

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 12 June 2024

(Author: Mark Niland - Planning Officer)

Purpose: To consider Planning Application H09-0501-23

Application Number: H09-0501-23

Date Received: 31 May 2023

Application Type: FULL

Description: Erection of Agricultural Machinery Assembly Facility, Research and Training Facility, Ground Mounted Solar Array and Associated Infrastructure

Location: Land off Holbeach Drove Gate Holbeach Drove Spalding

Applicant: G Sly Holdings Ltd.

Agent: Robert Doughty Consultancy Ltd

Ward: Fleet
Whaplode and Holbeach St
Johns

Ward Councillors: Cllr P S Barnes
Cllr A C Beal
Cllr P A Redgate

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H09-0501-23>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The proposal is a large development located within the open countryside.

2.0 PROPOSAL

2.1 The applicant seeks planning permission for the erection of an agricultural machinery assembly facility, research and training facility, ground mounted solar array and associated infrastructure. The development includes:

- An assembly building which incorporates offices and staff welfare facilities, together with parking, associated infrastructure and landscaping
- An area of ground mounted photovoltaic panels in the south-western corner of the site behind the existing roadside hedge planting
- The third part of the project relates to the use as a 'research centre' for sustainable and conservation-orientated agricultural practices. The proposal would also include accommodation for visitors to use if needed. The applicant states that courses would be provided and this would involve the need for onsite accommodation.

2.2 The main assembly building would stand approximately 8m in height, this is required due to the type of equipment that is stored inside the facility, it would also allow for the use of overhead cranes within the building. The research and development centre would comprise of a display area (similar to a car show room) for the positioning of vehicles assembled on site. The other part of this building would contain welfare facilities and offices at ground with residential accommodation at first floor.

- 2.3 An agro-forestry area is shown on the wider plan where assembled machinery is tested in real time conditions. A 1ha area for the formulation of solar arrays is also shown on plan, this would provide energy for the operation. The main access, which would be improved is located on Holbeach Drove Gate, internally ample parking provision and associated road structures are shown on plan.

3.0 SITE DESCRIPTION

- 3.1 The application site is located outside of any defined settlement boundary and located with the open countryside. The nearest settlement is Holbeach Drove, shown on Inset 44 of the SELLP Policies Map. The application site is located within Flood Zone 3 in accordance with Environment Agency Mapping Systems. In terms of the SFRA the application site is located within a white cell area and considered to be low hazard.
- 3.2 The application site at present is agricultural and accessed from the B1168, close to Barr's Lane which is located further to the south. The area is largely used for agricultural purposes and residential form extends along Holbeach Drove Gate, filtering out from the settlement, though the nearest property retains a sufficient separation from the proposed access point to the development.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk
Policy 28 - The Natural Environment
Policy 29 - The Historic Environment
Policy 30 - Pollution
Policy 31 - Climate Change and Renewable and Low Carbon Energy
Policy 36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards

- 4.2 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) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

4.3 National Guidance

National Planning Policy Framework (NPPF), December 2023

- 4.4 Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed & beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change.
Section 15 - Conserving and enhancing the natural environment.
Section 16 - Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

- 5.1 None relevant

6.0 REPRESENTATIONS

6.1 Representations

The responses received from consultees during the initial consultation exercises can be summarised as follows:

Holbeach Parish Council

Electricity for site use only and prohibited for the electricity to be exported

6.2 Anglian Water

Surface Water: From the limited details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Foul Water: We have no objection subject to the following condition: Condition Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme. Reason: To prevent environmental and amenity problems arising from flooding.

6.3 South Holland Internal Drainage Board

The site is within the Internal Drainage District (IDD) of the South Holland Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.

The Board's Officers have reviewed the documents submitted in support of the above planning application. Officers have noted works which require Land Drainage Consent from the Board as outlined in the table below and detailed overleaf. Please be aware of the potential for conflict between the planning process and the Board's regulatory regime.

