DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-0821-22**	**Applicant:**	**Mr M Coulam**
Proposal:	Proposed Livestock Shed - approved under H04-0322-21. Modification of Condition 1 for the addition of a slurry tank. Modification of Condition 2 to allow the time frame for the removal of litter from the site to be extended and confirmation that vehicles transporting the litter cannot be covered as they belong to outside contractors.		
Location:	Pasture Farm Westdale Drove Donington		
Terminal Date:	18th December 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
01	Spatial Strategy
02	Development Management
03	Design of New Development
30	Pollution

National Guidance

National Planning Policy Framework 2023

12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
SHDC INTERNAL	0	0	0	3
OTHER STATUTORY BODIES	1	0	0	0
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 73 Continuation application at Pasture Farm, Westdale Drove, Donington for a proposed Livestock Shed - approved under H04-0322-21. Modification of Condition 1 for the addition of a slurry tank. Modification of Condition 2 to allow the time frame for the removal of litter from the site to be extended and confirmation that vehicles transporting the litter cannot be covered as they belong to outside contractors.

The dimensions of the livestock shed will remain the same. The shed is 20 metres in depth, 66 metres in width, has an eaves height of 4.5 metres and a ridge height of 7.235 metres. The west elevation is constructed from concrete panels at the base, then a gap with Anthracite vertical cladding above for the upper walls and roof. To the northern elevation a concrete muck pad collection area projects 18.3 metres from north elevation wall and then in a westerly direction for 30.5 metres.

The slurry tank is to be located 25 metres to the west of the muck pad and 50 metres south of the northern boundary. The slurry tank which is circular in shape, will be 2.84 metres in depth with 1.445 metres of the tank above ground level. The diameter of the tank is 12.8 metres. The tank will be constructed from blue metal sheeting and have a grey corrugated metal roof.

The second element of the proposal seeks to the extended the period of time in which waste is transported from the site. The approved period under Condition 2 of H04-0322-21 was for a waste collection every four weeks. This application seeks to extend the collection period to every ten weeks. The submitted application form states that the applicant cannot provide a sheet for the trailers as they belong to an external contractor. The extension to the collection period has been requested due to the availability of the external contractor.

The Pest Management Policy document states *"Monitoring of adult and larval flies using appropriate monitoring methods will be carried out twice a week in peak times (April to October) and once a week at other times as outlined in Fly Policy - SOP (Safe Operating Procedure).*
The process of monitoring is below, please note this is also clearly outlined in the Fly Policy - SOP:
1. Mark out 1x1m squares
2. Count number of flies in square.
3. Record the number of flies using The Fly Monitoring Record.
4. Act depending on results.
The Fly Monitoring record will be used to document the findings... High Risk times for fly infestation are prolonged periods of warm weather. In terms of infestation numbers, as outlined in the Fly Policy - SOP, a count of less than 5 flies per square can be considered normal, whereas numbers above 20 per square indicate a problem to be investigated."

"To prevent and control fly infestations the following shall take place:

- Clean up spilled feed regularly from under troughs, augers, and feed bins. Attention needs to be paid to areas under the bins as historically this area has been overlooked.
- Keep the area around the sheds clear of vegetation.
- Deadstock is transported from the shed to the incinerator in a covered container, placed into the incinerator and incinerated the same day.
- Mix the slurry and empty it regularly ensuring no crust is formed. This is to be done at the end of every batch of pigs.
- Ensure all equipment is well maintained.
- Report any faults with equipment immediately to managers for them to be rectified as soon as reasonably possible.
- All-in-all-out system in sheds allowing buildings to be thoroughly cleaned and disinfected between batches (floors, walls, ceilings, fixtures). Paying attention to areas where dirty material may collect, such as the corners and edges of pens and under feeders.
- Pre-soak all areas with a detergent to cut through the grease level.
- Allow the surface water to drain off as much as possible prior to the application of a disinfectant.
- Disinfect all areas, using a DEFRA approved disinfectant, following the manufacturer instructions ensuring it is made up to the correct concentration and that the correct volume per square meter of

