



Open Report on behalf of Andy Gutherson - Executive Director for Place

Report to:	Planning and Regulation Committee
Date:	3 October 2022
Subject:	County Matter Application - H09-0667-22

Summary:

Planning permission is sought by Midwest Polychem Ltd (Agent: Max Design Consultancy) to retain outbuildings and structures relating to the recycling facility at Laurel Lodge Farm, Hurn Road, Holbeach Hurn, Spalding.

The outbuildings and structures were identified as being unauthorised during a site monitoring visit carried out by the Planning Enforcement Team. The applicant was consequently advised to make an application to regularise these structures/buildings if they are to be retained. The recently approved waste plastics processing facility lies within Flood Zone 3 and as a result any application must be supported by a site-specific Flood Risk Assessment to assess the flood risk to and arising from a development site.

The main issue to be considered in the determination of this application is whether the retention of the development as built would give rise to adverse environmental, or amenity impacts, in the event of inundation as a consequence of flood risk and coastal change.

Recommendation:

Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that planning permission be refused.

Background

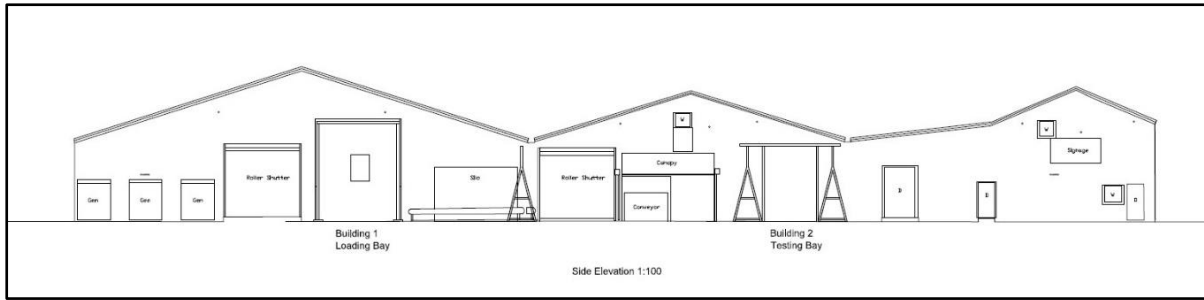
1. The site was formerly a vegetable re-packing plant and was granted a Certificate of Lawful Existing Use or Development (CLEUD) for use of the site for B2 uses

(General Industrial) by South Holland District Council in 2020 (ref: H09-0978-20). Planning permission (ref: H09-0872-21) was subsequently granted by the Waste Planning Authority for the change of use of the existing buildings and construction of three additional buildings for use as a waste plastic processing and plastic pellet production facility. Work has commenced at the site to upgrade the existing buildings and to install and test the processing equipment proposed as part of this development. However, the site has yet to go into full production as conditions imposed on the permission require the submission and approval of schemes relating to surface water and foul water management before wastes can be brought into the site. Although details have been submitted seeking approval pursuant to those conditions, the information and schemes submitted were not considered acceptable and so have recently been refused. The requirements of those conditions therefore have yet to be satisfied.

2. Notwithstanding the above, during a recent routine site monitoring visit a number of additional outbuildings and structures were identified as having been constructed at the site without planning permission. The operator was therefore advised to submit a retrospective planning application seeking approval to retain these structures.

