

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H02-0889-20	Applicant:	Decoy Farm Power Ltd
Proposal:	Proposed erection of glasshouses, buildings, lagoons and ancillary infrastructure		
Location:	Decoy Farm Spalding Road Crowland		
Terminal Date:	4th February 2021		

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
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
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	1	0	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Proposed erection of glasshouses, buildings, lagoons and ancillary infrastructure.

Full Planning Permission is sought for the erection of 5.3ha of greenhouses, associated buildings, surface water lagoons and infrastructure to be constructed adjacent to an existing Anaerobic Digestion Plant.

This application essentially replaces the now expired permission for 5.3ha of glasshouses and associated infrastructure that was granted permission on the same site in April 2016 (H02-0161-16). An ecological assessment of the site has previously been carried out to assess the presence or otherwise of Protected Species and an archaeological survey undertaken which assesses the entire development site.

It is now proposed to erect 5.3ha of greenhouses, a packhouse and associated infrastructure. The greenhouses will be used to grow 600,000 kgs of strawberries per annum, which will reduce the need to import soft fruit during the times of the year when they are not able to be grown in the UK. Electricity from the AD plant will be used to power LED lighting in the greenhouses for year-round production, and residual waste heat currently dissipated to atmosphere will also be used. The CO₂ that is produced during the anaerobic digestion process will also be used to enhance crop growth.

The proposal will generate between 45-60 full-time employees working in the greenhouse and packing facility. As the production process is year-round, there is no seasonality and, therefore, labour demands are constant. A car parking area is proposed together with welfare facilities for the workforce and a dispatch area for produce leaving the site.

The site lies within Flood Zone 3a and the application is supported by an up to date flood risk assessment. The plans have been amended to introduce a small first floor refuge area, to accord with the FRA, and the applicant has submitted a Flood Warning Evac Plan to avoid the need for a condition to be imposed.

An up to date Preliminary Ecological Assessment has also been submitted since original submission.

Site Description

Decoy Farm has operated as a green waste composting facility for many years and, together with an Anaerobic Digestion (AD) plant and a solar farm, is now becoming a hub for green waste processing and the generation of renewable energy.

The AD plant consists of a series of digestion tanks, a feedstock clamp, associated buildings, plant and equipment. The plant uses agricultural feedstock to produce green electricity which is fed into the National Grid.

A solar farm is located to the south of the application site and this generates 5MW of green energy.

History

H02-0161-16. Proposed erection of glasshouses, buildings and ancillary infrastructure. APPROVED. 19-04-16. NOT IMPLEMENTED.

H02-0147-14. Erection of glasshousing, water treatment building, main grid connection building, installation of water treatment tank, siting of 6 no. portable amenity buildings and laying out of car-park and the construction of surface water lagoon. APPROVED. 13-05-14. NOT IMPLEMENTED.

Consultation Responses

Crowland Parish Council

The Parish Council support this application, but would like to see the access improved in order to improve the current problems of contaminating the highway with mud and gravel.

SHDC Inward Investment Team

Inward Investment are keen to support this application as it promotes the increasing use of technology in our agricultural and horticultural sector, dovetailing perfectly with the recycling and renewable energy elements that already exist on the site, further boosting its environmental credentials. It also demonstrates how technology can help to maximise food production from a minimum footprint, increasingly important as we become more reliant on home grown produce. The creation of 45 - 60 jobs will also be most welcome at a time where the number of people out of work in the district is rising.

SHDC Environmental Protection

No objection.

LCC Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

LCC Historic Environment Officer

This office has been consulted on similar previous proposals for this site and we would like to reiterate our earlier advice.

This site has the potential to contain significant archaeology, which is why there is a requirement for archaeological work to take place during the development of the proposed energy and recycling park. The majority of this proposed development is unlikely to disturb archaeology however there is a greater potential for this during the groundworks of the proposed lagoon.

Therefore given this it is recommended that the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook). This should be secured by South Holland District Councils Standard Conditions AR01, 02 and 03. 'They 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, section 16, paragraph 199.

Initially envisage that this would involve monitoring the stripping of the site of the lagoon and recording any features seen in plan as in a strip, map and record.

Environment Agency

The proposed development will only meet the National Planning Policy Framework's (NPPF) requirements in relation to flood risk if a planning condition is included to ensure that the development accords with the FRA.

Anglian Water

No comments to make.

North Level District IDB

No comment to make with regard to the application.

Police Designing Out Crime Officer

Lincolnshire Police do not have any objections to this application.

Lincolnshire Wildlife Trust

"Have no issues with the development as long as further survey work and recommendations for protected species are carried out as suggested in Chapter 5. Ideally these should be carried out and assessed before planning permission is given to enable the local planning authority to make a fully informed decision. Please note that ecological surveys and tests should be within the optimal times stated.

