DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H03-0013-26**	**Applicant:**	**Emerald Homes Lincolnshire Limited**
Proposal:	Details of written method statement (Condition 14 (ii) of H03-0161-17)		
Location:	Home Farm Littleworth Drove Deeping St Nicholas		
Terminal Date:	6th March 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

30 Pollution

National Guidance

National Planning Policy Framework December 2024

Section 15: Conserving and Enhancing the Natural Environment.

Representations:

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

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks the partial discharge of condition 14 relating to application H03-0161-17.

That application sought Outline planning application with all matters reserved for the erection of up to 120 dwellings and a village hall and ancillary development. It received approval in December 2021 and was subject to 21 conditions.

Condition 14 stated:
The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters and private water supply 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)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 and private water supply. 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.

ii)thereafter, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters and private water supply 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.

iii)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. Page 5 of 10 DC_FINAL_DECISION - ODB:14 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. This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

Part (ii) is sought to be discharged under this application. Part (i) already discharged under H03-0060-25. Part (iii) is to be discharged at later date post-remediation.

Supplementary Ground Gas Risk Assessment & Remedial Strategy - Home Farm, Deeping St Nicholas (Issue 2) UK22.6097b -has been submitted as the written statement to be considered as part of this application.

Site Description

The site relates to 4.4hectares of land located at Deeping St. Nicholas, the site frontage is within the settlement boundary with the remaining land located in countryside beyond the development limit. Part of the site is occupied by agricultural and ancillary buildings along with areas of hard standing.

Relevant History

H03-0598-24: Erection of 119 dwellings and a village hall along with ancillary development including the construction of an attenuation pond - Outline approval H03-0161-17. Approved 7 November 2024.

H03-0060-25: Details of contamination of land, pollution of controlled waters and private water supply (Condition 14 (i) of H03-0161-17). Approved 5 March 2025.

H03-0795-25: Details of Written Method Statement (Condition 14, part ii of H03-0161-17) Refused for the following reason: Insufficient information has been provided to ensure the creation of a safe environment from contamination and minimise the risks for future users of the land, neighbouring land and other off-site receptors; contrary to Policy 30 of the South East Lincolnshire Local Plan, 2019.

Consultation Responses

SHDC Environmental Protection

The EPS Supplementary Ground Gas Risk Assessment and Remedial Statement for development of Home Farm, Deeping St Nicholas, EPS Ref: UK22.6097b, Issue 2, Dated 19th December 2025 - is a revised report which outlines further information the Local Authority requested. I am in general

agreement with this report and therefore part (ii) of condition 14 can be discharged. Condition 14 can be fully discharged once validation of remedial works has been submitted and approved by the Local Authority.

Key Planning Considerations

In respect of this application the only planning consideration is whether the gas protection measures are satisfactory.

Assessment

Following the earlier refusal, discussions have been held between the agents and Environmental Protection leading to further investigations and an updated Ground Gas Assessment.

The summary of that document sets out

· The site comprises a recently demolished farmyard to the northwest along with an area of undeveloped agricultural fields. Proposals comprise the construction of a large residential estate.

· Previous intrusive investigation and gas monitoring identified the site to require gas protection measures in all proposed houses across the estate, however this was recommended on the basis of a very limited data set and as such further drilling and gas monitoring has been completed to enable refinement of the recommendations.

· The findings of the supplementary work have identified that ground gas protection measures can be limited to the formerly developed north-western section of the site, with no such requirement across the undeveloped fields and are depicted on a remedial plan.

· These findings have been incorporated into a wider remedial strategy for the site which also includes requirements for installing a simple soil cover system in gardens across the formerly developed area, as well as removal of a below ground tank towards the northwest and installation of barrier water pipework.

The updated report is a result of those discussions and the details provided are considered acceptable.

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 provided are considered to be acceptable.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.