

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Lead Development Management Planner (Interim) - BBC & SHDC

To: Planning Committee - 08 October 2025

(Author: Jacob Bryan - Planning Officer)

Purpose: To consider Planning Application H16-0687-25

Application Number: H16-0687-25

Date Received: 14 July 2025

Application Type: FULL

Description: Construction and operation of a micro energy storage project

Location: Sir Halley Stewart Playing Field Winfrey Avenue Spalding

Applicant: AMP Clean Energy

Agent: AMP Clean Energy

Ward: Spalding Castle

Ward Councillors: Cllr G J Taylor

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0687-25>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The land is South Holland District Council owned.

2.0 PROPOSAL

2.1 This is a full planning application for the installation and operation of a micro energy storage facility within the Sir Halley Stewart Playing Field, Winfrey Avenue, Spalding.

2.2 The proposed development would comprise the installation of a concrete plinth foundation, concrete slab, installation of the battery storage cabinet and associated equipment and the construction of a new 2.4m paladin fence surrounding the Battery Box.

2.3 The following extract from the planning statement submitted with the application sets out how the proposed energy storage facility works:

2.4 *A Battery Box is an ESS that imports electricity from the local electricity network when demand for electricity is low or when there are high levels of renewable energy available. It then exports that electricity back to the grid when required during periods of high demand. This provides a solution to the growing need for network flexibility and helps address grid reliability issues prompted by an increase of intermittent (wind and solar) generation of the electricity system.*

Each Battery Box connects into the low voltage (LV) electricity network, this is the lowest and most local point in the distributed system, where there is an increasing demand for electricity with the electrification of transport and heating systems. Stored electricity from the Battery Box will be exported and consumed locally.

3.0 SITE DESCRIPTION

- 3.1 The application site comprises a corner plot location, consisting of Kings Road and Winfrey Avenue, within the settlement of Spalding. The site is the Sir Halley Stewart Playing Field, which is home to Spalding United football Club.
- 3.2 The site, when viewing the Sir Halley Stewart Playing Field as a whole, is neighboured by residential properties to the east along Pinchbeck Road and adjacent the site to the north. Located adjacent the site to the west lies the Bus Station.

3.3 The application site lies adjacent to the boundary of Spalding Conservation Area.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

4.2 South East Lincolnshire Local Plan, March 2019

4.3 If regard is to be had to the development plan for the purpose of any determination to be made under Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

4.4 01 Spatial Strategy
02 Development Management
03 Design of New Development
05 Meeting Physical Infrastructure and Service Needs
29 The Historic Environment
30 Pollution
31 Climate Change and Renewable and Low Carbon Energy
36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

4.5 National Guidance

4.6 National Planning Policy Framework (NPPF), December 2024

4.7 Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
Section 10 - Supporting high quality communications
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 16 - Conserving and enhancing the historic environment

4.8 Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H16-0596-24 - Construction and operation of a micro energy storage project - Approved

6.0 REPRESENTATIONS

6.1 Councillor Ingrid Sheard

Please can it be ensured that the risk of these units has been fully assessed, ensuring fire precaution and control have been fully stipulated and will be enforced. This site is surrounded by residential dwellings, what will be the risk to residents should a fire break out and what measures have been put in place to ensure there is no risk to residents in and around the area.

6.2 Lincolnshire County Council Highways Authority

Recommendation No objection subject to:

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 the construction and operation of a micro energy storage project. A construction management plan should be conditioned due to the location of the site being in a central location. The construction period is due to last four weeks and there are 6 HGV movements associated with the construction. The proposal will not have an adverse impact on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Planning Conditions:

In the event that permission is to be given, the following planning conditions should be attached:

Highway Condition 00:

The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be 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;
- the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material and;
- 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 drawing(s) 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.

Informatives:

Highway Informative 08:

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 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. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

6.3 Lincolnshire Fire & Rescue

We would ask that all the below requirements are met to allow LFR to support the development:

As the UK moves toward more sustainable energy solutions, we are seeing increased use of Battery Energy Storage Systems (BESS), even at micro or small-scale levels. While this development is welcomed in principle, we must emphasize that even smaller-scale BESS installations present significant safety, environmental, and operational risks that must be appropriately mitigated.

