DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H14-0112-20**	**Applicant:**	**E M Cole Farms Ltd**
Proposal:	Proposed Biomass Plant (retrospective)		
Location:	E M Cole Farms Ltd Small Drove Lane Pinchbeck		
Terminal Date:	2nd April 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	1	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The Biomass Plant was installed post 2016 and consists of a boiler building housing the furnace and associated equipment, a relocated diesel tank, two wood pellet storage silos and a hot water storage structure.

Site Description

The wider site is an established farm and nursery complex in the open countryside.

Relevant History

H14-0736-16. Proposed extension to storage building. Approved. 08-09-16

H14-0172-13. Proposed glasshouse. Approved. 21-05-13

H14-0482-07. Erect steel framed building (planting shed). Approved. 04-05-07.

H14-0005-06. Extension (4595 square metres) to existing glasshouse. Approved. 07-02-06.

Consultation Responses

Pinchbeck Parish Council

No response received.

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 the proposed
development is acceptable and accordingly, does not wish to object to this planning application.

LCC Historic Environment Officer

No archaeological impact.

SHDC Environmental Protection

The applicant should be advised to contact the Environmental Protection Team at SHDC to establish if the biomass boilers require a Permit to operate under the Environmental Permitting regime.

Environment Agency

Does not wish to make any comments on this application.

Anglian Water

No response received.

Black Sluice Internal Drainage Board

No response received.

Planning Considerations

Principle

The installation of the biomass boiler has enabled the business on the site to provide an energy-efficient heat source and contributes to developing renewable energy schemes. It is thus considered to be acceptable in principle and accords with the provisions of Policies 2, 3, 7 and 31 and the NPPF, that seek to improved fuel efficiency. In addition the development supports a local employer, in accordance with Policy 7 of the SELLP.

In particular, Policy 31: Climate Change and Renewable and Low Carbon Energy, is central to the economic, social and environmental dimensions of sustainable development and it is considered that the scheme is assisting in this employer to provide a consistent supply, whilst not impacting upon visual amenity, landscape character or quality, residential amenity, highway safety (including public rights of way), agricultural land take or any other criterion set within the policy. These elements are discussed further below.

Visual Impact and Landscape

The site of this plant is located within the wider farm complex and is not viewed outside the context of the other buildings and glasshouses on the site. With the distance from the main road and the existing buildings on site the visual impacts are not significant and no material harm to the landscape will result from this development, thus according with Policies 2, 3 and 31 of the SELLP.

Residential Amenity

The application site is in open countryside and the boiler is located within the horticultural complex. The development does not impact on nearby residents by reason of noise, fumes or odour and the Council's Environmental Protection Team make no objection to the scheme.

Highway safety (including public rights of way)

The development supports the existing uses on the site and does not create significant vehicular movements in its own right. The LCC Highway Service raises no objection.

Agricultural Land Take

The boiler and associated buildings are located within the site and on existing hard standings. No land in agricultural use is to be lost.

Other matters

The development has no archaeological impact.

Conclusion

The development is acceptable and accords with the local and national policies set out 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.