

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H10-0664-22 **Applicant:** Princes Ltd.

Proposal: Replace damaged chain-link fence with matching palisade, install protective splash screen and bund wall adjacent to existing tanks. Formation of a lagoon and associated drainage arrangements.

Location: Princes Limited Bridge Road Long Sutton

Terminal Date: 21st October 2022

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
07	Improving South East Lincolnshire's Employment Land Portfolio
08	Prestige Employment Sites
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking

National Guidance**National Planning Policy Framework 2021**

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND	0	0	0	1

INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	1	2
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

Full application to replace damaged and outworn chain-link fencing with palisade fencing, to install a protective splash screen and bund wall adjacent to existing tanks on the site and the formation of a lagoon and associated drainage arrangements. The lagoon has also been described as a dry basin, and this is discussed below. The purpose of the lagoon, screen and wall works are to provide containment in the event of failure of any of the effluent tanks on the site. This is a requirement of the Environment Agency licencing arrangements. Preparation works have commenced on site.

The 2.4 m high palisade fencing is proposed to replace existing chain linked fencing that is in a poor state of repair.

Additional information has been received since submission to clarify the form and construction of the lagoon and the drainage arrangements. The application now consists of the relevant plans, a Dry Basin Management Statement and a Construction Management Plan.

The Dry Basin Management Statement clarifies the following:

- The project goal is to provide a containment solution around the perimeter of the effluent plant. This will comprise a 500mm high wall to the entire perimeter of the plant, with 2 ramps at existing access points to facilitate vehicular access for the day to day operation and maintenance of the plant.
- A dry storage basin is incorporated into the proposal to retain any stored inventory.
- This Management Statement sets out to outline the commitment of Princes Foods to a procedure to ensure the safe operation of the plant incorporating controls to avoid any effluent leaving the site via watercourses or the public sewer, including the maintenance of the system.
- The new arrangements are such that there is NO discharge to any Anglian Water sewer, under any operating conditions.
- The bund wall is a reinforced concrete structure, 500mm high, with a scabbled and dowelled connection to the underlying hardstanding.
- Existing hardstandings are to be repaired to prevent unwanted infiltration through to ground.
- A splash screen is also proposed, comprising a piled steel socket and hot rolled posts. Affixed to this are sheeting rails and a profiled steel cladding.
- The design solution has been presented to the Environment Agency through the design process and the operation and design principles agreed.

The document goes on to describe Operating Procedures under normal basin operation (surface water runoff collection and removal) and Basin operation in the event of any failure.

This document, along with the full submission can be viewed in full at the following link
<https://planning.sholland.gov.uk/OcellaWeb/showDocuments?reference=H10-0664-22&module=pl>

It is intended that the basin remains dry during normal operation of the site and would only be used to capacity in the event of a tank failure. The operational details are set out for both situations within the submitted Management Statement.

The submitted Construction Management Plan sets out the scope of construction work and clarifies the management framework and responsibilities during works, the Protection of Environmental Features, a Communication and Complaints Procedure, Construction Activities - Risk Assessment, Health and safety, Site Establishment, Traffic Management, Parking and Security, Material Storage and Distribution, Working Hours and Timing of Sensitive Works, Perimeter Fencing and other barriers, Earthworks and Removal of redundant concrete, Waste, Ground Contamination, Contamination of watercourses and drainage, Outline Pollution Control and Contingency Plan and Managing Flood Risk.

SITE DESCRIPTION

The application site is part of the Princes landholding, and has historically been left fallow, or used to store topsoil and other soils during the recent development works. The site lies within Flood Zone 3.

The land sits to the south east of the main Princes development. To the north-east of the site are dwellings on Bridge Road. Open agricultural land lies to the south.

RELEVANT PLANNING HISTORY

H10-1235-21. CONDITION COMPLIANCE. Details of scheme to deal with contamination (Condition 3 of H10-0560-21). APPROVED. 21-12-21.

H10-0560-21. S73A CONTINUATION. Demolition of existing buildings and erection of a new Raw Materials Warehouse and Ingredient Processing Centre (Use Class B2/B8 - approved under H10-0462-19. Modification of Condition 1 to allow amendments to previously approved plans to include additional louvres.. APPROVED 10-09-21.

H10-0877-20. CONDITION COMPLIANCE. Details of surface water disposal (H10-0462-19 condition 3). Approved 20-08-21.

H10-1157-20. FULL. Relocation of Acoustic Barrier - previously approved under H10-0462-19. Approved 15-04-21.