Although Lincolnshire Fire and Rescue Service (LFR) is not a statutory consultee, the National Fire Chiefs Council (NFCC) encourages early and ongoing engagement with local fire services throughout the planning process, regardless of the scale of development. This is outlined in the government guidance on planning for renewable and low carbon energy.

The UK Government has now published health and safety guidance for this type of energy storage system. The guidance aims to improve the navigability of existing standards and provide a clearer understanding of relevant health and safety standards that the grid scale electrical energy storage system industry, which includes lithium-ion batteries, can apply to its own process(es).

Grid scale battery energy storage systems.

The NFCC has produced guidance for fire and rescue services, which gives recommendations on Grid Scale Battery Energy Storage System Planning. This guidance is based upon a range of supporting materials including academic research, national and international standards, case studies and industry guidance. It relates specifically to grid scale (typically 1 MW or larger) BESS in open air environments, using lithium-ion batteries.

LFR recognise that this is not a large BESS site however we would recommend the minimum safety standards to meet those in the NFCC guidance, especially around the design, construction and installation of the guidance. It is crucial that all fire can be contained to the BESS of origin, and we would recommend tests such as UL9540 / UL 9540A. As well as NES containers being fitted with an explosion protection or deflagration venting appropriate to the hazard and battery technology deployed.

The location for the BESS must comply with the NFCC guidance, it is especially important that no combustible material is adjacent to the BESS units and clear access is maintained. Areas within 10m of the BESS units should be kept clear of combustible vegetation and all other vegetation within the curtilage of the site should be kept in a condition such that it doesn't increase the risk of fire on the site.

Environment considerations:

Suitable environmental protection measures should be provided; this should include systems for containing and managing water runoff.

LFR would expect that any early engagement sent to us via the dedicated email address below, outlines how your proposed site meets the expectations of this guidance document. Once you have considered this document, and provided us with a detailed plan, the Service will be able to provide further guidance on your proposal.

Whilst every site is different the NFCC guidance will be used by fire and rescue services to evaluate the measures you propose. With early engagement and advice using the guidance, the risks posed to people, property and the environment can be planned for by you and control measures can be put in place to minimise disruption and harm to people, property and the environment.

6.4 Lincolnshire County Council Historic Places

Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

6.5 South Holland District Council Environmental Protection

Provide additional data to enable a noise assessment to be made regarding potential impact to 39-43 Pinchbeck road. Although noise assessment for the BESS system is provided distance from source and background night time noise levels are not available to make proper assessment of potential impact.

No comments regarding land contamination.

7.0 CONSIDERATIONS

7.1 Evaluation

7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

7.3 In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above .

7.4 The policies and provisions set out in the National Planning Policy Framework (updated December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

7.5 Principle of Development and Sustainability

7.6 The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

7.7 Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

7.8 The application site in this instance is within Spalding, a Sub-Regional centre, and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of development within this location would typically be considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

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

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

7.11 Section 12 of the National Planning Policy Framework (December 2024) specifically relates to

'Achieving well-designed places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

- 7.12 Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.
- 7.13 Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.
- 7.14 Likewise, Policy 2 of the South East Lincolnshire Local Plan (2019) outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2024), in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.
- 7.15 These policies accord with the provisions of the National Planning Policy Framework (December 2024) and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.
- 7.16 Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.
- 7.17 The application site, when taking account of the entirety of the Playing Field, lies adjacent to Spalding Conservation Area. Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework. Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.
- 7.18 The National Planning Policy Framework (NPPF) (December 2024) expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.
- 7.19 Section 16 of the National Planning Policy Framework (December 2024) states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".
- 7.20 In respect of any buildings or other land in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area, through

