DECISION DELEGATED TO HEAD OF PLANNING

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| **Application No:** | **H02-0875-22** | **Applicant:** | **Flo-Gro Systems Ltd** |
| **Proposal:** | Proposed King Prawn Hatchery, Grow Out and Processing Facility | | |
| **Location:** | Decoy Farm Spalding Road Crowland | | |
| **Terminal Date:** | 5th December 2022 | | |

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

| | |
|---|---|
| 01 | Spatial Strategy |
| 02 | Development Management |
| 03 | Design of New Development |
| 04 | Approach to Flood Risk |
| 07 | Improving South East Lincolnshire's Employment Land Portfolio |
| 28 | The Natural Environment |

**National Guidance**

**National Planning Policy Framework 2021**

6 - Building a strong, competitive economy
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change
15 - Conserving and enhancing the natural environment

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 1 | 0 | 0 |
| WARD MEMBER | 0 | 0 | 0 | 0 |
| PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT | 0 | 0 | 0 | 1 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER | 0 | 0 | 0 | 1 |

| | | | | |
|---|---|---|---|---|
| NORTH LEVEL INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | 0 | 0 | 0 | 1 |
| OTHER STATUTORY BODIES | 0 | 0 | 0 | 4 |

## CASE OFFICER ASSESSMENT

### PROPOSAL

This is a full planning application at Decoy Farm, Spalding Road, Crowland for a proposed King Prawn Hatchery, Grow Out and Processing Facility. The proposal also seeks to provide a staff car park of 55 spaces, a brine / sludge tank, water treatment plant and an attenuation pond, which will be sited toward the north-western boundary of the site. The two proposed growout units will be 170.64 metres in length, 50.8 metres in width, have an eaves height of 5.61 metres and a ridge height of 8.28 metres. The buildings will be constructed from external box profile PVC coated steel sheeting. Internally box profile polyester coated steel sheeting with glass fibre insulation in the void will be provided. Solar panels will be sited on an east / west axis along the length of the buildings. Surface water will be addressed by SUDS with foul water addressed by a package treatment plant. The proposed number of employees is 48 full-time workers. The site will be bordered by a 2.4 metre high green RAL 6005 twin mesh security fence and posts.

### SITE DESCRIPTION

The site is outside of defined settlement limits and the surrounding area is predominately rural, characterised by non-nucleated linear development along Barrier Bank. Decoy Farm is sited to the south of the site with Barrier Bank and arable fields to the east. Arable fields are also sited to the west and north of the proposal site. The site is in Environment Agency Flood Zone 3 and predominately in a "Danger for Most" hazard area, with part of the site within a "Danger for All" hazard area on the 2115 South Holland Strategic Flood Risk Mapping. This mapping shows the site subject to a maximum predicted flood depth of 2 metres.

### RELEVANT HISTORY

None

### CONSULTATION RESPONSES

Lincolnshire County Council - County Highways & SUDS Officer

*"The proposed King Prawn hatchery, grow-out and processing facility is to be immediately adjacent to, and is to be accessed from, the B1176 Barrier Bank which, prior to the opening of the A16, was the A1073 and the main road between Spalding and Peterborough. This road is therefore considered to be suitable to accommodate the movement of vehicles associated with the proposed development."*

*"Two new accesses are proposed to be formed onto the public highway and these will need to be constructed in accordance with the guidance below. The alignment of the highway where vehicles would be entering the public highway is sufficiently level and straight at the point of access for adequate visibility to be available to drivers in both directions to be able to judge whether it is safe to complete this manoeuvre."*

*"The proposal will involve increasing the impervious area of the site and there will therefore need to*

*be in place, a surface water drainage strategy, to ensure that the consequent increase in the rate of discharge from the proposed development does not overwhelm the existing watercourse into which this surface water is to be discharged."*

*"The formation of the two new access points will require the construction of two structures to cross the existing roadside IDB watercourse. These structures will not be adopted by the highway authority but the construction activity will be taking place immediately adjacent to live traffic and, in the interests of safety and proper management, the developers/contractors will be required to agree the necessary Permits, Temporary Traffic Management and Road Space Booking with the highway authority prior to commencement. It is also requested that a Construction Traffic Management Plan be prepared, submitted and approved so that any adverse impacts of the construction of the proposed development as a whole, upon the safe operation of the highway, are mitigated as much as is possible."*

Construction management plan and surface water drainage conditions have been requested, along with a new access informative.

