# SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** **Development Manager**

**To:** **Planning Committee - 07 September 2022**

**(Author:** **Polly Harris-Gorf - Principal Planning Officer)**

**Purpose:** **To consider Planning Application H04-0130-22**

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| **Application Number:** | H04-0130-22 | **Date Received:** | 08 February 2022 |
| **Application Type:** | FULL | | |
| **Description:** | Erection of 6 No. poultry houses and associated infrastructure. | | |
| **Location:** | Land at Gibbet Fen Fen Road Donington | | |
| **Applicant:** | Wray Trading Ltd. | **Agent:** | Ian Pick Associates Ltd. |
| **Ward:** | Donington, Quadring and Gosberton | **Ward Councillors:** | Cllr H J W Bingham<br>Cllr S C Walsh<br>Cllr J L King |

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H04-0130-22

## 1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 As a result of the level of public objection and concern received and the issues that the proposal raises.

## 2.0 PROPOSAL

2.1 Erection of 6 No. poultry houses and associated infrastructure. The application has been revised to remove the originally proposed agricultural dwellings and to include landscaping. The site would be accessed using the field entrance to the A52 Fen Road which would be upgraded as part of the proposals.

2.2 The applicants operate an established farming business from Northorpe Farm, Northorpe, Donington. The farming business is currently based on arable cropping. The application sets out that the applicants propose to diversify their agricultural business through the development of a poultry unit which will be used for the production of broiler chickens.

2.3 Specifically the application consists of the following development:

Poultry Houses - 6 No. Poultry Buildings, each measuring 109.722m x 24.384m with an eaves height of 2.5m and ridge height of 5.785m. The poultry buildings are connected by 3 No. link control rooms which each extend to 45 sq m.

The 6 No. poultry buildings each have a capacity of 55,000 birds, with the total capacity of the site extending to 330,000 birds. To be used for rearing of day-old chicks through to finished table weight.

Feed Bins - 9 No. Feed Bins with a diameter of 3.5m and a height of 8.6m. They provide feed

storage for poultry feed.

Concrete Apron - A 3750 sq m external concrete apron. To provide for access and loading / unloading of HGVs.

Dirty Water Tanks - 2 No. underground SSAFO (The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (Amendment) Regulations 2010) certified dirty water tanks. Underground dirty water tanks conforming to SSAFO regulations are proposed to contain washing out water.

Gas Tanks - 1 No. block of 5 No. gas tanks. To provide storage of LPG for the poultry unit heating systems.

Backup Generator - 1 No. backup generator measuring 4m x 2m with a height 1.5m. To provide a backup power supplier in the event of mains electric failure.

Plant Room - 1 No. plant room measuring 7m x 3.5m with an eaves height of 2.4m and ridge height of 2.872m. To house the electric supply.

Water Tank - 1 No. Water Tank with a diameter of 4.672m and a height of 3.6m. To provide on-site storage for 24 hours of drinking water for the poultry.

Amenity Building - 1 No. amenity building measuring 12m x 6m with an eaves height of 2.7m and a ridge height of 3.97m. To provide storage, office and staff facilities.

Car Parking - 4 No. car parking spaces. To provide staff and visitor car parking.

Dead Bird Shed - 1 No. dead bird shed measuring 6m x 3m with an eaves height of 2.4m and ridge height of 2.792m. To provide secure storage for casualty birds awaiting collection.

Attenuation Pond - 1 No. drainage attenuation pond. To provide a sustainable drainage system for the proposed development.

2.4 The application has been informed by the Environmental Impact Assessment. The application is supported by the Assessment and a Dirty Water Tank Specification, Landscape and Visual Impact Assessment, Noise Impact Assessment, Odour Impact Assessment, Preliminary Ecological Appraisal, Ammonia Impact Assessment, Flood Risk and Drainage Assessment. In addition a Design and Access Statement, a Fly and Pest Control Management Plan and an Odour Management Plan has been submitted. Also, an update regarding archaeological trial trenching has been provided.

## 3.0 SITE DESCRIPTION

3.1 The A52 Fen Road is situated approximately 0.7km to the south of the development, which will provide access to the site, and the upgrading of this access is described below.

3.2 The site, of some 10.5 hectares, is located within an agricultural field that is edged by a combination of hedgerows with intermittent tree field boundaries and drainage ditches. Small pockets of woodland sit in the local landscape, but the area is generally unwooded. The site sits adjacent south of the railway line. The site sits in a generally flat landscape.

3.3 There is a small open drainage ditch along the northern site boundary adjacent to the Spalding to Sleaford railway lines. There is an open agricultural drainage ditch to the south west of the site and an open agricultural drainage ditch crossing the site (Old Swimmer Dam Drain). There is a large open drain along the north western site boundary (Hammond Beck).

3.4 The land is located within Flood Zone 3. The new poultry buildings are classed as 'Less Vulnerable' development which is considered appropriate in Flood Zone 3.

## 4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

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

1 Spatial Strategy
2 Development Management
3 Design of New Development
4 Approach to Flood Risk
7 Improving S E 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

**National Guidance**

National Planning Policy Framework (NPPF), 2021

2 Achieving sustainable development
4 Decision-making
6 Building a strong, competitive economy
8 Promoting healthy and safe communities
11 Making effective use of land
12 Achieving well-designed places
14 Meeting the challenge of climate change, flooding and coastal change
15 Conserving and enhancing the natural environment
16 Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

## 5.0 RELEVANT PLANNING HISTORY

5.1 None.

## 6.0 REPRESENTATIONS

6.1 The application is a Major Development and has been advertised in the press and via site notices under Article 15(3) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, as well as the usual consultation exercise.

6.2 Donington Parish Council

Objections.

- Animal welfare on such a high scale.
- The proposed access is on to a very busy, maximum speed, A52. It is felt with the turnaround of stock, food deliveries etc the traffic will be in excess of the suggestions made.
- Environmental - the smell arising from the hen houses will mount up and may cause potential contamination of the Hammond Beck. This is an example of yet further infrastructure in the Fens, changing agricultural land into industrial.