As Land Drainage Consent is required, the Board strongly recommends that this is sought from the Board prior to determination of this planning application. The Board will only consider the proposals in detail on receipt of an application for Land Drainage Consent. The annexe at the end of this letter outlines the Board's regulatory function and how to apply for Land Drainage Consent.

6.4 Highways & SuDs

No objection: The Application Site is some distance outside of any settlement boundary and is, in practice, accessible only by motor vehicle. However, the nature of the operation of the proposed facility requires a rural location, to permit the active demonstration of the Applicant company's products to prospective purchasers. Holbeach Drove is subject only to the national 60 mph speed limit but the road is straight and the proposed site access has appropriate visibility in both directions to allow safe egress into the highway. The access will need to be constructed in accordance with the highway authority's current specification and this will need to be a heavy duty access, given its use by Heavy Goods Vehicles. Adequate space is to be provided within the site for parking and manoeuvring of staff and visitors'/customers' vehicles.

Suitable provision is to be made within the site for the management of surface water run-off from the impervious areas.

In view of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the

proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

6.5 Lincolnshire Wildlife Trust

Lincolnshire Wildlife Trust (LWT) wishes for our previous holding objection against this development to remain in place as we are not satisfied that all of our previous concerns have been addressed.

No objections relating to protected species.

6.6 Lincolnshire Bat Group

Thank you for referring this ecological report to Lincs Bat Group for comment. This is an excellent report. Note comment re possible hedgerow removal in the Recommendations, section 6.2.2 and the need then for further survey work.

6.7 Lincolnshire Fire & Rescue

Lincolnshire Fire and Rescue requires the installation of one fire hydrant conforming to BS750-2012 within 90m of the premises entrance in respect of this planning application to be provided at the developer's expense. Fire hydrant acceptance testing will be carried out by a Hydrant Inspector on completion and a standard hydrant marker "H" plate will be fitted nearby. Following adoption the Fire Service will be responsible for the ongoing maintenance and repairs for the lifetime of the fire hydrant.

It is noted that a Surface Water Attenuation has been included in the superseded proposed plans with 'Size TBC'. If this is to be used as an alternative water supply for firefighting purposes, then Lincolnshire Fire and Rescue will require confirmation of the capacity of this in accordance with Approved Document B, B5, Section 16, specifically 'Alternative supply of water'. If this cannot be achieved then a fire hydrant as detailed above will be required.

6.8 Lincolnshire Police

Lincolnshire Police do not have any objections to this application.

6.9 National Gas

Regarding planning application H09-0501-23, there are no National Gas Transmission assets affected in this area.

6.10 Environmental Protection

No comments.

6.11 Active Travel England

On the basis of the information available, Active Travel England is content with the development proposed.

6.12 Environment Agency

This proposal comes under cell G4 of the local flood risk standing advice and does not appear to fit any other criteria on our consultation checklist, 'When to consult the Environment Agency'. It was therefore not necessary to consult us; please consider the proposals against the guidance of the standing advice.

6.13 Historic Environment

Post permission archaeology likely to be required.

6.14 **Public Representations**

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, five letters of representation have been received.

6.15 Of those 4 object, the material points are:

- Impact upon local wildlife
- Vehicular movements and highway safety
- Impact upon countryside character
- Unsuitable use in a residential area
- Noise Impacts
- Light Pollution
- Visibility from site entrance
- Intensification of the highway network

The representation expresses concerns in relation to highway safety.

7.0 **CONSIDERATIONS**

7.1 **Planning Considerations**

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

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations
- Foul and Surface Water Drainage
- Heritage Considerations
- Biodiversity
- Climate Change/Renewables
- Planning Balance

7.3 Evaluation

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

7.5 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 within the report above.

