

# **Officers Report**

## **Planning Application No: WL/2024/00898**

**PROPOSAL:** Planning application for change of use of land for siting of 90no. static caravans.

**LOCATION:** WATERMILL FARM, STATION ROAD, MOORTOWN, MARKET RASEN, LN7 6HZ

**WARD:** KELSEY WOLD

**WARD MEMBER:** Cllr P Morris

**APPLICANT NAME:** Mr Simon Clarke

**TARGET DECISION DATE:** 21/01/2025 (Extension of time agreed to 9th January 2026)

**CASE OFFICER:** Holly Horton/Ian Elliott

**Recommended Decision:** Grant planning permission subject to completion of a S106 agreement to secure a biodiversity net gain.

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This request has been referred to the Planning Committee at the request of the Director of Planning, Regeneration and Communities , following concerns raised by third parties as to works already taking place on the site.

### **Description:**

The application site is known as Watermill Farm Leisure Park and is an existing camping and caravan site located in the open countryside to the north west of the village of Moortown. They cater for static caravans, touring caravans, camping and fishing. The nearest dwellings to the site are "Rivermeade" and "The Gables" which are located north and north-west of the site. The site is accessed off Station Road. The site is bounded by the railway to the west/south west, the wider caravan site to the east and south, and by a neighbouring caravan site to the north (Station Farm Caravan and Camping). The proposed site is located adjacent to an Area of Great Landscape Value which lies to the east of the site. There is a permissive footpath which runs through the woodland to the east which at its closest point would be approximately 60 metres from the boundary with the proposed site. This is not a Public Right of Way.

The proposal has been amended following submission and following concerns with meeting the required Biodiversity Net Gain (BNG) minimum percentage of 10%. The proposal now relates site plan dated 12/02/2025. Due to the changes being minor in nature regarding BNG planting etc. and the inclusion of parking spaces, and due to the number of caravans on site remaining the same (and same layout), it was not considered necessary to undertake a re-consultation on the scheme, considering 'Wheatcroft Principles'.

The application seeks permission for the change of use of land for the siting of 90no. static caravans, including fishing lake and ornamental pond.

**Relevant history:**

*This Site:*

**146794** - Planning application for pool for 'open-air' swimming and paddle boarding and erect changing room building. – Withdrawn by applicant - 22/09/23

**145151** - Planning application for recreational pool for 'open-air' swimming and paddle boarding and erect changing room building – County Matter refer to LCC - 22/08/22

**147099** - Planning application for change of use of land for siting of 40no. static caravans – Granted with conditions 25/03/2024

**147486** - Planning application for the change of use from touring caravan site to open air swimming lake, erection of changing rooms and sauna with parking and the installation of solar panels – Granted time limit plus conditions 15/03/2024

**147013** - Planning application for 65no. static caravans and 29no. lodges, including creation of lake and enlargement of pond 2 being removal of condition 7 of planning permission 142987 granted 2 September 2021 - allow for 12 month holiday occupation of all static caravans and lodges – Granted time limit plus conditions 20/10/2023

**146159** – Planning application for change of use from storage/scrap yard to site for 7no holiday lodges. Granted time limit plus conditions 21/06/2023

**146559** - Planning application for change of use of cafeteria/bar to office accommodation, change of use from touring caravan area to siting of 37no. static caravans and 4no. holiday homes being removal of condition 9 of planning permission 145001 granted 16 August 2022 - to allow the static caravans to be occupied for 12 months a year. Grant time limit plus conditions 12/06/2023.

**145719** – Planning application for removal of condition 6 of planning permission 143579 granted 8 November 2021 - to allow static caravans to be sited in lieu of camping area. Permission granted 21/12/22

**145692** – Application for non-material amendment to planning permission 136324 granted 28 November 2017 - amendment to change the description of 136324 to remove the number of caravans and lodges. Granted - 10/11/22

**145541** – Planning application to vary condition 12 of planning permission 137785 granted 17 July 2018 re: increase in number of static caravans. Permission granted 10/11/22

**145001** – Planning application for change of use of cafeteria/bar to office accommodation, change of use from touring caravan area to siting of 37no. static caravans and 4no. holiday homes being variation of condition 9 of planning permission 137785 granted 17 July 2018 - changes to when caravans cannot be occupied. Permission granted 16/08/22

**143579** – Planning application to vary conditions 2 and 5 of planning permission 121138 granted 08 January 2009 to allow for the addition of a further 9 static caravans - being variation of condition 6 of 126399 granted 25 February 2011 to change the use from "late arrivals" touring caravans to siting of 18no. static caravans. Permission granted 08/11/21

**142987** – Planning application for 65 static caravans and 29 lodges, including creation of lake and enlargement of pond 2. Permission granted 02/09/21.

**142593** – Application for replacement reception building. Permission granted 26/04/21

**138201** – Application to vary condition 7 of planning permission 126399 granted 25 February 2011 – no static caravan to be occupied between 21 December and 21 January inclusive, in lieu of 1 December and 31<sup>st</sup> January. Permission granted 03/10/28

**137785** – Application to vary condition 9 of planning permission 136324 granted 28 November 2017 re: extending the duration of occupancy. Permission granted 17/07/18

**136324** – Planning application for change of use of cafeteria/bar to office accommodation, change of use from touring caravan area to siting of 37no. static caravans and 4no. holiday homes. Permission granted 28/11/17

**128363** – Planning application for change of use from storage yard to site for 8no. log cabins, proposed convenience shop and an increase in the number of touring caravans on site from 30 to 56. Permission granted 02/05/12

**126399** – Planning application to vary conditions 2 and 5 of planning permission 121138 granted 8<sup>th</sup> January 2009 – to allow for the addition of a further 9 static caravans. Permission granted 25/02/11

**125461** – Planning application for extension to cafeteria, veranda and roof extension over veranda. Permission granted 29/03/10

**121138** – Planning application to continue to operate existing caravan site with revised layout incorporating existing static caravan area, late arrivals area and caravan storage area together with revised touring caravan area and associated hardstanding, layout of play area and cafeteria, new camping area and retention of relocated reception building. Permission granted 08/01/09

**M05/P/0016** – Planning application to:

1. Vary the terms of condition 5 of planning permission W97/666/92 dated 24<sup>th</sup> November 1992 to allow continued use of the site for stationing static caravans.
2. Retain the use of land for the purpose of storing touring caravans
3. Retain a clubhouse
4. Retain three caravans as a single, permanent dwelling, and
5. Retain the use of agricultural buildings as stores and a workshop. (re-submission of previously withdrawn application no. M04/P/0600. Permission granted 21/03/05