The PC object to this application as it is their view that future monitoring by SHDC, regarding the above mentioned animal welfare, excess vehicles and continued environmental concerns will not be undertaken or enforced, and this application offers the opportunity of expanding in the future if this is approved.

6.3 SHDC Ward Members

6.4 Cllr S C Walsh

"Whilst Investment in local business and jobs are to be encouraged we need to be very mindful of animal welfare and noise/air /environmental pollution. Should planning be agreed then it must be with such conditions that have animal welfare at their centre, regular inspections and with power to act if they fall short at any time. Assurances need to be given that there will very little impact on the environment and to any smell/noise from the units which could impact on the quality of local life. Not sure why two 3 bedroom properties are required when the application shows only 2 full-time employees and 0 part-time employees. Can 2 employees really look after this amount of chickens safely?."

6.5 Cllr J L King

"I understand the need for farmers to diversify now but I do have concerns regarding the welfare of this many birds and would want assurances that this will be monitored thoroughly and action taken immediately should issues occur. There are some concerns over the smell from these sheds also the extra traffic coming onto the main road."

6.6 SHDC Environmental Protection

Comments.

Note the points covered by the applicant in their supporting information.

No objection to fly or odour management plans.

6.7 LCC Highways & SUDS Support

Does not wish to restrict the grant of permission, subject to informatives.

The proposed development is to be accessed from the A52 via an existing field gate which is to be improved by the provision of a 15 metre radius on each side and the roadway widened to 7.3 metres for a distance of 20 metres from the A52 carriageway edge. These improvements will allow simultaneous two-way HGV movements within the entrance splay area so that in-bound vehicles will not have to wait in the highway or reverse out of the entrance road into the highway in the event that there should be another vehicle leaving the site. Passing places are to be provided along the access road between the A52 and the site of the poultry buildings. Visibility splays of 2.4 metres x 215 metres are achievable on this straight section of the A52 which will provide drivers leaving the site with sufficient visibility of any vehicles approaching from their left or right to be able to judge if it is safe to proceed into the highway.

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, subject to the the improvement of the site entrance in accordance with the submitted details, the construction and operation of the proposed poultry sheds and the associated workers dwellings would not be expected to have an unacceptable impact upon highway safety and therefore not wish to object to this planning application.

6.8 LCC Rights of Way and Countryside Access

6.9 No objection.

- No encroachment is shown on to the Right of Way (Donington Footpath No. 19)
- development should not pose any dangers or inconvenience to the public using the right of way
- footpath surface should not be disturbed or surfaced without LCC consent.

6.10 LCC Historic Environment Officer

The proposed development is located in the vicinity of recent archaeological evaluations ahead of the construction of the Triton Knoll and Viking Link developments that have revealed evidence for Iron Age and Roman settlement. Whilst some areas were already identified in the Lincolnshire Historic Environment Record (HER) from cropmark evidence, other remains were

encountered which were previously unrecorded. This has identified the potential for unknown archaeological remains to survive in this area, which could be impacted by the proposed development. The HER also has a record for an Iron Age/Roman beehive quern stone having been ploughed up two fields on this side of the railway line, two fields to the west of this site.

Following the submission of archaeological trial trenching, the LCC officer confirms that based on the results of this evaluation as detailed in this report he is confident that the proposed development would not have an impact on significant archaeological remains. Therefore he recommends that no further archaeological input be required.

6.11 Historic England

No comment to make.

6.12 Department for Levelling Up, Housing & Communities

Have no comments to make on the environmental statement.

6.13 North Kesteven District Council

No objections to the proposed development.

6.14 Anglian Water

No connection to the Anglian Water sewers, therefore have no comments.

6.15 Black Sluice Internal Drainage Board

Rainfall Runoff -

It is understood from the documentation provided that surface water from the proposed poultry units will be discharged to an adjacent watercourse with the discharge restricted in line with current guidance via an overflow from a proposed storage lagoon.

If this is the case, then the prior written consent of the Board is required (a relaxation of the Board's Byelaw No. 3).

It is noted that the proposed dwellings to be built as part of the development will be drained separately from the poultry units, but the method of disposal has not been indicated.

If soakaways are to be used, then any soakaways or infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code. Evidence that soakaways are appropriate should be submitted to the local planning authority for their approval.

If soakaways prove unsuitable, then it is assumed that a discharge to an adjacent watercourse will be considered. If this is the case, then as above, the prior written consent of the Board is required.

Full details of any surface water schemes for the proposed development should be submitted to the local planning authority for consideration and approval.

Disposal of Foul or Dirty Water -

It is understood that foul water, from both the poultry unit amenity block and the associated dwellings, is to be discharged via package or bio-treatment units.

If the final discharge is to any watercourse, then the Boards prior written consent is required, and a discharge fee will be due based on the total daily discharge in cubic metres.

Please be aware that any discharge over 5 cubic metres per day will require the consent of the Environment Agency.

If soakaways are to be used, then any soakaways or infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code. Evidence that

soakaways are appropriate should be submitted to the local planning authority for their approval.

Discharge Outfalls -

If the proposed surface or treated water discharge outfalls are into any watercourse, Section 23 Land Drainage Consent will be required for any structures placed in the bank.

Access to Watercourses / Byelaws -

There are Board-maintained open watercourses on the north western, south eastern and south western boundaries of the site. The Board does not own the land within which there watercourses lie. The Board is only responsible for the conveyance of flows.

The Board has a byelaw (No.10) which prohibits the siting of any obstructions, whether temporary or permanent, including planting, within 9 metres of the top of the bank of an open watercourse maintained by the Board without the prior written consent.

The Board would prefer to see all infrastructure connected with the development, including any boundary fences or other landscaping, to remain outside of the 9 metre byelaw distance so that the Board can carry out its statutory works without hindrance at any time. The applicant is advised that the Board will continue to deposit arisings from the watercourse within this byelaw distance as required. If the applicant does not wish this to occur, then they will be responsible for the costs of removing the arisings to a suitable waste transfer facility at their cost.