7.6 The policies and provisions set out in the National Planning Policy Framework (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents. Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

7.7 Principle of Development and Sustainability

7.8 The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

- 7.9 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.
- 7.10 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.
- 7.11 Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within the open countryside. *development will be permitted that 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.*
- 7.12 Policy 7: Improving South East Lincolnshire's Employment Land Portfolio, of the SELLP, supports in principle proposals which assist in the delivery of economic prosperity and some 17,600 jobs in the area, 3,800 in Boston Borough and 13,800 in South Holland District.
- 7.13 Relating to sites in the open countryside, Policy 7 sets out that:
New employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non allocated sites may be acceptable provided:
- a. the development does not conflict with neighbouring land uses;*
 - b. there is no significant adverse impact upon the character and appearance of the area;*
 - c. the design is responsive to the local context;*
 - d. there will be no significant adverse impact on the local highway network;*
 - e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;*
 - f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and*
 - g. there is an identified need for the business location outside of identified employment areas on the Policies Map.*
- 7.14 The proposal is made up of the following buildings/uses which are linked to form the broader holistic operation:
- A new assembly building which incorporates offices and staff welfare facilities, together with parking, associated infrastructure and landscaping.
 - An area of ground mounted photovoltaic panels is proposed in the south-western corner of the site behind the existing roadside hedge planting.
 - A 'research centre' for sustainable and conservation-orientated agricultural practices.
 - The proposal would also include accommodation for visitors. The applicant states that courses would be provided, and this would involve the need for onsite accommodation.
- 7.15 Within the Planning, Design and Access Statement (addendum) the applicant states:
- 7.16 *The location of the business in the countryside with the applicant's farmland around the site enables the business to continue what they do already: which is design, assemble, test, and sell high-tech farm equipment in the environment where they work.*

AND

The core principle of the company is to produce high quality, highly technologically-advanced machines to aid the transition from conventional farming practices into more regenerative/sustainable/carbon neutral farming methods with a significant focus on precision and reduction in the use of inorganic fertiliser. In designing the layout of the site, the emphasis

has been on ensuring that there is a direct link with the environment.

- 7.17 It is clear that the proposal would require a countryside location and the research, and assembly require proximity to the countryside/agricultural fields to be able to test designed machines for farming practices. A countryside location is therefore considered necessary, especially as the operation is for the wider benefit of agricultural practices; this therefore is in accordance with SELLP Policy 1. The proposals facets are inextricably linked in that it allows for research, assembly and live testing all from the same site for optimum operational efficiency, the countryside location prevents the applicant from having to disaggregate these uses in separate locations across the district, which, if operated in that manner would not allow the business to best opportunity to prosper.
- 7.18 The residential element is ancillary and to provide the research and development section to offer longer courses (on a broader spatial scale); however conditions are recommended to ensure that they are only used in this manner as described within the design and access statement.
- 7.19 Turning to the criteria set out by SELLP Policy 7 it is considered that the proposed development is located sufficiently away from residential properties and within existing agricultural fields would not conflict with neighbouring land uses.
- 7.20 The proposal is unlikely to have a significant adverse impact upon the viability of delivering allocated employment sites due to the bespoke nature of this type of operation, it could not fairly be positioned within any existing employment allocation given its requirement for connection with agriculture. It would also because of the agroforestry element be sensitive to neighbouring industrial uses.
- 7.21 There would be some impact upon character and the wider landscape especially given the scale of the operation and this is discussed below. As are the impacts upon highway network and sustainable travel considerations. Therefore, subject to the aforementioned assessment and in general principle terms the proposal is considered to be acceptable in meeting with the overarching spatial strategy set out by SELLP Policy 1.
- 7.22 Layout, Design and Impact on the Character of the Area
- 7.23 SELLP Policy 7 Paragraphs b & c are relevant, they state:
- *(proposals on non-allocated sites may be acceptable provided) there is no significant adverse impact upon the character and appearance of the area; AND*
 - *the design is responsive to the local context*
- 7.24 SELLP Policy 3 relates to the design of new development and in part it states:
- All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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.*
- 7.25 NPPF Paragraph 180a & b are relevant, they state that planning policies and decisions should contribute to and enhance the natural and local environment by:
- a)protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
 - b)recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland*
- 7.26 The assembly building is the largest building proposed on the site. The assembly building measures 80m long and 40m wide and is 7.9m to the eaves on the majority of the building and 10.8m to the stores element at the rear (east) of the building (the total height of this element, to

the ridge is 11.8m). The applicant has provided within the planning statement a justification for the dimensions of this building.

