



Public Document Pack
Boston Borough Council

**Chief Executive
Rob Barlow**

Municipal Buildings
Boston
Lincolnshire PE21 8QR
Tel: 01205 314200

Friday 26 September 2025

Notice of meeting of the Planning Committee

Dear Councillor

You are invited to attend a meeting of the Planning Committee
on **Tuesday 7th October 2025 at 10.00 am**
in the Committee Room - Municipal Buildings, West Street, Boston, PE21 8QR

**Rob Barlow
Chief Executive**

Membership:

Chairman: Councillor David Middleton
Vice-Chairman: Councillor David Scoot
Councillors: Alison Austin, Peter Bedford, Anton Dani, Stuart Evans, Andy Izard,
Barrie Pierpoint, Claire Rylott, Lina Savickiene, Sarah Sharpe,
Suzanne Welberry and Stephen Woodliffe

In order to vote on a planning application Committee Members must be present for the entire presentation and discussion on the item.

When an official site visit is undertaken which forms part of the decision making at Committee, only Members who have attended the site visit and received full representation will be able to debate and decide the application.

Members of the public are welcome to attend the committee meeting as observers except during the consideration of exempt or confidential items.

This meeting may be subject to being recorded.

Agenda

Part I - Preliminaries

A Apologies for Absence

To receive apologies for absence and notification of substitutes *(if any)*.

B Declarations of Interest

To receive declarations of interests in respect of any item on the agenda.

C Minutes

(Pages 1 - 14)

To sign and confirm the minutes of the last meeting.

D Public Questions

To answer any written questions received from members of the public no later than 5 p.m. two clear working days prior to the meeting – for this meeting the deadline is 5 p.m. on Thursday 2nd October.

Part II - Agenda Items

1 B 25 0287 - Site North of Boston Borough Council Depot, St Johns Road, Boston, PE21 6BE

(Pages 15 - 28)

Application Type: Full Planning Permission

Proposal: Demolition of existing industrial shed. Change of use of land to provide additional staff car parking, 10 commercial parking bays and 4 trailer bays and associated works

A planning decision comes into effect only when the decision notice and associated documents are despatched by the Local Planning Authority and not when the Committee makes its decision.

The Human Rights Act 1998

It is implicit in these reports that the recommendations to and the consideration by Committee will take into account the Council's obligations arising out of the Human Rights Act and the rights conferred by Articles 6,8,14 and Article 1 of the First Protocol of the European Convention on Human Rights (ECHR). These are the rights to a fair hearing, respect for family and private life, the prohibition against discrimination and the peaceful enjoyment of possessions, respectively. The ECHR allows many to be overridden if there is a sufficiently compelling public interest.

In simple terms the Act requires a person's interest be balanced against the interests of the community. This is something that is part of the planning system and that balancing is a significant part of the consideration of issues identified to Committee by officer reports. Provided that those issues are taken into account, the Convention will be satisfied.

Notes:

Please contact Democratic Services (demservices@boston.gov.uk) if you have any queries about the agenda and documents for this meeting.

Council Members who are not able to attend the meeting should notify Democratic Services as soon as possible.

Alternative Versions

Should you wish to have the agenda or report in an alternative format such as larger text, Braille or a specific language, please telephone 01205 314351.

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Boston Borough Council

Minutes of a meeting of the **Planning Committee** held in the Committee Room - Municipal Buildings, West Street, Boston, PE21 8QR on Tuesday 9th September 2025 at 10.00 am.

Present:

Councillor David Middleton, in the Chair.

Councillors Alison Austin, Peter Bedford, Anton Dani, Stuart Evans, Andy Izard, Barrie Pierpoint, Claire Rylott, Lina Savickiene, Sarah Sharpe, Suzanne Welberry and Stephen Woodliffe.

In attendance:

Portfolio Holder - Infrastructure.

Officers:

Assistant Director – Planning & Strategic Infrastructure, Development Manager, Consultant Planning Officer, Principal Planning Officer, Senior Planning Lawyer and Democratic Services Officer.

6 Apologies for Absence

Apologies for absence were received from Councillor David Scoot (Vice-Chairman).

7 Declarations of Interest

Standing declarations of interest were received for all members of the Council who are also members of:

The South East Lincolnshire Joint Strategic Planning Committee:
Councillors Peter Bedford and David Middleton.

The Internal Drainage Boards: Councillors Peter Bedford, David Middleton, Claire Rylott, and Suzanne Welberry.

8 Minutes

The minutes of the meeting on the 1st July were approved as a correct record and signed by the Chairman.

9 Public Questions

No questions were received.

10 B 25 0042 - Land south of Swineshead Road, Boston PE21 7JE

Major – Full Planning Permission

Construction of a retail unit (Use Class E(a)) including car parking, landscaping and associated works

Land south of Swineshead Road, Boston PE21 7JE

The Chairman opened the item by welcoming Members and members of the public to the meeting. He introduced the application and invited officers to present the report.

The Consultant Planning Officer presented the application and made the following points:

The application was for the construction of a retail unit (Use Class E(a)), including car parking, landscaping and associated works with Marks and Spencer identified as the end user.

- The Consultant Planning Officer outlined the key elements of the proposal, including the size of the retail unit, the number and type of parking spaces, and the provision of landscaping and cycle parking.
- Members were informed of several late items:
- An amendment to the delivery hours condition, following consultation with Environmental Health, to allow deliveries on Sundays and bank holidays.
- Clarification that there was no planning history on the site itself.
- Confirmation that the proposal would create 70 jobs (full and part-time).
- Additional information regarding on-site and off-site biodiversity net gain.
- The Consultant Planning Officer also clarified that the Council's retail consultants had reviewed the application and agreed with the findings presented.

