DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H03-0795-25**	**Applicant:**	**Emerald Homes Lincolnshire Limited**
Proposal:	Details of Written Method Statement (Condition 14, part ii of H03-0161-17)		
Location:	Home Farm Littleworth Drove Deeping St Nicholas		
Terminal Date:	16th October 2025		

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	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Outline consent was granted in December 2021 for the construction of up to 120 dwellings on the site. This application seeks approval of the details in respect of Condition 14(ii) of application H03-0161-17.

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.

History

H03-0161-17: Outline planning application with all matters reserved- Erection of up to 120 dwellings and a village hall and ancillary development. Approved 22nd December 2021.

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 7th November 2024.

H03-1043-24: Details of construction management, mud precautions, bicycle storage/parking, public open space, proposed boundary treatments and bird/bat boxes (Conditions 4,5,6,12,17 and 20 of H03-0161-17). Approved 29th January 2025.

H03-1044-24: Details of existing and proposed site levels, proposed floor levels, hard surfaced areas, mitigation measures and external materials (Conditions 2 and 4 of H03-0598-24). Approved 3rd February 2025.

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

H03-0835-25: Details of surface water discharge scheme and foul water disposal (Condition 10 and 16 of H03-0161-17). Approved 8th October 2025.

Consultation Responses

Environmental Protection Officer

Recommends the discharge is refused as there is insufficient information presented to ensure a safe environment.

Planning Considerations

Condition 14 Wording

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.

The reason for the condition is:

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.

Condition 14(ii) Detail

Condition 14 relates to the approval of three separate requirements. Part (i) requiring a site investigation to fully and effectively characterise the nature and extent of any land contamination and or pollution was discharged in March this year under application H03-0060-25.

This current application seeks to discharge part ii of condition 14 which requires the submission of a written method statement detailing the remediation requirements for land contamination and or pollution affecting the site.

The Council's Environmental Protection Officer has reviewed EPS Limited report 'Supplementary Ground Gas Risk Assessment and Remedial Strategy Home Farm, Main Road, Deeping St Nicholas' ref UK22.6097b dated 22/5/25 Issue 1.

The Council's Environmental Protection Officer advises on the basis of the information presented it is not possible to recommend discharge of Condition 14, part ii of H03-0161-17 because the remediation method statement does not contain sufficient information on the following points:

Ground Gas

The ground gas/ vapour protection measures proposed are not sufficiently detailed such that the plans can be followed on site. Although a membrane specification is recommended, there is no confirmation that this is to be used, and there are not site specific drawings showing the proposed installation, nor details given as to how the full 3.5 points required are to be achieved.

In terms of the proposed validation, although the report says 'in accordance with C735' it does not specify for the developer what this means in terms of the number of plots to be inspected, nor does it specify which plots are to be inspected, where there are different house types.

No mention is made of the need for, specification of and validation of ground gas/ vapour protection measures in the village hall.

Tank Removal

The removal of hydrocarbon impacted soils in the area of the former tank is welcome. No remedial targets have been set for this area other than the removal of grossly contaminated soil. Greater clarity would be appreciated on all aspects of this activity.

Simple Cover System

The report does not make it sufficiently clear that if only 365mm of clean cover is to be imported to all garden and soft landscaped areas, that this imported soil should have 0.5mg/kg of Benzo(a)pyrene as a maximum.

No details are given as to the sampling import rate, the need (or not) for in situ sampling nor the level of validation (locations per lot/ number of plots) proposed.

No mention is made of the area surrounding the village hall.

It is considered that insufficient information has been provided to ensure the creation of a safe environment and minimise the risks for future users of the land, neighbouring land and other offsite receptors.

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 submitted details are unacceptable.

Recommendation

Condition 14(ii) of H03-0161-17 is not discharged.