Section 72 the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 7.21 The proposed equipment would be located within the grounds of the Sir Halley Stewart Playing Field, abutting neighbouring properties set along Pinchbeck Road, whilst also being visible via a gate along King's Road. It would comprise a functional appearance, with the apparatus being enclosed by Paladin/wire mesh fencing.
- 7.22 Although partially visible from views through a gate to the playing field and means of enclosure, the micro energy storage facility would not detract from the visual amenity of the site or wider area. For the most part, the proposed development would be remain screened, with the wider site being bounded by an established stone wall that bounds the entirety of the site. In addition, existing structures within the grounds would further lessen its visual prominence or impact, including from King's Road.
- 7.23 The development, given the screening of the site and location, would not give rise to any adverse impact upon the setting of the Conservation Area and as such, no harm is caused to the Conservation Area. This is further emphasised by its siting, being set well away from the boundary edge.
- 7.24 Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and no harm would be caused to Spalding Conservation Area. Therefore, the proposal would be in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan and Sections 12 and 16 of the National Planning Policy Framework (December 2024).
- 7.25 Impact on Residential Amenity/Land Users
- 7.26 Paragraph 135 of the National Planning Policy Framework (December 2024) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.27 Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.
- 7.28 The application site comprises an existing Playing Field, the home of Spalding United Football Club. The site is bound along King's Road by a high block wall, enclosing the entirety of the proposed development site.
- 7.29 Residential dwellings lie within close proximity to the wider site, with residential properties lying to the north, fronting along the northern side of King' Road, and to the west along Pinchbeck Road, immediately beyond the siting of the micro energy storage facility.
- 7.30 In this regard comments were raised by South Holland's Environmental Protection, regarding the proximity of the micro energy storage box in relation to neighbouring properties; namely no.39-43 Pinchbeck Road, and the subsequent increase in noise from the resultant development.
- 7.31 Policy 30 of the South East Lincolnshire Local Plan (2019), in reference to 'pollution', details that: "Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon:... 5. noise including vibration".
- 7.32 In light of this, a detailed noise assessment was submitted by the applicants agent. This report concluded within its findings that the predicted specific noise level at the closest Noise Receptor to the Site is 33dBA, whilst the rating level has been determined at 36dBA.

- 7.33 Therefore 'on balance, owing to the low rating level, and the likelihood that baselines in the area are higher, SLR consider that there would be no noise impact in accordance with BS4142'.
- 7.34 Following receipt, Environmental Protection were re-consulted on the proposal and, in light of these findings, concluded that '*Following review of the SLR noise assessment 403.066391-00001 report I am satisfied that no adverse noise effects are likely from the installation of the battery box, to the residents of nearby properties*'. It is therefore considered that there would not be any harmful increase in noise that would adversely impact nearby residents along Pinchbeck Road.
- 7.35 Furthermore, aside from potential noise impacts, due to the nature of the proposal, there would be no adverse or detrimental impact upon neighbouring residents in regard to material overlooking, loss of privacy or an overbearing nature, once implemented.
- 7.36 Overall, the proposal would not give rise to an unacceptable adverse impact upon the residential amenities of neighbouring occupiers.
- 7.37 As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).
- 7.38 Highway Safety and Parking
- 7.39 Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".
- 7.40 In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.
- 7.41 The proposal is for the construction and operation of a micro energy storage facility. The land is not public highway, being within the Sir Halley Stewart Playing Field. The development is essentially for a battery box that will provide low carbon electricity and the development will be enclosed by fencing.
- 7.42 Construction would take approximately 4 weeks with the electrical equipment being manufactured off site and lifted into position on the concrete plinth before the electrical connection is completed. The development proposes to use the existing accessway with traffic generation during construction and operation remaining minimal. A total of 6 HGV movements are suggested (3 arrival and 3 departures), the volume of trips generated by the site during construction will be negligible. The proposal will not have any adverse impact on the public highway.
- 7.43 It is noted that whilst Lincolnshire County Council Highways have raised no objections to the scheme, they have requested a Construction Management Plan and Method Statement be submitted and approved in writing. Given the minor extent of development and limited construction movements, it is considered, in this instance, when also taking account of the location of the proposal, that such a condition would not be required.
- 7.44 The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire

