

SOUTH HOLLAND DISTRICT COUNCIL

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

To: Planning Committee - 23 September 2026

(Author: Jacob Bryan - Planning Officer)

Purpose: To consider Planning Application H23-0653-26

Application Number: H23-0653-26

Date Received: 10 July 2026

Application Type: FULL

Description: Dropped kerb to front of property forming vehicular access and concrete hardstanding.

Location: 1 GREEN BANK WHAPLODE DROVE SPALDING

Applicant: Westone Housing Ltd

Agent: J C Architectural Consultant

Ward: Whaplode and Holbeach St Johns

Ward Councillors: Cllr A C Beal
Cllr P A Redgate

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

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H23-0653-26>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application site comprises Council owned land.

2.0 PROPOSAL

2.1 This is a full planning application for the creation of a vehicular access, via a dropped kerb, and installation of concrete hardstanding at 1 Green Bank, Whaplode Drove.

2.2 The proposal comprises a 2360mm by 13290mm area of hardstanding to the front/side of 1 Green Bank. An existing gravelled driveway is sited adjacent to the main house, with access proposed via the installation of a dropped kerb from Green Bank.

3.0 SITE DESCRIPTION

3.1 The site is within the defined settlement boundary of Whaplode Drove, as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP).

3.2 The site is located directly along Green Bank, to the eastern side of the highway, and is within the north-west of the settlement of Whaplode Bank. The application site features a single storey detached bungalow, constructed from brickwork with a tiled roof. The property is set behind a row of hedges, with an existing front garden area sited beyond.

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 the Planning Acts, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.4 Policy 01 - Spatial Strategy
Policy 02 - Development Management
Policy 03 - Design of New Development
Policy 04 - Approach to Flood Risk
Policy 33 - Delivering a More Sustainable Transport Network
Policy 36 - Vehicle and Cycle Parking
APPENDIX 6 Parking Standards
- 4.5 **National Guidance**
- 4.6 National Planning Policy Framework (NPPF), August 2026
- 4.7 Section 14 - Achieving well-designed places
Section 15 - Promoting sustainable transport
Section 18 - Managing flood risk and coastal change
Section 19 - Conserving and enhancing the natural environment
- 5.0 RELEVANT PLANNING HISTORY**
- 5.1 H23-1496-06 - New vehicular access - Approved
- 6.0 REPRESENTATIONS**
- 6.1 Whaplode Parish Clerk
- 6.2 No comment.
- 6.3 South Holland Internal Drainage Board
- 6.4 No comments.
- 6.5 Ecology
- 6.6 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.
- 6.7 Lincolnshire County Council Highways & SUDS
- 6.8 Recommendation for No objection subject to:

No Objections.
- 6.9 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.

- 6.10 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.
- 6.11 Comments:
- This proposal is for dropped kerb to front of property forming vehicular access & concrete hardstanding. The vehicular access meets the visibility guidelines set out in Manual for Streets. The car parking provided is in line with the guidance set out in Lincolnshire County Councils Design Approach. Therefore, it is considered that this proposal would not result in an unacceptable impact upon highway safety.
- 6.12 The access will be subject to a S184 approval from Lincolnshire County Council which is separate to the planning application process.
- 6.13 Informatives
- Highway Informative 03
- The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link:
<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

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 (August 2026) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

7.5 Key Planning Considerations

- 7.6 The main issues and considerations in this case are (but are not limited to):
- Principle of Development and Sustainability
 - Layout, Design and Impact on the Character of the Area
 - Impact on Neighbouring Residents/Land Users/Land Uses
 - Highway Safety and Parking.

7.7 Principle of Development and Sustainability

- 7.8 Policy 1 of the South East Lincolnshire Local Plan (2019) 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.