surface is applied.
- Allow the whole shed time to dry, resting the area for as long as possible before restocking as the drying period will greatly improve the disinfection programme efficiency.
- Add 'MS Schippers Maggot Death Concentrate' into the slurry system before each batch (16 weeks for finisher pigs and 8 weeks for nursery pigs) Note: The effect will not be immediately visible because it only affects fly maggots so existing flies are unaffected.*
- Paint 'TwentyOne' onto the walls at the start of each batch and reapply mid batch if needed (effective for up to 10 weeks). Flies are attracted to the applied areas and upon contact and ingestion with 'TwentyOne' are killed quickly.*
- Fly rolls will be placed in sheds to catch adult flies.
- As a last resort a spray insecticide can be used with a knockdown action which is applied throughout the pen.
** Alternatives to Twenty-One and Maggot Death will be trialled and if found to provide a better result will be used going forward. In addition to this, product will be changed from time to time to prevent a build up of resistance to the active ingredients."*

Three amendments have been made during the course of this application. The first amendment sought the addition of a slurry tank. The second amendment saw the submission of fly management plan and an odour management plan. The third amendment provided updates to the fly management plan and odour management plan following a request by the Environmental Protection Officer. Since the submission of the amendment to include a slurry tank, this tank has now been installed on site.

A site visit was conducted on Thursday the 8th of December 2022.

SITE DESCRIPTION

The proposal site is outside of defined settlement limits in the open countryside. The proposal is in Environment Agency Flood Zone 3 and located in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. As the proposal is not a habitable building in planning terms, there is not a need to raise finished floor levels to address potential flood risk. The boundaries to the north, west and east of the tank and shed are open with existing buildings to the south and south-east of the proposal.

The slurry tank is 240 metres from Westdale Farm to the south. The slurry tank is located 510 metres north of The Sloop Inn which next to the A52. The tank is 570 metres north of 1 and 2 Dovedale Cottages next to the A52, 500 metres north of Bridge Farm, 600 metres north-west of Westdale Cottage and 650 metres north-west of Westdale House.

RELEVANT HISTORY

H04-0647-10

Full - Reinstatement of dwelling, including repairs - Approved - 05 January 2011.

H04-0706-10

Full - Proposed cattle shed - Approved - 18 October 2010.

H04-1102-16

Full - Cattle Shed Extension - Approved - 30 November 2016.

H04-0928-20

Agricultural Determination - Tractor Shed - Withdrawn - 21 October 2020.

H04-0947-20

Agricultural Determination - Proposed Livestock Building - Approved - 17 November 2020.

H04-1054-20

Full - Tractor and Implement storage shed - Approved - 27 January 2021.

H04-1078-20

Full - Proposed Livestock Shed - Approved - 17 March 2021.

H04-0322-21

Full - Proposed Livestock Shed - re-submission of H04-1078-20 - Approved - 24 November 2021.

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 28th November 2022 to 19th December 2022)

Environment Agency - 08 December 2022

"We did not recommend the conditions referred to on application H04-0821-22 and therefore have no comment to
make on this application."

South Holland District Council - Environmental Protection - 16 December 2022

"I wish to object to application. I feel that increasing the amount of time that manure is kept on site will increase the potential for flies and odour from the site (particularly during warmer months)."

Responses Received following Re-consultation (Consultation period between 30th March 2023 to 22nd April 2023)

Environment Agency - 19 April 2023

"Whilst we have no objections to this application, we would like to draw the applicant's attention to the following informative comments:
Development involving silage or slurry - The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. Environmental good practice advice is available in The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA). The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations."

"Any agricultural development that will result in an increase in cattle numbers or water usage may adversely impact the storage of waste waters, slurry and other polluting matter."

"The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations. You must inform the Environment Agency, verbally (Tel: 03708 506 506) or in writing, of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction, and once an agreed proposal has been constructed we will ask you to send us a completed WQE3 notification form before you start using the facility."

South Holland District Council - Environmental Protection - 20 June 2023

"I request to see a fly and odour management plan prior to approval."

Responses Received following Re-consultation (Consultation period between 18th July 2023 to 28th July 2023)

Environment Agency - 19 July 2023

"We have no comments to make on the amended plans and refer you to our letter dated 19 April 2023 (AN/2023/134213/01-L01) for our position on this application."

South Holland District Council - Environmental Protection - 02 August 2023

"Odour Management Plan

Does not mention if the slurry is a solid or a liquid waste. Is this a solid or a liquid waste?
Does not mention that the slurry will be stored on site.
How will the waste be removed from the buildings and put into the Slurry tank?
Does not say clearly how it will be removed from site.