The officer concluded by confirming that the recommendation was for approval, subject to the conditions set out in the report (including the amended deliveries condition) and the completion of a Section 106 agreement.

The Committee received a presentation of slides, including satellite and roadside photos of the site, the site layout plan, the building elevation and floor plans and the landscaping plan, including native hedge and tree planting. The location was explained, including its proximity to the consented Aldi site (which had not yet been built) and the existing McDonalds site, which had been trading for some time. Access would be provided via the existing access road off Swineshead Road, which would serve the ALDI and already served McDonald's.

The section 106 contributions would include a £25,000 cycle access improvement contribution, £5,000 travel plan monitoring contribution and two bus stops and one bus shelter on the A52 Swineshead Road.

The Committee was addressed by Charlotte Perry and Phil Marsden on behalf of the applicant. In their respective presentations, they highlighted the following points:

- The proposed store would be well-located alongside existing retail uses, including the approved ALDI and Costa drive-through and the established McDonald's, forming a growing retail cluster.

- The application would deliver economic benefits. An independent assessment had shown that, while there would be some trade impacts, these were not likely to harm the vitality or viability of the town centre.
- The proposal would bring retail choice, secure the return of M&S to Boston, and generate investment and job creation in the area.
- Sustainable transport measures would be provided. The Highways Officer had confirmed that the network could safely accommodate the new store and that all planning policy tests were satisfied. The applicant would fund sustainable transport improvements, including a new bus stop, cycle facilities and EV charging points.
- Local producers and suppliers would supply the proposed store, as well as other M&S stores, including Lincolnshire Game Company, Staples Vegetables, Greenyard Frozen, Bakkavor and Dyson Farming. These Boston-based businesses employ over 2,000 people.
- The scheme would meet the sequential and impact tests required by planning policy. The design was described as modern and high quality, with landscaping, biodiversity gains and flood resilience measures incorporated. Residential amenity along Wortley's Lane would be protected for by a new acoustic screen.

The Committee sought clarification from the speakers on several issues, including:

- The potential impact on Boston town centre. Charlotte Perry advised that the town centre already had committed funding and investment, and that the application would not jeopardise this, as it represented a complementary retail offer. She explained that household surveys had identified existing M&S shoppers in the town and that the proposal help retain local expenditure. The Council's independent retail consultants, Stantec, had reviewed the assessment to ensure that all the planning policy tests had been met.
- Concerns regarding the potential for increased traffic congestion at the site, including wider issues with road capacity. Charlotte Perry confirmed that Lincolnshire County Council's highways department, the transport consultant, and the Borough Council's planning officers had all confirmed that the proposals would not have a severe impact on the existing network. It was noted that a high proportion of linked trips was expected between the proposed store and existing retailers, so a significant increase in journeys was not anticipated.
- The adequacy of public transport serving the site.
- The role of local food suppliers. Phil Marsden confirmed that, although he did not have information about the percentage of local produce that would be available at the store, M&S was already supplied nationwide by many of the local producers mentioned. He indicated that an increased number of M&S stores would mean increased orders for local providers.

- The location of bus stops serving the site was considered. Concerns were raised about their proposed location on the A52 Swineshead Road, with suggestions that a location within the development would be safer. The Consultant Planning Officer indicated that the location of bus stops could be secured through the Section 106 agreement, with further discussions to be held with Lincolnshire County Council as the highways authority. The Development Manager confirmed that the suggested alternative location would be considered as part of post-decision matters.

Committee deliberation continued after the Consultant Planning Officer confirmed that the Committee was being asked to consider the officer recommendation for approval, subject to the conditions (including an amendment to the deliveries condition to allow Sunday and bank holiday deliveries) and the Section 106 agreement for two new bus stops, a bus shelter, the cycle access improvement contribution, and the travel plan monitoring contribution.

Prior to the vote, the Development Manager confirmed that the recommendation was to approve the application, subject to the recommended conditions (including the amendment to condition sixteen to allow deliveries on Sundays and bank holidays) and the signing of a Section 106 agreement to secure two new bus stops and one bus shelter on the A52 Swineshead Road, a £25,000 cycle access improvement contribution, a £5,000 travel plan monitoring contribution, and off-site biodiversity net gain provision.

The recommendations were moved by Councillor Claire Rylott and seconded by Councillor Stephen Woodliffe.

Resolved:

That the committee approve the application in line with officer recommendations and subject to the conditions, outlined within the report, the additional conditions (outlined below), and signing of the Section 106 agreement.

CONDITIONS:

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

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in strict accordance with the application received 27/10/2023 and in accordance with the associated plans referenced:

- MEL-549-003 Rev P4 Detailed Soft Landscaping - Plot 4 M&S
- PM_40_50_21_0006 Rev P01 Proposed Elevations
- PM_40_50_21_0007 Rev P01 Proposed Roof Plan
- PM_40_50_21_0005 Rev P01 Proposed Ground Floor Plan
- PM_40_50_21_0004 Rev P04 Proposed Site plan
- PM_40_50_21_0001 Rev P02 Site Location Plan

Reason: To ensure that the development is undertaken in accordance with the approved details, and to comply with Policies 2, 3, 4, 28, 29 and 36 of the South East Lincolnshire Local Plan 2019.

