



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Planning Committee

22 January 2026

S24/1035

Proposal	Change of Use of agriculture to multi-functional Nature Reserve and associated engineering operations
Location	Bourne North Fen Nature Reserve, Spalding Road Twenty, Bourne, PE10 0AU
Applicant	Lincolnshire Wildlife Trust- Head of Conservation Tammy Smalley
Agent	Wild Planet Associates- Mr Mark Tarttelin
Reason for Referral to Committee	Entering into a Section 106 agreement
Key Issues	Impact on the character and appearance of the area

Report Author

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Corporate Priority:

Growth

Decision type:

Regulatory

Wards:

Bourne East

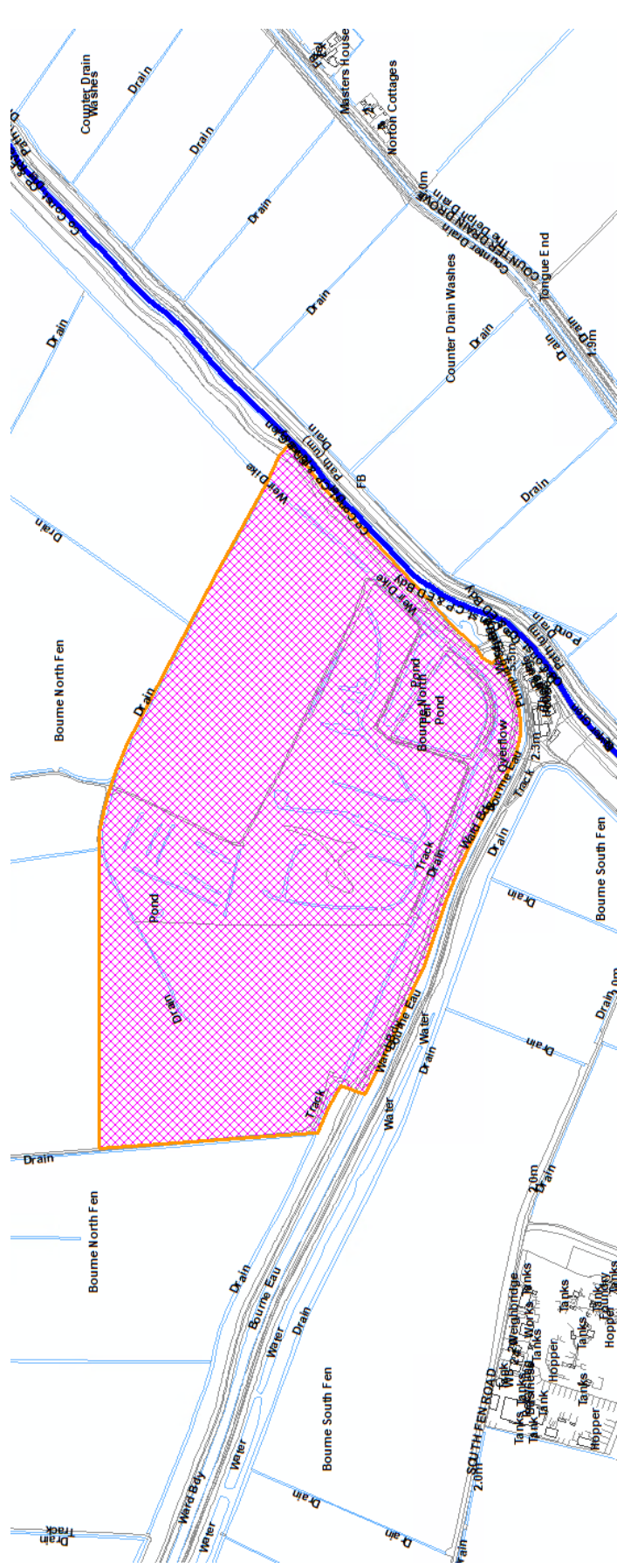
Reviewed by:

Adam Murray – Principal Development Management Planner

9 January 2026

Recommendation (s) to the decision maker (s)

To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions and completion of a Section 106 Agreement



Key



Application
Boundary



1 Description of Site

- 1.1 The application site currently consists of agricultural land with vehicular access and part of the land to the south of the application site being owned by Black Sluice Internal Drainage Board.
- 1.2 The application site has a total area of 55 hectares. 52.32ha of which are the Lincolnshire Wildlife Trusts (LWT) and 3.06ha are the Black Sluice Internal Drainage Boards (BSIDB).
- 1.3 The application site is within and surrounded by open countryside with housing to the south.
- 1.4 There is an existing access is via a 1km farm track off the A151 Bourne to Spalding Road at the side of the property, 40 Spalding Road.

2 Description of proposal

- 2.1 The application proposes the change of use of agriculture to multi-functional Nature Reserve and associated engineering operations.
- 2.2 The proposed engineering operations would consist of the creation of a wetland nature reserve, including the restoration of peat soils, rain/spring-fed groundwater tables and associated fenland vegetation (such as reedbeds) over an existing area of primarily agricultural land. This will be facilitated by re-wetting works to raise the site water table, including the re-routing and reprofiling of watercourses and the installation of bunding; the creation of new connective scrapes; and other hydrological works such as the blocking and installation of drains on and around the site.
- 2.3 The proposed site would be a habitat site which can provide Biodiversity Net Gain off site units.

3 Relevant History

- 3.1 No relevant planning history

4 Relevant Planning Policies & Documents

- 4.1 **SKDC Local Plan 2011 – 2036**
 - Policy SD1 – The Principles of Sustainable Development in South Kesteven
 - Policy SP5- Development in the Open Countryside
 - Policy EN1 – Landscape Character
 - Policy EN2 – Protecting and Enhancing Biodiversity and Geodiversity
 - Policy EN5 – Water Environment and Flood Risk Management
 - Policy DE1 – Promoting Good Quality Design
 - Policy ID2 – Transport and Strategic Transport Infrastructure
 - Policy E7 – Visitor Economy
 - Policy E9- Rural Economy

- 4.2 **National Planning Policy Framework (NPPF)**
Section 2 – Achieving sustainable development
Section 9 – Promoting sustainable transport
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 15 – Conserving and enhancing the natural environment

5 Representations Received

5.1 Anglian Water

- 5.1.1 There is no connection to the Anglian Water sewers, we therefore have no comments to make.

5.2 Bourne Town Council

- 5.2.1 No objections

5.3 Environmental Agency

- 5.3.1 The Environmental Agency raised no objections to the application subject to a condition regarding the development being in accordance with the flood risk assessment.

5.4 Environmental Protection

- 5.4.1 No comments to make.

5.5 Heritage Trust of Lincolnshire

- 5.5.1 No objections subject to conditions regarding an archaeological assessment.

5.6 Lincolnshire County Council Highways

- 5.6.1 No objections

5.7 Natural England

- 5.7.1 No objections

5.8 SKDC Tree Officer

- 5.8.1 The SKDC Tree Officer raised the following point:

1. The submitted drawings show trees, but no tree survey has been provided. Trees on the site are significant, visible from the adjacent bridleway, worthy of protection and potentially under threat from the proposal.
2. The presence of ancient or veteran trees on the site has not been ruled out. Their presence would significantly change the proposal.
3. Historical maps (1800s–early 1900s) indicate the site was open farmland, not wetland. While the site was historically wetland, it has not been so for over 100 years; this may reflect a geological period that could also have supported high forest.
4. Proposals for biodiversity and carbon storage these are normally referenced to national schemes with defined entry criteria, but no evidence has been provided to demonstrate compliance.