- 7.9 Policy 1 of the South East Lincolnshire Local Plan (2019) 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.
- 7.10 Policy S4 of the NPPF outlines when development within settlements would be acceptable. This states:
"Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework."
- 7.11 The application site in this instance is within the settlement of Whaplode Drove, as detailed by Policy 1. In any event, the proposal solely relates to the formation of a proposed vehicular access and a concrete hardstanding area, to an existing and established residential dwelling and therefore, the principle of such development is considered to be appropriate, comprising an appropriate form of development for the location.
- 7.12 As such, the proposal is considered to be acceptable with the requirements of the South East Lincolnshire Local Plan (2019) and National Planning Policy Framework (2026) 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 on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn as follows.
- 7.13 Layout, Design and Consideration of the Character and Appearance of the Area
- 7.14 Section 14 of the National Planning Policy Framework (2026) specifically relates to 'Achieving well-designed places' and details that the objective of the policy is to "promote high quality, healthy, inclusive and sustainable places, through setting clear expectations about design outcomes and the use of relevant tools and processes" and as such, it is generally accepted that good design plays a key role towards sustainable development.
- 7.15 Paragraph 1 of DP3, contained within Section 14 of the National Planning Policy Framework (2026), states that development proposals should respond to their context to integrate with and enhance their surroundings. This can be achieved through the arrangement of plots and buildings, use of materials and architectural features, as well as the restoration, reuse and integration of heritage assets. Notwithstanding this, it should not preclude innovation or change where it is considered to be appropriate, particularly where an increased scale or density can be justified.
- 7.16 In order to create well-designed places, Paragraph 2 states proposals should reflect seven key principles, as appropriate to the nature of the development and its location. These include, liveability, climate, nature, movement, built form, public space and identity.
- 7.17 Further to this, Paragraph 3 of Policy DP3 goes on to establish that proposals should be refused if, without clear justification, they conflict with Paragraph 1 or the relevant aspect of the principles within Paragraph 2, as outlined above. Alongside this, explicit design standards set out within the development plan must also be taken into consideration. Conversely, substantial weight should be given to compliance with development plan policies when assessing the design quality of proposals.
- 7.18 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 of the South East Lincolnshire Local Plan (2019) accords with the provisions of Section 14 of the National Planning Policy Framework (2026), 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.

- 7.19 These policies accord with the provisions of the National Planning Policy Framework (2026) 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.
- 7.20 The proposal in this instance comprises two distinct elements; a dropped kerb for the formation of a new vehicular access, to allow for access onto the driveway, and the installation of an area of concrete hardstanding to the front/side of the site, within the front amenity area.
- 7.21 The proposed vehicular access would comprise a 3600mm wide dropped access along the highway kerb of Green Bank. Various neighbouring properties, inclusive of those immediately surrounding the application site (3 & 4 Green Bank and Emsted), feature dropped kerbs to allow for vehicular access, and as such, this feature is fairly commonplace within the vicinity of the site.
- 7.22 The vehicular access would lead to an area of hardstanding, which would comprise around 13290mm by 2360mm, located to the front of the dwelling, and would run a significant extent of the length of the front garden area. This area would feature a concrete finish. It is noted that the dwellings in the immediate area mostly feature gravelled driveways, with concrete hardstanding being less typical. However, the introduction of concrete hardstanding would not cause a significant or unacceptable addition, in this instance.
- 7.23 As such, the dropped kerb and the installation of an area of concrete hardstanding on site are fairly typical features serving the immediate residential dwellings within the area, and therefore, the proposal would not appear out of keeping, or cause a detrimental impact upon the character or appearance of the area in this instance.
- 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 would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 14 of the National Planning Policy Framework (2026).
- 7.25 Impact on Residential Amenity/ Land Users
- 7.26 Policy DP3, Paragraph 2, of the National Planning Policy Framework (2026) states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a focus on promoting liveability.
- 7.27 Likewise, Policy P3(1) outlines that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site. This point is expanded upon in P3(2) which states all development proposals should "provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life".
- 7.28 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.
- 7.29 By virtue of the extent and nature of the development, a proposed dropped kerb and concrete hardstanding, to form a vehicular access to the site, would have no significant or unacceptable

detrimental impact upon the residential amenities of neighbouring or nearby properties.