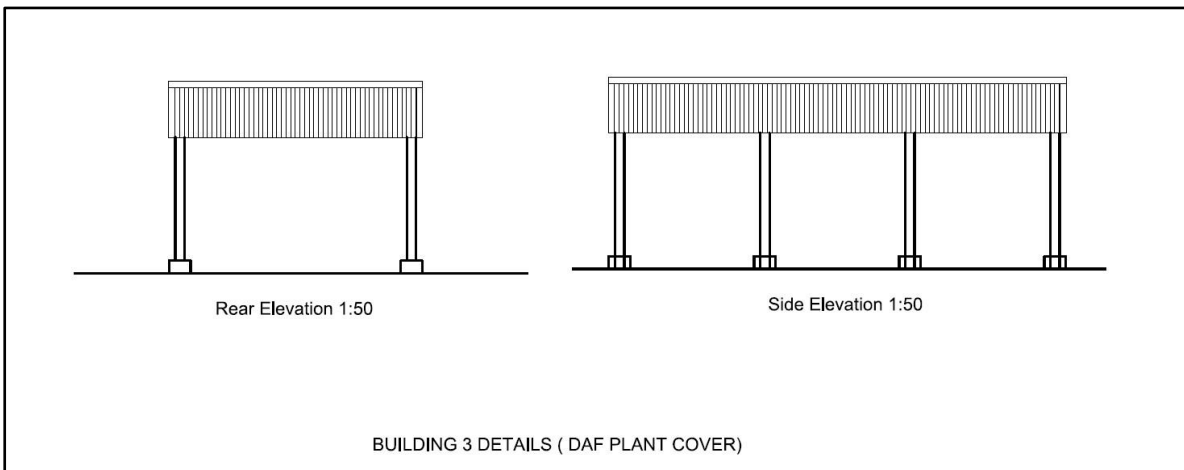
The Application

3. Retrospective planning permission is sought to retain outbuildings and structures relating to the waste recycling facility at Laurel Lodge Farm, Hurn Road, Holbeach Hurn, Spalding.
4. A total of three buildings/structures have been constructed within the site without the benefit of planning permission and are subject of this application. The buildings/structures are intended to provide protection from exposure to adverse weather for operators and waste materials/products when being unloaded/loaded to the facility. The outbuildings/structures can be summarised as follows:
 - Building 1 – is a steel framed structure forming a canopy above a loading bay adjoining one of the main buildings. The canopy is a 7m long by 5m wide and is 3 metres high and has a flat roof. The canopy is open fronted, with the upper 2.1 metres of the side elevations clad with metal sheeting. The lower extents are left open.
 - Building 2 – is a reception area/testing bay that is formed using concrete panel push walls with partial canopy above. The bay is 6m by 4m and the concrete side walls are 2.3 metres high.



Buildings 1 & 2 Elevation

- Building 3 – is a steel framed structure forming a canopy above the sites dissolved air floatation plant (DAF Plant). The canopy is 5.25m by 2.9m and is 2.1m high and has a flat roof. The sides of the building are open with the exception of the upper 0.6 metres which are clad with metal sheeting.



Building 3 Elevation

5. The site lies within Flood Zone 3 and therefore a Flood Risk Assessment (FRA) has been submitted in support of the application. The FRA submitted however does not contain specific reference to the buildings/structures proposed as part of this application and instead is a copy of the document that was submitted and approved as part of planning permission H09-0872-21 which relates to the sites wider use. Whilst not specific to this development, the FRA concluded that the development is not at significant risk of flood subject to the adoption of flood resilience/mitigation measures as set out in the report. Such measures included (amongst others) ensuring the finished flood level of all buildings are set at 0.60m above existing ground level, that electrical sockets be raised at least 300mm above the finished floor level and the adoption of a flood evacuation plan, etc.



Buildings 1 & 2



Building 2 Testing Bay



Building 3

Site and Surroundings

6. The structures lie centrally within the wider site which covers an area of approximately 3.48 hectares and lies adjacent the A17 (Washaway Road) and is approximately 1.8 kilometres northeast of Holbeach and 2.2 kilometres southwest of Holbeach Hurn.
7. There are two residential properties close to the Hurn Road junction with the A17. The closest to the site being a flat, over the Lodge Farm Café and Truck Stop that abuts the southwest boundary. The other is a bungalow to the west of Hurn Road opposite the rear carpark of the Café.
8. The wider site has yet to be fully developed with much consisting of grass and scrub defined by a northern boundary ditch and 2.4-metre-high palisade fencing. The palisade fencing fully encompasses whole waste management complex to the southern and western boundaries. Inside the western boundary is a stand of mature trees and mature hedgerow to a height of approximately 1.5 metres. The wider landscape is arable and horticultural agricultural land. Overall, the site and

the wider area are flat fenland with open views in all directions with isolated farmsteads, residential properties, and wooded copses. There are few hedgerows within the landscape and the field margins are defined by drainage ditches.

Main Planning Considerations

Planning Policy Context

9. The National Planning Policy Framework (July 2021) sets out the Government's planning policies for England. It is a material consideration in determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs are of particular relevance to this application as summarised:

Paragraphs 7 to 11 (Sustainable development) – states that there is a presumption in favour of sustainable development and for decision-taking this means:

- (a) approving development proposals that accord with an up-to-date development plan without delay; or
- (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 38 (Decision making) – states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 43 (Formal assessments) – states that the right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible.