**W97/666/92** – Planning permission to use land for picnic and leisure site, inc. touring caravan facilities, local amenity area, car parking and fish ponds, in accordance with amended plan received on 17 November 1992. Permission granted 24/11/92

## **Representations**

**South Kelsey and Moortown Parish Council:** 04/12/2024 - Object to the proposal as summarised below:

### **The Site and Proposal**

- The site has grown significantly since 2021, with 18 planning applications, the progress of the site is difficult to follow and has an element of "planning creep."
- Expansion has extended onto adjoining farmland, therefore there are concerns about future infill applications.
- The application seeks to add 90 static caravans, increasing the total to 330.
- The site allows 12-month use and subletting, intensifying year-round occupancy.
- The proposal contradicts the Central Lincolnshire Local Plan (CLLP) S43, which discourages intensive tourism in rural areas.
- there are two further caravan parks within a half-mile area: Nettleton Park which comprises 175 static caravans, and Station Farm Park which provides 30 touring spaces. Within a slightly wider geographical area, there are numerous other static caravan parks.
- South Kelsey & Moortown Parish Council's belief that the cumulative impact of static caravans in our area is already disproportionate to the size of our community and further expansion should not be approved.
- Moortown is primarily a rural and agricultural community but this is slowly being replaced by affordable second homes which is to the detriment of residents.

### **Impact on Local Infrastructure**

- Moortown, a hamlet of around 50 houses, cannot support such growth in population.
- Local health services and infrastructure are already overstretched.

- Increased traffic on country roads without footpaths poses safety risks to cyclists and pedestrians.
- The site offers no services or benefits to the local community and does not contribute via council tax or CIL.

#### Environmental Impacts

- The site could affect habitats of protected species, including bats, barn owls, and newts.
- Significant areas have been laid to concrete, negatively impacting the environment.

#### Character Impacts

- Advertisements posted by the owners obstruct views, causing road safety concerns.

**Nettleton Parish Council:** – 14/11/2024 - Have no objections.

**Shire Group of IDBs:** 08/11/2024 - Should consent be required from the IDB as described above, we would recommend a planning condition.

**LCC Archaeology:** No objections

07/04/2025 - No further archaeological input is required on this application.

18/11/2024 – Insufficient Information Provided - There is prehistoric archaeological potential in the site given Neolithic and Bronze Age finds recorded in the field directly to the north of the proposed site. The proposal to establish 90 static caravans will involve groundworks including foundations/concrete bases for the caravans, trenches for services to the caravans, new roads and a proposed fishing lake. These groundworks are likely to impact any surviving archaeological remains.

*Recommendation:* We do not have enough site-specific information on any potential archaeological remains, their significance, and the impact that the development will have on any potential remains. We recommend that the results of an archaeological trial trench evaluation be produced prior to the determination of the application, in order for our department to be able to make an informed recommendation on the proposal.

**LCC Highways/Lead Local Flood Authority:** No objections

26/11/2024 – No objections subject to planning conditions. 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 in summary –*

**Highway Safety** - The access to the site is in good condition and is suitable to accommodate the proposal for 90 static caravans. There are no pedestrian facilities in the vicinity of the site so guests who wish to access local facilities would be required to walk along the grass verge. 90 caravans is a significant increase for the site and has potential to increase the amount of pedestrian movements on this stretch of road. As a result it will be necessary for a footway to be provided from the site entrance to The Skipworth Arms and the rail crossing. The footway would need to be on the opposite side of the road as this affords the largest verge and is not bound by the beck.

**Highway capacity** - The application will create an increase in vehicle traffic in the area however there are no known highway capacity issues in the vicinity.

**Site Layout** - The internal site layout provides sufficient circulation and parking to allow for vehicles to access and egress the site in a forward gear.

**Flood Risk and Drainage** - As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to Drainage on all Major Applications. This application seeks to use land drains and direct infiltration. Therefore the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

21/11/2024 - ADDITIONAL INFORMATION REQUIRED - Please can the applicant provide a drainage strategy drawing to demonstrate the proposed surface water drainage scheme on site and any discharge rates/agreements necessary.

When final comments are submitted there will be a request for highway improvements in the form of providing a link footway to the Skipworth Arms to allow pedestrians of the site safe access to local facilities.

**Environment Agency:** – 21/11/2024 - No objections to the application, however request an informative with regard to foul drainage.

**Central Lincolnshire Principal Ecology and Wildlife Officer:**

12/05/2025 – Happy with amended proposal subject to conditions and a S106 agreement.

09/01/2025 – Objected to the application and made the following comments (summarised):

- This application should be refused as the baseline assessment excludes habitat and does not take into account degradation.
- No clear post development habitat map has been provided. Features such as areas for parking and gardens for each caravan have not been included.
- As the site is within the BOM a gain onsite will be required to recommend an approval and a S106 will be required to secure a subsequent HMMP and 30 year management.
- Species specific enhancements have yet to be considered (a requirement of policy 60 and the NPPF)

## **Relevant Planning Policies:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2023) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

### Development Plan

- **Central Lincolnshire Local Plan 2023-2043 (CLLP)**

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S5: Development in the Countryside

Policy S6: Design Principles for Efficient Buildings

Policy S7: Reducing Energy Consumption – Residential Development

Policy S12: Water Efficiency and Sustainable Water Management

Policy S21: Flood Risk and Water Resources

Policy S43: Sustainable Rural Tourism

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S54: Health and Wellbeing

Policy S60: Protecting Biodiversity and Geodiversity

Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains

Policy S62: Area of Outstanding Natural Beauty and Areas of Great Landscape Value

- **Neighbourhood Plan (NP)**

Parish not currently preparing a plan.

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

The site is not within a Minerals Safeguarding Area, Minerals or Waste site / area.

### National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in December 2024. Paragraph 232 states:

*"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication*

*of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

- **National Planning Practice Guidance**
- **National Design Guide 2019**
- **National Model Design Code 2021**

#### **Main issues:**

- Principle of Development
- Residential Amenity
- Character and Visual Impact
- Highways and Access
- Drainage and Flood Risk
- Archaeology
- Climate Change and Energy Efficiency
- Biodiversity Net Gain and Ecology
- Other Matters

#### **Assessment:**

##### Principle of Development

The site is located in the open countryside on the western side of the existing Watermill Farm Leisure Park site. The application seeks to change the use of the land for the siting of 90no static caravans, all of which will be used for holiday purposes.