Fly Management Plan

Does not say that monitoring will be carried will this be weekly or daily?
Does not say if monitoring will be recorded/ documented.
Does not say how monitoring will be undertaken.
Is there a threshold of fly numbers to indicate an infestation?
We would also ask that all vehicles removing waste are required to be covered."

Responses Received following Re-consultation (Consultation period between 16th November 2023 to 26th November 2023)

Environment Agency - 16 November 2023

"We have no comments to make on the amended plans and refer you to our letter dated 19 April 2023 for our
position on this application."

South Holland District Council - Environmental Protection - 28 November 2023

"I have no comments regarding amendment 3. As long as strict adherence is followed in accordance with the fly and odour policy management plans submitted."

South Holland District Council - Environmental Protection - 11 December 2023

"Following review of the amendments I request the following conditions be applied to this application:
- Regularly review the fly management to reflect best practical means (but at least every 2 years).
- Make available to South Holland District Council on request fly monitoring records.
- Sheds to be cleaned/ cleared after every batch within 7 days.
Reason: To ensure that the site and surrounding area is not impacted by fly / odour impact and pollution.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019."

Members of the public

This application has been advertised in accordance with the Council's Statement of Community Involvement and the Development Procedure Order. In this instance, seven letters of representation have been received.
These can be summarised as:

Do not support extension of collection period
No removal of manure from site since December 2022 - Email received 19 April 2023.
Fly levels are high
Windows and doors have to be shut during spring and summer months due to number of flies.
Pig manure is running off to the adjacent drains
How will collections be monitored?
How will the tank be maintained?
How often will the tank be emptied?
The slurry tank must be adequately sealed.
The slurry tank is already on site so the application should be refused.
Why can't the applicant source another external contractor for waste collection?
This is a financial decision and has nothing to do with availability of contractors

"The Odour Plan and the Fly Control Plan appear to be very generic and give the impression of being "cut and pasted" from some form of DEFRA template with minor changes to suit. Neither plan is referenced, dated or signed, nor does either plan contain an issue number or mention review

periodicity."

"This plan refers to measuring fly and larvae by "using appropriate monitoring methods" - No mention is made as to what these measures are, how they are carried out, by whom or what is the trigger points for taking action to reduce fly levels. This plan states that "If an infestation is identified, suitable products, such as TwentyOne, will be used to control the flies." I would argue that at the point of an infestation being identified that use of TwentyOne would be too late as this product should be in constant use to prevent infections occurring in the first place, together with an approved larvicide applied to the bedding and muck heap (such as HokoEx: http://hockley.co.uk/animal-housing/fly-control-range/hokoex/)"

"As per the Fly Control Plan this plan states that in case of complaint regarding odour then "identifying the source of the odour issue and monitoring odour levels at the site boundary as part of the investigation" will be carried out. Again no mention is made how the odour levels will be assessed - will this be by some form of "sniff test" by a person? or will some form of apparatus be used? What would be the levels deemed acceptable or unacceptable? In Summary, Both of these Plans are very lightweight, lacking any form of substance or measurable limits. The actions proposed fall short of controlling a situation, which in previous years has rapidly spiralled out of control causing an unacceptable level of flies and a public health hazard to the local residents."

"Fly Management Plan:
This plan states a threshold of <5 flies counted in the reference 1 x 1m marked areas as "normal" with levels of >20 flies in the reference 1 x 1m marked areas as indicating a problem and that investigation is needed. There is no mention of monitoring a gradual increase from <5 flies to >20 flies as being a problem or needing investigation. Also is a constant level of 19 flies counted in the 1 x 1 m area considered to be an acceptable level? The fly management plan still appears to be a generic plan cut and pasted - for instance, it mentions slatted floors and on-site deadstock incinerators - are these in use at Pasture Farm? Although a Larvicide is mentioned for use in the slurry tank - no mention is made of its use on the dry waste - ie. the muck heap. Are firm arrangements in place for the removal of slurry off site? as to date, we have not noticed any slurry tankers leaving, and have only seen the slurry being spread on a field owned by Pasture Farm which is adjoining to our land."

"Odour Management Plan:
I have no detailed comments, as the usual prevailing wind does not generally carry odours to our property, however, there are occasions where a very strong manure smell is noticeable, especially when slurry is being spread at pasture farm."