Paragraphs 47 (Determining applications) – applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. Decisions on applications should be made as

quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 59 (Enforcement) – states that effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.

Paragraph 119 (Making effective use of land) – states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraphs 126, 130 and 134 (Achieving well-designed places) – states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Development that is not well designed should be refused.

Paragraphs 153 – 154 (Planning for climate change) – states that Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply and that Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures. New development should be planned for in ways that:

- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures.

Paragraphs 159, 162, 163, 164 and 166 (Planning and flood risk) – states that inappropriate development in areas at risk of flooding should be avoided but where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere and directs that decisions should ensure that developments do not increase flood risk and are appropriately flood resilient. If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3. The application of the exception test should be informed by a site-

specific flood risk assessment at the application stage. To pass the exception test it should be demonstrated that:

- (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the exception test should be satisfied for development to be permitted.

The NPPF directs that when determining any planning applications, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- (b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment.

Paragraph 174 & 180 (Conserving and enhancing the natural environment) – states that Planning decision 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).
- (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.

And if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Paragraphs 183, 185 and 187 (Ground conditions and pollution) – states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards.

The NPPF also directs that decision should also ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. The focus of planning policies and decisions should be on whether

proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Paragraphs 218 – 220 (Annex 1: Implementation) – states - states that due weight should be given to existing Local Plans where they are consistent with the NPPF. This is of relevance to the Lincolnshire Mineral and Waste Local Plan Core Strategy & Development Management Policies (2016) and South East Lincolnshire Local Plan (2019).

Annex 3: Flood risk vulnerability classification

National Planning Policy for Waste (NPPW) (October 2014) is a material consideration in the determination of planning applications and should be read in conjunction with the NPPF. Appendix B sets out specific locational and environmental and amenity criteria to consider when assessing waste management proposals. Of main relevance to this proposal are those relating to a. protection of water quality and resources and flood risk management and the consequent issues relating to the management of potential risk posed to water quality from waste contamination. ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located.

Planning Practice Guidance (2016) is web-based guidance which provides further information in support of the implementation of waste planning policy. Paragraph 003 (Rev. 2022) 'Flood risk and coastal change' – advises that the main steps to be followed in addressing flood risk are set out below, starting with assessing and then avoiding flood risk. The steps are designed to ensure that if there are lower risk sites available, or a proposed development cannot be made safe throughout its lifetime without increasing flood risk elsewhere, it should not be permitted. Measures to avoid, control, manage and mitigate flood risk should also not increase flood risk elsewhere. Identifying that the use flood resistance and resilience measures to address any residual risks and that passive measures should be prioritised over active measures as they are likely to be more effective and more reliable.

Lincolnshire Minerals and Waste Local Plan: Core Strategy & Development Management Policies (CSDMP) (2016) - the following policies are of particular relevance to this proposal:

Policy DM3 (Quality of Life and Amenity) – states that planning permission will be granted for waste development provided that it does not generate unacceptable adverse impacts arising from emissions and run off to protected waters. Where

unacceptable impacts are identified, which cannot be addressed through appropriate mitigation measures, planning permission will be refused.

Policy DM6 (Impact on Landscape and Townscape) – states due regard has been given to the likely impact of the proposed development on landscape.

Policy DM14 (Transport by Road) – states planning permission will be granted for waste development involving transport by road where the highway network is of an appropriate standard for use by the traffic generated by the development and site access would not have an unacceptable impact on highway safety.

Policy DM15 (Flooding and Flood Risk) – states that proposals waste developments will need to demonstrate that they can be developed without increasing the risk of flooding both to the site of the proposal and the surrounding area, taking into account all potential sources of flooding and increased risks from climate change induced flooding. Waste development proposals should be designed to avoid and wherever possible reduce the risk of flooding both during and following the completion of operations. Development that is likely to create a material increase in the risk of off-site flooding will not be permitted.

Policy DM16 (Water Resources) – state that planning permission will be granted for waste development where they would not have an unacceptable impact on surface or ground waters.

Policy DM17 (Cumulative Impacts) – states that planning permission will be granted for minerals and waste developments where the cumulative impact would not result in significant adverse impacts on the environment of an area or on the amenity of a local community, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively.

South East Lincolnshire Local Plan 2011-2036 (2019) (SELLP) - the following policies are of particular relevance to this proposal:

Policy 3 (Design of Development) – states that design which is inappropriate to the local area will not be acceptable and that development proposed demonstrate how the following issues,

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area; and
12. where they are relevant to the proposal will be secured for the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS).