Pre-commencement conditions:

3 Development may not begin unless a biodiversity gain plan has been submitted to and approved by the Local Planning Authority.

Reason: To comply with Schedule 7A of the Town and Country Planning Act (1990, as amended).

4 No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is used. The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide flood exceedance routing for storm event greater than 1 in 100 year;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100-year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to no more than what would be the greenfield run-off rate of the undeveloped land;
- provide details of the timetable for and any phasing of implementation for the drainage scheme and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.
- Retailing from the permitted development shall not be commenced until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the site can be adequately drained.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in paragraph 182 of the National Planning Policy Framework, 2024.

5 No development shall take place until details of the design, implementation, maintenance and management of foul water drainage works have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be undertaken in accordance with the approved details.

Reason: To ensure development would not result in unacceptable risk of pollution or harm to the environment or landscape.

This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in paragraph 182 of the National Planning Policy Framework, 2024.

6 The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be submitted to and approved in writing by the Local Planning Authority before development commences. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;

- the on-site parking of all vehicles of site operatives and visitors;
- the on-site loading and unloading of all plant and materials;
- the on-site storage of all plant and materials used in constructing the development;
- wheel washing facilities;
- a strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawings) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

This condition is imposed in accordance with paragraph 135 of the National Planning Policy Framework.

7 No development shall take place until a Construction Ecological Management Plan (CEMP) is submitted to and approved in writing by the local planning authority setting out the safeguards and appropriate working practices that will be employed to minimise adverse effects on biodiversity and ensure compliance with UK Wildlife Legislation. The details of the CEcMP will be informed by the final site design and ongoing ecological survey works [depending on the scope of works] but should include as a minimum:

- Development standoffs and safeguards for all retained habitats
- Construction timetables to avoid sensitive periods such as nesting bird season
- Pollution prevention measures with regards to Old Hammond Beck
- Vegetation management measures to minimise the risk to species such as terrestrial mammals and herpetofauna
- Best practice measures with regards to lighting, as to avoid adverse impacts upon protected/notable species
- Compliance with any specific mitigation measures that will be required to acquire a Development Licence for works affecting protected species [if required]

Thereafter, all site clearance and construction works shall be undertaken in accordance with the approved CEcMP.

Reason: To ensure conservation of local biodiversity.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2024.

Conditions which apply during the course of and following completion of the development:

8 Demolition/ground works/construction works/ deliveries and collections during the construction phase of the development, shall not take place outside the following hours:

- Monday to Friday 07.30 – 18.00hrs
- Saturday 08.00-13.00hrs
- There shall be no work on Sundays or Public Holidays

Reason: In the interests of highway safety and the amenity of nearby residents. This condition is imposed in accordance with paragraph 135 of the National Planning Policy Framework.

9 Before the proposed food store is brought into use, all of that part of the estate road and associated footways that forms the junction with Swineshead road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels

in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.

This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2024.

10 The development hereby approved shall not be brought into use until those parts of the approved Travel Plan that are identified therein as being capable of implementation before occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented for as long as any part of the development is brought into use.

Reason: In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development.

This condition is imposed in accordance with section 9 of the National Planning Policy Framework.

11 No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning

Authority, including (where applicable):

- details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- details of all hard surfacing materials
- details of materials used for boundary treatments

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the provisions of the National Planning Policy Framework, 2024.

12 Notwithstanding the maintenance details submitted as part of the application before the first occupation of the development hereby permitted a schedule of landscape maintenance in perpetuity has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation, long-term design objectives, management responsibilities and maintenance schedules for all landscape areas. Thereafter, the approved landscape maintenance schedule shall be fully implemented within 6 months from the date of first approval or within the next available planting season (whichever is the sooner).

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2024.

13 No boundary treatments shall be erected until detailed scaled drawings (section) of the hard boundary treatments to be erected have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be erected before the development is first brought into use and thereafter retained in that form, notwithstanding the provisions of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification).

Reason: In the interests of the character and appearance of the development.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the provisions of the National Planning Policy Framework, 2024.

14 Notwithstanding the submitted lighting details, before the development hereby permitted is brought into use details of any external lighting to be provided in association with the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location of the lighting, the specification and LUX levels and the times when the external lighting will not be switched on. Only external lighting in accordance with approved details shall be provided on the application site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no other external lighting provided on the application site.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the provisions of the National Planning Policy Framework, 2024.

15 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment by Hydrock Consultants Limited dated 19 December 2022 forming part of this planning application. In particular the following measures shall be fully implemented before the proposed food store is brought into use:

- Finished floor levels to be set no lower than 2.8m above the existing ground level
- Flood resilience and resistance measures to be incorporated into the proposed development as stated

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.

This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2024.

16 Unless otherwise agreed in writing with the local planning authority proposed deliveries to the proposed store once opened must not take place outside the following hours:

- Monday to Saturday including public holidays: 07.00 – 23.00hrs
- Sunday: 08.00 - 18.00hrs

Reason: In the interests of residential amenity.

This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2024.

17 Before the proposed food store is brought into use a Landscape Ecological Management Plan (LEMP) should be submitted to and approved in writing by the Local Planning Authority setting out the detailed establishment and management of all on site compensation and enhancement measures. In accordance with Biodiversity Net Gain Best Practice Principles, and the principles of the Environment Act 2021, the LEMP should cover a period of 30 years from the date of commencement with provisions for long-term monitoring and contingency actions linked to the Biodiversity Net Gain objectives of the project. Thereafter the development shall be undertaken in accordance with the approved LEMP.