5.9 South Holland District Council

5.10 No objections

5.11 **Welland and Deepings Internal Drainage Board**

5.12 No objections

6 Representations as a Result of Publicity

This application has been advertised in accordance with the Council's Statement of Community Involvement, and 6 letters of representation have been received. The points raised can be summarised as follows:

- Support the project.
- Concerns for what will happen to the mixed woodland such as the trees and wildlife.
- Important that the mixed woodland is preserved and left undisturbed to provide habitat for this vast range of wild birds and animals.
- The Environmental Statement & Mitigation Tables - Protected Species & Historic Landscape document is missing.
- The Environmental Statement should also clarify whether the site, in its existing form, provides habitat for any diminishing farmland birds which might be breeding.
- More detail wanted regarding "opportunities to explore paludiculture - wetland farming (e.g. grazing, reed, biomass or fibre crops)".
- It seems that access to the proposed nature reserve for public will be restricted and possibly by invitation only.
- Surely, we want people to share and enjoy Nature, not shut them out from it?
- At some appropriate time as soon as possible, public access will be granted as exists at many of its other reserves.
- Regarding access to the site, there is no public access to the site via the track off South Fen Road to the Environment Agency Pumping Station, this is a Private Road, part of which is in private ownership.
- Although I support this in principle, I am concerned that there is no mention of public access.
- So much of the local wildlife habitat and open spaces have been lost to large scale housing development, it is vital that the local inhabitants have places such as this at their disposal.
- The fauna appraisal makes no mention whatsoever of fish and other possibly rare aquatic life. The pit once held the largest carp in Lincolnshire and thousands of eels.
- The bed of the Bourne Eau is now so high above its original level that it now frequently rises high up its porous banks, making a further major flooding event inevitable. Are steps being taken to mitigate this?

7 Evaluation

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The Council adopted the South Kesteven Local Plan 2011-2036 on 30 January 2020, and this forms the Development Plan for the District and is the basis for decision-making for the current application.

7.2 The Local Planning Authority have also adopted a Design Guidelines Supplementary Planning Document (SPD) (Adopted November 2021), and this document is a material consideration in the determination of planning applications.

7.3 The policies and provisions set out in the National Planning Policy Framework (NPPF) ("the Framework") (Published December 2024) are also a relevant material consideration in the determination of applications.

7.4 **Principle of Development**

7.5 The proposed development site is located outside of the main built-up area of an existing settlement within the district, and therefore, falls to be defined as being located within the Open Countryside. Policy SP5 (Development in the Countryside) limits development in such locations to that which has an essential need to be located outside of the existing built form of a settlement. This policy includes support for an agricultural project. The proposed nature reserve would be defined as an agricultural project and, therefore, would be acceptable within this countryside location.

7.6 The proposed development is for a change of use to a nature reserve which will allow visitor traffic to the site with the potential to generate income. Therefore, the proposal falls to within E9: Visitor Economy, which supports proposals which will develop the local visitor economy where they maintain the quality of the countryside and the natural environment. In this case, the proposals would enhance the natural environment through a substantial biodiversity net gain.

7.7 Taking the above into account, it is Officer's assessment that the principle of development is supported by Policy SP5 and E9 of the adopted Local Plan, subject to material considerations. These matters are discussed in further detail below.

7.8 **Impact on the character and appearance of the area**

7.9 The proposed engineering works would consist of extending the existing drainage dike network by creating a low-level bund around the application site.

7.10 Regarding the ponds on site, the existing would be retained and there would be additional ponds created.

7.11 The existing individual trees (including irreplaceable habitat veteran trees) will be retained in their current condition. Additional trees are to be planted. As such, whilst the comments from the Tree Officer are noted, it is not considered necessary to require further survey work in this instance and the management of the site is to be secured through the Habitat Management and Monitoring Plan.