Policy 4 (Approach to Flood Risk) – states that development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency’s flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted, where:

The application is supported with a site-specific flood risk assessment, covering risk from all sources of flooding including the impacts of climate change and which:

- a. demonstrate that the vulnerability of the proposed use is compatible with the flood zone;
- b. identify the relevant predicted flood risk (breach/overtopping) level, and mitigation measures that demonstrate how the development will be made safe and that occupants will be protected from flooding from any source;
- c. propose appropriate flood resistance and resilience measures (following the guidance outlined in the Strategic Flood Risk Assessment), maximising the use of passive resistance measures (measures that do not require human intervention to be deployed), to ensure the development maintains an appropriate level of safety for its lifetime;
- d. include appropriate flood warning and evacuation procedures where necessary (referring to the County’s evacuation routes plan), which have been undertaken in consultation with the authority’s emergency planning staff;
- e. incorporates the use of Sustainable Drainage Systems (SuDS) (unless it is demonstrated that this is not technically feasible) and confirms how these will be maintained/managed for the lifetime of development (surface water connections to the public sewerage network will only be permitted in exceptional circumstances where it is demonstrated that there are no feasible alternatives);
- f. demonstrates that the proposal will not increase risk elsewhere and that opportunities through layout, form of development and green infrastructure have been considered as a way of providing flood betterment and reducing flood risk overall;
- g. demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development;
- h. ensures suitable access is safeguarded for the maintenance of water resources, drainage and flood risk management infrastructure.

Policy 30 (Pollution) – states that development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon:

1. health and safety of the public;
2. the amenities of the area; or
3. the natural, historic and built environment; by way of:
8. surface and groundwater quality.

Suitable mitigation measures will be provided, if required. Proposals will be refused if impacts cannot be suitably mitigated or avoided.

Policy 31 (Climate Change and Renewable and Low Carbon Energy) – states that:

A. Climate Change

All development proposals will be required to demonstrate that the consequences of current climate change has been addressed, minimised and mitigated by:

2. the adoption of the sequential approach and Exception Test to flood-risk and the incorporation of flood-mitigation measures in design and construction to reduce the effects of flooding, including SuDS schemes for all ‘Major’ applications;
3. the protection of the quality, quantity and availability of water resources.

Results of Consultation and Publicity

10. (a) Environment Agency (EA) – object stating that the submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the Planning Practice Guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails because the flood risk mitigation measures to address flood risk for the lifetime of the development are inadequate as they will not make the development resilient to the residual flood depths for 0.5% (1 in 200) plus climate change allowance. More specifically the development proposes inadequate raised finished floor levels.

The EA also comment in their response that the South-East Lincs Flood Risk Standing Advice states that for less vulnerable development “*The finished floor levels should be raised as high as practicable (minimum 300mm above the existing ground level)*”. The EA therefore recommends that appropriate mitigation measures/flood resilience techniques are incorporated into the development.

The EA has advised that it is the responsibility of the Local Planning Authority to determine the adequacy of the flood evacuation plan and other matters outside their remit.

To overcome the EA’s objection, the applicant was advised to submit a revised FRA which addresses the points highlighted above.

- (b) Highway and Lead Local Flood Authority (Lincolnshire County Council) – has commented that the additional outbuildings and structures proposed by this development would not be expected to have an unacceptable impact upon highway safety and so do not wish to restrict the grant of permission stating

that the existing facility has a high-quality access and egress arrangements and for the on-site management of vehicle movements.

- (c) Lincolnshire Police (Designing Out Crime) – do not have any objections to this application and provided an informative regarding crime prevention.
- (d) Holbeach Parish Council – raise no objection.
- (e) Lincolnshire Fire and Rescue – raise no objection.

The following individuals and organisations were consulted on 16 August 2021, but had not responded within the consultation period or at the time this report was prepared:

Local County Council Member, Councillor T Carter
Local County Council Member (Adjacent), Councillor P Coupland
Fleet Parish Council (Adjacent)
Ministry of Defence (Safeguarding)
Environmental Health Officer (South Holland District Council)
Public Health (Lincolnshire County Council).

The application has been publicised by a notice posted at the site entrance on 7 July 2022 and in the Lincolnshire Free Press on 12 July 2022. Letters of notification were also sent to the five nearest neighbouring residents and employment sites. One response had been received by the time this report was prepared and the comments/objections expressed are summarised as follows:

- The site is currently an eyesore; and
- The employees have no respect for traffic on Hurn Road.