Reason: To ensure conservation of local biodiversity.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2024.

INFORMATIVES NOTES FOR DECISION NOTICE

1. In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2024 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.
2. Positive and Proactive Statement. In dealing with this application, the Council has worked with the applicant in the following ways: In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.
3. The foul drainage from this development is in the catchment of Frampton Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.
4. This site is within the catchment of Frampton Water Recycling Centre (WRC), which currently lacks the capacity to accommodate the additional flows generated by the proposed development. However, Frampton WRC is included within our Business Plan as a named growth scheme with investment delivery planned between 2025-2030. To ensure there is no pollution or deterioration in the receiving watercourse due to the additional foul flows that would arise from the development Anglian Water recommend information is provided when responding to the relevant foul water planning condition.

5. Black Sluice Internal Drainage Board state that no person without the previous consent of the Board shall erect any building or structure (including a fence), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the landward toe of the bank where there is an embankment or wall or within 9 metres of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within 9 metres of the enclosing structure.
6. All wild bird species are legally protected under the Wildlife and Countryside Act 1981 (as amended) from any form of disturbance between the onset of nest building and until such time as any dependent young have left the nest, principally from the beginning of March to the end of August.
7. In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.
8. All roads within the development hereby permitted must be constructed to an acceptable engineering standard. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways, may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980. For guidance, please refer to <https://www.lincolnshire.gov.uk>
9. The highway improvement works referred to in the above conditions 20 and 21 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
10. 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>
11. The existing ground level of the site must not be raised above the ground level of any surrounding land without further consultation with the Lead Local Flood Authority and

Local Planning Authority, to consider suitable mitigation measures to ensure that surface water flood risk is not created or increased to land adjacent to the permitted development.

12. Please note the comments made by Cadent Gas dated 6th February 2025 regarding the proximity of a cadent gas asset in the area.

13. Please note the triggers in the accompanying section 106 agreement in relation to matters such as biodiversity net gain and highway matters.

BNG APPLIES

BIODIVERSITY NET GAIN

BNG1 BIODIVERSITY NET GAIN CONDITION

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 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 if one is required in respect of this permission would be Boston Borough Council

BNG3 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>.

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.

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.

The Meeting ended at 10.40 am.

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PLANNING APPLICATION B 25 0287

Application type:

Full Planning Permission

Proposal:

Demolition of existing industrial shed. Change of use of land to provide additional staff car parking, 10 commercial parking bays and 4 trailer bays and associated works

Location:

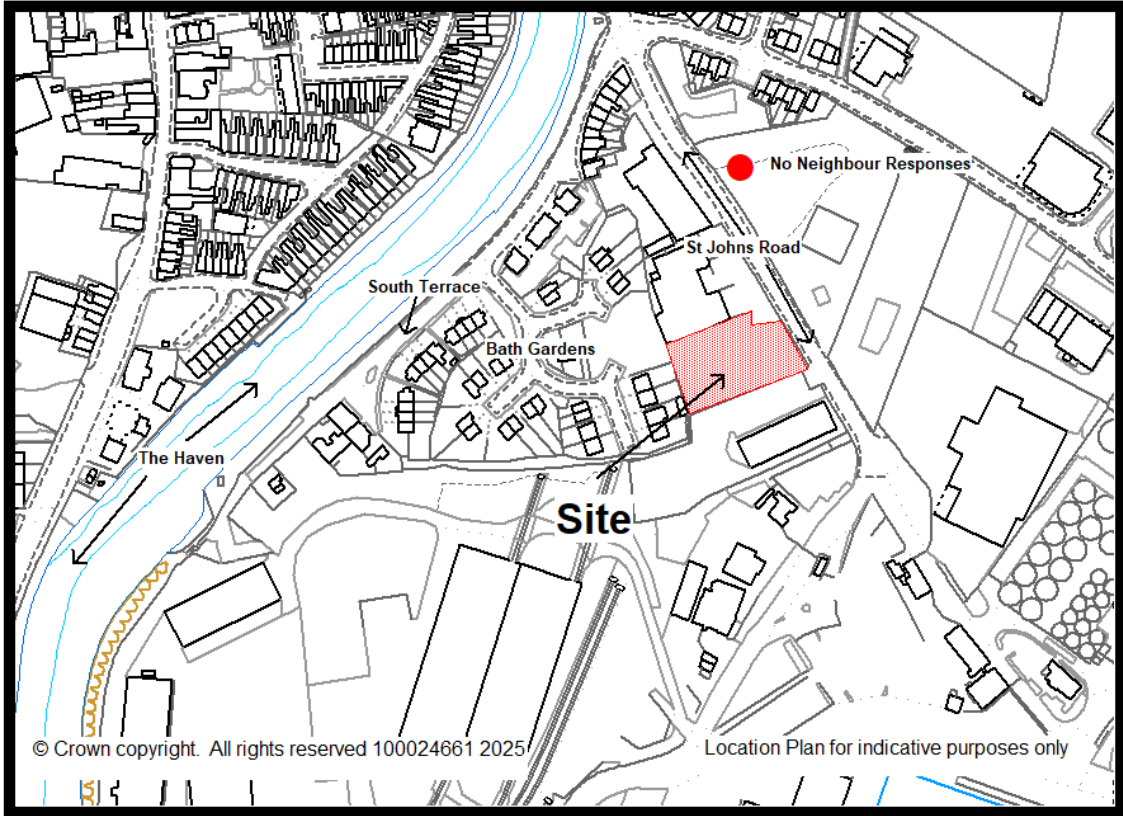
Site North of Boston Borough Council Depot, St Johns Road, Boston,
PE21 6BE