Filling in or Culverting Watercourses -

The Board notes that the applicant intends to install culverts within adjacent watercourses to provide access to the development, including the associated dwellings.

If this is the case, then under Section 23 of the Land Drainage Act 1991, the prior written consent of the Board is required for any proposed permanent or temporary works or structures, within any watercourse, including infilling or diversion. This includes the replacement of any existing structures. Application forms are available on request from this office or can be downloaded from the Board's website.

The applicant is reminded that within common law, the ownership and maintenance responsibility for any watercourse and any structures within lies with the adjacent landowners, regardless of whether the watercourse is maintained by the Board. Where a section of watercourse lies wholly within a land or property boundary, then the land or property owner is considered wholly responsible for the ownership and maintenance of that section of watercourse and any structures within, unless proved otherwise.

6.16 Environment Agency

Objected to the original submission as a Flood Risk Assessment (FRA) had not been submitted.

Subsequently reviewed the amended FRA and proposed drawings and consider that they satisfactorily addresses earlier concerns. Recommend condition relating to the FRA.

An informative is also suggested that sets out the Environment Agency's advice.

6.17 Lincolnshire Bat Group

Comments. This is an excellent report and we would refer you in particular to the section on lighting, p21, whilst endorsing the general recommendations. Note that pipistrelle bats are likely to be foraging/ commuting along the Hammond Beck and railway line, from work we have done elsewhere in the immediate area.

6.18 Natural England

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient

woodland, ancient and veteran trees which you can use to assess any impacts on ancient woodland or trees.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

6.19 Network Rail

No objection in principle to the development, but below are some requirements which must be met:

**Development Construction Phase and Asset Protection**

Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed will include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works.

**Drainage**

It is imperative that drainage associated with the site does not impact on or cause damage to adjacent railway assets. Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail. Please note, further detail on Network Rail requirements relating to drainage and works in proximity to the railway infrastructure.

**Lighting**

Where lighting is to be erected adjacent to the operational railway, the potential for train drivers to be dazzled must be eliminated. In addition, the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

**Railway Level Crossings**

It is noted that the proposed development site is in close proximity to the Hammond Beck railway level crossing which accommodates public footpath no. 19. Railway safety is of paramount importance to us and we would ask that level crossing safety leaflets are included in information/welcome packs provided to the new occupants of the residential units and workers at the site.

In addition, the level crossing approaches, gates, warning signs and equipment should remain clear and unobstructed at all times both during demolition/construction works and during subsequent operation of the site. This is in order to ensure that all crossing users enter and leave the crossing area safely and unobstructed at all times.

Suggest conditions and informatives to deal with the above matters.

6.20 Police Crime Prevention Design Advisor

Lincolnshire Police do not have any objections to this application.

6.21 Public

11 objections, points made summarised as follows:

- more humane, open air chicken farm would be preferable
- animal welfare concerns
- flood risk on welfare of chickens
- ongoing issues of intensive livestock farming nearby
- intensification of industrial scale farming in area
- impact on local landscape
- location is in a flood zone; potential environmental impact leading to waste, chemicals and fouling of local water table
- traffic on to the A52 and highway safety on the A52 and within Donington
- vibrations from heavy load vehicles
- using Public footpaths - pedestrian safety
- odours and air quality
- ammonia nitrate deposits
- using excessive energy to power fans & cooling equipment
- pollution of waterways
- muck storage and removal
- low employment
- noise
- flies
- expansion concerns
- question the need for two three bedroom dwellings

6.22 One comment:

- dry matter and dust content
- need for landscaping
- impacts on ecosystem and watercourses. Involvement of the Environment Agency

## 7.0 CONSIDERATIONS

### 7.1 Planning Considerations

7.2 The main issues in this case are:

Principle of Development and Sustainability
Layout and Design
Refuse and waste collection
Highway safety and parking
Impact of neighbouring Residents/land users
Environmental Impacts
Flooding considerations
Foul and Surface Water Drainage
Landscape Impact and public views
Heritage considerations and Archaeology
Biodiversity
Lighting/Hours of Use

7.3 Principle of Development and Sustainability

7.4 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.

7.5 The National Planning Policy Framework, March 2021 promotes sustainable economic growth. Paragraph 84 specifically indicates that planning polices 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.

7.6 Para.84 of the NPPF sets out that:

*Planning policies and decisions should enable:*

*a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*

***b) the development and diversification of agricultural and other land-based rural businesses;***

*c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*

*d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

7.7 Para.85 of the NPPF goes on to say:

*Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*

7.8 In accordance with the above policy and advice, therefore, no objections are raised in principle to sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings.

7.9 Objections have been made to the intensive nature of this form of agricultural enterprise. Although not supported by some members of the public and councillors, such poultry houses are not uncommon and come under a licencing regime controlled by the Environment Agency. In addition, as can be seen above, the Department for Levelling Up, Housing & Communities have no comments to make on the environmental statement that has been submitted to support this application.

7.10 Objection has also been raised to the future possibility of expansion. The Local Planning Authority is required to consider the application before it, in the form that is presented.

7.11 The application has been informed by the Environmental Impact Assessment and associated documents, which are discussed below.

7.12 Paragraph 188 of the NPPF refers to developments where a separate Environmental Permit is required in terms of the operation of the site. Paragraph 188 clarifies that if an Environmental Permit is required, the planning system should not focus on issues which are controlled by the permitting process. In this instance, the permit controls all emissions from the site - odour, noise, dust, ammonia, waste disposal, dirty water management etc.

7.13 Animal welfare standards are similarly controlled by alternative legislation outside the planning regime and all farms, regardless of size, are required to comply with UK law on animal health and welfare, veterinary medicines and environmental legislation.

7.14 The two agricultural dwellings were removed from this scheme as a functional or business case could not be provided at this time. Once the facility is functioning officers expect that a further application will be made for ancillary dwellings. Such an application would need to be considered at the time of submission.