District Council's Recommendations

11. South Holland District Council – has no objection subject to a recommended condition related to the approval of the documents and plans submitted with the application.

Conclusions

12. Planning permission is sought by Midwest Polychem Ltd (Agent: Max Design Consultancy) to retain outbuildings and structures relating to the recycling facility at Laurel Lodge Farm, Hurn Road, Holbeach Hurn, Spalding. This application was received following a site monitoring visit which identified that three buildings/structures had been erected within the site without the benefit of planning permission.
13. The main issue to be considered in the determination of this application is whether the retention of the buildings/structures as built would give rise to adverse

environmental, or amenity impacts in the event of inundation as a consequence of flood risk and coastal change.

14. The additional buildings/structures are ancillary to the main development and are all located within the confines of the wider waste processing facility. The proposed structures provide cover for the storage and transfer of incoming waste and outgoing processed materials to and from HGVs, whilst a third structure (i.e. the DAF Plant canopy) would protect this equipment from exposure to, and from the effects of, the weather. Whilst these structures/buildings are located within the existing site, the site itself lies within Flood Zone 3 and therefore a site-specific Flood Risk Assessment (FRA) is required to be submitted in support of the application. Whilst the applicant has submitted a FRA, the FRA is not specific to this development and instead is a copy of that which was submitted in support of the planning application which sought permission for the wider use of the site. As a consequence, whilst the general context and potential sources of flood risk to the additional buildings/structures subject of this application maybe the same as those for the wider site, the mitigation measures/resilience measures identified as necessary to prevent or protect against flood risk are not specific or tailored to the development. The Environment Agency has therefore objected to this proposal as the applicant has failed to provide the necessary site-specific flood risk mitigation measures to address flood risk for the lifetime of the development. Such mitigation is necessary to reduce the potential impacts that could arise from waste and other materials not being sufficiently protected from inundation in the event of flooding.
15. In order to resolve the Environment Agency's objection, the applicant was invited to submit a revised FRA (19 August 2022) and despite being chased for a response, to date no revised FRA has been received. As a consequence, the Environment Agency's objection remains and so in the absence of sufficient information to overcome the Environment Agency's objection, and based on the information presented, the applicant has failed to demonstrate that adequate flood mitigation/resilience measures have been incorporated into the design of the newly built structures/buildings. Without such evidence that buildings/structures and their use for the storage of waste materials are not only at risk of flooding but also pose a potential risk of pollution or contamination in the event of inundation from a flood event. As a result, the applicant has failed to demonstrate unequivocally compliance with the requirements of the NPPF and more specifically Policies DM3, DM15 and DM16 of the CSDMP and Policies 3, 4, 30 and 31 of the SELLP that seek to ensure that development is appropriate to protect the environment, amenity, surface and ground waters from pollution arising as a consequence of flooding.

Other matters (Highways and Traffic, appearance and Scale)

16. An objection has been received from a member of the public which states that the wider site is an eyesore and raises concerns about the conduct of staff and traffic on Hurn Road. These objections are noted however I am satisfied that the overall

appearance and scale of the structures/buildings themselves are acceptable and when considered within the context of the other buildings and structures on the site. In terms of traffic impacts, the three structures themselves are located within the existing site and would not give rise to an increase in overall HGV traffic accessing the site or impede traffic movements around the site. As a result, the Highways Officer (Lincolnshire County Council) does not wish to restrict a grant of planning permission based on transport. I am therefore satisfied that in terms of the overall appearance, scale and traffic impacts arising from these structures the development would not give rise to adverse impacts on the highway network and safety or, in terms of their appearance, would not give rise to cumulative impacts over and above those already accepted for the waste plastics processing facility. However, for the reasons cited above, the applicant has failed to adequately demonstrate that sufficient flood mitigation/resilience measures have been incorporated into the design of the structures/buildings and it is for this reason the development is not considered acceptable.