Applicant:

Mr Ross Hastie, Boston Borough Council

Agent:

Mr Andrew Oglesby, Oglesby and Limb Limited



BOSTON BOROUGH COUNCIL

Planning Committee – 07 October 2025

Reference No: B/25/0287

Expiry Date: 03-Sep-2025
Extension of Time: TBC

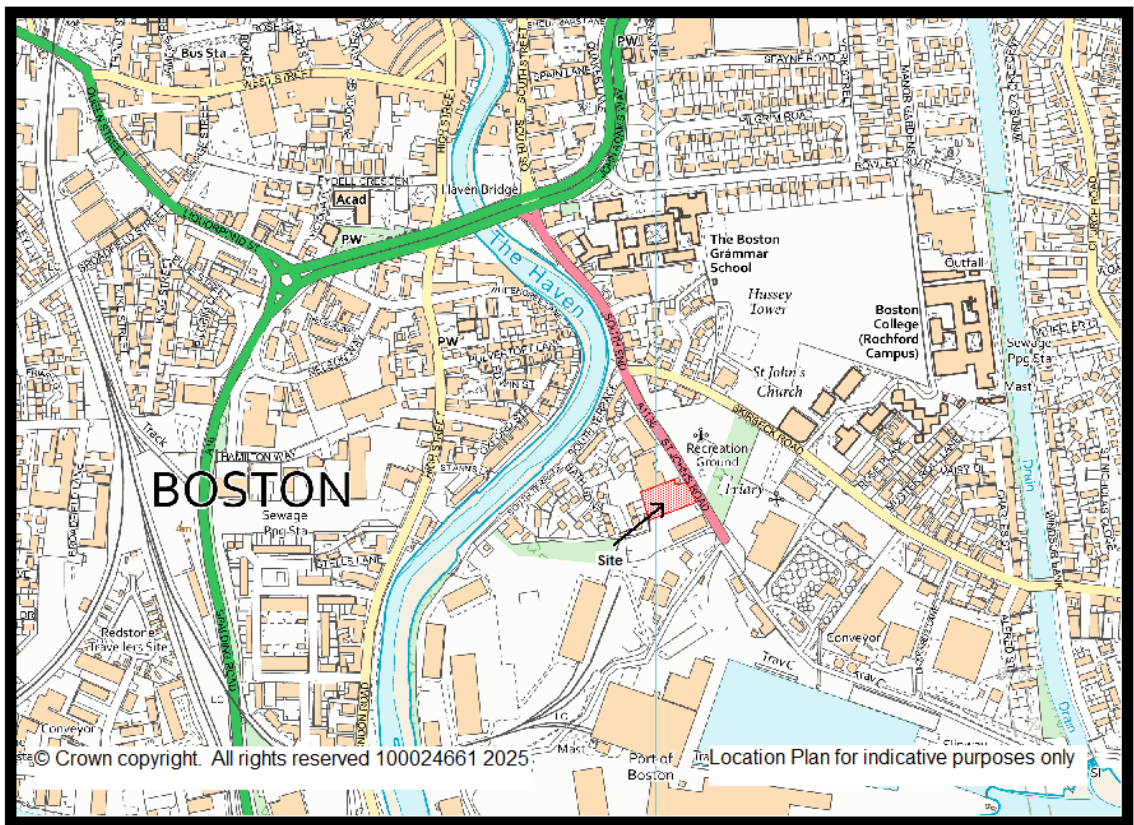
Application Type: Full Planning Permission
Proposal: Demolition of existing industrial shed. Change of use of land to provide additional staff car parking, 10 commercial parking bays and 4 trailer bays and associated works

Site: Site North of, Boston Borough Council Depot, St Johns Road, Boston, PE21 6BE

Applicant: Mr Ross Hastie, Boston Borough Council
Agent: Mr Andrew Oglesby, Oglesby and Limb Limited

Ward: Skirbeck Parish: Boston Town Area Committee
Case Officer: Emma Turvey Third Party Reps: 0

Recommendation: Approve



1.0 Reason for Report

- 1.1 The application has been referred to committee by the Assistant Director (Planning) for transparency as the proposal has been submitted by Boston Borough Council.

2.0 Application Site and Proposal

- 2.1 The application site consists of a vacant plot of land which measures approximately 0.2Ha and includes an existing industrial building and a steel palisade perimeter fence, with access to the site is from St Johns Road. The site is located approximately 800m from the centre of Boston.
- 2.2 To the east of the site is an area of Amenity Greenspace (BBC151) which includes a play area and skate park, to the north is a row of industrial buildings, to the west is a residential neighbourhood and to the south lies the main Boston Borough Council Depot and the Port of Boston.
- 2.3 The Boston Conservation Area adjoins the east and west boundaries of the application site.
- 2.4 Full planning permission is sought for the demolition of an existing industrial building and a change of use of the land to provide additional staff parking area, 10 commercial parking bays, 4 trailer bays. The works also includes:
- closing off the existing highway access from St John's Road and the formation of two routes between the existing site and the proposed site which include vehicular and pedestrian accesses
 - removal of the existing perimeter fence and replace with a new fence
 - Erection of a 4m high acoustic fence along the western boundary
 - Resurfacing the proposed site
 - Installation of lighting columns and lights within the site

3.0 Relevant History

- 3.1 There is no relevant history on this site, however immediately south of the application site includes a planning application relevant to this one:
- 3.2 B/14/0004: Change of use from lorry park to council depot including erection of vehicle/machine storage building with associated car parking and landscaping works – Approved at Planning Committee.
- 3.3 B/14/0004/NMA: Application under S96A for a non-material amendment to approval B/14/0004, amendments relate to external elevations appearance, internal alterations including flood refuge mezzanine floor and stairs and alterations to gates – Approved.