- 7.45 Flood Risk
- 7.46 Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".
- 7.47 This goes on to state, within Paragraph 172, that all plans "should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".
- 7.48 If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.
- 7.49 It is important to note that paragraph 176 of the National Planning Policy Framework (December 2024) details that "Applications for some minor development and changes of use (footnote 62) should also not be subject to the sequential test, nor the exception test set out below, but should still meet the requirements for site-specific flood risk assessments set out in footnote 63".
- 7.50 Footnote 62 details that "This includes... small non-residential extensions (with a footprint of less than 250m²)". As such, whilst minor developments must meet the requirements for site-specific flood risk assessments as set out within footnote 63, this proposal should not be subject to the sequential test, nor the exception test, as outlined in Paragraph 176 and to be read in conjunction with footnote 62.
- 7.51 Notwithstanding this, the site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.
- 7.52 The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan (2019) is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.
- 7.53 It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.
- 7.54 In this instance, the proposed development comprises the construction and operation of a micro energy storage facility to serve the area. The development has been accompanied by a flood risk assessment, which identifies there is very low flood risk to the site through the following sources: sea or tidal, rivers or fluvial, surface water and overland flow, groundwater, sewers and water mains, reservoirs, canals and other artificial sources and infrastructure failure.
- 7.55 In discussion with the Environment Agency, it has been concluded that the view is that as this ESS will store additional electricity, and due to the small size, failure of this development will have limited impact on the local network.

- 7.56 Overall, the flood risks present on site are very low and development on the site will be 'safe' in flood risk terms throughout its lifetime without increasing flood risk elsewhere.
- 7.57 Overall, when considering the development on balance, it is considered that the proposal would not comprise 'Essential Infrastructure' and it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning Policy Framework (December 2024) in this regard.
- 7.58 **Biodiversity Net Gain**
- Section 15 of the National Planning Policy Framework (NPPF) seeks to protect sites of biodiversity value, minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. Policy 28 of the SELLP seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and promote biodiversity net gain by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserve or enhance habitat to adapt to climate change.
- 7.59 Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.
- 7.60 "Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".
- 7.61 The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.
- 7.62 The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:
- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan, or
 - (c) the development is exempt from the biodiversity gain condition.
- 7.63 For applications that are submitted prior to the introduction of this requirement, the development would be exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.
- 7.64 In this instance, a Biodiversity Net Gain Exemption Statement was submitted with the application. It is considered that the application is subject to the de minimis exemption, due to the proposal not impacting a priority habitat and the development impacts less than 25 square metres of onsite habitat.
- 7.65 **Planning Balance**
- 7.66 As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

- 7.67 The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework when viewed as a whole.
- 7.68 In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.
- 7.69 **Additional Considerations**
- 7.70 Public Sector Equality Duty
- 7.71 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.
- 7.72 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.73 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.
- 7.74 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.
- 7.75 Human Rights
- 7.76 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).
- 7.77 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.
- 7.78 **Conclusion**
- 7.79 Taking the above considerations into account, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 5, 29 and 30 of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024). There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

8.0 RECOMMENDATIONS

- 8.1 Based on the assessment detailed above, it is recommended that the proposal should be approved subject to those conditions listed at Section 9.0 of this report.

9.0 CONDITIONS

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:

- Plan 1 Rev A - Location Plan
- Plan 2 Rev B - Site Layout Plan
- Plan 3 - Paladin Fence - 3D Image
- Plan 4 - Elevations
- Plan 5 - Elevations
- Battery Noise Assessment - 11 November 2024 Revision: 3
- Flood Risk Assessment - July 2024
- Planning Statement - July 2025
- BNG Exemption Statement
- SLR Project No.: 403.066391.00001 Rev 01 - Noise Assessment - 8 September 2025

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

3. The materials of the development hereby permitted shall be carried out in accordance with those detailed within the application form and approved plans.

Reason: In the interests of the architectural and visual integrity of the overall 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.

4. Before the commencement of the development hereby permitted beyond oversight, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance.

Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses, in the opinion of the Local Planning Authority, shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set, and that Biodiversity Net Gain will be achieved.

This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

5. 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 subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

6. **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.

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>.

Based on the information available and submitted in support of this application, the Local Planning Authority considers that the development hereby permitted is exempt and therefore will not require the approval of a biodiversity gain plan, prior to the commencement of development; with the development comprising a statutory exemption as listed below: -

The development effects less than 25 square metres of on site habitat.

As such, the development hereby permitted will not 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.

7. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections 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.

For further guidance please visit:

Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post: Nick Atkinson , Lead Development Management Planner (Interim) - BBC & SHDC

Telephone Number:

Email nick.atkinson@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

