

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H03-0489-19 **Applicant:** D V Ventures

Proposal: Installation of 13 No. containerised wood pellet biomass boilers and 13 No. wood pellet silos - (retrospective)

Location: Deeping Farm Main Road Deeping St Nicholas

Terminal Date: 9th August 2019

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
30	Pollution

National Guidance

National Planning Policy Framework 2019

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks full planning consent retrospectively for the installation of 13 No. wood pellet biomass boilers within steel containers, and 13 No. wood pellet silos at Deeping Farm, Main Road, Deeping St Nicholas.

Planning permission is required because the boiler exceeds 45kw.

Boilers 1-10 are identical and are 199kw containerised wood pellet boilers. These boilers were installed between 16/01/2014 and 20/03/2014.

Boilers 11-13 are identical and are 990kw containerised wood pellet boilers. These boilers were installed between 10/05/2017 and 28/06/2017.

Site Description

The existing poultry unit extends to 16 No. poultry buildings, together with associated infrastructure, including access, hard standings, feed bins, boilers and site office and a recently approved manager's dwelling. The most recently approved 6 poultry buildings took the capacity of the site to 740,000 birds.

The buildings are purpose built poultry units. Each building is of a steel portal frame construction, with the walls being concrete to 600mm with polyester coated profile sheeting above in juniper green. The roof cladding is also be polyester coated profile sheeting in natural grey.

The site operates under the Environment Agency's IPPC permitting regime.

History

H03-0608-17 BRANDONS POULTRY, DEEPING FARM, MAIN ROAD, DEEPING ST NICHOLAS,
Erection of an agricultural workers dwelling D V Ventures Ltd
FULL Deeping St Nicholas
Approved Decided : 31-08-17 Issued : 31-08-17

H03-1289-16 BRANDONS POULTRY, DEEPING FARM, MAIN ROAD, DEEPING ST NICHOLAS,
Erection of 6 No. additional poultry buildings on established
FULL Deeping St Nicholas
Approved Decided : 10-03-17 Issued : 10-03-17

H03-0093-11 Deeping Farm, Main Road, Deeping St Nicholas, Spalding Lincs,
Installation of six 2 tonne propane gas tanks
HAZARDOUS SUBSTANCES Deeping St Nicholas
Approved Decided : 07-04-11 Issued : 07-04-11

H03-0831-10 Deeping Farm, Main Road, Deeping St Nicholas
Details of external colour scheme (Condition 3 of H03-0597-1)
CONDITION COMPLIANCE
Approved Decided : 15-10-10 Issued : 15-10-10

H03-0597-10 Deeping Farm, Main Road, Deeping St Nicholas, Spalding Lincs
Erection of 2 poultry houses, storage, 3 associated feed
SEC 73 MODIFICATION
Approved Decided : 14-09-10 Issued : 14-09-10

H03-0331-10 Deeping Farm, Main Road, Deeping St Nicholas, Spalding Lincs, PE11 3BW Neil J Bland Ltd
Richard Fidler Erection of 2 poultry houses, storage, 3 associated feed bin D V Farms LLP
FULL
Approved Decided : 23-06-10 Issued : 23-06-10

H03-0236-00 Deeping Farm, Deeping Fen, Deeping St Nicholas, Spalding Lincs Talbot Associates
Additional turkey rearing unit (unit no 8) Brandons Poultry Ltd
FULL
NON-DETERMINATION Decided : 13-03-00 Issued : 13-03-00

H03-0235-00 Deeping Farm, Deeping Fen, Deeping St Nicholas, Spalding Lincs Talbot Associates
Peter Udy Additional turkey rearing units (Unit Nos 7 & 8) Brandons Poultry Ltd
FULL
Approved Decided : 27-04-00 Issued : 27-04-00

Consultation Responses

Environment Agency (Summarised):

We advise your Authority and applicant should be content that the residual risk, as identified in the additional information based on the possible flood depths the site may experience (up to 1m), are acceptable and can be appropriately managed for the lifetime of the development.

Lincolnshire County Council (SUDs):

Do not wish to restrict the grant of planning permission.

Environmental Protection (SHDC):

I note the biomass boilers are permitted/regulated by the Environment Agency.
I have no comments to make in respect of this application.

Planning Considerations

Visual/landscape impacts:

The 13 biomass boiler units are noticeable and visible in the landscape but will be read as an extension and addition of plant to an existing poultry farm and the proposed development is considered acceptable in visual and landscape terms. With the distance from the main road and the existing buildings on site the visual impacts are not significant and no material harm to the landscape will result from this development.

Flood Risk:

The site is shown in an area where inundation in a flood event could reach 1m in depth in the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) hazard mapping. However the Environment Agency do not object and ask that the Local Planning Authority be content that the risk can be managed.

The updated Flood Risk Assessment accounts for this and makes it clear that the bases of the boilers will keep them far enough off the ground, combined with waterproof construction in the sections that would come into contact with flood water, to mitigate the risk.

Conclusion

There are no reasons to resist or refuse the proposed development and approval under delegated powers is recommended.

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.