4.0 Relevant Policy

South East Lincolnshire Local Plan 2019 (SELLP)

4.1 The following policies contained within the South East Lincolnshire Local Plan (2019) (i.e. SELLP) are relevant to this application:

- Policy 1: Spatial Strategy
- Policy 2: Development Management
- Policy 3: Design of New Development
- Policy 4: Approach to Flood Risk
- Policy 7: Improving South East Lincolnshire's Employment Land Portfolio
- Policy 28: The Natural Environment
- Policy 29: The Historic Environment
- Policy 30: Pollution

National Planning Policy Framework (NPPF)

4.2 At the heart of the 2024 Framework is a presumption in favour of sustainable development.

- Section 4: Decision-making
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 16: Conserving and enhancing the historic environment

4.3 **National Planning Practice Guidance (PPG)**

4.4 **The Planning (Listed Buildings and Conservation Areas) Act 1990**

5.0 Representations

5.1 No representations have been received as a result of the publicity carried out.

6.0 Consultations

6.1 BBC Environmental Health - No objections.

6.2 Witham Fourth IDB - No comments.

6.3 Lincolnshire County Council (Local Highway and Lead Local Flood Authority) no objections to the proposed development but have requested that if the planning application is approved, conditions be added to the permission relating to the existing access point and surface water flooding.

"...The proposal will utilise the access/egress arrangements from the adjacent site and the existing access will be closed up, therefore the dropped access will require works to reinstate back to a full height kerbed footway with pedestrian crossing. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response regarding 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."

6.4 The Historic Conservation Advisor had no objections and made the following comments:

"... Whilst not situated directly within, the proposal site is directly adjacent to the boundary of the Boston Conservation Area (BCA). As such, per Policy 29 of the SELLP, as a site that is positioned within views both into and out of that area, any proposals should strive for sympathy. I can confirm that the existing commercial structure on site due to be demolished is of no value or significance to the character of the adjacent portion of the conservation area and arguably could be considered to actually be a draw, as a relatively unsightly, utilitarian structure. The proposal is merely for the demolition and replacement with a hard-surfaced car parking facility. Indeed, the proposed use is of no greater or lesser aesthetic value or contribution to the BCA than extant, however, the impact of the proposal must therefore be said to be at worst neutral upon the nearby heritage asset."

6.5 Heritage Lincolnshire Planning Archaeologist has made the following comments:

"The site lies in an area of archaeological interest located close to the river where there may be deposits relating to the river trade, port and town of the medieval period. The remains of the Augustinian Friary are thought to survive in the area.

To the east of the proposal, the site of the medieval church of StJohn is recorded with an associated cemetery. Archaeological investigation to the west revealed medieval settlement with evidence of high-status buildings. Among the other remains was a possible warehouse that may be associated with the Hanseatic League (a group of German merchants who established a headquarters building in Boston in the early medieval period).

Given the archaeological remains recorded in the vicinity, it is considered that there is high potential for archaeological remains to be present at the site.

The proposal as described includes the demolition of structures at the site and resurfacing together with the installation of services. The extent and depth of the groundworks associated with the proposal is unclear, including removal of current surfaces/ leveling (for resurfacing), excavation of trenches for the installation of services (drainage, lighting) and lifting slab and grubbing out/ removal of foundations associated with the demolition of the existing structures.

Recommendation:

Insufficient information is available at present with which to make any reliable observation regarding the impact of this development upon any archaeological remains. Further information should be provided on the extent and depth of any groundworks associated with the proposed development.

Given the archaeological remains recorded in the vicinity of the site it is recommended that where groundworks are to take place which may expose archaeological deposits that an archaeological Scheme of Works should be implemented to mitigate the impact of the development on any archaeological remains.

The information on the proposed groundworks will inform the scope of the archaeological interventions required. This may take the form of an archaeological evaluation and/or a program of archaeological excavation and recording. Any archaeological work implemented should be in accordance with a written scheme of investigation to be agreed prior to commencement of any development.

'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part),

in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.' National Planning Policy Framework {2025} Section 16, para 218.

7.0 Planning Issues and Discussions

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that the determination of a planning application shall be made in accordance with the Development Plan.

7.2 The key planning issues in the determination of this application are:

- Principle of development
- Character and appearance
- Impact on residential amenity
- Historic Environment and archaeology
- Impact upon highway safety
- Biodiversity
- Flood risk and drainage

Principle of Development

7.3 Section 38(6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

7.4 The application site is located within the Settlement of Boston. Policy 1 of the Local Plan identifies Boston as a Sub-regional Centre, and as a place “*where development is to be directed*”. It indicated that, within Boston’s Settlement Boundary, development will be permitted that supports its role as a Sub-Regional Centre.

7.5 The proposed development would provide a much needed expansion to the existing depot which would relieve pressure on the existing site by providing more efficient vehicle storage and circulation within the site. The site will also provide additional storage of new wheeled bins before prior to delivery to local properties.