- 7.27 The applicant states (Para. 3.5) *In the main building, the 8m height is required as when the new 12m wide drills unfold they reach to 5.2m, with the requirement for overhead cranes which need a hook to the top of the frame height of about 1.6m, then there is the roof cladding and steelwork below. AND*

The largest machine is 18 metre wide and represents the largest machine made on site and, accordingly, the building has been designed, to be able to handle these machines folding and unfolding. All the machines are 4m high when in a transport position, but like a crop sprayer they get taller as they unfold themselves.

- 7.28 The planning and design statement clearly justifies the scale and dimensions of this building, in that it is of the dimensions that are necessary for effective operation. In terms of the appearance of the building, it is a steel framed structure, clad with aluminium panels (powder coated grey), the west and northern elevation are heavily fenestrated and these openings are located around the welfare and office sections of the building. The proposed palette of materials is considered acceptable.

- 7.29 The other structure of scale on site is the research and development building. There are two x 2 storey elements, one relates to a machinery display area, the other has welfare services, meeting rooms and offices and on first floor has proposed visitor accommodation. The applicant states that the machinery display area in the proposed new building will operate much in the same way as a car showroom. The applicant states, *Examples of the manufactured equipment will be moved from the assembly building across to the R&D building, rather than having to transport it between different sites.*

- 7.30 The remainder of the site which includes an area for solar arrays, Agro-forestry, internal roads, parking and the attenuation pond would all have a localised impact. It is noted no details of the energy output or siting of the solar PVs have been provided and these details would therefore need to be conditioned to any permission. The applicant has provided a basic elevation of a PV, however these are not shown on a site plan.

- 7.31 It is considered that given the scale of the assembly building and the research and development centre that there would be a wider effect upon the countryside landscape. Whilst some weight can be given to the fact that the assembly building could pass for a typical agricultural building (in appearance, rather than scale and massing) the impact upon the character and landscape of the area would be very significant. Given their scale and sitting within a broad open landscape the proposal would lead to wider character and landscape harm. There is also potential for impact during darker hours from light pollution.

- 7.32 On this basis it is considered that in terms of character and landscape impacts the proposal is considered to have very significant impacts and this needs to be carefully considered by Committee in the planning balance overall and consideration needs to be given for the potential for such large developments to be contrary to SELLP Policies 3 & 7 as well as NPPF Paragraph 180a & b.

- 7.33 Impact on Neighbouring Residents/Land Users/Land Uses

- 7.34 NPPF Paragraph 135 of the National Planning Policy Framework (December, 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.