"In general we welcome the erection of the slurry tank, this appears to have stopped the leaching of liquid waste into the dykes, which had caused the water to stink and go black previously as investigated by the EA. We also welcome the monitoring of fly levels and the use of TwentyOne, but would question the threshold for declaring a problem warranting investigation. However, we note that neither the Fly or Odour Management Plans make any mention whatsoever of the muck heap or use of larvicides in the solid waste to help break the fly life cycle. We also STRONGLY DISAGREE with the original purpose of the application to extend the muck removal periodicity from 4 weeks to 10 weeks. Our fear is that this will get lost in the noise and that the application will be inadvertently approved overlooking this very important element. Furthermore, to our knowledge, the 4 week timescale for muck removal has never been adhered to, which has no doubt been a main contributor to the horrendous level of flies we have had to endure for the past couple of years. There are plenty of contractors in the area who would be able to remove the waste so I feel that this is cost driven rather than availability driven."

"The slurry tank has already been installed before planning approval so I think it would only be fair to
a) reject this planning application in it's entirety.
b) get the applicant to submit a retrospective planning application for the slurry tank which we do approve of as this
has a positive impact to odour and fly control
c) advise the applicant a relaxation of the previously tightened muck removal condition due to regular fly
infestations will not be relaxed. Not being able to find contractors due to cost driven factors is not a care for the
planners or local residents."

"Please note from late October through to late Feb fly levels are naturally low. The main concerns are from March to October. It only takes 2 weeks for flies to get going and within a month it can be out of control hence Steve Branson pushed for the current condition to be 4 weeks!"

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

EVALUATION

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed above.

The policies and provisions set out in the National Planning Policy Framework (updated September 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Presumption in Favour

Paragraph 10 of the National Planning Policy Framework details that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".

Paragraph 11 expresses that for decision-taking this means: "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

However, paragraph 12 of the National Planning Policy Framework reiterates that "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making".

Principle of Development and Sustainability

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in terms of sustainability.

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

The National Planning Policy Framework 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.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the amenities of neighbouring buildings, and parking provision which are discussed in turn as follows.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (2023) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 130, contained within section 12 of the National Planning Policy Framework (2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, policy 3 accords with the provisions of section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.
These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The dimensions of the livestock shed will remain the same. The shed is 20 metres in depth, 66 metres in width, has an eaves height of 4.5 metres and a ridge height of 7.235 metres. The west elevation is constructed from concrete panels at the base, then a gap with Anthracite vertical cladding above for the upper walls and roof. To the northern elevation a 3 metre concrete muck pad collection area projects 18.3 metres from north elevation wall and then in a westerly direction for 30.5 metres. The materials of construction for the shed (now installed) are considered to be appropriate for the site.

The slurry tank is to be located 25 metres to the west of the muck pad and 50 metres south of the northern boundary. The slurry tank which is circular in shape, will be 2.84 metres in depth with 1.445 metres of the tank above ground level. The diameter of the tank is 12.8 metres. The tank will be constructed from blue metal sheeting and have a grey corrugated metal roof. The materials of construction for the slurry tank (now installed) are considered to be appropriate for the site.

Whilst the livestock building is large, it is a considerable distance from neighbouring properties from all directions of the site. The slurry tank is 1.445 metres above ground level and is not considered to be at a height that would materially impact the character of the surrounding area

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed livestock building and slurry tank are not considered to represent overdevelopment of the site. The tank and building are located 50 metres from the northern boundary and there is space in the site for future development if required.

There is not considered to be an overlooking impact from the tank or livestock building. The buildings are for agricultural use and 240 metres away from the nearest dwelling. There is not considered to be an overshadowing impact from the tank or livestock building. When right to light lines are drawn from the tank and livestock building, they do not hit beyond the site boundary nor to the existing dwelling on site at Pasture Farm.

With regard to noise there is not considered to be material concerns from livestock use on site. No noise concerns have been expressed by members of the public.

Provided the fly and odour management plans are strictly adhered to, there is not considered to be a material odour impact from the proposal. The Environmental Protection Officer has no objections to the application "As long as strict adherence is followed in accordance with the fly and odour policy management plans submitted." The Officer has recommended conditions for a minimum of a biennial review of the fly management scheme, access upon request of fly monitoring records, and that sheds shall be cleaned / cleared after every batch within 7 days.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Parking / Highway Safety

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

Within this context, development should give priority first to pedestrian and cycle movements, facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility in relation to all modes of transport, safe, secure and attractive places, allow for efficient delivery and access for emergency services, and be designed to enable and encourage ultra-low emission vehicles in safe, accessible and convenient locations.