H10-0711-20. S73A CONTINUATION. Demolition of existing buildings and erection of new raw materials warehouse and ingredient processing centre (Use Class B2/B8) - approved under H10-0462-19. Modification of Condition 1 to allow amendments to previously approved plans. Approved 30-11-20.

H10-0358-20. Proposed Private Sub-station Enclosure and Associated Transformer Compound. Approved 28-09-20.

H10-0064-20. Relocation of Acoustic Barrier to Bridge Road - previously approved under consent reference H10-0462-19 (Retrospective). Refused. 29-05-20.

H10-0462-19 - Demolition of existing buildings and erection of a new Raw Materials Warehouse and Ingredient Processing Centre (Use Class B2/B8) - approved under H10-0915-18. Modification of Condition 2 to allow amendments to previously approved plans. Approved 14-08-19.

H10-0915-18 - Demolition of existing buildings and erection of a new Raw Materials Warehouse and Ingredient Processing Centre (Use Class B2/B8). Approved 19-11-18.

H10-1063-18 - Proposed water treatment works including new building, circular soft water treatment tank, circular salt saturator and circular brine tank. Approved 13-12-18.

REPRESENTATIONS

The application has been advertised in the local press and a site notice displayed, in addition consultation exercises with statutory and non-statutory consultees have taken place on the original submission and the amended and additional detailing that has been received.

Little Sutton Parish Meeting

No response received.

Long Sutton Parish Council

Support.

There are no objections to this application.

SHDC Inward Investment Team

No objection.

SHDC Environmental Protection

S Branson. No objections.

S Amour. No comment or objections with respect to land contamination.

LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

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 because the purpose of the proposed bunding is to contain any liquid material that may inadvertently spill from the various tanks and silos within the Application Site and because there would be no routine discharge of liquids from the bunded area, save for surface water that would naturally fall onto this area, the proposed development would not be expected to cause any increase in surface water flood risk to the wider site or to neighbouring land and property. The Authority does not therefore wish to object to this planning application.

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 consents. As such I strongly recommend that any required consent, as set out below, is sought prior to determination of the planning application. The annexe at the end of this letter outlines the Board's regulatory function and how to apply for Land Drainage Consent.

Having reviewed the documents submitted in support of the above planning application, please be aware of a potential for conflict between the planning process and the Board's regulatory regime, due to the proposed works potentially requiring Land Drainage Consent from the Board.

A summary of the consents required under the Land Drainage Act 1991 (including Byelaws) is shown in the table below, followed by a more detailed explanation:

Byelaw 3 - Discharge of water to a watercourse (treated foul or surface water) - Consent not currently required

Section 23, Land Drainage Act 1991 - Alteration of a watercourse - Consent not currently required

Byelaw 10 - Works within 9 metres of a Board maintained watercourse - Consent not currently required

Byelaw 3 (Surface Water and Treated Foul Water)

I understand that the proposed lagoon will discharge to the onsite foul water network which ultimately discharges to a main sewer, therefore we have no comments to make unless the proposals change to include a discharge via the onsite surface water system.

Section 23, Land Drainage Act 1991

I note the presence of a Board Maintained watercourse (DRN199G4408 - H44 Sutton Bridge Main Drain) adjacent to the eastern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a riparian watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10

Whilst not currently proposed, should the applicant's proposals change to include works within 9 metres of the aforementioned Board Maintained watercourse, or if works within 9 metres of the watercourse are proposed at any time in the future, consent would be required under Byelaw 10.

Final comments on revised proposals:

Thank you for consulting SHIDB on the amended plans. I note that surface water is to be removed to the on-site effluent plant and disposed of as per the conditions of the EPR permit. I understand that this process does not include any discharge to a watercourse therefore we have no objections. Should the applicants plans change to include a discharge to a watercourse, consent would be required under Byelaw 3.

Environment Agency

The Environment Agency has no objection to the proposed development, as submitted.

Anglian Water

ASSETS

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of N/A Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Section 3 - Used Water Network

From the details submitted to support the planning application the proposed method of foul water management does not relate to Anglian Water operated assets. As such, we have no comments to make. The Local Planning Authority should seek the advice of the Environment Agency.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the 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.

Public

No representations have been received.