7.6 It is considered that the development is acceptable in principle and accords with Policy 1 of the SELLP.

Character and appearance of the area

7.7 Policy 7 (b) and (c) set out that development should not have an adverse impact on the character and appearance of the area and that the design should respond to local context. Policy 2 of the Local Plan permits development where sustainable development considerations are met in terms of size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses, the quality of design and orientation of buildings. Policy 3 sets out 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 and requires proposals to demonstrate how issues relating to the landscape character of the area are addressed.

- 7.8 The application site currently consists of a vacant industrial plot which is defined by industrial palisade fencing and includes a steel-clad industrial building and a vehicular access point from St. Johns Road. The site is immediately adjacent to Boston Borough Councils existing Depot, which includes a large rectangular building and associated parking.
- 7.9 The proposal includes the demolition of a disused building and change of use of the site with no other building works proposed other than a 2.4m high palisade fence to the eastern boundary, 4m high fence to the western boundary, fencing internally within the site and 6m high lighting columns, all of which are commonplace in this location. Therefore, it is not considered that this proposed development will have an adverse impact upon the character and appearance of the area and would be in accordance with Policy 2 and 3 of the South East Lincolnshire Local Plan.

Impact upon residential amenity

- 7.10 Policy 7a) sets out that new employment development should not conflict with neighbouring land uses. Policy 2 also seeks to secure sustainable development through considering the impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion. Policy 3 seeks to ensure good design through, amongst other things, protecting residential amenity. Policy 30 seeks to protect against pollution, requiring developments not to have an unacceptable impact by way of noise and light levels.
- 7.11 The proposed development includes the demolition of an existing industrial shed and a change of use of the land to provide additional staff car parking, 10 commercial parking bays and 4 trailer bays and associated works. It is also proposed to erect a 4m high acoustic fence along the western boundary of the site which will match and connect with the existing fencing along the western boundary.
- 7.12 The application site lies within a predominantly industrial area; however, a residential development (Bath Gardens) lies to the west of the site. Nos. 15 – 18 Bath Gardens are located closest to the proposed development. There is an existing line of established trees and landscaping between the site and the neighbouring dwellings, and the installation of the acoustic boundary fence will mitigate any issues relating to noise pollution from the site.
- 7.13 The proposed development includes the installation of 6m high lighting columns with double head lights, however these are located approximately 50m away from the neighbouring dwellings.
- 7.14 No letters of objection have been received from neighbouring dwellings following the statutory publicity carried out.
- 7.15 The Environmental Health Team have no objections or comments to make on the application.

- 7.16 In respect of the impact on the occupiers of nearby dwellings, the proposal is considered to accord with SELLP Policies 2 and 3.

Historic Environment and archaeology

- 7.16 The Planning (Listed Buildings and Conservation Areas) Act 1990 confirms the duty of the Local Planning Authority to have special regard to the desirability of preserving listed buildings and conservation areas, their setting and any features of special architectural or historic interest.
- 7.17 Policy 29 of the Local Plan also refers to archaeology and ensuring that every step is taken to protect and if possible, enhance their significance. Appropriate mitigation should be secured, and this often follows a Written Scheme of Investigation (WSI).
- 7.18 The application site is directly adjacent to the boundary of the Boston Conservation Area.
- 7.19 The Heritage Conservation Officer has confirmed that they have no objections to the proposed use as it is of no greater or lesser aesthetic value or contribution to the setting of Boston Conservation Area than the existing, and the impact of the proposal must therefore be said to be at worst neutral upon the nearby heritage asset. With regards to the demolition of the existing building, it was confirmed that it is of no value or significance to the character of the adjacent portion of the conservation area and arguably could be considered to actually be a draw, as a relatively unsightly, utilitarian structure.
- 7.20 The County Archaeologist has been consulted on the application and has highlighted that the site is within an area of archaeological significance. They have therefore requested that a series of trial trenching and a WSI are attached to a grant of approval, with appropriate mitigation being based on the findings.
- 7.21 In all, the proposal is considered to be acceptable and accords with Policy 29 of the Local Plan as well as The Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.22 Subject to conditions, the proposal is considered to have an acceptable impact in respect of Archaeology, in accordance with Policy 29 of the SELLP (2019).

Impact upon highway safety

- 7.23 Policy 34 of the Local Plan seeks to deliver a more sustainable transport network, including the protection of existing walking and cycle routes and protecting key public transport corridors. Policy 36 refers to ensuring that new development provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).
- 7.24 The proposal includes the change of use of the site and necessary works to create additional staff and commercial parking area including a bike store and internal access point to connect the new site to the existing site. The sites existing access point will be

permanently closed, and the main depot access point will be the sole access to the site with an access ramp linking the two sites. In addition to the existing depot, this will result in 35 staff parking places, 8 commercial parking bays, a bike store, 4 trailer parking spaces and two areas for the storage of new wheeled bins.

- 7.25 LCC Highways have been consulted and have no objections in relation to the proposed works in terms of highway safety but have requested the existing access point be permanently closed up within seven days of the new access being brought into use, this point will be added as a condition.
- 7.26 Therefore, subject to conditions, it is considered that the proposed development would not have an unacceptable impact upon highway safety and is in accordance with Policies 34, 36 of the SELLP.