Policy S43 of the CLLP relates to tourism in rural areas. It states that *'Development proposals for tourism uses, wildlife related tourism and visitor accommodation in the countryside will only be supported where it has been demonstrated that:*

- f) part E of Policy S5 has been satisfied; or*
- g) locations within settlements are unsuitable for the scale and nature of the proposal or there is an overriding benefit to the local, or wider, economy and/or community and/or environment for locating away from such built up areas and the proposal will not result in harm when considered against other policies in the plan; or*
- h) it relates to an existing visitor facility which is seeking redevelopment or expansion and is of a scale, form and design appropriate to its location.*

*New visitor accommodation in the countryside may be restricted by means of planning conditions or a legal agreement which permits holiday use only.'*

The proposal to change the use of the land for the siting of 90no caravans is considered to be an expansion of an existing visitor facility under criteria (h) of



Policy S43 as above. Criteria (h) requires that the scale, form and design is appropriate to its location. The introduction of an additional 90no caravans would considerably increase the number of caravans with permission on-site. Using the up to date site plan displayed shown later in the report the site when the 18 pitches to the north of Eagles Chase have been completed would have 192 pitches with a further 40 pitches with permission until 25th July 2026. This would equate to a total of 232 pitches constructed or with permission. Given these numbers the increase of 90no is considered to be appropriate to the scale of the existing site.

The design and form of the caravans would be standard, and would be similar to those existing at the site at present. Overall, the development is considered to be of an appropriate scale, form and design for the location.

In addition to this, it is important to acknowledge that bringing more visitors will undoubtedly benefit the economy of the district for local businesses in Nettleton, Caistor and Market Rasen. The location of this camping and caravanning site is perfect for walking including close proximity to the Viking Way (3,500 metres from the site entrance), cycling and fishing holidays, and it is therefore attractive to visitors looking for self-contained vacations in rural locations, with leisure pursuits which may reduce stress and improve health and wellbeing. The proposal is close to the local pub Skipworth Arms (approximately 200m from the site entrance), and is also located approximately 2.3 miles from the village of Nettleton and 3 miles from the market town of Caistor.

The comments made by the Parish Council with regard to the supplementary text within the CLLP at paragraphs 7.2.3 and 7.3.4 are acknowledged, however this text is not written policy, which takes precedence and is against which the application must be assessed. .

The supporting text does state the following:

*7.2.2. The Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) is a popular visitor destination for walking, cycling and outdoor pursuits. The AONB extends into Central Lincolnshire between Market Rasen and Caistor, and is surrounded by a locally designated Area of Great Landscape Value (AGLV).*

*7.2.3. Visitor pressure is not evenly spread across Central Lincolnshire, and this is particularly the case across the rural area, with some areas being distinct 'honey pots'. Within the rural area intensive tourism and leisure uses, including static caravans, will typically be discouraged, in order to protect the countryside from inappropriate development, in accordance with other policies in this plan. Regard will also be given to the cumulative impacts of tourism and recreation proposals on landscape character, nature conservation value and local transport movements.*

Nevertheless, the proposal is an expansion of an existing facility therefore this supplementary text is not strictly relevant to this proposal, and the proposal also does not constitute the creation of a new tourism facility within the countryside. It proposes to expand an existing tourism facility which lies adjacent to the AGLV referred to in paragraph 7.2.2 and in close proximity to facilities within the market town of Caistor and in close proximity to the Lincolnshire Wolds.

The site is well enclosed by woodland and is considered a generally sustainable location for rural tourism.

Overall, the proposal is considered to accord with criteria (h) of Policy S43 of the Central Lincolnshire Local Plan, and as such, would be acceptable in principle, subject to satisfy all other policies and material considerations.

### Residential Amenity

Local Plan Policy S53 also states that all development must not result in harm to people's amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare.

The nearest dwellings to the site are 'The Bungalow' and 'Rivermeade', both on Station Road, and are located approximately 370 metres and 450 metres to the west/north-west of the proposed site respectively. It should be noted that 'Rivermeade' lies to the immediate west of the existing access serving the site. It is acknowledged that there would be an increase in the number of vehicle movements to and from the site as a result of the proposal, however it is not considered that this increase would be unacceptably harmful to the occupiers of the dwelling.

Given the size and scale of the static caravans being single storey in height, there would be no issues in regard to overlooking, overshadowing, loss of light or over dominance on the occupiers of neighbouring properties. It would be expected that there would be an increased level of noise from the occupiers of the static caravans, however given the separation distances from the neighbouring dwellings, as well as the existing use of the site, it is considered that there would be no unacceptably harmful impacts in regard to noise.

It should be noted that no objections have been received from the occupiers of neighbouring dwellings.

### Character and Visual Impact

Local Plan Policy S53 states that all development must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. Development must relate well to the site, its local and wider context and existing characteristics including the retention of existing natural and historic

features wherever possible and including appropriate landscape and boundary treatments to ensure that the development can be satisfactorily assimilated into the surrounding area. It further states that development should contribute positively to the sense of place, reflecting and enhancing existing character and distinctiveness, and should be appropriate for its context and its future use in terms of its building types, street layout, development block type and size, siting, height, scale, massing, form, rhythm, plot widths, gaps between buildings, and the ratio of developed to undeveloped space both within a plot and within a scheme.

Policy S62 of the CLLP protects Areas of Great Landscape Value (AGLV), and states that development within the setting of an AGLV shall conserve and enhance the qualities, character and distinctiveness of locally important landscapes.

The proposed site is located adjacent to an AGLV which lies to the east of the site. There is a permissive footpath which runs through the woodland to the east which at its closest point would be approximately 60 metres from the boundary with the proposed site. This is not a designated Public Right of Way or bridleway, and seems to be within land under the control of the forestry commission. The proposed caravans would be read in the context of the existing wider Watermill Farm complex. Whilst there would be glimpse views of the caravans when walking along the woodland path, the nature of the caravans means they are only single storey in height and would not have a dominant or overbearing presence when travelling along this path.

In addition to this, by virtue of the nature of Nettleton Wood, there has been relatively recent tree felling (between June 2021 and March 2022 according to Google Earth) within the wood between the proposed site and the path, which has left views of the site more exposed, however re-stocking of the forest will occur in the upcoming years (or may have already done so) as per the Nettleton Forest Plan 2022-2032 produced by Forestry England<sup>1</sup>. Therefore, it can be ascertained that as the trees and ground flora begin and/or continue to grow, the views of the site from the path will gradually decrease overtime.