PLANNING CONSIDERATIONS

The main issues in this case are:

- Principle of Development
- Layout and Design
- Highway safety and parking
- Impact of neighbouring Residents/land users
- Flooding considerations
- Foul and Surface Water Drainage
- Impact on trees
- Contaminated Land
- Biodiversity

Principle of Development

The South East Lincolnshire Local Plan identifies the Princes site as falling within an area allocated for employment use, a major employment area within Policy 7. The plan recognises the important role such sites play in the local economy and states that such sites will be protected for new and/or redevelopment in Use Classes B1, B2 and B8, provided the proposed development is of a scale that respects the character of the area and/or neighbouring land uses.

This application is to be viewed in the context of the wider development approved by the various applications set out above.

The intention of national and local policies going forward is to help ensure that businesses can continue to operate or expand with confidence should business needs require additional or different provision.

It is considered that the principle of the retention of Princes on this site, and the updating of the site is acceptable, providing the proposals are acceptable in terms of environmental impact, the level of traffic movement and intrusion into the open countryside. In addition the impact of the proposals on nearby residents is discussed below.

Layout and Design

The purpose of the development is described above and elements of the proposals are discussed below in the context of the usual planning concerns.

Once installed the palisade fencing would be viewed from long distances and would be read within the context of the wider plant and activities on the site. It is not considered that the fencing would have a harmful impact upon the visual amenity of this part of the district. It is considered that the fencing would accord with the intentions on Policies 2 and 3 of the SELLP in this regard.

The proposal is to construct a dwarf wall around the perimeter of the Effluent Tank Farm and to combine this with a "dry lined basin" to fully contain the volume of effluent that may be generated by

a catastrophic failure of the primary containment of effluent tanks' volume to be stored will be in accordance with Environment Agency requirements e.g., the greater of 110% of the volume of the largest tank or 25% of the volume of all the tanks enclosed by the bund. The protective splash screen, ramps and bund wall adjacent to existing tanks on the site would be located within the body of the site and not seen from public vantage points outside the site. The physical forms of the works reflect their robust purpose. It is considered that the works would accord with the intentions of Policies 2, 3 and 30 of the SELLP in this regard.

The formation of the lagoon, which the application described as a "dry lagoon", involves excavation works to accommodate the lagoon, which would be circa 78.5m by 65m with a prevailing depth of 1.25m and have a potential capacity if used in extremis, of 2353.2 square metres. The lagoon is intended to have an earth bund to the northern, eastern and southern perimeters. The sections provided within the application describe the construction form of the lagoon as being geomembrane with non-return pressure relieving Tuke and Bell valves, siting on an engineered clay on chalk subgrade, on a stone drainage blanket. perimeter fences to the lagoon are proposed to prevent unauthorised or accidental access and to delineate the extent of the lagoon.

The lagoon would be designed to utilise an in built sump for the normal evacuation of rainwater if needed and in the event of the failure of the lagoon.

The purpose of the lagoon, screen and wall works are to provide containment in the event of failure of any of the effluent tanks on the site. This is a requirement of the Environment Agency licencing arrangements.

Highway safety and parking

The Construction Management Plan sets out in detail arrangements during construction, and on-going access requirements for maintenance is informed by the Dry Basin Management Statement. It is not considered that the works would lead to significant additional road movements once installed and in operation, and the construction works are temporary by their nature. It can be noted that LCC as Highway Authority raise no objections on highway grounds.

Impact of neighbouring Residents/land users

The works are confined to the adjoining edge of the existing Princes site, and would not extend to the south of the existing dwellings on Bridge Road, with the exception of the palisade fencing.

The works once installed would be read in the context of the wider site and are far enough from the nearest adjoining dwelling at about 24m from the garden boundary of the dwelling, and circa 75m from nearest domestic structures so as to not have a significant visual or functional impact upon adjoining residents. The adjoining gardens are quite long and have established trees and vegetation adjoining the site.

It is considered that the greatest impacts upon residents would be during construction and for this reason a comprehensive construction management plan has been requested and provided.

The submission sets out the hours of working during the construction of the works to be Mondays to Fridays: 0800-1700hrs; Saturdays - 0800-1700hrs with no muck shift activities, Sundays & Bank Holidays - No works proposed. Also, On-site vehicle movements will not be undertaken before 7.00am.

In the case of work required in response to an emergency or which if not completed would be unsafe or harmful to the works, staff, public or local environment, the relevant local authority and those residents affected will be informed as soon as reasonably practicable of the reasons for, and likely duration of, the works. Examples of the type of work envisaged includes: where pouring concrete takes longer than planned due to equipment failure or where unexpectedly poor ground conditions, encountered whilst excavating, require immediate stabilisation.