7.15 Layout and Design

7.16 The application is supported by a Design and Access Statement, that sets out the proposals. The form and extent of the proposals are described above. The form of development proposed

is designed to the function of the buildings and associated structures, and is typical of this form of development. This part of the District is not covered by any special landscape designation, nor is it a SSSI, and the proposals are to be considered on their merits.

7.17 Each poultry building and the associated buildings would be of steel portal frame construction, with the walls being preformed concrete to 600mm with polyester coated profile sheeting above for the walls and roof which would be coloured olive green. The proposed buildings would be fitted with high velocity ridge mounted ventilation fans and side inlet vents. Internal equipment includes pan feeders, nipple drinkers and indirect gas heating. Emergency fans for hot weather would be located within the northern elevation of the proposed buildings. Each poultry building would be served by an attached control room located between each pair of poultry buildings at the southern end.

7.18 The ancillary buildings, including the control rooms, plant room, amenity building and dead bird store would be constructed from a steel frame with profile sheet cladding for the walls and roof in olive green.

7.19 Since submission the application has been amended to show landscaping around the proposals to minimise impacts. This is discussed further below.

7.20 In addition to planning permission, the proposed development of the poultry unit requires an Environmental Permit from the Environment Agency in order to operate. The permit must take into account the whole environmental performance of the plant, covering e.g. emissions to air, water and land, generation of waste, use of raw materials, energy efficiency, noise, prevention of accidents, and restoration of the site upon closure. The purpose of the Directive is to ensure a high level of protection of the environment taken as a whole. The requirements of the Environmental Permit must be based on operating best available techniques. In terms of atmospheric emissions from the proposed poultry installation, the proposal is to utilise a high velocity ridge mounted ventilation system. This type of ventilation system is deemed to be best available technology for the dispersal of odour and other atmospheric emissions.

7.21 Refuse and waste collection

7.22 The application is supported by the Environmental Assessment that includes a Dirty Water Tank Specification, Odour Impact Assessment, Ammonia Impact Assessment, In addition a Fly and Pest Control Management Plan and an Odour Management Plan has been submitted.

7.23 The manure removal process from the poultry buildings would be undertaken with a mechanical loader. All manure would be loaded from the sheds into trailers which would be sheeted and transported off site for disposal via biomass power stations.

7.24 Following the removal of the manure, the buildings would be washed with high pressure hoses. The inside of the proposed buildings would be drained into sealed underground dirty water containment tanks. All washout water from the site would be contained within the dirty water system.

7.25 At the end of each cleanout period, the tank would be emptied by vacuum tanker for appropriate disposal. The dirty water management system is an absolute requirement for the Environmental Permit and ensures that the proposal does not have the potential for contaminated runoff.

7.26 Clean roof water and yard water will be discharged to the proposed attenuation pond with a restricted discharge to the drainage ditch system.

7.27 It is considered that adequate detail has been given to determine this application, however, given the consultation responses above from the Internal Drainage Board and National Rail, conditions are suggested to require further submission of surface and foul water disposal, in order that the details are approved and that control is maintained.

7.28 Highway safety and parking

7.29 The proposal requires the formation of a new/amended vehicular access. These works would require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant.

7.30 The existing access point is on a straight section of the A52, within the national speed limit area. Visibility splays of 2.4m x 215m can be achieved to the east and west. Forward visibility of in excess of 215m is available for a right turning vehicle at the access point

7.31 As part of the development proposals, it is proposed to upgrade the access point to an industrial farm entrance specification, with 15m radii and 7.3m width, with a bound surface for the first 20m from the A52 carriageway edge.

7.32 The application submission sets out that proposed development would generate 780 commercial vehicle visits (1560 movements) per annum.

7.33 In terms of the pattern of vehicle movements, during the normal operation of the flock, there would be between 1 and 2 visits (2 - 4 movements) per day for feed deliveries, dead bird collections and fuel deliveries. Peak traffic would be generated on day 1 of each flock for chick delivery with 4 lorries (8 movements).

7.34 Further peaks would be generated on day 29 and 30 of the flock for removal of thinning birds with 6 lorries per day (12 movements), and then on day 37 and 38 for final clearance of the birds with 12-13 lorries per day (24-26 movements). Following the removal of the birds, a further peak would be generated for manure removal which requires 16 lorries over a 2-day period (8 lorries / 16 movements per day).

7.35 LCC Highway Services raises no objection to the proposal and their detailed response is set out above. 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, subject to the the improvement of the site entrance in accordance with the submitted details, the construction and operation of the proposed poultry sheds and the associated workers dwellings would not be expected to have an unacceptable impact upon highway safety and therefore not wish to object to this planning application.

7.36 In the light of the consultation response, it is considered that on balance planning permission could not be reasonably withheld on the grounds of traffic generation and highway safety. A routing agreement is not suggested by the highway authority, however the applicant has agreed in principle to the acceptance of a HGV management plan condition that would request a routing agreement to take HGV traffic eastwards towards the A17, rather than through the village. This is suggested below as a condition.

7.37 Impact of neighbouring Residents/land users

7.38 The site is located in open countryside with no immediate residential neighbours. The surrounding land is agricultural and the site is bounded by the railway.

7.39 Concerns have been raised regarding the proposed increase in traffic and in particular HGVs travelling through Donington and along the A52. The A52 is an existing A-road that is routinely used for domestic, agricultural and commercial vehicles. Although matters of noise and vibration are not easily able to be disaggregated out to specific vehicles or companies, in the interest of the amenity of Doningon the applicant accepts a HGV management plan condition that would request a routing agreement to take HGV traffic eastwards towards the A17, rather than through the village.

7.40 Any ongoing issues relating to other farms undertaking intensive livestock farming nearby are not relevant to this application, which is to be determined on its merits.

7.41 Environmental Impacts

7.42 As stated above, paragraph 188 of the NPPF refers to developments where a separate Environmental Permit is required in terms of the operation of the site. Paragraph 188 clarifies that if an Environmental Permit is required, the planning system should not focus on issues which are controlled by the permitting process. In this instance, the permit controls all emissions from the site - odour, noise, dust, ammonia, waste disposal, dirty water management etc.