- 7.35 SELLP Policy 2 sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

- 7.36 SELLP Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

- 7.37 The proposed use is multi-faceted, with the assembly building being the largest and the most likely to create the most noise. It should be noted that the building is 'assembly' rather than for manufacturing and therefore an acceptable noise environment is likely to be achieved. That said the submission lacks detail as regards the noise of the operations, and there are no operating hours proposed. It is considered therefore that justification exists to attach a condition to any permission that would prevent the use of this building until details of noise mitigation measures, including hours of operation have been submitted to and agreed in writing with the LPA.
- 7.38 The research and development centre is unlikely to give rise to unacceptable noise concerns, likewise the solar PV array. The agro-farming element would likely create a similar noise environment to what can fairly be achieved through basic agricultural practices and so acceptable.
- 7.39 The operation is likely to attract high numbers of staff and visitors but it is located sufficiently away from the nearest property for these impacts to be acceptable as regards amenity. The buildings themselves which are large are located at a sufficient separation distance so as not to have any overshadowing/overbearing impacts that would have an unacceptable impact upon their amenity. Though given the scale of the operation the visual amenity of residents will be impacted upon.
- 7.40 All things considered as regards amenity the proposal is likely to be acceptable subject to the mitigation discussed as regards the noise emanating from the assembly building. Furthermore, the terms of the permission will be reinforced through condition and the ability for the site to operate under general B2 industrial uses will be removed. This is so the amenity of nearby sensitive receptors can be mitigated.
- 7.41 On this basis it is considered that the proposal would accord with NPPF Paragraph 135 as well as SELLP Policies 2 and 30.
- 7.42 Highway Safety and Sustainable Transport
- 7.43 SELLP 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.
- 7.44 SELLP 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.
- 7.45 Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. It 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.
- 7.46 Within the design and access statement the applicant has provided a transport statement. The statement discusses movements, it states that it is anticipated that there will be 20 - 30 HGV movements each day of the working week. In addition to HGV movements the site is likely to be accessed by up to 50 staff vehicles and associated visitors, together with agricultural machinery.
- 7.47 Highways have been consulted and state *The Application Site is some distance outside of any settlement boundary and is, in practice, accessible only by motor vehicle. However, the nature of the operation of the proposed facility requires a rural location, to permit the active demonstration of the Applicant company's products to prospective purchasers. Holbeach Drove is subject only to the national 60 mph speed limit but the road is straight and the proposed site access has appropriate visibility in both directions to allow safe egress into the highway. The access will need to be constructed in accordance with the highway authority's current specification and this will need to be a heavy duty access, given its use by Heavy Goods Vehicles. Adequate space is to be provided within the site for parking and manoeuvring of staff and visitors'/customers' vehicles.*

Suitable provision is to be made within the site for the management of surface water run-off from the impervious areas.

In view of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

- 7.48 Given the site location and the requirement for a countryside location, the Highway Authority do not object in relation to sustainable transport grounds. It is clear that the operation will be reliant on those using the road network, through cars, HGVs and plant. The countryside location for this development is considered to be necessary.
- 7.49 In terms of the numbers using the site this is considered acceptable given that Holbeach Drove Gate is a B road, it has good visibility both in terms of site access and egress. The applicant will need Highway Authority approval as regards this access and this is secured under Section 184 of the Highways Act. Internally there is sufficient space within the site that all vehicles can enter and leave in a forward gear as well as a sufficient level of parking proposed.
- 7.50 Flooding Risk Considerations
- 7.51 Section 14 of the NPPF sets out the national policy basis for making assessments in relation to flood risk.
- 7.52 SELLP Policy 4 sets out South Holland's approach to Flood Risk. The application site is located within Flood Zone 3 in accordance with EA maps for planning. The South East Lincolnshire SFRA however shows the application site is located in land with a low risk (white cell). The EA have been consulted but have no comments to make.
- 7.53 The applicant has provided a flood risk assessment by RM Associates, it states that *The proposed development is classified as "Less Vulnerable" industrial development and therefore it can be considered in accordance with details contained in the Standard Advice Matrix in the South East Lincolnshire local plan.*
- 7.54 With the site being within Flood Zone 3 with no defences but within a no hazard zone following a breach to the defences, the site can be considered to be in cell G4.
- 7.55 The Environment Agency advice shown for cell G4 is as follows:
- 7.56 "Single storey buildings should be built with FFL's above the predicted flood depth (refer to the relevant 2115 1% fluvial or 0.5% tidal Max Depth Map). If this is not practicable an area of safe refuge will need to be provided or an appropriate flood warning and evacuation plan will need to demonstrate how this risk will be managed. It is the responsibility of the Local Planning authority to determine the adequacy of the plan."
- 7.57 The applicant proposes that the minimum ground floor level for the proposed two-storey buildings be raised 300mm above the surrounding ground level. And a safe refuge is provided at first floor level of those buildings.
- 7.58 In flooding terms then the proposal is considered acceptable.
- 7.59 Foul and Surface Water Drainage
- 7.60 The drainage strategy is for surface water to be attenuated within a wet pond and discharged into IDB watercourse. Geological ground conditions are not optimal for infiltration (likely clay) and so this method appears acceptable. As regards the surface water drainage strategy, the IDB state:

- 7.61 *I note the applicant has indicated that they wish to dispose of surface water from the proposed development via the Board maintained watercourse (E29 Kings Connection, Drain ID: DRN196P2901) to the north of the site. The applicant proposes to discharge surface water to a watercourse at a rate of 6.89 l/s and I am pleased to see that the applicant has aimed to reduce the discharge below greenfield rate. Regardless of the proposed discharge rate, this proposal will require consent under Byelaw 3, and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience.*
- 7.62 In terms of the solar PV, the applicant contends that the surface water created would be limited and whilst ground conditions are not ideal, they would be sufficient to support ground infiltration from surface water created by the PVs.
- 7.63 In terms of foul water waste the applicant proposed package treatment plan, followed by discharge to watercourse, prior written consent from the IDB will be required. Anglian Water have also recommended a condition relating to foul water.
- 7.64 It is considered that given the ground conditions that the principle drainage strategy is acceptable. A condition will be applied that requires further details of this drainage strategy (and foul) to be submitted to and approved in writing with the LPA.
- 7.65 On that basis it is considered that the proposal would accord with SELLP Policy 4.
- 7.66 Heritage Considerations
- 7.67 NPPF Paragraph 200 requires developers to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
- 7.68 SELLP Policy 29 is concerned with the historic environment, it states that "Distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced. Opportunities to identify a heritage asset's contribution to the economy, tourism, education and the local community will be utilised".
- 7.69 The applicant has provided an Archaeological Evaluation Report by PCA April 2023. The research included both desk-based assessment and field work. The document concludes *that archaeological features were present in both trenches, the ditches are likely to relate to agricultural activity or field systems from an unknown period. Although they lacked dating evidence the features coincide with crop marks of a field system of probable Roman date.*
- 7.70 Despite the conclusion suggesting that *based upon the results of the evaluation further archaeological works are unlikely to be required.* The findings are likely to warrant some post permission archaeological works. The Historic Places team have made a note that post decisions archaeology is likely to be required. Therefore a suitably worded condition will be applied to any permission.
- 7.71 In terms of built heritage, the application site is located a sufficient distance from all designated assets. On this basis it is considered that the proposal would accord with the aforementioned planning policies and is acceptable in terms of cultural heritage.
- 7.72 Ecology & Biodiversity
- 7.73 NPPF Paragraph 186 sets out a criteria-based approach for LPAs to apply when considering development proposals. The criteria in part includes methods to protect and encourage biodiversity as well as preventing development resulting in the loss of priority habitats.
- 7.74 NPPF Paragraph 180d is also relevant requiring net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future

pressures.