There would be no views of the proposal from the highway due to the set back of the site from the road. It is considered to be reasonable and necessary to condition a landscape management plan to ensure the site is appropriately landscaped and screened.

However, the site is well contained and is not readily accessible or visible from any public vantage points.

Overall, it is considered that subject to this condition, the proposal would not have an unacceptably harmful impact on the character of the area or countryside context in which it would be viewed, and it would conserve the wider setting of the AGLV. As such, the proposal would not give rise to any unacceptably harmful impacts on the rural character of the area.

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<sup>1</sup> <https://www.forestryengland.uk/forest-planning/nettleton-forest-plan>

## Highways and Access

Local Plan Policy S47 and S49 requires well designed, safe and convenient access for all, and that appropriate vehicle parking provision is made for development users.

The Highways Authority at Lincolnshire County Council have been consulted on the proposal and they have stated that they have no objections to the proposal subject to a planning condition and informative – the planning condition being to secure a public footpath from the entrance of the site to the Skipworth Arms/railway crossing.

Paragraph 57 of the NPPF states that *“planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects”*.

There have been multiple applications on the site over recent years to expand Watermill Farm Leisure Park and none have requested a footpath creation, therefore it is unclear as to why this increase requires the installation of a public footpath. The site is also located in a countryside location therefore a tarmac footpath spanning across the existing grassed verge would not respect the wider character of the area.

In response to the comments made by LCC Highways regarding the footpath, the agent for the application has commented that there is a small bar and beer garden on site which owners of the caravans use.

Acknowledging this, if the owners of the caravans choose to visit the Skipworth Arms public house then they can still do so at their own risk. Moortown itself does not have any public services aside from a phone box and letter box therefore there would be no real need for the site to connect with the built-up area of Moortown itself.

In this instance, it is not considered to be reasonable or necessary to require the creation of a new footpath to link the site to the nearby Skipworth Arms/railway crossing.

Whilst the recommended condition is acknowledged, as discussed above, on balance, it is considered that it is not relevant or necessary or reasonable to make the development acceptable in planning terms. The development would therefore accord with Policy S47 of the CLLP, and the provisions of the NPPF.

## *Parking*

The caravans are for holiday purposes only and would not be used as a person's sole or main place of residence, therefore it is considered that the parking requirements should be proportionate to the nature of the use. The proposed site plan has provision for car parking serving each static caravan. LCC Highways have not raised any concerns with regard to parking. It is

therefore considered that there is sufficient parking on site for the needs of the development and as such, the proposal would accord with Policy S49 of the CLLP, and the provisions of the NPPF.

### Drainage and Flood Risk

Policy S21 of the Central Lincolnshire Local Plan states that development proposals should demonstrate that adequate mains foul water treatment and disposal already exists or can be provided in time to serve the development and that proposed surface water disposal should follow the surface water hierarchy.

The application form proposes that surface water would be drained via a sustainable drainage system, which is the preferred method of drainage as stated within the surface water hierarchy within Policy S21 and the NPPG. It is proposed that foul water would be drained via a package treatment plant, which is the least preferred method of drainage. However, Paragraph 20 of the Water supply, wastewater and water quality page (Reference ID: 34-020-20140306) of the NPPG states that *“where a connection to a public sewage treatment plant is not feasible (in terms of cost and/or practicality) a package sewage treatment plant can be considered”*.

A Flood Risk Assessment and Drainage Statement have been submitted alongside the application which states the following:

*“The whole of Watermill Farm Leisure Park is within a Flood Risk Zone 1 and is not prone to any flooding from rivers or sea. Prior to the siting of the static caravans the land would be levelled out and have land drains installed with the flow directed towards the existing drains which run on the Northern & Southern sides of the site. The proposed site, as seen above, is a very sandy soil which does allow for fairly quick penetration of any standing surface water. Floor levels of all static vans are situated at a minimum of 600mm above the hardstanding bases.”*

In regard to surface water flood risk, the site is identified as being largely in within a very low risk area for surface water flooding (less than 1 in 1000 annual probability), however there is a very small area of land to the west of the site that has a low to high risk (between 1 in 1000 annual probability to greater than 1 in 30 annual probability), as can be seen in the below screenshot<sup>2</sup>.

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<sup>2</sup> <https://check-long-term-flood-risk.service.gov.uk/map?easting=508054.83&northing=399850.52&map=SurfaceWater#>



The Lead Local Flood Authority being Lincolnshire County Council Highways have been consulted and have provided the following comments (summarised):

*“This application seeks to use land drains and direct infiltration. Therefore the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.”*

The proposed siting of the caravans would not be expected to encroach into this area of surface water flooding. Nevertheless, a positive drainage scheme for the site would provide a betterment to the site, and it is clear that the proposed development would not increase the risk of flooding elsewhere. A condition would be included on any grant of planning permission to ensure that any hardstanding to be constructed is either done with a porous material or shall be appropriately drained within the site and retained as such thereafter.

Taking account of the comments made by the lead local flood authority who have no objections to the proposal, it is considered that subject to conditions to secure foul and surface water drainage details, the proposal would accord with policy S21 of the CLLP and the provisions of the NPPF.

The Environment Agency have also commented and have no objections to the application, however they requested an informative be added to the decision in regard to the use of a private sewage treatment plant requiring an Environmental Permit. A note will be added to the decision in this regard.

### Archaeology

Policy S57 states *“Development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance”*.

It has been highlighted by the Historic Environment Officer at Lincolnshire County Council Archaeology that: *“There is prehistoric archaeological potential in the site given Neolithic and Bronze Age finds recorded in the field directly to the north of the proposed site. The proposal to establish 90 static caravans will involve groundworks including foundations/concrete bases for the caravans, trenches for services to the caravans, new roads and a proposed fishing lake. These groundworks are likely to impact any surviving archaeological remains.”*

The Historic Environment Officer subsequently recommended further evaluation was completed including trial trenching prior to determination. This work has taken place and an Archaeological Evaluation Report by PCAS Archaeology Ltd (dated March 2025) was submitted.