- 7.12 Overall, the existing site is agricultural, and the proposed site would still be agricultural and therefore the proposed work would not cause any harm to the character and appearance of the area.
- 7.13 This application is for the change of use to a nature reserve however, any additional structures such as access tracks, or visitors' centres for example would need its own permission separate to this application.
- 7.14 By virtue of the design, scale and materials to be used, the proposal would be in keeping with the application site and surrounding context and would be in accordance with the NPPF Section 12, and Policies DE1 and EN1 of the Local Plan.
- 7.15 **Impact on the neighbours' residential amenities**
- 7.16 The proposed change of use to a nature reserve and engineering works would be a sufficient separation distance from neighbouring properties. There would be a potential impact from future visitors to the application site however, this would be conditioned via a site management plan.
- 7.17 Taking into account the nature of the proposal and adequate separation distances, it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with the NPPF Section 12, and Policy DE1 of the Local Plan.
- 7.18 **Highways Impact**
- 7.18.1 There are existing drains present which provide a boundary around most of the application site and there is no new access works proposed.
- 7.18.2 The existing access is via a 1km farm track off the A151 Bourne to Spalding Road at the side of the property at 40 Spalding Rd. PE10 0AU. BSIDB and the Environment Agency (EA) maintain access to the site via the Bourne Eau Pumping Station.
- 7.18.3 Lincolnshire County Highways therefore raised no objections to the proposal.
- 7.18.4 The proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with the NPPF Section 9.
- 7.19 **Biodiversity Net Gain**
- 7.20 Local Plan Policy EN2 seeks to ensure the conservation and enhancement of ecological networks and deliver a net gain in biodiversity for all development proposals.
- 7.21 Additionally, Biodiversity Net Gain (BNG) became mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act

2021).Therefore, BNG would need to be demonstrated in line with the government requirements within any submission on or after this date unless there is an exemption that applies to the proposal.

- 7.22 The BNG units are to be secured by legal agreement with the landowner to legally ensure the highest quality delivery of the habitats. The uplift in biodiversity is measured by the current version of the Statutory Biodiversity Metric (Defra,2023) (the Metric) and translated into Biodiversity Units (BU) that can then be sold to developers to meet their BNG obligations that are now mandatory.
- 7.23 In light of the requirements of the Environment Act, developers must deliver a BNG of 10% net gain of biodiversity from developments. This means a development must result in more or better-quality natural habitat than there was before development.
- 7.24 There are three ways a developer can achieve BNG. Firstly, developers can seek to enhance and restore biodiversity on-site (within the red line boundary of a development site). Secondly, if developers cannot achieve all of their BNG on-site, they can deliver through a mixture of on-site and off-site provision. Developers can either make off-site biodiversity gains on their own land outside the development site or buy off-site biodiversity units on the market. If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government. This should be a last resort. The government will use the revenue to invest in habitat creation in England
- 7.25 As the current proposal is for a change of use application to create a net gain scheme, the BNG metric was required to discover the baseline value the current site holds and information on how the site is to be enhanced.
- 7.26 The submitted metric identified that there was existing 181.04 Habitat units with 23.06 Watercourse units. The proposal would result in an 101.03% Habitat units uplift and an 15.29% Watercourse units' uplift.
- 7.27 The site currently consists of grassland, woodland, reedbeds and ponds which will all be enhanced by the proposal.
- 7.28 It is desirable to have a site within South Kesteven that can provide local BNG units in the event that developers cannot achieve BNG on-site. This would ensure that in this scenario the BNG and associated benefits that arise from new development would remain within South Kesteven, as opposed to being used elsewhere.
- 7.29 The BNG would be secured through the accompanying S106 agreement and submitted Habitat Monitoring and Management Plan (HMMP). The submission identified how the siter would make available BNG units available for purchase for the provision of off-site provision for other developments
- 7.30 **Flood Risk and Drainage**
- 7.31 The application site is situated within Flood Zone 3. The change of use proposed development would be water compatible and due to the application site remaining in the 'Water Compatible' classification there would be no increased flood risk and therefore sequentially acceptable.