With regard to sensitive works, this work will be carried out during working hours and timed to suit local residents. Local residents shall be consulted prior to the commencement of any works as deemed 'sensitive'.

In respect of heavy plant and machinery, low noise equipment shall be sourced and monitoring of noise levels, with an indication of proposed noise where possible, in line with Environmental

objectives. Hydraulic plant being favoured over pneumatic. Operatives will be asked to switch off machinery when not in use. Also idling shall be restricted and engines shut off to reduce noise and emissions. Where possible vehicles will be parked away from the site boundary to mitigate noise impact on neighbours.

Battery powered equipment and tools shall be used where possible. Silencers shall be used where possible. Localised acoustic barriers shall be considered for specific tasks where risk assessment determines their requirement.

Vibration is both a health & safety risk and a source of nuisance to both construction personnel and site neighbours and as such reasonable measures will be taken to reduce this at source. The removal of old structures and foundations will be undertaken by excavator.

Although piling will be employed for the splash screen posts, the distance to neighbouring properties is such that any vibration arising from this operation would be minimal.

It is recommended that the methods and details of the submission are adhered to and controlled by condition.

Flooding considerations

The site as a whole is located within Flood Zone 3.

The Construction Management Plan sets out that the guidance of the Environment Agency shall be applied, when considering the risk of flooding to the construction site.

During normal and extremis operations the Dry Basin Management Statement sets out operation methods, and it can be seen above that the relevant statutory consultees are satisfied by the details submitted.

It is considered that the submission accords with Policies 2, 3 and 4 of the SELLP in this regard.

Foul and Surface Water Drainage

Details for addressing foul water control and surface water drainage are set out in full within the submission -

The basin remains dry under normal operating conditions.

All surface water flows inside the bunded area are directed into the dry basin, either by gravity or by gulley and channel drains within the area.

The base of the dry basin is laid to falls to carry all runoff into the collection sump in the North West corner thus avoiding any ponding or standing water.

The Princes Foods Site Services team will review the contents of the sump on a daily basis and manually operate the pump to evacuate water to the Anglian Water foul sewer or into the Effluent Plant (under Princes' control) for treatment and disposal as appropriate.

The manual operation is intentional and prevents any automatic or accidental pumping of spilled effluent into the drainage network.

Only authorised personnel will be permitted to operate the pump and changeover valve and local management procedures will enforce this.

The dry basin also has sufficient capacity to attenuate a 1 in 100 year storm (+30% for climate change).

A flow meter is provided to monitor all flows pumped to the effluent plant.

In the event of failure of any part of the effluent plant infrastructure, water flows inside the bunded area are directed into the dry basin, either by gravity or by gulley and channel drains within the area.

The bund wall and deflection screens prevent any spillage from entering any other part of Princes

facility or adjacent land outside the bunded area.

The pump set provided within the sump will be equipped with a changeover valve, which, in the case of any effluent plant compromise, will enable Princes to recycle effluent into the plant or pump into tankers for removal and treatment/disposal off site (following the identification of the captured material).

The storage capacity of the basin (and the overall scheme design) complies with the guidance of CIRIA Report C736 (Design of Containment Systems for the Prevention of Water Pollution from Industrial Accidents) including allowance for fire water / rainfall.

Maintenance guidance is in line with that contained in CIRIA C753 (SUDS Manual. Simple Index Approach to Proprietary/Manufactured Stormwater Treatment Devices).

A flow meter would be provided to monitor all flows pumped to the effluent plant.

Impact on trees

The site of the lagoon proposal is scrub land. Within the garden of the adjoining residents there are trees planted and tended by the residents. It is not considered that these trees would be impacted by the development due to the distance from the works to the boundaries of adjoining dwellings' gardens.

Contaminated Land

SHDC Environmental Protection have considered the submissions including the maintenance methods, and raise no objections. Similarly the Environment Agency have considered the submission and has no objection to the proposed development.

Biodiversity

All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

Any works such as tree and shrub removal that will affect habitats suitable for use by nesting birds will be scheduled to commence outside the bird nesting season, and this is set within the Construction Management Plan.

Planning Balance & Conclusion

It is considered that the proposals accord with Policies 2, 3, 4, 7, 8, 28, 30, 31, 32 and 36 of the South East Lincolnshire Local Plan and the guidance within the National Planning Policy Framework 2021, and there are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

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.

RECOMMENDATION

Approval.

Note

This application was considered by the Chairman's Panel on 14 October 2022, at which it was concluded that in principle this application can be determined via a delegated route, rather than by the planning committee.