The report identifies that thirteen trenches were excavated and concluded that: *“No archaeological features were identified by the evaluation. Beneath the topsoil the thirteen trenches exposed only the natural sandy geology. Five pieces of flint were recovered from unstratified contexts, though three of these were proven post-excavation to be natural. The only artefacts retrieved from topsoil sieving in this programme were the flint side scraper and flake from Trench 2, which were not chronologically diagnostic, but do provide evidence for human activity in the area during the flint-using periods of prehistory. Trench 2 is one of the northernmost trenches on the site (see Figure 2), and several prehistoric artefacts have been recovered through fieldwalking in the field immediately to the north of this site, including a polished Neolithic stone axe and Neolithic and/or Bronze Age pottery and flint implements (see 5.0 above and Figure 17 below).”*

The Historic Environment Officer at LCC has accepted the conclusion of the report and has not recommenced any further archaeological input as it is unlikely that any significant archaeological remains would be impacted by the proposed development. Therefore, the development would accord with local policy S57 of the CLLP and the provisions of the NPPF.

### Climate Change and Energy Efficiency

The CLLP sets specific standards that are required by new residential and non-residential development in relation to site average space heating demand and total energy demand. Policy S6 states a set of design expectations that should be considered when formulating development proposals. This includes the orientations of buildings, form of buildings, fabric of buildings, heat supply and renewable energy generated. Policy S7 requires that all new residential buildings are accompanied by an Energy Statement and in addition to the requirements of policy S6, must meet the following criteria:

1. *‘Can generate at least the same amount of renewable electricity on-site (and preferably on-plot) as the electricity they demand over the course of a year, such demand including all energy use (regulated and*

- unregulated), calculated using a methodology proven to accurately predict a building's actual energy performance; and*
- 2. To help achieve point 1 above, target achieving a site average space heating demand of around 15-20kWh/m<sup>2</sup>/yr and a site average total energy demand of 35 kWh/m<sup>2</sup>/yr, achieved through a 'fabric first' approach to construction. No single dwelling unit to have a total energy demand in excess of 60 kWh/m<sup>2</sup>/yr, irrespective of amount of on-site renewable energy production. (For the avoidance of doubt, 'total energy demand' means the amount of energy used as measured by the metering of that home, with no deduction for renewable energy generated on site).'*

Static caravans that are sited on a permanent basis do meet the definition of a 'building' for the purposes of Section 336 of the Act, despite only being 'temporary' structures. Their level of permanency however warrants planning permission being required for their siting as well as their use. Despite this, the type of development does not neatly fit into the policy requirements of S6, S7 or S8 of the CLLP. The siting of caravans for use as holiday accommodation does not meet the definition of a residential development in the way that the wording of Policy S7 implies. The same however is also true for Policy S8 as although they are not dwellings, the static caravans are not non-residential buildings as visitors could be staying in the caravans for varying lengths of time within a calendar year. The energy demand of a static caravan, combined with the potential lack of year-round occupancy therefore considerably lowers the overall energy demand.

Given the nature of the proposal and use of the structures, it was considered appropriate that only a proportionate energy statement that takes into consideration the requirements of Policies S6 and S7 would be required for the proposal.

The energy statement submitted does not outline figures as required in policy S7, however this is in line with the justification provided above. The statement states that all static caravans would be constructed to BS:3632 which includes that the statics have double glazed windows with adequate ventilation, and have insulated walls, roof and flooring. It has been estimated that 4 static units on the site would have an annual consumption of approximately 40kW. The statement also states that EV chargers would be installed on all plots. In addition to this, to address S6, the statement details that the distancing between the statics allows for a degree of orientation to capture the maximum sunlight on the main windows/doors of the units.

When considering that there are technical and policy reasons why it would be unreasonable to give full weight to Policies S6 or S7, it is considered that the proposed development would not be in conflict with the overarching principles of the energy policies of the CLLP. The standard condition that ensures development is undertaken in accordance with the energy statement would be included on the decision, however it is not considered to be necessary or reasonable to impose the other energy conditions.



Whilst not directly relevant to this application, it is also acknowledged that a solar array has recently been approved under application reference 147486 which would provide a considerable amount of renewable energy towards the wider site.

### Biodiversity Net Gain and Ecology

Biodiversity Net Gain (BNG) has been mandatory on major developments from 12<sup>th</sup> February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). It requires that development must deliver a net gain of 10% to ensure that habitats for wildlife are left in a measurably better state than they were before the development.

This is also a requirement of Policy S61 of the CLLP which requires *“All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England’s Biodiversity Metric”*.

The Central Lincolnshire Principal Ecology Officer has been consulted on the proposal. The proposal has been subject to discussions between the applicant and the Ecology Officer to overcome the concerns in relation to Biodiversity on the site. Amended BNG documents and plans have been received as a result and the Ecology Officer now has no objections to the proposal subject to securing the gains via a S106 agreement and subject to conditions.

The submitted amended metric states that the proposal would result in a net gain on-site of 21.95% habitat units which would equate to 1.91 units. There would be a net gain on-site of 150.77% hedgerow units equating to 2.65 units, and there would be an on-site net gain of 40.47% watercourse units equating to 0.50 units. These gains would largely be delivered through ‘other neutral grassland’, ‘species rich native hedgerow’ and a ditch.

It is clear from the above that the 10% net gain requirement would be met through on-site provision. Under the statutory framework for biodiversity net gain, subject to some exemptions, 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”). The biodiversity gain condition is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development.

In this instance, a S106 agreement is needed to secure the significant onsite gains. This will also secure a Habitat Management and Monitoring Plan (HMMP), completion period of 5 years, and monitoring on the site over a 30 year period as well as a monitoring fee. Subject to the signing of a S106 agreement to secure the above, the proposal is considered to be acceptable in this regard.

### *Ecology/Protected Species*

The application has been accompanied by a Preliminary Ecological Appraisal and BNG Assessment (PEA) completed by KJ Ecology Ltd dated updated 14<sup>th</sup> February 2025. It is noted that there is the potential for nesting birds, hedgehogs and amphibians within the site.