7.43 Animal welfare standards are similarly controlled by alternative legislation outside the planning regime and all farms, regardless of size, are required to comply with UK law on animal health and welfare, veterinary medicines and environmental legislation.

7.44 The Environmental Permit must take into account the whole environmental performance of the plant, covering e.g. emissions to air, water and land, generation of waste, use of raw materials, energy efficiency, noise, prevention of accidents, and restoration of the site upon closure. The purpose of the Directive is to ensure a high level of protection of the environment taken as a whole. The requirements of the Environmental Permit must be based on operating best available techniques.

7.45 Notwithstanding this, the application is supported by the Environmental Impact Assessment, that includes a Dirty Water Tank Specification, Landscape and Visual Impact Assessment, Noise Impact Assessment, Odour Impact Assessment, Preliminary Ecological Appraisal, Ammonia Impact Assessment, Flood Risk and Drainage Assessment. In addition a Fly and Pest Control Management Plan and an Odour Management Plan has been submitted.

7.46 The documents have been considered in detail by SHDC Environmental Protection, the Environment Agency, Anglian Water and the Internal Drainage Board, as well as LCC as Lead Flood Authority and conditions are suggested below to ensure that the site is operated in accordance with the accepted reports and details. In addition, further information is sought by condition to clarify implementation of the Fly and Pest Control Management Plan and an Odour Management Plan.

7.47 It is the view of the relevant consultees that the proposals are acceptable, subject to conditions.

7.48 Flooding considerations

7.49 The site is located within Flood Zone 3. The new poultry buildings are classed as 'Less Vulnerable' development which is considered appropriate in Flood Zone 3. In terms of flood zone compatibility, the construction of 'Less Vulnerable' development is considered appropriate in Flood Zone 1, Flood Zone 2 and Flood Zone 3a.

7.50 A Flood Risk and Drainage Assessment has been submitted, which sets out a sequential test, as well as assessment and mitigation.

7.51 Regarding the submitted sequential test assessment, the Environment Agency Flood Map for Planning identifies the development site to be located within an area designated as Flood Zone 3, (high probability of flooding), comprising land assessed as having a 1 in 100 or greater annual probability of river flooding or a 1 in 200 year or greater annual probability of flooding from the sea.

7.52 As set out in the National Planning Policy Framework, the aim of the Sequential Test is to steer new developments to areas with the lowest probability of flooding.

7.53 The Flood Map for Planning produced by the Environment Agency shows that the land within the ownership of the development includes a small area of land designated as Flood Zone 1 (low probability of flooding) and Flood Zone 2 (medium probability of flooding), whilst most of the land is shown to lie in Flood Zone 3 (high probability of flooding). Consideration has therefore been given to try to locate the new poultry building within the lower flood risk area. However, due to the scale of the development, it becomes necessary for the new buildings to be located in Flood Zone 3a.

7.54 Where there are no reasonably available sites in the lower flood risk zone, then the NPPF advises that sites in Flood Zone 3a can be considered, taking into account the flood risk vulnerability of land uses. An Exception Test is only required if the development is classified as 'Essential Infrastructure' or 'More Vulnerable'. The proposed poultry building in this location is therefore categorised as 'appropriate development'.

7.55 There is a small open drainage ditch along the northern site boundary adjacent to the Spalding to Sleaford railway lines. There is an open agricultural drainage ditch to the south west of the site and an open agricultural drainage ditch crossing the site (Old Swimmer Dam Drain). There is a large open drain along the north western site boundary (Hammond Beck).

7.56 A desktop study of the British Geological Survey map reveals that the local geology comprises superficial deposits of Alluvium - Clay, Silt and Sand overlying bedrock comprising Peterborough Formation - Mudstone. Local borehole records reveal the underlying strata to comprise glacial clays extending to a depth of 30m below ground level. The ground conditions are therefore unsuitable for soakaways/infiltration methods to be utilised for the disposal of surface water run-off from the development. A study of the groundwater maps in the region shows that the proposed development does not overlay an aquifer. The groundwater vulnerability in the area of the development is classed as 'unproductive'.

7.57 For new developments lying within Flood Zone 3 the normal requirement is to elevate the ground floor by a minimum of 600mm above the existing ground level or above the predicted flood level where this information is available.

7.58 From the flood modelling data received from the Environment Agency, the predicted flood water level at the location of the development has been calculated at 1.71m OD(N) for the 1 in 100 flood event plus climate change and 1.88m OD(N) for the 1 in 1000 flood event plus climate change.

7.59 It is recommended that the floor construction level of the new poultry buildings should be set at a minimum level of 2.20m OD(N), which provides a minimum freeboard of 300mm above the 1 in 1000 probability flood event level which should adequately account for future climate change.

7.60 For developments lying within Flood Zone 3(a), it is a requirement to provide flood resilient construction up to a height of 300mm above the elevated ground floor construction level in order to minimise the extent of flood damage, should flood waters enter the building and to enable ease of reconstruction and minimise the timescale of any repair works. For this development this would result in a flood resilient construction level of 2.50m OD(N).

7.61 The poultry buildings are agricultural and consequently would not incorporate any internal finishes. Providing all electrical or other flood sensitive equipment is elevated to a minimum height of 300mm above the raised floor level, the buildings should not suffer any damage in the event of a major flood event.

7.62 The development should subscribe to the Environment Agency's early 'Flood Direct' warning service which will alert the development of any likely flood situations. This will then enable a safe evacuation of the development should the need arise. The development should have a Flood Risk Evacuation Plan in place.

7.63 The public road network (A52) lying to the south of the development is shown to lie in Flood Zone 1 (low probability of flooding), which would maintain safe access to and egress from the development in the event of a major flood situation.

7.64 Access to/egress from the development site along the new access track will be achievable by farm vehicles should a major flood event occur and consequently there will be no reliance on evacuation measures by the Emergency Services resulting from the development.

7.65 The existing overland flow routes should generally be maintained within the final layout of the development site without increasing the flood risk to off-site parties. Any existing flood risk may reduce by the creation of a formal surface water drainage system but cannot be entirely removed.