- 7.32 The Environmental Agency raised no objections to the proposal subject to a condition regarding the proposal is carried out in accordance with the submitted flood risk plan to ensure the risk of flooding is reduced and in line with policy EN5.
- 7.33 Additionally, the Environmental Agency requested a condition regarding further development should not commence until relevant flood risk management measures have been submitted to, and approved in writing by, the local planning authority. This has not been added to the planning application as a condition as any further development would require planning permission within its own right and would not be able to commence without an additional application being approved.
- 7.34 Furthermore, the Environmental Agency have suggested an advisory to be attached to the application that a Flood Warning and Evacuation Plan is produced for the development in order to address the residual risks of flooding at the site and to confirm the approach that will be taken for safe evacuation of the area due to their being people working and visiting the site. An informative has been included on the decision to cover the above.
- 7.35 Highway and Lead Local Flood Authority raised no objections or presented any conditions to be attached to the application.
- 7.36 Overall, subject to conditions, there would be no unacceptable impact on flood risk and the proposed development would be in accordance with policy EN5 and NPPF Section 14.
- 7.37 **Section 106 Agreement**
- 7.38 The applicant seeks to create, manage and maintain BNG Units on the above sites for the purpose of satisfying BNG obligations for developments for a period of 30 years. This would involve selling BNG units to developers where they are unable to achieve a net gain in biodiversity on-site.
- 7.39 In order to secure the use of the land in this way, it is necessary for the land to be subject to a Section 106 agreement to secure the management and maintenance of the habitat enhancements that will result in the BNG units for a minimum period of 30 years.
- 7.40 The habitat enhancements are to be achieved through adherence to a Habitat Management and Monitoring Plan (HMMP). The HMMP is a detailed plan that outlines how the Biodiversity Areas will be monitored and managed for at least 30 years in order to create and enhance habitats for the purposes of achieving BNG.
- 7.41 The HMMP is designed to be an adaptive, 'live' document and should be reviewed and amended regularly to ensure the management objectives remain fit to achieve their intended aims over the 30-year management period. Monitoring of the HMMP will be carried out by the Council as Local Planning Authority, who will review progress of the habitat units against the proposed management objectives.
- 7.42 Monitoring will follow the method set out in the Statutory Biodiversity Metric for conducting condition assessments. A report should be produced after each monitoring visit and will include recommendations for action or alterations to the management prescription set out here. Monitoring will be conducted annually for the first five years during June or July before the grass is cut for hay. After year 5, monitoring may be reduced to once in 2 years, and eventually to once in 5 years as habitats become more stable, for the 30-year duration.
- 7.43 In order to ensure that the monitoring costs of the Council are covered for the lifetime of the agreement, a monitoring fee of £35,000 is to be provided to the Council. The agreement

also allows for this to be reviewed, and an additional monitoring fee secured in the event that the monitoring costs of the Council exceed this initial payment.

8 Crime and Disorder

- 8.1 It is considered that the proposal would not result in any significant crime and disorder implications.

9 Human Rights Implications

- 9.1 Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

10 Conclusion

- 10.1 Taking the above into account, it is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Sections 9 and 12) and Policies DE1, EN1, SP5, E7 and E9 of the South Kesteven Local Plan.

11 Recommendation

- 11.1 To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions and a Section 106 Agreement.

Time Limit for Commencement

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

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

- 2) The development hereby permitted shall be carried out in accordance with the following list of approved plans:

- i. Site location Plan- Date received: 17.06.2024

Unless otherwise required by another condition of this permission.

Reason: To define the permission and for the avoidance of doubt.

Before the Development is Occupied

- 3) Before the site is first brought into use, a Site Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include, but is not limited to:
- a. An assessment of visitor numbers
 - b. Details of access and parking arrangements
 - c. Details of areas of the site to be made accessible to the public; and
 - d. An assessment of any impacts on neighbouring amenity resulting from visitor access to the site.

