

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0078-24 **Applicant:** AGR Solar 2 Limited
Proposal: Details of foul & surface water disposal (Condition 15 of H04-0849-22)
Location: Land To The West Of Cowbridge Road Bicker Fen Boston
Terminal Date: 26th March 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

04 Approach to Flood Risk

National Guidance

National Planning Policy Framework 2023

Section 14 Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of foul & surface water disposal (Condition 15 of H04-0849-22).

Site Description

As per host consent.

History

H04-0849-22 - Proposed development of a photovoltaic solar array, grid connection, access improvement works & ancillary development on land at Bicker Fen, Boston and South Holland.

Approved 21 July 2023.

Consultation Responses

Local Highway and Lead Local Flood Authority

The details submitted to discharge condition 15 attached to H04-0849-22 are acceptable in accordance with approved drainage strategy submitted. This condition was not requested by LCC Highways however, after looking over the information submitted I am happy that the proposal will not increase flood risk in the vicinity

Planning Considerations

The wording of condition 15 was as follows:

Condition Wording:

"Prior to commencement of the development hereby approved, full details of the means of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained within the National Planning Policy Framework 2021."

Condition Detail

Surface Water Drainage

A technical note has been submitted which details the surface water greenfield run off rate, the proposed surface water drainage scheme, maintenance requirements, the proposed foul water drainage scheme, showing an indicative drainage area, a soakaway letter report, and other technical information. The soils encountered beneath the site were found to be typical of the Tidal Flat Deposits recorded on the published geological data. The strata conditions and subsequent drainage data appear to be compatible across the site. Infiltration testing revealed that that soils have very poor drainage characteristics. Therefore soakaways cannot be recommended at the site and an alternative form of drainage should be adopted. The technical note was accompanied by a Surface Water Drainage Scheme that included trial pit logs and photographs, soakaway results, greenfield run off rate information, a surface water drainage layout and associated technical information.

Foul Water Drainage

The agent has confirmed that the scheme does not involve foul water drainage proposals.

Appraisal

Technical details have been submitted as part of surface water disposal. There are no foul water proposals associated with this scheme.

The Lead Local Flood Authority raise no objection to the details and are satisfied that the proposals would not increase flood risk in the vicinity.

The IDB is content to present their required information as an informative to the permission, which involves relaying information about their consent regime. They have no objection to the proposals.

Conclusion

The submitted details are considered acceptable and as a result condition 15 can be 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.