7.66 The water quality from the development via the surface water drainage system has been assessed in accordance with the simple index approach set out in Chapter 26 of the CIRIA SuDS Manual C753. The output shows that the water quality from the roof areas and areas of external paving is of an acceptable standard without any further treatment.

7.67 Foul and Surface Water Drainage

7.68 The application is supported by the Environmental Impact Assessment that includes a Dirty Water Tank Specification, Ammonia Impact Assessment, Flood Risk and Drainage Assessment. In addition a Design and Access Statement, a Fly and Pest Control Management Plan and an Odour Management Plan has been submitted.

7.69 Foul and surface water drainage on the site will be separated to prevent discharge of dirty water from the site. The inside of the proposed building will be sealed and drained to sealed underground dirty water containment tanks. The proposed dirty water tanks will collect contaminated water produced in the washing out process. The concrete aprons have the potential to become contaminated during the manure removal process of the cleanout operation. The concrete apron will be enclosed by a catchment drainage with a switch system. During the cleanout process, the concrete apron will be drained into the dirty water containment system. Outside the cleanout period, when the apron is clean and uncontaminated, the apron will drain into the attenuation pond. The separate drainage systems are a requirement for the Environmental Permit.

7.70 The existing ground conditions are considered to be unsuitable for the disposal of surface water run-off to soakaways/infiltration trenches. The second preferred option would be to discharge the surface water run-off from the development to a watercourse. It is therefore proposed that the surface water run-off from the development is discharged into this drainage ditch, which lies within the jurisdiction of Black Sluice Internal Drainage Board, for which formal consent will be required.

7.71 In order to ensure the discharge of surface water will not increase the risk of flooding to other properties, it will be necessary to attenuate the drainage by restricting the discharge and providing storage as required. The required storage will be provided within an attenuation lagoon located to the south of the new poultry unit.

7.72 In order to minimise the risk of pollution to the final watercourse, clean roof water drainage should discharge directly into the sealed drainage network (i.e. not via gullies) and then directly towards the watercourse.

7.73 With regard to Foul Water Drainage, the new amenity block incorporates WC and waste water facilities and consequently a separate foul water drainage network will be required. As there are no public foul water sewers in the vicinity of the development, it will be necessary for an appropriate domestic sized waste water treatment plant to be provided, which will ultimately discharge the treated waste to the local watercourse.

7.74 Regarding the operation and maintenance of the wider scheme, the drainage pipework is designed with self-cleansing gradients and consequently the network should require little or no maintenance. All gullies or drainage channel systems serving areas of hardstanding will need to be regularly inspected to ensure the system remains operable. The inspection chambers should be regularly inspected to ensure the system is free-flowing. Operation and Maintenance Requirements for Silt Traps/Trapped Gullies, the Flow Control Device, Attenuation Lagoon, Filter Trenches, Package Sewage Treatment Plant and Sludge Storage Tank are set out in the FRA, and can be conditioned.

7.75 Landscape Impact and public views

7.76 The application is supported by the Assessment that includes a Landscape and Visual Impact Assessment. In addition a Design and Access Statement has been submitted. The landscape assessment sets out a series of public views from footpaths and rail and an assessment has been undertaken. The field survey was carried out during November 2021, and all viewpoints were chosen from publicly accessible vantage points. Particular attention was paid to the potential views of receptors of high sensitivity, e.g. users of Public Rights of Way (PRoW).

7.77 The site is located approximately 0.7 km from the public road. There is a footpath running to the side of the site and the response of the LCC Rights of Way and Countryside Access, raising no objection, is set out above.

7.78 Since submission the application has been augmented by a landscape plan that would mitigate to a degree long distance and short distance impacts.

7.79 Views from the rail line would be fleeting and views from the footpath would eventually be shielded in part by the landscaping proposals. It is also to be noted that other structures related to the Viking Link works are within viewing proximity of this site.

7.80 The scale and nature of the proposal and its agricultural context would have an impact on landscape character however given the distances from which the development would normally be viewed, it is considered that consent could not be withheld for the development on the grounds of visual impact.

7.81 Heritage considerations and Archaeology

7.82 Following the submission of archaeological trial trenching, the LCC officer confirms that based on the results of this evaluation as detailed in this report he is confident that the proposed development would not have an impact on significant archaeological remains. Therefore he recommends that no further archaeological input be required.

7.83 Biodiversity

7.84 A preliminary Ecological Appraisal has been submitted to support the application and the views of the Lincolnshire Bat Group and Natural England are set out above.

7.85 The report sets out measures that can be delivered via conditions.

7.86 Lighting/Hours of Use

7.87 Lighting proposals are considered within the Environmental Statement, stating:

7.88 *The development does not require 24-hour external lighting. There are three days over each flock cycle, being days 30, 37 and 38 when night time catching operations will be undertaken and lighting on the site will be required in the form of directional flood lighting above the catching doors. Outside of the catching periods, 24-hour lighting is not required. Motion sensor trigger lighting will be provided for any staff needing to visit the site during hours of darkness.*

7.89 It is considered that despite this description, given the concerns of the Bat Group and Network Rail, that a full lighting and operating scheme is submitted via condition discharge and this is set out below.

7.90 Planning Balance

7.91 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.

7.92 The proposed development would accord with the national and local planning policies for this form of development. Further, the proposal would not materially harm the character or appearance of the locality, or amenity of nearby residents, would not impact upon road and pedestrian safety and would provide landscaping. The details submitted illustrates that the resultant environmental impacts would be mitigated, and flood risk, noise, water and air quality has been taken in to account.

7.93 Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2,

3, 4, 7, 28, 29, 30, 31 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPFF), 2021.

7.94 Conclusion

7.95 The are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

7.96 **Additional Considerations**

7.97 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.

7.98 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.