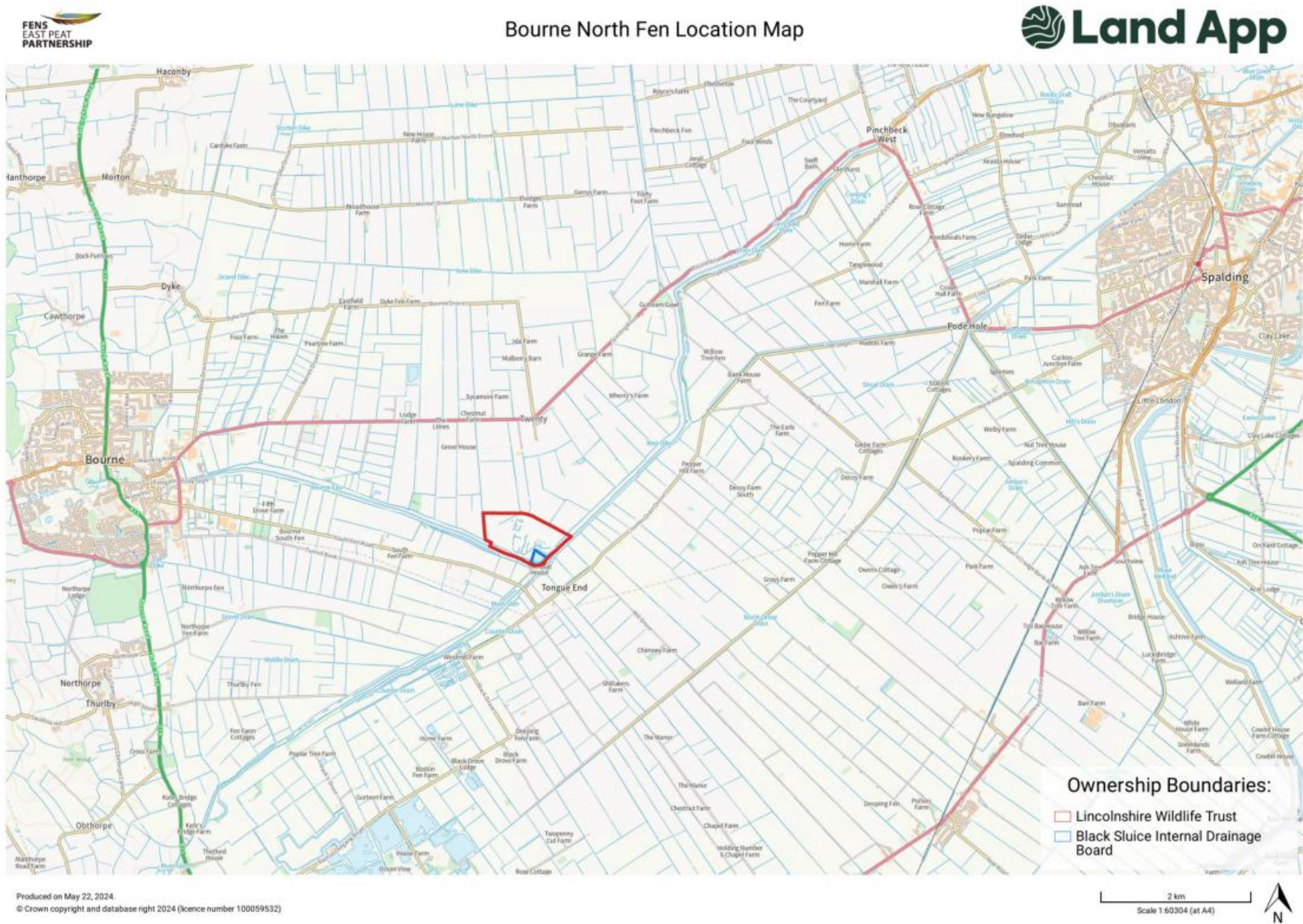
Thereafter, the site shall be operated in accordance with the approved Management Plan at all times.

Reason: To ensure that the proposed use does not have any unacceptable adverse impacts on highways safety and capacity, and residential amenity, as required by Policy DE1 and ID2 of the adopted Local Plan.

Standard Note(s) to Applicant:

- 1 In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paras 38 of the National Planning Policy Framework.

Site Location



Habitat Plan