- 7.75 SELLP Policy 28 is concerned with the Natural Environment Points 2 and 3 are relevant to this assessment, Point 2 is concerned with Nationally or locally-designated sites and protected or priority habitats and species and Point 3 with addressing gaps in the ecological network.
- 7.76 *Protected Species*
- 7.77 The applicant has provided a preliminary ecological appraisal produced by HS Ecology. The report which includes desk and field-based assessment provides a summary of any likely effects that may occur from the development. The report goes on to make bespoke recommendations regarding certain individual protected species following this assessment of the site. Lincolnshire Wildlife Trust have assessed the document and have no objection as regards protected species.
- 7.78 Any approval will be conditioned subject to the conformity with the recommendations set out within this report.
- 7.79 *Biodiversity*
- 7.80 The applicant has provided a BNG metric calculation tool and a net gain plan. The metric tool shows that a 8.8% net gain will be achieved as regards habitat units (which there is a 685.64% gain as regards hedgerow units). Lincolnshire Wildlife Trust have objected on the basis that the mandatory net gain requirement has not been achieved. However, this application was submitted in 2023, prior to BNG becoming mandatory. There is therefore no legislative requirement to meet 10%, the only requirement is a policy based requirement, where 'net gain' is stipulated.
- 7.81 On this basis the proposal meets with the policy requirement and so the level of BNG proposed is considered acceptable. Any permission will be linked to the metric and biodiversity net gain plan.
- 7.82 On this basis it is considered that the proposed development would meet with SELLP Policy 28.
- 7.83 Climate Change
- 7.84 SELLP Policy 31 relates to 'climate Change and renewable and low carbon energy'. Part b of the policy focuses on renewable energy. It states *With the exception of Wind Energy the development of renewable energy facilities, associated infrastructure and the integration of decentralised technologies on existing or proposed structures will be permitted provided, individually, or cumulatively, there would be no significant harm to:*
1. visual amenity, landscape character or quality, or skyline considerations;
 2. residential amenity in respect of: noise, fumes, odour, vibration, shadow flicker, sunlight reflection, broadcast interference, traffic;
 3. highway safety (including public rights of way);
 4. agricultural land take;
 5. aviation and radar safety;
 6. heritage assets including their setting; and
 7. the natural environment.
- Provision should be made for post-construction monitoring and the removal of the facility and reinstatement of the site if the development ceases to be operational.*
- 7.85 The proposal is to run the facility 'off-grid' and a 1ha area of land located next to Holbeach Drove is shown on plan to be for solar PVs. The applicant has not provided a site plan that shows the arrangement of PVs, nor the likely energy generation of the scheme.
- 7.86 That said this gives the LPA control over the scale of the arrays through the attachment of

conditions that would require the submission of design details and energy generation, the arrays are likely to be less than 3m in height. On this basis it is considered that the proposals given their likely height and modest footprint are unlikely to give rise to wider character impacts, the impact is more likely to be localised. Given their ancillary nature (and that the proposal is essentially to the wider benefits of agricultural practices) the loss of 1ha of agricultural land in this case is acceptable.

7.87 There is limited harm to the natural environment and this is evidenced through ecological supporting information, the written scheme of investigation is also likely to mitigate the heritage impacts.

7.88 A condition will be applied that the generated electricity will be used to feed the proposed development only. On this basis it is considered that the proposal would accord with SELLP Policy 32b.

7.89 **Planning Balance**

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

7.91 The proposed development is considered to require a countryside location and so considered to accord with SELLP Policy 1. In terms of compatibility with SELLP 7, the proposal accords with the exception of the impact upon character and landscape. Given the scale of the proposed buildings and the size of the operation it is likely that the existing countryside character would be subject to irreversible changes, and the development would have a harmful impact upon the existing countryside vernacular.

7.92 In terms of benefits the proposal would allow the company to operate efficiently, providing research, development, assembly, and testing all within one location. The proposal also seeks to self-sustain through the use of renewables and this accords with the aims of Policy 31. Furthermore, there is limited harm to the amenity of neighbouring residents and land uses given the separation distances and Highways have no objections subject to access improvements. Drainage and archaeology are also mitigated through conditions.

7.93 On balance then the proposed development which would benefit the future of agricultural practice, through testing and assembly of new agricultural machinery as well as the research and development of the industries practices is considered to be acceptable. The benefits of the proposed development are in this instance considered to outweigh the character and landscape harm.

7.94 **Additional Considerations**

7.95 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.

7.96 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 conditions.

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/or documents:

Site Location Plan
1411-3_PL_SP02 rev A
1411-3_SK_DD01
1411-3_PL_EL01
1411-3_PL_EL02
1411-3_PL_LP01
1411-3_PL_PL01
1411-3_PL_PL02
1411-3_PL_PL03
1411-3_PL_PL04
1411-3_ADENDAS LMS Addendum to Planning, Design and Access Statement dated Nov 2023
by Robert Doughty Consultancy
BIODIVERSITY NET GAIN PLAN by ESL dated February 2024
Biodiversity Metric Calculation Tool
Preliminary Ecological Appraisal by HS Ecology dated August 2023
Archaeological Evaluation by Pre-Construct Archaeology limited dated April 2023.