Lincolnshire County Council - Historic Environment Officer

*"Decoy Farm has been subject to a number of phases of archaeological work in association with previous industrial and agricultural developments on the site. These have failed to identify anything of archaeological significance, which supports the topographic evidence from Lidar (airborne laser scanning) that this low lying fenland area was probably not*
*suitable for occupation prior to drainage. Therefore, we would recommend that it would not be proportionate to require further archaeological input in association with the present proposal."*

South Holland District Council - Environmental Protection

*"No objection to amendment."* - Requests fixed plant and machinery noise condition.

Anglian Water

*"Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments."*

Environment Agency

*"This proposal comes under cell D4 of the local flood risk standing advice and does not meet any other criteria on our consultation checklist, 'When to consult the Environment Agency'. It was therefore not necessary to consult us; please consider the proposals against the guidance of the standing advice. We do not need to be consulted further on this application."*

Lincolnshire Police

No objections.

Crowland Parish Council

Support

Lincolnshire Wildlife Trust

*"We believe this to be a good location for such a development as the centre of the proposed development site is not within a 2km radius of any statutory or non-statutory sites."*

*"The species-specific measures outlined in section 5 (conclusions and recommendations) in the Preliminary Ecological Appraisal and Reptile Surveys document are fully supported by the Trust and we would recommend that these measures are included in the conditions of the development."*

*"The Preliminary Ecological Appraisal and Reptile Surveys document highlights the need for a biodiversity assessment to be undertaken in order to meet the required 10% net gain in biodiversity. This assessment needs to be undertaken before works begin on site, as well as plans proposed for how the 10% gain and the subsequent 30-year management and monitoring are to be achieved. It is recommended that a UK Habitats Assessment is conducted in order to use the DEFRA*

*Biodiversity Metric 3.1 calculator. Results from Phase 1 habitat surveys can be used but to a much lower standard of accuracy."*

North Level Internal Drainage Board

No objections.

Previously had objections to the submitted plans and amended plans have been submitted following discussions with the Board.

Lincolnshire Bat Group

*"Thank you for referring the PEA to Lincs Bat Group for comment. This a very thorough report and we would refer you to the sections on lighting re foraging bats at 4.3.16 and 5.2.15-5.2.17."*

## PLANNING CONSIDERATIONS

Principle of development

The proposal is for a use and scale of development suited to a rural environment. Whilst a king prawn hatchery is not a use currently present in the district, the nature of the building design and likely volume of vehicular movements is comparable to that of the medium sized agricultural unit.

The principle of development in this location is considered to be acceptable.

Assessment against SELLP Policy 2 - Development Management

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout of the proposal is comparable to a medium sized agricultural operation. No trees will be removed to facilitate this proposal. There is not considered to be a material impact on the character and appearance from the application.

2. The design and orientation is that of a standard agricultural operation.

3. The buildings will be constructed from external box profile PVC coated steel sheeting. Internally box profile polyester coated steel sheeting with glass fibre insulation in the void will be provided. The proposal materials of construction are considered to be appropriate for the site and are in keeping with agricultural buildings in the vicinity of the site.

4. Two new access points will connect to the road named Barrier Bank to the east of the site. These accesses will be constructed over an existing ditch. The County Highways & SUDS Officer has requested a construction management condition and a standard access informative. 55 parking spaces will be provided in the south-east of the site with a service yard for lorries at the north-east of the site. The level of parking provision is considered to be appropriate for the proposed 48 full time workers on site.

5. There is not considered to be a material impact on the capacity of existing community services and infrastructure from the proposal.

6. Due to the significant distance of over 200 metres to the nearest dwelling and the usage of the site there is not considered to be a noise, odour, disturbance or visual impact from the proposed usage or buildings. The 8.28 metre high buildings are approximately 20 metres from Barrier Bank at the nearest point, therefore there is not considered to be a material visual highway impact.