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

The proposal should see a reduction in vehicular movements from those approved under the application H04-0322-21. This is due to a reduction in the frequency of waste removal from the site. However, given that the site is a working farm and the site is located close to the A52, there is not considered to be a material impact on highway safety or traffic in the vicinity of the site.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact

on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

Flooding Considerations / Drainage

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 162 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zone Three of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

The proposal is in Environment Agency Flood Zone 3 and located in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. As the proposal is not for habitable accommodation there is not a requirement to raise finished floor levels in this location. Surface and groundwater quality should not be impacted by this proposal, with surface water addressed by soakaways. The Environment Agency has no objections to the proposal.

Assessment against SELLP Policy 30 - Pollution

This proposal is assessed against SELLP Policy 30 titled - Pollution. This policy states:

Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon:
1. health and safety of the public;
2. the amenities of the area; or
3. the natural, historic and built environment; by way of:
4. air quality, including fumes and odour;
5. noise including vibration;
6. light levels;
7. land quality and condition; or
8. surface and groundwater quality.

Planning applications, except for development within the curtilage of a dwelling house as specified within Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development)(England) Order 2015, or successor statutory instrument, must include an assessment of:

9. impact on the proposed development from poor air quality from identified sources;
10. impact on air quality from the proposed development; and
11. impact on amenity from existing uses.
Suitable mitigation measures will be provided, if required. Proposals will be refused if impacts cannot be suitably mitigated or avoided.
Development proposals on contaminated land, or where there is reason to suspect contamination, must include an assessment of the extent of contamination and any possible risks. Proposals will not be considered favourably unless the land is, or can be made, suitable for the proposed use.

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

1. The health and safety of the public will be protected if the applicant adheres to the fly and odour management plans as requested by the Environment Protection Officer.

2. The amenities of the area will be protected if the applicant adheres to the fly and odour management plans as requested by the Environment Protection Officer.

3. The natural, historic and built environment will be protected if the applicant adheres to the fly and odour management plans as requested by the Environment Protection Officer.

4. The potential for impact from odour will be minimised if the applicant adheres to the fly and odour management plans as requested by the Environment Protection Officer.

5. SHDC's Environment Protection Officer has raised no objection on noise grounds.

6. There is not expected to be a material impact from lighting, with the building being approximately 240 metres from the nearest dwelling.

7. Land quality and condition should not be materially impacted by the proposal which has a 150mm thick concrete floor.

8. Surface and groundwater quality should not be impacted by this proposal, with surface water addressed by soakaways.

9. The proposal will not be impacted by poor air quality from identified sources.

10. The potential for poor air quality will be minimised if the applicant adheres to the fly and odour management plans as requested by the Environment Protection Officer.

11. The amenity of the site will not be impacted by existing uses in the area.

Outstanding matters from representation

The application is retrospective - This does not alter how the application is assessed against local or national policy.

Pig manure is running off to the adjacent drains - This matter has now been addressed to the satisfaction of the Environment Agency following installation of the slurry tank.

Why can't the applicant source another external contractor for waste collection? - This is not a matter of material planning concern. The Environmental Protection has no objections to the proposed details.

This is a financial decision and has nothing to do with availability of contractors - This is not a matter of material planning concern. The Environmental Protection has no objections to the proposed details.

B]PLANNING BALANCE

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

If the applicant operates the livestock building and slurry tank in accordance with the submitted

details then the development hereby proposed does not materially harm the character or appearance of the locality or the amenity of nearby residents. The application conforms with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework when viewed as a whole.

Provided the fly and odour management plans are strictly adhered to, there is not considered to be a material amenity impact from the proposal. Given the number of fly and odour concerns expressed, and the historic non-adherence to waste removal it is considered appropriate to grant a two year temporary permission for the livestock shed and slurry tank use.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

CONCLUSION

This application is considered to accord with Policies 1, 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2023.

RECOMMENDATION

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.

Additional Considerations

Public Sector Equality Duty

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

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

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

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

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

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