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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H04-0130-22 **Date of Decision:** 6th October 2022
Applicant: Wray Trading Ltd.
Northorpe Farm
Northorpe
Donington
Spalding
PE11 4XE
Location: Land At Gibbet Fen Fen Road Donington Spalding
Description: Erection of 6 No. poultry houses and associated infrastructure.

South Holland District Council hereby give notice that permission has been GRANTED (or equivalent) subject to the following condition(s):

- 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. IPA1237Ivia. 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. JAG/AD/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

IP/CGC/09

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 Alan Wood & Partners, ref: JAG/AD/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 Alan Wood & Partners, ref: JAG/AD/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

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 oversight, 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. IPA12371via. 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 oversight 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 oversight, 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.

Notes:

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>

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

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).

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.

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

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.

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 Board's 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 No.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.



Phil Norman
Head of Planning
South Holland District Council

BUILDING REGULATIONS:

This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the

Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.