7. The site is in Environment Agency Flood Zone 3 and predominately in a "Danger for Most" hazard area, with part of the site within a "Danger for All" hazard area on the 2115 South Holland Strategic Flood Risk Mapping. This mapping shows the site subject to a maximum predicted flood depth of 2 metres. Surface water will be addressed by SUDS with foul water addressed by a package treatment plant. A surface water drainage condition has been requested by the County Highways & SUDS Officer. Due to the use not being for human habitation, there is not a requirement to raise finished floor levels to address flood risk.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

When assessed against the relevant criteria the following can be observed:

1. A sense of place is not considered to be materially affected by this application. The size, scale and layout of the proposal is comparable to a medium sized agricultural operation. No trees will be removed to facilitate this proposal. There is not considered to be a material impact on the character and appearance from the application.

4. The site is solely accessible by private transport. However, given the nature of the proposal it would not be suited to a location on a regular public transport route.

5. There is ample space on site for cycle and bin storage. 55 parking spaces will be provided in the south-east of the site with a service yard for lorries at the north-east of the site. The level of parking provision is considered to be appropriate for the proposed 48 full time workers on site.

11. Due to the significant distance of over 200 metres to the nearest dwelling and the usage of the site there is not considered to be a noise, odour, disturbance or visual impact from the proposed usage or buildings. The 8.28 metre high buildings are approximately 20 metres from Barrier Bank at the nearest point, therefore there is not considered to be a material visual highway impact.

12. The site is in Environment Agency Flood Zone 3 and predominately in a "Danger for Most" hazard area, with part of the site within a "Danger for All" hazard area on the 2115 South Holland Strategic Flood Risk Mapping. This mapping shows the site subject to a maximum predicted flood depth of 2 metres. Surface water will be addressed by SUDS with foul water addressed by a package treatment plant. A surface water drainage condition has been requested by the County Highways & SUDS Officer. Due to the use not being for human habitation, there is not a requirement to raise finished floor levels to address flood risk.

This application accords with SELLP Policy 3.

Assessment against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio - Other Employment Areas

When assessed against the relevant criteria the following can be observed:

a. The development does not conflict with neighbouring land uses. The development benefits from the proximity to the neighbouring site at Decoy Farm and will utilise the biomass energy available.

b. There is not considered to be a significant adverse impact upon the character and appearance of the area, due to agricultural nature of the building design and the siting approximately 20 metres from the highway at the nearest point.

c. The design of the buildings is in keeping with other agricultural buildings in the vicinity of the site.

d. There will be no significant adverse impact on the local highway network. The County Highways & SUDS Officer has no objections to the submitted details.

e. There will be no significant adverse impact upon the viability of delivering any allocated employment site. The proposed king prawn hatchery facility is well suited to this location and could not be adequately accommodated within an established industrial estate / employment site.

f. The site is solely accessible by private transport. However, given the nature of the proposal it would not be suited to a location on a regular public transport route.

g. There is an identified need for the business location outside of identified employment areas on the Policies Map.

This application accords with SELLP Policy 7.

Ecology and biodiversity net gain

A detailed Preliminary Ecological Appraisal and Reptile Survey has been submitted to support this

application. The walkover site visit was supplemented by historical records of protected species, priority habitats and non-statutory designated nature conservation sites falling within 2km of the site; these were obtained through consultation with Lincolnshire Environmental Records Centre.

The Ecology Report states:

*"The proposed landscaping scheme should seek to incorporate trees, shrubs and ornamental planting of greatest value to nature conservation, including nectar and fruit bearing plants which offer increased habitat value to aerial invertebrates. This, in turn, would provide refuge and foraging sources for locally occurring birds, bats, herpetofauna and mammals."*

Any vegetation removed on site will be done outside of the nesting season. Dark unit corridors will be maintained on site to allow for the free movement of bats away from artificial light. All excavations will be covered at night to avoid trapping nocturnal animals such as badgers and hedgehogs.

The Lincolnshire Bat Group and the Lincolnshire Wildlife Trust have no objections to the submitted details.

The proposed ecology works will be secured by condition.

## PLANNING BALANCE

It is considered that the scale and nature of the king prawn farming operation is ideally suited for the proposed site and will not materially impact the character and amenity of the surrounding area. This application is considered to accord with Policies 1, 2, 3 ,4, 7 and 28 of the South East Lincolnshire Local Plan, 2019, as well as Sections 6, 12, 14 and 15 of the National Planning Policy Framework, 2021.

## CONCLUSION

This application is recommended for approval.

## Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

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

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such

as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

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