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

3. 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 Section 14 of the National Planning Policy Framework, December 2023.

4. The visitor accommodation shown on drawing number 1411-3_PL_PL04 shall be used as temporary visitor accommodation to support the training courses provided within the research and development centre and across the wider site. The accommodation at no time shall become a permanent residence.

Reason: To ensure that the strategic aims of the spatial strategy are met.

This Condition is imposed in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

5. 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. 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 operators 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.

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.

6. The development hereby permitted shall be carried out in accordance with the measures set out in the Bio-diversity Net Gain Plan written by ESL and the biodiversity metric. The measures shall be implemented and retained thereafter.

Reason: To ensure that a net gain for biodiversity is achieved at the application site.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

7. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 2. A methodology and timetable of site investigation and recording
 3. Provision for site analysis
 4. Provision for publication and dissemination of analysis and records
 5. Provision for archive deposition
 6. Nomination of a competent person/organisation to undertake the work
 7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.
- The archaeological site work shall only be undertaken in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with Section 16 of the National Planning Policy Framework, December 2023. 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 29 of the South East Lincolnshire Local Plan, 2019.

8. Before their installation on site a site plan showing the arrangement of solar arrays shall be submitted to and agreed in writing with the LPA. The energy generated from the solar arrays shall be for the benefit of the operation hereby approved and at no time shall be sold or transferred back to the grid, unless first agreed with the local planning authority.

Reason: To ensure that there is sufficient energy generation to support the wider operation through renewable sources and in the interest of climate change.
This Condition is imposed in accordance with Policy 31 of the East Lincolnshire Local Plan, 2019.

9. Before the first operation of the assembly building hereby permitted, a report prepared by a qualified noise consultant shall be submitted to and approved in writing by the Local Planning Authority. This report shall identify any measures or works necessary to ensure that there is no possible nuisance caused to nearby residential properties. Those measures and works so approved by the Local Planning Authority shall be implemented in full before the development hereby granted is first brought into use.

Reason: To ensure that there is no noise nuisance to nearby 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, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

10. Details of the external illumination of all buildings and areas of the site including details of luminance 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.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity, countryside character, ecology and to prevent light pollution 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.

11. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (by RM Associates) 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 used.

Ground floor level for the proposed two-storey buildings be raised 300mm above the surrounding ground level.

A safe refuge is provided at first floor level.

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 Section 14 of the National Planning Policy Framework, December 2023.

12. The development hereby permitted shall be carried out in accordance with the measures set out in the Preliminary Ecological Appraisal (by HS Ecology dated August 2023), unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of protected species.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

13. The development hereby permitted shall be used as described only and shall not function for an alternative operation, including any other operation classed as B2 under the Use Classes order 1987 (or any mechanism replacing that class/order).

Reason: To protect the open countryside and amenity.

This Condition is imposed in accordance with Policies 1, 7 and 30 of the South East Lincolnshire Local Plan, 2019.

14. Before the commencement of development hereby permitted a Construction Management Plan and Method Statement shall first be submitted to, and approved in writing by, the Local Planning Authority.

The Construction Management Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and vehicle parking and shall include;

- the phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- a strategy stating how surface water run off on and from the development will be managed during construction
- a strategy for the control of noise, dust and odours.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction as well as to protect the amenity of nearby residents and road users.

This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

15. 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).

16. 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.

17. 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 application guidance, approval and specification details, please visit:
<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>
or contact vehiclecrossings@lincolnshire.gov.uk

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post:	Mark Simmonds; Development Manager (Interim)
Telephone Number:	01775 764444
Email	mark.simmonds@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