## 8.0 RECOMMENDATIONS

8.1 **Grant permission subject to those conditions listed in Section 9.0 of this report.**

## 9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Application Form
Design and Access Statement. February 2022
ENVIRONMENTAL STATEMENT. FEBRUARY 2022
Environmental Statement Appendix 1. Location Plan. Dec 2021
Environmental Statement Appendix 2. Envirotanks. Belowground Double Skin Storage Tanks
Environmental Statement Appendix 3. Ian Pick Associates. LANDSCAPE AND VISUAL IMPACT ASSESSMENT. IPA1237lvia. January 2022
Environmental Statement Appendix 4. NOISE IMPACT ASSESSMENT. Matrix Acoustic Design Consultants. Acoustics Report M2150/R01. 11 January 2022
Environmental Statement Appendix 5. Dispersion Modelling Study of the Impact of Odour. AS Modelling & Data Ltd. 1 December 2021
Environmental Statement Appendix 6. PRELIMINARY ECOLOGICAL APPRAISAL. Craig Emms and Linda Barnett/ Clarke Group Construction Ltd. December 2021. Contract number 363
Environmental Statement Appendix 7. AS Modelling & Data Ltd. Modelling of the Dispersion and Deposition of Ammonia. 24 December 2021
Environmental Statement Appendix 8. Flood Risk and Drainage Assessment. Alan Wood & Partners. JAGAD/JF/46624-Rp001.Rev A. 3 May 2022
DC/21/03781/STPLFE. Headland Archaeology Scotland. Archaeological Trial Trench Evaluation. GDFS22. Draft v.1.0. 25/04/2022
Odour Management Plan
Fly and Pest Control Management Plan
Environment Permit. EPR/LP3009MJ. 25/03/2022
IP/CGC/01A
IP/CGC/02A
IP/CGC/03
IP/CGC/04
IP/CGC/05
IP/CGC/06
Landscape proposals A1. July 2022

Reason: For the avoidance of doubt and in the interests of proper planning.

3. A detailed scheme of construction management and method statement to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along Fen Road and residential amenity. A routing agreement shall accompany the construction management scheme.

Reason: In the interests of the amenity of local residents. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4. Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before commencement of the construction of the development and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development.

Reason: In the interests of highway safety during the construction process. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019.

5. The development shall not be occupied until a HGV Routing Strategy and Management Plan (to include measures to prevent HGVs contracted to the site Operator from travelling through Donington Village) shall be submitted and approved in writing by the Local Planning Authority. The HGV Routing Strategy shall be implemented and maintained strictly in accordance with the approved details.

Reason: In the interests of the amenity of local residents within Donington. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

6. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (prepared by Aman Woods & Partners, ref: JAGAD/JF/46624-Rp001.Rev A) forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the development is first brought in to use:

- Finished floor levels shall be set no lower than 2.20 metres above Ordnance Datum (AOD).
- Flood resilient construction shall be integrated into the development up to a minimum height of 2.50mAOD above existing ground level.
- The development shall subscribe to the Environment Agency's early 'Flood Direct' warning service.
- The development shall have a Flood Risk Evacuation Plan in place.

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, 2021.

7. The operation and maintenance of the following elements of the development hereby approved shall be undertaken in accordance with the Operation and Maintenance specifications set out within the Flood Risk Assessment (prepared by Aman Woods & Partners, ref: JAGAD/JF/46624-Rp001.Rev A) for the duration of the use of the development. Any replacement works shall be submitted to and approved in writing by the Local Planning Authority prior to installation:

- Operation and Maintenance Requirements for Silt Traps/Trapped Gullies (Based on CIRIA C753)
- Operation and Maintenance Requirements for Hydro-Brake Vortex Flow Control Device (Based on Manufacturer's recommendations)
- Operation and Maintenance Requirements for Attenuation Lagoon
- Operation and Maintenance Requirements for Filter Trenches
- Operation and Maintenance Requirements for Package Sewage Treatment Plant
- Operation and Maintenance Requirements for Sludge Storage Tank (based on manufacturer's recommendations)

Reason: In the interests of the environmental impacts of the development.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

8. No additional works shall be undertaken to culverts and watercourses unless previously approved by the Local Planning Authority.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding, nor have an impact upon the flora and fauna of the watercourses.
This Condition is imposed in accordance with Policies 3, 4, 28 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

9. Notwithstanding the application submission, details of the operation and management of the Odour Management Plan and Fly and Pest Control Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated and maintained in accordance with the details so approved throughout the lifetime of the development.

Reason: To ensure that odour and pests are managed in order to avoid pollution.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

10. The development hereby permitted shall be carried out, operated and maintained in accordance with the following matters as set out within the Appendices of the ENVIRONMENTAL STATEMENT. FEBRUARY 2022 listed below:

Appendix 2 - Envirotanks Belowground Double Skin Storage Tanks
Appendix 4. NOISE IMPACT ASSESSMENT. Matrix Acoustic Design Consultants. Acoustics Report M2150/R01. 11 January 2022
Appendix 5. Dispersion Modelling Study of the Impact of Odour. AS Modelling & Data Ltd. 1 December 2021
Environmental Statement
Appendix 6. PRELIMINARY ECOLOGICAL APPRAISAL. Craig Emms and Linda Barnett/ Clarke Group Construction Ltd. December 2021. Contract number 363
Appendix 7. AS Modelling & Data Ltd. Modelling of the Dispersion and Deposition of Ammonia. 24 December 2021

Reason: To ensure that the development does not increase the risk of air or water borne pollution, flooding or be at risk of flooding, nor have an impact upon the flora and fauna of the watercourses.
This Condition is imposed in accordance with Policies 3, 4, 28 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

11. No storage of materials, machinery, waste or other items shall take place outside the buildings on the site.

Reason: In the interests of the appearance of the development and the visual amenity of the area in which it is set and to prevent pollution.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

12. Before the commencement of the development hereby permitted beyond oversite, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. The proposals shall be informed by the mitigation measures set out in Environmental Statement Appendix 3. (Ian Pick Associates. LANDSCAPE AND VISUAL IMPACT ASSESSMENT. IPA1237lvia. January 2022). Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

NOTE: The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 3.1 (or any successor).