The PEA makes a number of recommendations to ensure that the development protects these species and delivers the biodiversity requirements as follows:

2. *“As there is potential for nesting birds on site which are protected under the Wildlife and Countryside Act 1981 (as amended), then if the works are to start in the bird nesting season (March to August) then a nesting bird survey will be required before works commence. If a nesting bird is found, then no works will proceed until the chicks have fledged and the ecologist has given the all clear;*
3. *As there is potential for Hedgehogs within the area, then any trenches need to be covered at night during construction to prevent them from falling in;*
4. *As there is potential for amphibians on site, then a precautionary method statement needs to be applied to prevent amphibians being killed or injured as all amphibians are protected under the Wildlife and Countryside Act 1981 (as amended). This includes:*
  - a. *All materials to be stored off the ground (for example on pallets) to minimise the likelihood of amphibians accessing them for refugia;*
  - b. *All spoil/waste materials to be removed from site at the end of each working day or stored in a skip;*
  - c. *The site should be maintained as sub-optimal prior to the commencement of works;*
  - d. *All involved in the construction should be aware of the possible presence of amphibians and know what they look like;*
5. *The wildflower areas and the ponds need planting up with wildflowers in the Springtime with a suitable mix from a reputable supplier. The wildflower meadow area will require cutting in late August time with the vegetation being moved off site and a second cut in November time on the wildflower meadow to reduce the vigour of the grasses. Some reseedling may be required to reach the stated target. The ditch will only need cutting in August and may also require reseedling or planting to gain the required target condition;*
6. *The new trees should be planted up in the Winter and watered regularly in the first year until the plants become established;*
7. *Any planting around the buildings should include native and RHS Perfect for Pollinators Garden Plants.”*

The PEA will be conditioned to ensure that the development is carried out in accordance with the recommendations. In addition to this, the Central Lincolnshire Ecology Officer has also recommended an Ecological Mitigation and Enhancement Plan (EMEP) to provide further details with regard to construction methods, lighting strategy, and location of ecological

enhancements. Overall, subject to conditions, the proposal would accord with Policy S60 and S61 of the Central Lincolnshire Local Plan, and the provisions of the NPPF.

### Other Matters

#### Pre-commencement Conditions

All pre-commencement conditions have been agreed in writing with the applicant.

#### Response to Parish Comments

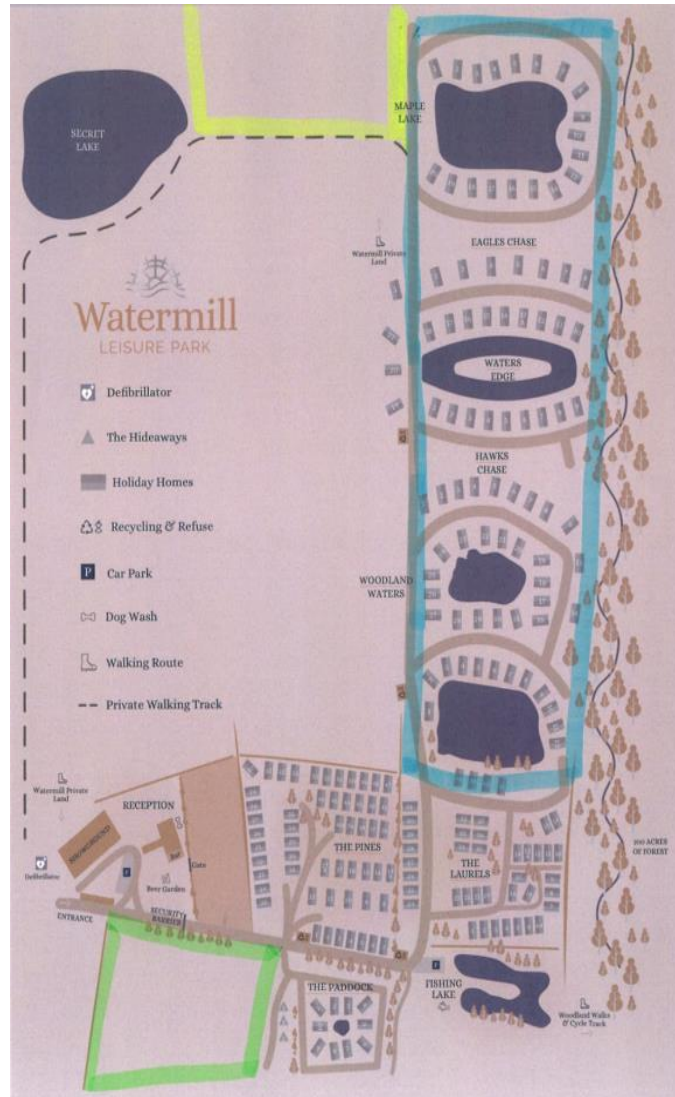
- Health Care - The Parish Council comments are noted with regards to the impact on health and social care, however, given that the use of the static caravans would be limited to holiday use, the proposal would not trigger NHS contributions and the users would be registered at their own doctors at their permanent place of address. Therefore, the impact to services would be negligible.
- Council Tax and Stamp Duty – The Parish Council comments are noted with regard to an increased number of individuals being able to live 11+ months of the year without contributing to the local area, however taxation is a separate matter considered under separate legislation, the expansion of this facility would provide economic benefits to the local area through increased visitor spending etc.

#### Response to third party comments

The Local Planning Authority has received third party comments based on the overall site and not just the application site. In summary the following concerns were raised:

- Extensive excavations are currently underway for the creation of another lake. Has the lake been granted?
- Lorries have been observed removing material from the site. It is unclear whether this activity constitutes the extraction of minerals.
- Where are the wildflower meadow areas?
- Public access to the site for walking, dog walking and horse riding which has been happening for a number of year.

To fully understand the position of the site in terms of approved applications and activity on site the case officer, Planning Manager and Planning Enforcement Officer visited the site on 9<sup>th</sup> December 2025. The owner of the site provided an up to date site map:



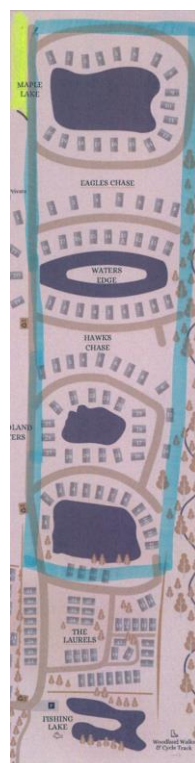
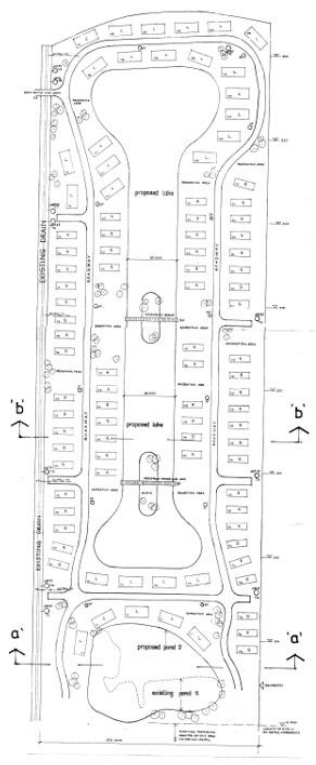
There are a number of phases on the Leisure Park which have either been developed, have extant planning permission where there has been no material commencement or in this applications case pending a decision.