Final Conclusion

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.
18. The additional outbuilding/structures are accepted as being ancillary to the wider use of the waste management facility and whilst they may be appropriate in terms of the overall appearance and scale, they are located within Flood Zone 3 and so at greater risk and probability of flooding. The applicant has failed to demonstrate unequivocally that the buildings/structures themselves, and their use for the storage of waste materials, are adequately protected from the risks of flooding or that sufficient mitigation measures are in place to prevent any potential risk of pollution or contamination in the event of inundation from a flood event.
19. A site-specific flood risk assessment has not been provided and whilst the applicant has been invited to submit a revised flood risk assessment in order to respond to the Environment Agency's objection this has not been received. Consequently, as submitted, the development is not in line with the requirements of National Planning Policy Framework the applicant has failed to demonstrate compliance with Policies DM3, DM15 and DM16 of the CSDMP and Policies 3, 4, 30 and 31 of the SELLP that seek to ensure that development is appropriate to protect the environment, amenity, surface and ground waters from pollution arising as a consequence of flooding.

Human Rights Implications

20. The Committee's role is to consider and assess the effects that the proposal will have on the rights of individuals as afforded by the Human Rights Act (principally Articles 1 and 8) and weigh these against the wider public interest in determining whether or not planning permission should be granted. This is a balancing exercise

and matter of planning judgement. In this case, having considered the information and facts as set out within this report, should planning permission be granted the decision would be proportionate and not in breach of the Human Rights Act (Articles 1 & 8) and the Council would have met its obligation to have due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

RECOMMENDATIONS

That planning permission be refused for the following reason:

The additional outbuilding/structures are located within Flood Zone 3 and so at a greater risk and probability of flooding. A site-specific flood risk assessment has not been provided in line with the requirements of the National Planning Policy Framework and the applicant has failed to demonstrate unequivocally that the buildings/structures themselves, and their use for the storage of waste materials, are adequately protected from the risks of flooding or that sufficient mitigation measures are in place to prevent any potential risk of pollution or contamination in the event of inundation from a flood event. The development is not therefore in line with the requirements of the National Planning Policy Framework and the applicant has failed to demonstrate compliance with Policies DM3, DM15 and DM16 of the Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies (2016) and Policies 3, 4, 30 and 31 of the South East Lincolnshire Local Plan (2019) that seek to ensure that development is appropriate to protect the environment, amenity, surface and ground waters from pollution arising as a consequence of flooding.

Informatives

Attention is drawn to:

- (i) Environment Agency letter ref: AN/2022/133268/01-L01 dated 25 July 2022
- (ii) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by giving pre-application advice in advance of the application/seeking further information to address issues identified and processed the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

Appendix

These are listed below and attached at the back of the report	
Appendix A	Committee Plan

