

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H01-0380-24 **Applicant:** Seagate Homes

Proposal: Details of contamination of land or pollution of controlled waters (Condition 16(ii) of H01-1204-22)

Location: Mill Drove South Cowbit Spalding

Terminal Date: 20th June 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

30 Pollution

National Guidance

National Planning Policy Framework 2023

Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions application for that relates to details of contamination of land or pollution of controlled waters (controlled by Condition 16(ii) of H01-1204-22)

Site Description

The application site lies to the west of Mill Drove South, within the defined settlement boundary of Cowbit. The site consists of part of a former rail yard on the western side of Mill Drove South. The land runs to approximately 0.54 hectares and is considered to be a brownfield site.

Planning permission was achieved for a residential development of 21 number dwellings.

History

H01-1204-22 - Residential Development comprising 21 dwellings. Approved 12-01-24

H01-0057-24 - Details of contamination of land or pollution of controlled waters (Condition 16(i) of H01-1204-22). Discharged 4th April 2024

Consultation Responses

Environmental Protection

I have reviewed the Ground Engineering Limited report 'Remediation Plan, Station Yard, Mill Drove South, Cowbit, Spalding' reference 113341(2) dated June 2024 and recommend discharge of condition 16 part ii of H01-1204-22. I look forward to receipt of the of validation report in due course

Planning Considerations

Condition 16 is concerned with Land Contamination; it is a two part condition. Part 'i' was discharged under H01-0057-24. This application seeks to discharge part 'ii' which states:

The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA). The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:

ii) Thereafter, a written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.

The applicant has submitted a remediation plan by Ground Engineering. Environmental Protection have revived this plan and consider the information sufficient to discharge the condition. The condition is therefore discharged.

Conclusion

Condition 16(ii) of H01-1204-22 is hereby discharged.

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.