The application site included some excavation works, but the four or five pits were clearly archaeological trial pits and not an attempt to commence the development. The site is also covered by a substantial amount of sand which has been excavated from the overall Leisure Park to create the ponds. This includes the pond which has recently been excavated to the south east of the application site.

The pond which has recently been excavated is part of planning permission 142987 (varied by planning permission 147013). The plan below identifies the approved layout for this section of the site which has a single bone shaped pond with two islands. The plan next to it is the layout which has been created on the site. This is clearly different to the approved plan for 65 static caravans and 29 lodges.

142987

As built or to be built



The pond currently under construction is the pond to the north of the site with a proposed 18 pitches around it. The owner has additionally confirmed that the actual numbers on the above site are:

	142987	As Built
Static Caravans	65	78
Lodges	29	8
Total	94	86

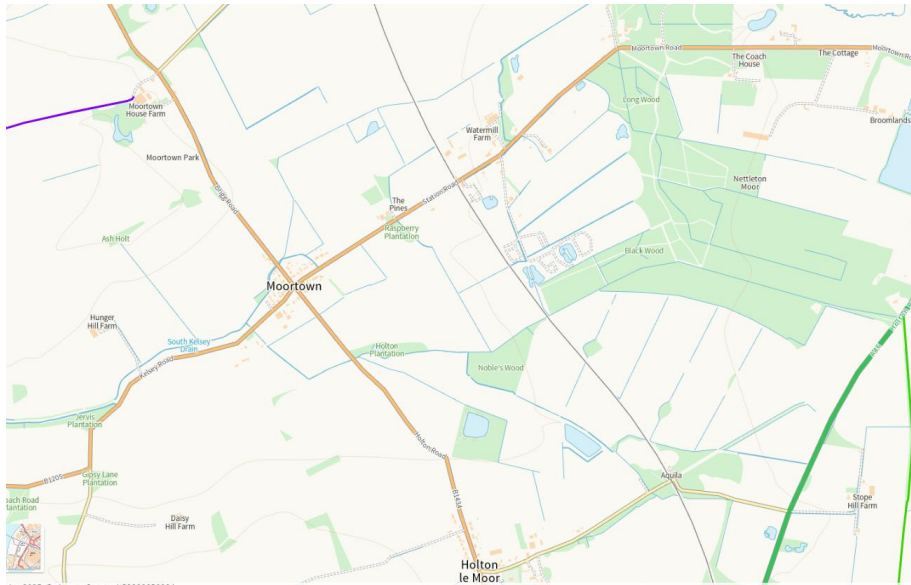
The layout created is different to the approved scheme and the number of units provides more static caravans than the 65 approved. However, the total number of units is below the 94 approved in planning permission 142987.

Whilst the departure from the approved layout on the adjacent phase, this does not appear to raise any planning issues or otherwise have any bearing on the application site under consideration.

However, as stated, the site does contain large quantities of sand that is understood to have been excavated from the adjacent phase. This has been raised with the applicant who has verbally advised that the sand which is stored on the application site is not for removal from the caravan park but is to be used to increase the land levels of the development approved in planning permission 147099 (see below approved plan and plan highlighted in green).







### **Conclusions and reasons for decision:**

The decision has been considered against Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S5: Development in the Countryside, S6: Design Principles for Efficient Buildings, S7: Reducing Energy Consumption – Residential Development, S12: Water Efficiency and Sustainable Water Management, S21: Flood Risk and Water Resources, Policy S43: Sustainable Rural Tourism, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity, S54: Health and Wellbeing, Policy S60: Protecting Biodiversity and Geodiversity, S61: Biodiversity Opportunity and Delivering Measurable Net Gains and S62: Areas of Outstanding Natural Beauty and Areas of Great Landscape Value of the adopted Central Lincolnshire Local Plan in the first instance. Guidance contained in National Planning Policy Framework, National Planning Practice Guidance, National Model Design Code and National Design Guide has also been considered.

In light of this assessment, it is considered that subject to conditions, the proposal is an acceptable development as it is supported by Policy S43 Sustainable Rural Tourism of the Central Lincolnshire Local Plan and the proposed development will not harm the character and appearance of the street-scene/countryside or the nearby ALGV, nor the living conditions of neighbouring occupiers. The proposal will also not impact unacceptably on the local highway network or railway network and would provide a biodiversity net gain in line with national requirements.

### **Recommended Conditions**

#### **Conditions stating the time by which the development must be commenced:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

**Conditions which apply or require matters to be agreed before the development commenced:**

2. No development shall take place until a Construction and Traffic Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The statement shall provide for:
  - (i) the routing and management of traffic;
  - (ii) the parking of vehicles of site operatives and visitors;
  - (iii) storage of equipment or materials used in constructing the development;
  - (iv) wheel cleaning facilities;
  - (v) measures to control the emission of dust and dirt;
  - (vi) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
  - (vii) scheme of recycling and disposal of waste;
  - (viii) storage of raw materials on site;
  - (ix) details of any raw materials to be removed off the site.

**Reason:** In the interests of highway and railway safety, including the adjacent level crossing in accordance with Policy S47 of the Central Lincolnshire Local Plan 2023-2043 and the provisions of the NPPF.

3. No development shall take place until a written Ecological Mitigation & Enhancement Plan (EMEP) is submitted to and approved in writing by the local planning authority. The EMEP shall include: -
  - A plan showing habitat protection zones
  - Details of any precautionary method statements for protected species
  - Details of a sensitive lighting strategy
  - Details of educational leaflets to be provided to all visitors regarding enhancements for wildlife across the site.
  - Evidence of collaboration with Waterlife Recovery East as part of GLNP Operation Water Vole by means of providing 1 x mink trap and upkeep for at least 3 years
  - Details, specification, locations of amphibian friendly curb and drain treatments.
  - Details, specification and location of the following species enhancements incorporated across the site:
    - Bird boxes (tree or post mounted)
      - General Multi Species Boxes
      - Owl and kestrel boxes
      - Woodpecker/tree creeper boxes
    - Bat Boxes (tree or post mounted)



- Insect Hotels/Bee posts
- Hibernacula and Log Piles

The EMEP shall be implemented in strict accordance with the approved plan. All features shall be installed during construction and retained as such thereafter.

