

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H16-0717-25	Applicant:	Intergen
Proposal:	Proposed Vehicular Access to provide access for Spalding Power Station & National Grid Electricity Transmission to carry out critical maintenance work on their assets		
Location:	South Of Spalding Household Waste Recycling Centre West Marsh Road Spalding		
Terminal Date:	3rd October 2025		

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
05	Meeting Physical Infrastructure and Service Needs
07	Improving South East Lincolnshire's Employment Land Portfolio
28	The Natural Environment
29	The Historic Environment
30	Pollution
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - 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
OTHER STATUTORY BODIES	0	0	0	4

CASE OFFICER ASSESSMENT

Description of Proposal

This is a full planning application for the creation of a vehicular access opposite Spalding Power Station, West Marsh Road. The access would have a width of 13m at its mouth, narrowing to 5m at its end. The depth of the access would 14.2m. The access would be hard surfaced. It is intended that this access would used to provide access by Spalding Power Station & National Grid Electricity Transmission to conduct maintenance work on their assets.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. The site is located directly south of the recycling centre, opposite from the main access to Spalding Power Station and to the east of the river Welland. Within the inset maps which support the Local Plan, the site is allocated as an "Existing Main Employment Area".

The area is currently well vegetated, featuring a large hedgerow and trees. There is a clear industrial character to the area.

Relevant History

No relevant history

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Anglian Water

"Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments to make with regards to foul and surface water proposals. If this is to change, please re-consult with us. We would like to advise the applicant that there is a 10inch water main and 1050mm foul sewer close to the proposed development, these assets should be located in areas of public open space and/or adoptable highways to ensure on-going maintenance and access is possible. The applicant should check for any Anglian Water assets which cross or are within close proximity to the site, they can do this by accessing our infrastructure maps on Digdat"

National Gas

"Regarding planning application H16-0717-25, there are no National Gas Transmission assets in this area."

National Grid Electricity Distribution

"Please note there is a 11kv UG cable running across the proposed entrance. Please contact NGED for assistance if required"

Welland and Deepings Internal Drainage Board

"The proposed vehicular access appears to cross a roadside dyke for which the prior written consent of the Board will be required. Any application made to the Board for this will be subject to the agreement of technical details including the installation of a pipe"

Environment Agency

"Environment Agency position:

We have reviewed the submitted flood risk assessment prepared by DAC Power and understand the proposed access road is to enable essential maintenance activities to be carried out. The site could experience depths of up to 2m arising from a breach in the defences; however, we understand that use of the road would not be required during a flood. We therefore have no objection to this application; however, we would like to draw the Applicants attention to the following information.

Environmental permit:

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission".

Historic Environment Officer

"It is noted that the applicant has not provided an assessment of the archaeological or heritage potential of the site, as outlined in the NPPF (paragraph 207).

The proposed site is situated in an area of high medieval archaeological potential. The proposed development lies within an area where a historic early medieval sea bank, known as the Roman Bank, is recorded on historic mapping. This feature once marked the boundary between the River Welland and the habitable land of Spalding, and it still survives as an extant earthwork to the north and south. Archaeological evidence for ancient salt production was also discovered on the site of the present power station when the sugar beet factory was first constructed in the 1920s. This activity, likely situated immediately east of the bank on its seaward side, is recorded in the HER as MLI23592.

The proposed development comprises 'Proposed Vehicular Access to provide access for Spalding Power Station & National Grid Electricity Transmission to carry out critical maintenance work on their assets'. According to the submitted works specification the proposed field access track requires an excavation depth of approximately 0.45 m below existing ground level (100 mm concrete grid system + 30-50 mm bedding + 300 mm aggregate). This represents a substantial ground intervention across the full footprint of the track and will impact any potential archaeology. The proposed development groundworks and any temporary works associated with the development will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present. As mentioned above, there is potential for development on this site to have an impact on buried remains that should be recorded prior to their destruction - NPPF (paragraph 218). We recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site.

This will comprise a phased programme of archaeological mitigation work including but not limited to a continuous archaeological monitoring (watching brief) to enable any remaining archaeology which currently survives on this site to be properly recorded prior to its alteration or destruction. This should be secured by South Holland District Council's standard conditions AR01, 02 and 03 and is

in accordance with National Planning Policy Framework paragraphs 207 and 218 and the South East Lincolnshire Local Plan (Policy 29). With respect to the attached archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1YL, 07386 656079, email ruben.lopez@lincolnshire.gov.uk to discuss the requirements and request preparation of a brief for the works."