Background Papers

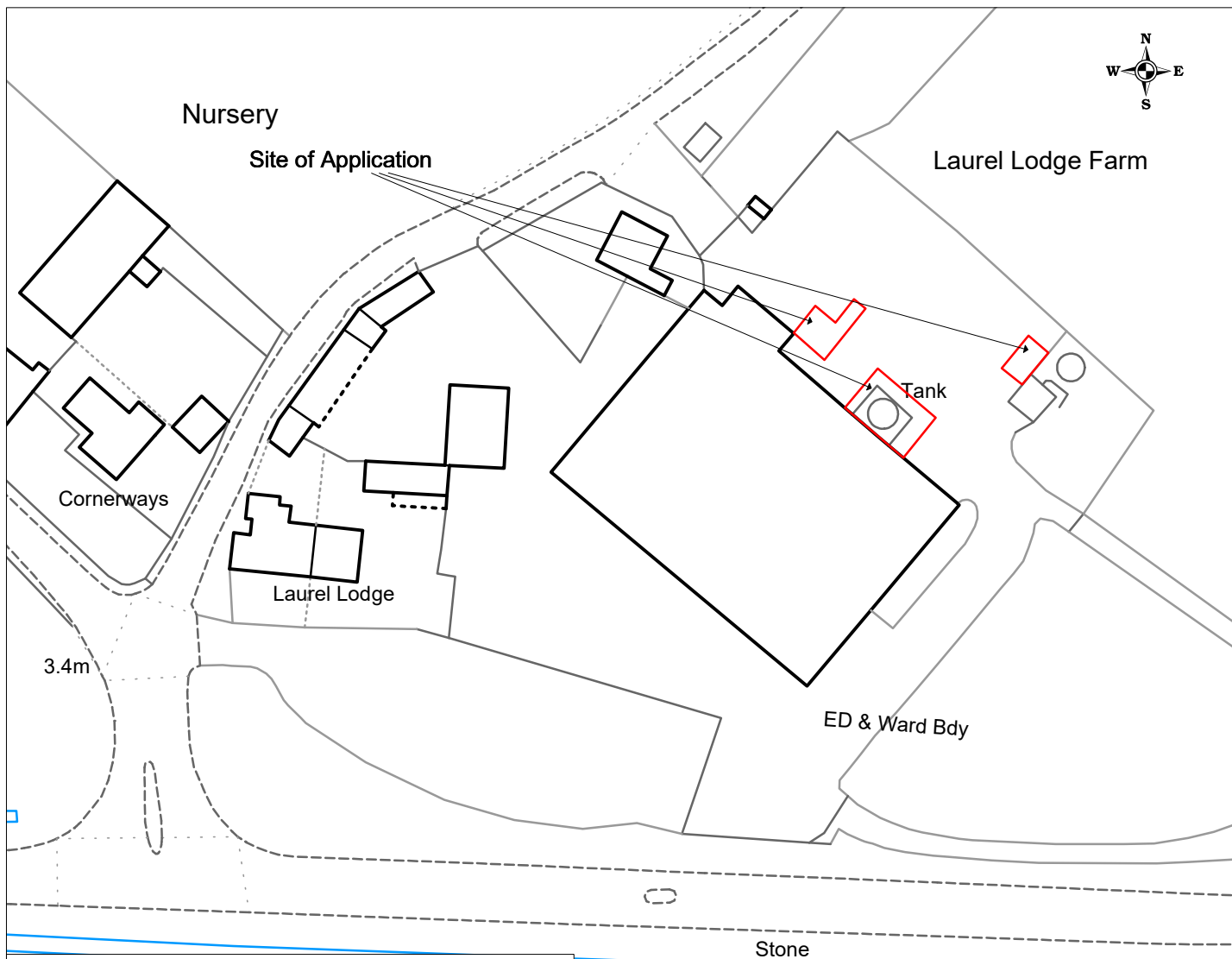
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File H09-0667-22	Lincolnshire County Council's website https://lincolnshire.planning-register.co.uk/
National Planning Policy Framework (2021) National Planning Policy Waste (2014) Planning Practice Guidance (2016)	The Government's website www.gov.uk
Lincolnshire Minerals & Waste Local Plan (2016)	Lincolnshire County Council's website www.lincolnshire.gov.uk
South East Lincolnshire Local Plan (2019)	South Holland District Council's website www.sholland.gov.uk
South East Lincolnshire Strategic Flood Risk Assessment (March 2017) Appendix C – Standing Advice	South East Lincolnshire Joint Stategic Planning Committee South East Lincolnshire Strategic Flood Risk Assessment (March 2017) Appendix C – Standing Advice, & Other Maps South East Lincolnshire – Local Plan (southeastlincslocalplan.org)

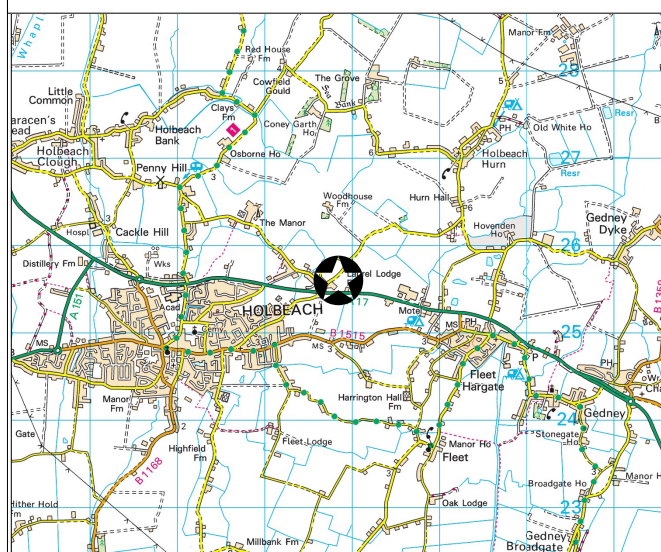
This report was written by Felicity Webber, who can be contacted on 01522 782070 or dev_planningsupport@lincolnshire.gov.uk

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 3 OCTOBER 2022



Prevailing Wind Direction from the south-west ↗



Stone

Lincolnshire County Council
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Location:
 Laurel Lodge Farm
 Hurn Road
 Holbeach Hurn

Description:
 For outbuildings and structures relating to recycling facility (retrospective)

Application No: H09-0667-22
Scale: 1:1250

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