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set, and that Biodiversity Net Gain will be achieved.
This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

13. Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

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.

14. Notwithstanding the application submission, details of the external illumination of all buildings and areas of the site including details of luminance, hours of use and fields of illumination shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of those buildings and areas and there shall be no external illumination other than that so approved.

The lighting of the site shall be provided and operated in accordance with the specifications and hours of use so approved.

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 impacts upon protected species, Network Rail considerations and to ensure that the development is adequately lit.
This Condition is imposed in accordance with Policies 2, 3, 28 and 30 of the South East Lincolnshire Local Plan, 2019.

15. Notwithstanding the application submission, before the commencement of the development hereby granted beyond oversite, full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

16. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

17. The Local Planning Authority confirm that the Environmental Information submitted has been taken into consideration in the determination of this application.

18. The applicant is reminded that it is an offence under the wildlife and Countryside Act, 1981 (as amended) to kill, injure, or take (handle) any protected species occupying a place of shelter or protection and also to take, damage or destroy the nest of any wild bird while that nest is in use or being built. If evidence of bats is found before or whilst the work is carried out you are advised to contact Natural England at their Lincoln office (telephone 03000 603900).

19. Should unexpected contamination be discovered on the site at any time, the applicant is advised to contact the District Council's Environmental Protection department immediately.

20. The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For approval and specification details, please contact vehiclecrossings@lincolnshire.gov.uk

21. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections 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.

22. **Environment Agency - Notes for applicant**

Environmental Permitting Regulations 2016

Sites with more than 40,000 poultry places are required to hold an Environmental Permit from The Environment Agency. We advise that the operator submits an application to our National Permitting Service as early as possible in the process. We cannot guarantee that a permit would be issued.

Further advice on Environmental Permits for Intensive Farming Installations can be found at https://www.gov.uk/government/publications/intensive-farming-introductionand-chapters

The applicant will need to check to see if the development meets General Binding Rules for discharges from small sewage treatment plants. Information can be found by following this link: https://www.gov.uk/permits-you-need-for-septic-tanks/generalbinding-rules

If General Binding Rules cannot be met then a permit will need to be applied for. Details about the permit and how to apply can be found via this link:
https://www.gov.uk/permits-you-need-for-septic-tanks

Pre-application advice can be sought from our Pre-Application Advice Service by submitting the request form through the following link:
https://www.gov.uk/government/publications/environmental-permit-pre-applicationadvice-form

The granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2016.

**Black Sluice Internal Drainage Board - Notes for applicant**

It is understood from the documentation provided that surface water from the proposed poultry units will be discharged to an adjacent watercourse with the discharge restricted in line with current guidance via an overflow from a proposed storage lagoon.
If this is the case, then the prior written consent of the Board is required (a relaxation of the Board's Byelaw No. 3).

It is understood that foul water, from both the poultry unit amenity block and the associated dwellings, is to be discharged via package or bio-treatment units.

If the final discharge is to any watercourse, then the Boards prior written consent is required, and a discharge fee will be due based on the total daily discharge in cubic metres.

Please be aware that any discharge over 5 cubic metres per day will require the consent of the Environment Agency.

If the proposed surface or treated water discharge outfalls are into any watercourse, Section 23 Land Drainage Consent will be required for any structures placed in the bank.

There are Board-maintained open watercourses on the north western, south eastern and south western boundaries of the site. The Board does not own the land within which there watercourses lie. The Board is only responsible for the conveyance of flows.

The Board has a byelaw (No.10) which prohibits the siting of any obstructions, whether temporary or permanent, including planting, within 9 metres of the top of the bank of an open watercourse maintained by the Board without the prior written consent.

The Board would prefer to see all infrastructure connected with the development, including any boundary fences or other landscaping, to remain outside of the 9 metre byelaw distance so that the Board can carry out its statutory works without hindrance at any time. The applicant is advised that the Board will continue to deposit arisings from the watercourse within this byelaw distance as required. If the applicant does not wish this to occur, then they will be responsible for the costs of removing the arisings to a suitable waste transfer facility at their cost.

The applicant is reminded that within common law, the ownership and maintenance responsibility for any watercourse and any structures within lies with the adjacent landowners, regardless of whether the watercourse is maintained by the Board. Where a section of watercourse lies wholly within a land or property boundary, then the land or property owner is considered wholly responsible for the ownership and maintenance of that section of watercourse and any structures within, unless proved otherwise.

**Lincolnshire County Council Rights of Way & Countryside Access Notes for applicant-**

The proposed development is within the vicinity of Donington Public Footpath N.19.

- No encroachment is shown on to the Right of Way (Donington Footpath No. 19)
- development should not pose any dangers or inconvenience to the public using the right of way
- footpath surface should not be disturbed or surfaced without LCC consent.

**Network Rail Notes for applicant**

- Development Construction Phase and Asset Protection
Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed will include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works.

- Drainage
It is imperative that drainage associated with the site does not impact on or cause damage to adjacent railway assets. Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail. Please note, further detail on Network Rail requirements relating to drainage and works in proximity to the railway infrastructure.

- Lighting
Where lighting is to be erected adjacent to the operational railway, the potential for train drivers to be dazzled must be eliminated. In addition, the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

- Railway Level Crossings
It is noted that the proposed development site is in close proximity to the Hammond Beck railway level crossing which accommodates public footpath no. 19. Railway safety is of paramount importance to us and we would ask that level crossing safety leaflets are included in information/welcome packs provided to the workers at the site.

In addition, the level crossing approaches, gates, warning signs and equipment should remain clear and unobstructed at all times both during demolition/construction works and during subsequent operation of the site. This is in order to ensure that all crossing users and enter and leave the crossing area safely and unobstructed at all times.

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Background papers:- Planning Application Working File

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**Lead Contact Officer**


| | |
|---|---|
| Name and Post: | Richard Fidler , Development Manager |
| Telephone Number: | 01775 764428 |
| Email | rfidler@sholland.gov.uk |


**Appendices attached to this report:**

Appendix A Plan A