Highway and Lead Local Flood Authority

Initial comments, dated 14th August 2025

"The proposed access as shown on drawing number: SPS-DAC-CIV-2WS-GA-001 dated 06th May 2025, has not clearly shown the existing ghost island right turn lane on West Marsh Road. The Highway Authority are of concern with vehicles turning right when travelling in a Northern direction, would have to cross the ghost island right turn lane, conflicting with those travelling in the opposing direction and wanting to turn right and therefore, having a significant impact upon highway safety.

In order for the Highway Authority to fully consider and assess the potential cumulative impact of this proposal upon the highway network and to mitigate highway concerns, we would ask the applicant to provide a Transport Statement specifically outlining, hours of operation for the proposed use of the new access and those for Spalding Power Station, assessment of the suitability of West Marsh Road leading to the site with accident traffic data, accessibility by other modes of transport, number of vehicle trips generated during a typical working day, on a weekly basis and vehicle types that would use the proposed access and the existing Spalding Power Station access for vehicles using the ghost island right turn lane, including the number of employees, both full and part time for the proposed and existing business use. The Transport Statement will also need to demonstrate that the proposed parking provision for the development site is adequate for both, including sufficient space within the site to allow those vehicles to enter, turn and leave in a forward gear. We would also ask the applicant why they are unable to utilise the existing dedicated access further along West Marsh Road for the Gas Receiver Facility which we to show the turning movements entering and egressing the site in both directions for the largest of vehicles that will services the site."

Further Comments, dated 19th September 2025

Approved with conditions - Outline that the proposal would have no unacceptable impact upon highway safety or the free movement of vehicles, subject to the following conditions:

"Highway Condition 01

The development shall be carried out in accordance paragraph 6.2 and Route 1 of the submitted Transport Statement, which includes routing and operational restrictions for all vehicle types, specifically, all HGVs and large vehicles accessing the site via the West Marsh Road shall be restricted to left turn in and left turn out movements only. The turning restrictions shall be implemented prior to the first use of the development and shall be adhered to at all times thereafter. Reason: To reduce and/or remove as far as reasonably possible the effects on amenity of HGV traffic in sensitive areas and especially, not result in an unacceptable highway safety impact or severe residual cumulative impacts.

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."

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Evaluation

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.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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.

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

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which 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 need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy 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 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.

The site is within the settlement of Spalding which is classed as sub-regional centre within Policy 1. As such development will be permitted that supports Spalding's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

Moreover, the site is identified as being within the SP001 (Wardentree Lane) Main Employment Area within the inset maps for the settlement. As such, Policy 7 of the SELLP is relevant here also. Policy 7 states that Employment Areas "are reserved for main employment in Classes B1, B2 and B8". As such, uses within these employment areas would generally be limited to industrial uses within Classes E (which has replaced class B1 through The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020), B2 and B8.

The proposal also is immediately opposite, and shows a clear functional connection to SP037 and SP038, which are "restricted employment sites" within Policy 7 relating to power generation uses.

The proposal has demonstrated a clear functional need to be located in this position, as essential maintenance works are required on the site to support wider infrastructure in the area. As such, the site could not reasonably be located elsewhere; and therefore, this need would override any perceived conflict with the provisions of Policy 7. In any event, the proposed use, whilst not necessarily falling within Class B2 or B8 itself, would support the proper function of an established

B2 site in Spalding Power Station, and therefore, the proposal would in effect meet the requirements of Policy 7 to this end.

As such, the principle of development is considered acceptable, and the proposal would achieve the aims of Policies 1 and 7 of the SELLP.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed places", states 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.

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture 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. Developments 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, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP 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.

These policies accord with the provisions of the NPPF 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. 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.

By virtue of its nature, the proposal would have only a minor character impact. Entry ways are well established in the area currently, and therefore, the proposal would not appear out of character. Whilst the loss of green space is unfortunate, the change would potentially be more in keeping with the industrial character of the area. The proposal would largely be viewed within the context of the existing power station site which it would serve. Therefore, the proposal would not appear as a visually incongruous or inappropriate development in this context.

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 would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF 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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Due to the nature and positioning of the proposal, no amenity impacts would occur.

As detailed above, the scale and design of the proposal is considered to have 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 Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 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".

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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

The submitted visibility splays show that ample visibility would be ensured for those using the site. Whilst West Marsh Road is relatively busy, this visibility would ensure safe access and egress for those using the turning. This position has been reaffirmed by the comments of the Highway Authority.

In any event, the submitted statement outlines that the actual usage of the access would be minimal, and therefore, the actual tangible impact upon the roadway would be limited.