- 7.30 The nature of the proposal is such that no additional built form is proposed and such, no overlooking, loss of privacy or overbearing/oppressive development is to be carried out.
- 7.31 Whilst it could be considered that an increase in vehicle movement could occur, given the proposal would introduce a new access and parking provision; and as consequently a noise increase could be considered also, it is viewed that the road is frequented by traffic currently, utilised by vehicles, and the property is likely to be accessed via vehicles in any case. As such, the resultant impact of the development is not considered to give rise to an unacceptable nuisance in respect of noise, or additional vehicular movements that would give rise to an unacceptable impact upon neighbouring amenities.
- 7.32 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 14 of the National Planning Policy Framework (2026), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).
- 7.33 Highway Safety and Parking
- 7.34 Section 15 of the National Planning Policy Framework (2026) specifically relates to 'Promoting sustainable transport'. Policy TR6 (4) advises that "Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion".
- 7.35 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.
- 7.36 Furthermore, Policy 36, to be read in conjunction with Appendix 6, of the South East Lincolnshire Local Plan (2019), sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.
- 7.37 There is no existing vehicular access to the site, nor any formal parking arrangements within the site itself; albeit, as referenced above, the site appears to utilise the area for parking provision. This proposal would in itself provide a formal, and much improved provision, enhancing accessibility.
- 7.38 As such, in this regard, the proposal would provide an increase in formal parking provision on site, accommodating for the use of vehicles by the residents of the property. This would also increase the likelihood of off street parking for the residents.
- 7.39 The proposal would result in alterations to the access to the site, given the nature of the proposal. However, this is commonplace within the wider area and is not considered to give rise to an unacceptable or severe highway safety impact. Lincolnshire County Council, as Local Highway Authority, have raised no objections to the proposal stating that '*The proposal would not have an adverse effect on the public highway*' and stated that the vehicular access would meet the visibility guidelines set out in the Manual for Streets. Furthermore, the parking provision provided would also be in line with the Lincolnshire County Councils Design Approach.
- 7.40 It is considered that the site would not see a significant increase in vehicle movement and

would provide the existing dwelling adequate off-street parking arrangements, which would better accord with the requirements of Appendix 6.

- 7.41 Alongside this, it should be noted that the access would be subject to a S184 approval from Lincolnshire County Council; however, this forms a separate regime to the planning process. An informative has been requested to be attached to the decision notice relating to the access, should the application be approved this would be included within the decision.
- 7.42 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 Local Plan (2019), and Section 15 of the National Planning Policy Framework (2026).
- 7.43 Flood Risk and Drainage
- 7.44 Section 18 of the National Planning Policy Framework (2026) explains that the objective of the policy is to "minimise risks to development arising from all sources of flooding and coastal change, taking into account the impacts of climate change, by steering development away from areas of risk, ensuring that development will be safe for its lifetime without increasing flood risk elsewhere, and incorporating sustainable drainage systems where appropriate".
- 7.45 The site lies within Flood Zone 1 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.
- 7.46 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.
- 7.47 Policy F5(3) of the National Planning Policy Framework (2026) states "the strategic flood risk assessment covering the area of the proposed development and the Flood Map for Planning should provide the evidential basis for applying the sequential test". 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.
- 7.48 Within the SFRA the site is classed as being within a 'no danger' area, with no hazard depth.
- 7.49 In any case, it is important to note that whilst minor developments such as householders must meet the requirements for site-specific flood risk assessments, they should not be subject to the sequential test, nor the exception test, as outlined in Policy F5, Paragraph 2, Point C, which details that "The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, other than for - householder development".
- 7.50 Therefore, in line with Policy F5(2)(ci) and F6(2)(a), there is no need to apply the exceptions or sequential tests. In any event, the site is within Flood Zone 1 and an area of no hazard within the South Holland Strategic Flood Risk Assessment. The level of hardstanding in this instance is notable; however, suitable levels of permeable material would remain on site to ensure that drainage can suitably continue and not cause adverse harm elsewhere. There would not therefore be any significant harm raised in this regard, and it is not considered that the proposal would materially increase the flood risk for the site and surrounding area.
- 7.51 Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (2026) in this regard.

7.52 Biodiversity Net Gain

7.53 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.

7.54 "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".

7.55 As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set. When taking the above into account, the development in this instance is exempt from the statutory 10% Biodiversity Net Gain requirements. The proposal would impact less than 25sqm of habitat and as such is de minimis in this regard.

7.56 **Planning Balance**

7.57 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.

7.58 The proposal represents appropriate development and is considered acceptable in principle. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents. The proposal would provide a new access onto the site whilst also providing off street parking for residents; which is not considered to give rise to a severe highway safety impact. Furthermore, the proposal would not lead to an increase in flood risk elsewhere.

7.59 Overall, the proposal conforms with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (2026) when viewed as a whole.

7.60 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.

7.61 **Additional Considerations**

7.62 Public Sector Equality Duty

7.63 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.

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

7.65 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.

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

7.67 Human Rights

7.68 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).

7.69 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.

7.70 **Conclusion**

7.71 Taking the above considerations into account, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 28 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (2026). 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:

- 0561/25/01 - Site Location Plan, Proposed Block Plan
- Biodiversity Net Gain Exemption Statement

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

3. 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>

4. **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 proposal would impact less than 25sqm of habitat and as such is de minimis.

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.

5. The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application.

For application guidance, approval and specification details, please visit:
<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>
or contact vehiclecrossings@lincolnshire.gov.uk

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

MapThat Scale Print Title