**Reason:** In the interest of nature conservation and to accord with the National Planning Policy Framework and local policy S60 of the Central Lincolnshire Local Plan 2023-2043.

**Conditions which apply or are to be observed during the course of the development:**

4. The Biodiversity Gain Plan shall be prepared in accordance with the Statutory Biodiversity Metric received 13/05/2025 and prepared by Kevin Johnson from KJ Ecology Ltd.

**Reason:** To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy S61 of the Central Lincolnshire Local Plan 2023-2043.

5. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings and materials:
  - Proposed Site Plan: 2464 Rev B dated 12/02/2025.
  - Site Location Plan dated 27/09/2024.

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

**Reason:** To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan 2023-2043.

6. The development hereby permitted shall be carried out in full accordance with the details set out in the submitted Energy Statement received 11/10/2023, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the development takes place in accordance with the approved details and in accordance with the provisions of Policies S6 and S8 of the Central Lincolnshire Local Plan 2023-2043.

7. The development hereby permitted shall be undertaken in accordance with the mitigation measures and enhancements in the following ecological documents:

- Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment Version 1.1 produced by KJ Ecology Ltd dated 14<sup>th</sup> February 2025.

**Reason:** To ensure that the development proceeds in accordance with the recommended ecological enhancements in accordance with Policy S60 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

8. All new hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.

**Reason:** To ensure appropriate drainage to accord with the National Planning Policy Framework and Policy S21 of the Central Lincolnshire Local Plan.

9. No occupation of the lodges/caravans shall take place until a scheme for the disposal of foul and surface waters (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and prior to occupation of the dwelling.

**Reason:** To ensure adequate drainage facilities are provided to serve the development in accordance with Policy S21 of the Central Lincolnshire Local Plan.

10. No occupation of the lodges/caravans hereby approved must take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details to include:

- Type, height and position of all boundary treatments.
- Material finish of all hardstanding (access road, driveways, patios and paths).
- Species, planting height, formation and position of new trees and hedging.

The development must be completed in strict accordance with the approved landscaping scheme.

**Reason:** To ensure that appropriate landscaping is introduced and would not unacceptably impact on the character and appearance of the site and the surrounding area or the amenity of nearby residents to accord with the National Planning Policy Framework and local policies S53 of the Central Lincolnshire Local Plan 2023.

**Conditions which apply or relate to matters which are to be observed following completion of the development:**

11. All planting and turfing approved in the Biodiversity and Landscape Management Plan under condition 2 shall be carried out in the first

planting and seeding season following the completion of the development, whichever is the sooner; and any trees or hedging which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained in perpetuity thereafter.

**Reason:** To ensure the site is visually softened by appropriate methods in accordance with the National Planning Policy Framework and Policies S53 and S57 of the Central Lincolnshire Local Plan.

12. The lodges shall be occupied for holiday purposes only and shall not be used as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of all occupiers in individual lodges on the site and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

**Reason:** To ensure that unencumbered residential accommodation is not permitted in this open countryside location in accordance with the provisions of Policy S5 and S43 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

13. No more than 90 static caravans shall be sited on the site at any one time and shall be sited within the red line boundary indicated on plan 2464 Rev B dated 12/02/2025.

**Reason:** To ensure the development remains appropriate in scale in accordance with S5 and S43 of the Central Lincolnshire Local Plan.

### **Notes to the Applicant**

#### **FOUL DRAINAGE – ENVIRONMENT AGENCY**

The development is likely to require an environmental permit. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

Further advice is available at:

Septic tanks and sewage treatment plants: what you need to do: Overview - GOV.UK

As part of the permit application, we would expect a full drainage plan, and package treatment plan (appropriately sized, specified and to appropriate BS) to be finalised.

Finally, discharge from the site must not be made prior to a valid environmental discharge permit being issued.

## **HIGHWAYS**

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

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>

## **BIODIVERSITY NET GAIN**

Unless an exception or a transitional arrangement applies<sup>1</sup>, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

(a) a Biodiversity Gain Plan<sup>2</sup> has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be West Lindsey District Council.

### **Biodiversity Gain Plan**

The biodiversity gain plan must include/accompanied by<sup>3</sup>:

(a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;

(b) the pre-development biodiversity value of the onsite habitat;

(c) the post-development biodiversity value of the onsite habitat;

- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development;
- (f) any information relating to irreplaceable habitat making up onsite habitat
- (g) information about steps taken or to be taken to minimise any adverse effect of the development on, and arrangements for compensation for any impact the development has on the biodiversity of, any irreplaceable habitat<sup>4</sup> present within the onsite baseline.
- (h) any additional information requirements stipulated by the secretary of state<sup>5</sup>.

### **The effect of section 73D of the Town and Country Planning Act 1990**

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 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 the conditions 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.

<sup>1</sup> listed exemptions from Statutory BNG and transitional arrangements can be found at [Biodiversity net gain: exempt developments - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/biodiversity-net-gain-exempt-developments).

The LPA advises that all perceived exempt applications complete a Statutory Metric Baseline Assessment prior to commencement. Should the relevant exemption cease to apply following commencement, a higher value precautionary assessment will be required if an appropriate pre-commencement baseline was not conducted.

<sup>2</sup> The Statutory Biodiversity Gain Plan template can be found at <https://www.gov.uk/government/publications/biodiversity-gain-plan>

<sup>3</sup> Minimum legal requirements for the Biodiversity Gain plan can be found at [https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%2015\).-,Biodiversity%20gain%20plan,-14](https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%2015).-,Biodiversity%20gain%20plan,-14)

<sup>4</sup> Irreplaceable habitats for the purposes of Biodiversity Net Gain are defined by Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. A full list of irreplaceable habitats can be found at <https://www.legislation.gov.uk/uksi/2024/48/schedule/made>

<sup>5</sup> Additional information required is outlined by Articles 37C(2) [Non Phased] 37C(4) [Phased] of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and may be subject to the nature of your

application <https://www.legislation.gov.uk/ukxi/2015/595#:~:text=Additional%20content%20of%20plan>

## **COMMUNITY INFRASTRUCTURE LEVY**

Please be aware that as of the 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal [www.west-lindsey.gov.uk/cilforms](http://www.west-lindsey.gov.uk/cilforms) and West Lindsey District Council's own website [www.west-lindsey.gov.uk/CIL](http://www.west-lindsey.gov.uk/CIL)

Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties

### **Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

### **Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report