The Highway Authority have indicated that the proposal would only meet the tests of safety and impact should two conditions be imposed. These conditions restrict movement to the site to a "left turn in and left turn out" system and would require the submission of a construction management plan prior to the commencement of development. Both conditions have been justified and it is considered appropriate to impose both.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

Section 14 of the NPPF requires development plans to "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: (...) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states that "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

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. The process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass

the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

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.

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 SELLP 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.

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 SFRA as a basis to apply the sequential test.

Within the SFRA the site is classed as danger for all, with a hazard depth of over 2 metres.

As outlined above, the proposal would have to be located in this position to serve its proper function and allow access to the infrastructure it seeks to maintain. As such, the proposal could not be located elsewhere, and therefore, the exceptions test must be applied.

The proposal would provide a clear benefit to the wider area by enabling the maintenance of vital infrastructure. Without this maintenance, the proper function of the Spalding Power Station may be weakened. The proposal therefore passes part a of Paragraph 178,

Due to the minor scale of the proposal, it would not increase the risk of flooding elsewhere. Due to the proposal's nature, it would not be vulnerable itself to the impacts of flooding. As such, the proposal is considered to be safe for its lifetime and passes the exceptions test.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Biodiversity Net Gain

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.

"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".

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.

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.

The proposal has demonstrated that the required net gains would be ensured via the provision of on-site measures. This is acceptable in principle, subject to the agreement of a suitable HMMP to ensure the long term maintenance of these gains.

Biodiversity & Ecology

Section 15 of the NPPF seeks to protect sites of biodiversity value, and minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures, including the need to incorporate features which support priority or threatened species such as swifts, bats and hedgehogs.

Paragraph 193 of the NPPF details that Local Planning Authorities should apply the following principles:

- "a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate".

The proposal would result in the loss of a hedgerow. However, the hedgerow is of no historic import and does not meet the relevant threshold to be considered species rich. As such, the proposal would not meet the requirements to be considered as an "important hedgerow" under The Hedgerows Regulations 1997. As such, the removal of this hedgerow is considered acceptable, particularly given the offsite gains proposed.

Historic Environment

Policy 29 of the SELLP, alongside Section 16 of the NPPF, relates to the preservation of the historic environment. Both outline that all applications which may impact upon the historic environment, including archaeological remains, should preserve or enhance historic assets.

Part C of Policy 29 concerns "archaeology and scheduled monuments". This Policy outlines five assessment points for an application which may impact upon archaeological remains, the first three of which are particularly relevant here:

- "1. Proposals that affect archaeological remains, whether known or potential, designated or non-designated, should take every reasonable step to protect and, where possible, enhance their significance.
2. Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.
3. If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site."

Paragraph 205 of the NPPF states:

- "Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to:
- a) assess the significance of heritage assets and the contribution they make to their environment; and
 - b) predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future."

In this instance, the historic environment record comes from the Lincolnshire Historic Environmental Record (LHER). The LPA's interpretation of the information within the LHER is informed via consultation with the Historic Places Team of Lincolnshire County Council (HPT), who maintain the

LHER.

The public information relating to the LHER is taken from the Lincolnshire Heritage Explorer (LHE). The LHE is not a comprehensive database, and the information contained within it is constantly evolving. The LHE webpage is explicit that "the information provided through the Lincolnshire Heritage Explorer is only part of that held by the LHER, and will not be sufficient on its own to inform the planning process".

Sites of archaeological interest can broadly be separated into two categories: designated assets and non-designated assets. Designated assets, such as scheduled monuments, are far rarer and only occur in places where the requirements of the Ancient Monuments and Archaeological Areas Act 1979 can be applied. These are sites which have a pre-established significance to archaeological understanding at a wider national level, and must be designated by the Secretary of State as such. Accordingly, such sites are rare and are often times designated after the scope of asset has been established. The site in this instance is not designated.

Footnote 75 of the NPPF states that: "Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets."

It has been stated by the relevant consultee from the HPT that the site is in an area of archaeological potential, including near to the recorded site MLI23592.

On this basis, they have recommended that, in the event the proposal is approved, the standard suite of archaeological conditions is imposed. The conditions would require the submission of a written scheme of archaeological investigation, followed by archaeological works to be done in accordance with the approved scheme. There is no evidence before the Planning Department which would indicate that this would be excessive.

Without the imposition of the requested condition, there is the potential for harm to a non-designated heritage asset, via the disturbance of a site of potential archaeological interest. On this basis, it is considered necessary to impose this condition.

Planning Balance

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.

The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a

duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 5, 7, 28, 29, 33 and 36 of the SELLP, as well as Sections 9, 12, 14, 15 and 16 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.