Biodiversity

- 7.27 Schedule 7A of the Town and Country Planning Act has introduced a requirement for developments to provide a mandatory 10% uplift in biodiversity on sites. At planning application stage, this requires the submission of a baseline assessment, which has been provided. In addition to this, the application has been accompanied by proposals to demonstrate how the 10% uplift would be achieved via the biodiversity metric and a BNG statement.
- 7.28 The application form indicates that the proposals are “development subject to the de minimis exemption (development below the threshold)”, and the details within the submitted BNG Statement confirm that the works will have no impact upon the existing biodiversity of the site because it is already entirely developed/hard surfaced therefore indicates “as per Section 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024, the mandatory biodiversity gain planning condition does not apply to the development as works do not impact a priority habitat and impact less than; 25 sqm of onsite habitat, or 5m of linear habitats.”

Flood risk and drainage

- 7.29 Policy 4 of the SELLP state a proposed development within an area of flood risk (Flood Zones 2 and 3) will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding. Development within all flood zones (and development larger than 1 hectare in Flood Zone 1) will need to demonstrate that surface water from the development can be managed whilst not increasing the risk of flooding to third parties.
- 7.30 The site is located within Flood Zone 3; in a ‘Danger for All’ Flood Hazard Zone, however, the application proposes the change of use of an existing industrial site. A site-specific sequential test is therefore considered acceptable in this instance. The applicant has submitted a Flood Risk Statement that sets out the details of the proposal and that the vulnerability of the site will remain the same as the proposal does not include any sleeping accommodation.

7.31 In terms of drainage, no details have been received showing a proposed drainage strategy for this site, given its location in an area at risk from surface water flooding. LCC have requested that a condition be added to request a Flood Risk Statement be submitted which considers this surface water risk and any necessary mitigation.

8.0 Summary and Conclusion

8.1 This proposed development would result in the reuse of an industrial site within Boston which has been left empty for some time and is considered acceptable in principle.

8.2 Subject to conditions, it is not considered that the proposed development will have a detrimental impact upon highway safety, flood risk, residential amenity or the character and appearance of the area nor would it have a detrimental impact upon heritage assets, subject to the relevant condition.

8.3 Overall, it is considered that the proposed development is acceptable and accords with SELLP Policies 1, 2, 3, 4, 7, 28, 29 and 30, the NPPF and Planning (Listed Buildings and Conservation Areas) Act 1990.

9.0 Recommendation

9.1 It is recommended that Committee approve this application subject to the following conditions.

1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development hereby permitted shall not be carried out except in complete accordance with the following details shown on the submitted plan(s):</p> <ul style="list-style-type: none"> ▪ A1788-01 Rev P1 Site Location Plan ▪ A1788-10 Rev P1 Site Block Plan as Existing and As Proposed <p>Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 1, 2, 3, 4, 7, 28 and 29 of the South East Lincolnshire Local Plan 2019, and guidance contained in the National Planning Policy Framework (2024).</p>
3	<p>No below ground works shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following details as necessary:</p> <ol style="list-style-type: none"> 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements). 2. A methodology and timetable of site investigation and recording 3. Provision for site analysis

	<p>4. Provision for publication and dissemination of analysis and records 5. Provision for archive deposition 6. Nomination of a competent person/organisation to undertake the work 7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook. The archaeological site work shall only be undertaken in accordance with the approved written scheme.</p> <p>Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in the National Planning Policy Framework, 2024 and accordance with SELLP Policy 29.</p>
4	<p>Any historic or archaeological features not previously identified which are revealed when carrying out the development hereby permitted shall be retained in-situ and reported to the local planning authority in writing within 5 working days of their being revealed. Works shall be immediately halted in the area/part of the building affected until provision has been made for the retention and/or recording in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Work shall continue in accordance with the approved details of retention and/or recording.</p> <p>Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in the National Planning Policy Framework, 2023 and accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.</p>
5	<p>Within seven days of the new access being brought into use, the existing access onto St Johns Road shall be permanently closed in accordance with details to be agreed in writing with the Local Planning Authority.</p> <p>Reason: To reduce to a minimum, the number of individual access points to the proposed development site, in the interests of road safety.</p>
6	<p>Prior to commencement of the development hereby approved, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.</p> <p>Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained within the National Planning Policy Framework 2024.</p>
7	<p>The proposed acoustic fencing to be erected along the boundary shared with residential properties fronting Bath Gardens, and shown on plan A1788-10 P1 shall be erected before the development hereby approved is first brought into use and the fence shall be retained thereafter.</p> <p>Reason: In the interest of neighbouring amenity in accordance with SELLP Policies 2 and 3.</p>

8	<p>The details and position of any lighting other than that shown on the Site Block Plan (plan A1788-10 Rev P1) shall be submitted to and approved in writing by the Local Planning authority prior to its installation. The development shall be undertaken in accordance with approved details thereafter.</p> <p>Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development and to prevent light pollution in accordance with SELLP Policies 2, 3 and 30.</p>
	Informative
	<p>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</p>

Biodiversity Net Gain Provision

BNG Does Not Apply	
No-BNG1	<p>Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the “biodiversity gain condition” which means development granted by this notice must not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan.</p> <p>Under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which:</p> <ul style="list-style-type: none"> ▪ a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (a hedgerow habitat or watercourse habitat identified for the purposes of the biodiversity metric). <p>Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.</p>
BNG3	<p>Statutory exemptions and transitional arrangements</p> <p>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</p>

<https://www.gov.uk/guidance/biodiversity-net-gain>.

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.

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.