Recommendations in chapter 5 of the report should be carried out and checked for compliance on completion of the development. This will ensure no net loss of habitat and biodiversity net gain as outlined in Policy 28 (3) of the South East Lincolnshire Local Plan, Paragraph 170 (d) of the NPPF and chapter 1 the government's 25-year Environment Plan 'to embed an 'environmental net gain' principle for development, including housing and infrastructure'.

Planning Considerations

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Policy 1 of the South East Lincolnshire Local Plan, 2019 indicates that new development will be permitted in the countryside where it is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Explanatory text indicates that there are certain types of use that need to function in the countryside, such as agriculture and forestry.

The National Planning Policy Framework, March 2019 promotes sustainable economic growth. Paragraph 83 specifically indicates that planning policies and decisions should support the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings.

Policy 7: Improving S E Lincolnshire's Employment Land Portfolio, sets out that new employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non allocated sites may be acceptable, subject to certain criteria. These criteria pick up the same themes as the criteria discussed below.

Policy 31: Climate Change and Renewable and Low Carbon Energy of the SELLP, sets out that

with "... the exception of Wind Energy the development of renewable energy facilities, associated infrastructure and the integration of decentralised technologies on existing or proposed structures will be permitted provided, individually, or cumulatively, there would be no significant harm to:

1. visual amenity, landscape character or quality, or skyscape considerations;
2. residential amenity in respect of: noise, fumes, odour, vibration, shadow flicker, sunlight reflection, broadcast interference, traffic;
3. highway safety (including public rights of way);
4. agricultural land take;
5. aviation and radar safety;
6. heritage assets including their setting; and
7. the natural environment."

The principle of this form of development on this site has been accepted by previous consent, and although the adoption of the SELLP and the publication of the NPPF 2019 has taken place since those consents, the principle intentions and considerations are a common thread.

The proposal constitutes agricultural development in the countryside in principle and satisfactorily complies with Policies 1 and 31 of the SELLP. The details of this case are discussed below.

Visual amenity, landscape character or quality, or skyscape considerations

South East Lincolnshire is within The Fens National Character Area. The Local Plan Area is notable for its large-scale, flat, open landscape with extensive vistas to level horizons.

The principle of this form, bulk and massing of development has been accepted on this site, and although since previous decisions the development plan includes a new suite of policies, the principles are similar. The greenhouses measure 6m to the eaves with low pitched roofs and are a relatively common sight across the Lincolnshire landscape. The view of these will be set against the backdrop of the AD plant, which consists of similar sized buildings (12m) and tall tanks (17.3m).

The development would have an impact on the character of this site, however this is to be tempered by the existing development on the land holding. This form of development, although large in scale, is not entirely alien to this part of the District.

Residential amenity

It is not considered that the development would have an impact on dwellings within the area. Spalding Road and the environs are sparsely developed. Poplar Farm is located over a km to the west, and Thornbury Hall is similarly located to the east. It is considered that there is sufficient distance to protect the amenities of these and other local residents.

Notwithstanding this, given the topography of the area, a condition is proposed to restrict sound levels when measured from nearby dwellings.

Highway safety (including public rights of way)

LCC as the Local Highway and Lead Local Flood Authority raise no objection to the development.

The Parish Council would like to see measures to improve mud and gravel on this part of the highway, and this would be ameliorated by improvements to the access surfacing. The details of this are required via proposed condition.

No rights of way are affected.

Agricultural land take

The use of this proposal and the associated land take have been previously agreed. It is not considered that there would be sufficient reason to withhold permission based on this, particularly given the wider thrust of Policy 31, and the wider policies of the SELLP.

Aviation and radar safety

No impacts would result. The development is restricted in height.

Heritage assets

This site has the potential to contain significant archaeology, and in line with the LCC officer suggestion, pre commencement conditions are suggested and have been agreed with the applicant.

The application is considered to accord with the provision of Policy 29 of the SELLP and the provisions of the NPPF.

The natural environment

A Preliminary Ecological Assessment has been submitted and considered by the Lincolnshire Wildlife Trust. As a result of this, a condition is proposed to ensure that the works set out within the Assessment are undertaken.

The application is considered to accord with the provision of Policy 28, of the SELLP and the provisions of the NPPF.

Foul and Surface Water Drainage

Foul sewage is to be disposed of via a package treatment plans. Surface water drainage is to be dealt with via the proposed pond on the site and is designed as an integral part of the development.

Anglian Water and the JNorth Level District IDB have no comments to make with regard to the application.

The application is considered to accord with the provision of Policies 2, 3 and 4 of the SELLP and the provisions of the NPPF.

Planning Balance

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.

The proposed garage does not materially harm the character or appearance of the locality, the amenity of nearby residents or the other criteria set out in the various policies of the SELLP. Taking into consideration these factors, the proposal is considered to comply with with the provision of Policies 1, 2, 3, 4, 7, 28, 29, 30, 31 and 36 of the SELLP and the provisions of the NPPF.

Conclusion

Approve.

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.