

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H01-0639-26 **Applicant:** Scenic Homes Ltd

Proposal: Details of scheme to deal with contamination (Condition 6 - parts ii, iii & iv of H01-0597-21)

Location: Adjacent To 128 Barrier Bank Cowbit Spalding

Terminal Date: 3rd September 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework August 2026

Section 4 - Achieving sustainable development
Section 5 - Meeting the challenge of climate change
Section 6- Delivering a sufficient supply of homes
Section 12- Making effective use of land
Section 14- Achieving well-designed places
Section 18 - flooding and coastal change
Section 19 - Conserving and enhancing the natural environment
Section 20 - Conserving and enhancing the historic environment

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge condition 6 parts ii, iii & iv of planning approval H01-0597-21, relating to details of scheme to deal with contamination.

Planning approval H01-0597-21 granted outline permission, for residential development.

Site Description

The site is located on the eastern side of Barrier Bank close to the western edge of the village. It is presently occupied by agricultural buildings and open land within the centre of the site. A hedge is located along the site's frontage, a number of trees and an agricultural building are situated along the western and eastern boundary. It is accessed between no. 134 and 128 Barrier Bank. Agricultural land is situated to the west.

History

H01-0597-21 - Outline - Residential Development - Approved 11.10.2021

H01-0757-22 - Reserved Matters - Erection of 5 Dwellings - outline approval H01-0597-21 - Approved 26.09.2022

H01-0767-22 - Condition Compliance - Details of contamination of land and pollution of controlled waters, refuse and recycling, existing site levels and proposed floor/site levels, surface water disposal, foul water disposal and proposed boundary treatments. (Conditions 6(i), 7, 9, 10, 11 and 13 of H01-0597-21) - Approved 16.11.2022

H01-0658-24 - Condition Compliance - Details of storage & disposal of refuse & recycling, existing & proposed site levels & proposed floor levels of buildings, hard surfaced areas & garden/amenity areas, surface water disposal and foul water disposal (Conditions 7, 9, 10 & 11 of H01-0597-21) - Approved 25.09.2024

H01-0659-24 - Condition Compliance - Details of scheme to deal with contamination (Condition 6 - parts ii, iii & iv of H01-0597-21) - Withdrawn

H01-0660-24 - Section 73 - Erection of 5 Dwellings - approved under H01-0757-22. Modification of Condition 1 to allow amendments to previously approved plans - Approved 01.10.2024

H01-1029-24 - Section 73 - Erection of 5 Dwellings - approved under H01-0757-22. Modification of Condition 1 to allow amendments to previously approved plans. - Approved 29.01.2025

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

SHDC Environmental Protection Officer

I have reviewed MEC Environmental Ltd, Ground Gas Mitigation: Verification Inspection report for Pearsons Close (Prev. 128 Barrier bank), Cowbit, Spalding, PE12 6AL, Ref No: GGM_VIR_ISSUE2_02.03.2026, Issue 2, Dated 2nd March 2026. I am in agreement with this verification document that adequate ground gas protection measures have been installed according to document: Elemental GI Ltd, Remedial Method Statement for site off Barrier Bank, Cowbit, Spalding, Ref No: E22131/3/10, Dated: Sept 2024 and according to document: MEC Environmental Ltd, Gas Protection Design & Verification Plan for 128 Barrier Bank, Cowbit, Spalding, PE12 6AL, Ref No: MEC_2024_D0012, Dated Sept 2024.

I have reviewed the photo of cover material below clean topsoil, the photo of excavation depth below DPC and soil certification with certificate No: 24-17055-1. The ground contamination remediation have been carried in accordance with document: Elemental GI Ltd, Remedial Method Statement for site off Barrier Bank, Cowbit, Spalding, Ref No: E22131/3/10, Dated: Sept 2024. I have no further comments to make.

Following the review of the documents above and can recommend that condition 6 (parts ii, iii & iv) is fully discharged.

Planning Considerations

This application relates to conditions 6 parts ii, iii & iv of planning approval H01-0597-21.

Condition Details

The conditions detail:

Condition 6

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) and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures:

- i) a desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.*
- ii) if identified as being required following the completion of the desk-top study, a site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA without delay upon completion.*
- iii) thereafter, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing by the LPA.*
- iv) two full copies of a full closure report shall be submitted to and approved in writing by the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.*

Note

The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.

The applicant's attention is also drawn to the document entitled "Developing Land Within Lincolnshire - A guide to submitting planning applications to develop land that may be contaminated", which can be obtained through the Local Environmental Health Department.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

SHDC Environmental Protection have been consulted and have confirmed they are in agreement with the verification document that adequate ground gas protection measures have been installed according to document: Elemental GI Ltd, Remedial Method Statement for site off Barrier Bank, Cowbit, Spalding, Ref No: E22131/3/10, Dated: Sept 2024 and according to document: MEC Environmental Ltd, Gas Protection Design & Verification Plan for 128 Barrier Bank, Cowbit, Spalding, PE12 6AL, Ref No: MEC_2024_D0012, Dated Sept 2024.

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They therefore recommend that condition 6 (parts ii, iii & iv) is fully 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.

Conclusion

The details in relation to condition 6 (parts ii, iii & iv) are acceptable and can be discharged.