund remains the most suitable reptile habitat and would be retained with a 3 metre

buffer. Existing ecological mitigation, landscaping and the reptile exclusion area would also be retained. The Council's Ecology consultee raises no objection.

Mandatory Biodiversity Net Gain does not apply because the original permission was granted before 12th February 2024. However, the biodiversity measures already secured by Condition 14, including landscaping, habitat provision and a Biodiversity Metric demonstrating a net gain of up to and around 5%, would remain in place.

The proposal is therefore considered acceptable in ecological terms and accords with Policy 28 of the South East Lincolnshire Local Plan and Policy N2 of the NPPF.

Land Contamination

Policy 30 of the South East Lincolnshire Local Plan and Policy P3 of the NPPF require development to avoid unacceptable risks from land contamination and to ensure that land is suitable for its intended use.

The original Phase I assessment identified the site's former sugar beet use, railway sidings, settlement ponds and made ground, with some potential for contamination and ground gas. The updated Environmental and Technical Report confirms that ground conditions have not materially changed and that the original findings remain applicable.

Environmental Protection raises no objection but requests a precautionary condition for any unexpected contamination found during construction. This is already covered by Conditions 10 and 11 of the original permission, which should be carried forward.

Subject to these controls, the proposal is acceptable in land contamination terms and accords with Policy 30 of the South East Lincolnshire Local Plan and Policy P3 of the NPPF.

Planning Obligations

The original permission is subject to a Section 106 Agreement dated 6th June 2023.

Clause 15.1 of the Agreement provides that, where a subsequent planning permission is granted, references within the Agreement to the original application and permission are generally to be read as including that subsequent permission. The obligations within the existing Agreement would therefore continue to apply to a permission granted under Section 73.

Clause 15.2 does, however, preserve the Council's ability to require a new or supplemental agreement where this is considered necessary.

In this case, the proposed development remains a 550MW BESS within the same application site and the Section 73 application principally changes the layout and design of the approved development. The permanent development footprint would also be reduced. There is nothing arising from the proposed changes which would require the existing planning obligations to be altered.

It is therefore considered that the existing Section 106 Agreement would continue to apply and that no supplemental deed is required in connection with this application.

Reattachment of Conditions

A permission granted under Section 73 would create a new planning permission. It is therefore necessary to reattach the conditions from permission H16-1327-21 which remain relevant to the development.

No applications have been made to discharge the conditions attached to the original permission. The existing conditions should therefore generally be carried forward, with Conditions 4, 5, 6 and 7 amended to refer to the revised plans and parameters considered under this application.

Some of the remaining conditions will also require minor updating where they refer directly to superseded drawings or supporting documents. This includes, in particular, the conditions relating

to the CEMP, drainage, lighting and flood risk. The existing contamination, landscaping, ecology, construction traffic and decommissioning controls remain relevant and should be retained.

A further condition requiring a Battery Safety Management Plan and Emergency Response Plan is also considered appropriate in light of the revised BESS layout and the consultation response from Lincolnshire Fire and Rescue Service.

Finally, the time limit for commencement should continue to run from the original permission. The development must therefore still be commenced by 14th June 2028, rather than receiving a new five-year period from the date of the Section 73 permission.

Planning Balance

The proposal would retain the approved 550MW capacity, the same application boundary and the same overall BESS use. The main change is to accommodate the development within a smaller permanent footprint, with the principal infrastructure concentrated within the southern part of the site and approximately 2.8 hectares in the north released from permanent development.

There are also clear design improvements. The previously indicated double-stacked batteries would be replaced by lower single-level units, the substation would use a more compact GIS arrangement and the development would sit more closely within the established power-station and industrial setting. Although the new augmentation area has a higher maximum parameter than the former laydown area, the overall permanent development footprint is materially smaller.

The updated technical assessments do not identify any material increase in environmental effects. Flood risk can continue to be managed safely, highway impacts remain acceptable, operational noise is not significant, existing landscaping and ecological mitigation would be retained and there is no greater effect on the historic environment.

The revised layout also responds to current BESS fire safety guidance. Detailed fire safety and emergency arrangements can be secured through a Battery Safety Management Plan and Emergency Response Plan condition.

National policy gives substantial weight to the benefits of renewable and low-carbon energy development, including energy security, economic development and the transition to net zero. Those benefits continue to apply to the development and there are no identified adverse effects arising from the proposed amendments which would outweigh them.

On balance, the proposed variations represent an acceptable update to the approved scheme and would allow the consented BESS to be delivered using current technology without materially increasing its planning impacts.

Conclusion

The proposed variation of Conditions 4, 5, 6 and 7 is considered acceptable. Subject to the reattachment and updating of the relevant conditions, including a condition dealing with battery safety and emergency response, planning permission should be granted under Section 73.

Taken as a whole, the proposal accords with Policies 1, 2, 3, 4, 7, 28, 29, 30, 31 and 33 of the South East Lincolnshire Local Plan and Policies W3, F4, F5, F6, F7, F8, TR3, TR4, TR6, DP3, N2, HE5, HE6, P3 and P4 of the 2026 NPPF.

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.