DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-0204-24**	**Applicant:**	**AGR Solar 2 Ltd.**
Proposal:	Details of Methods to prevent the deposit of mud on public highways by vehicles travelling from site during construction of development, together with a Health, Safety & Environment Plan (Condition 11 of H04-0849-22)		
Location:	Land To The West Of Cowbridge Road Bicker Fen Boston		
Terminal Date:	2nd May 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

30 Pollution

National Guidance

National Planning Policy Framework 2023

15 Conserving and enhancing the natural environment.

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RUBEN LOPEZ, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	2	0

CASE OFFICER ASSESSMENT

Proposal

Details of Methods to prevent Mud on the Highway by vehicles travelling from site during construction of development together with Construction Phase Health Safety and Environmental Plan (Condition 11 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.

H04-0078-24 - Details of foul & surface water disposal (Condition 15 of H04-0849-22). Approved 22nd March 2024.

H04-0184-24 - Details of Landscape & Ecological Management Plan (Condition 19 and also relating to Conditions 17, 18 & 20 of H04-0849-22). Undetermined at the time of writing.

H04-0219-24 - Details of the parts of North Ing Drove, Cowbridge Road and Ing Drove that will be used by vehicles making deliveries of materials and components shall be recorded by written notes, still and moving photographic images during an inspection (Condition 14 of H04-0849-22). Undetermined at the time of writing.

Consultation Responses

LCC History Environment
No archaeological input is necessary.

SHDC Environmental Protection
No concerns.

Lead Local Flood Authority and Highway Authority

Condition 10 - CMP not requested by LCC - a Health and safety plan has been submitted not a specific CMP. Looks to be acceptable.
Condition 11 - precautions to prevent the deposit of mud on the highway - not LCC requested. Details not submitted as to where these measures will be located.

Planning Considerations

The application originally sought to discharge conditions 10 and 11, but the scheme has been amended to discharge condition 11 only.

The wording of Condition 11 is as follows:

"Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before commencement of the construction of the development and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development.

Reason: In the interests of highway safety during the construction process. 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 3 of the South East Lincolnshire Local Plan, 2019."

Condition Detail

The submission consists of an application form, details of wheel washing facilities to be used together with a drive through bath, and a construction Phase Health, Safety and Environmental Plan which details the health and safety management systems that are to be used on site. The Project Health and Safety Plan is a live working document and reference to it will be required on a regular basis. It will contain details of safe systems of work, emergency procedures, fire procedures, etc., which in turn will form the bulk of the contents of the site induction training syllabus. The Construction Phase Health, Safety and Environmental Plan will be made available to all those who

have a legitimate need to see it.

Appraisal

Connection to the National Grid for this site is scheduled to be in June

LCC Historic Environment have raised no objections.

Environmental Protection raise no objections to the proposals.

It is noted that the Lead Local Flood Authority state that the originally submitted Health and Safety Plan is not a Construction Management Plan, and that the control of mud on the roads does not contain information about where the machines will be located. They added, however, that they asked for neither conditions to be imposed.

Following amendments the scheme relates to condition 11 only. The agent has clarified that the wheel washing facility is not fixed to the ground and has to move around because it is such a large site.

Since the Local Planning Authority take advice from the Local Highway Authority, the fact that they have not raised an objection is material. Given the lack of objection from the Local Highway Authority, it is considered that the submitted details are satisfactory.

In addition, SHDC's Environmental Protection also does not raise an objection, Taking into account the lack of objection it is considered that the submission is satisfactory.

Overall, the submission details demonstrate safety procedures are in place and that wheel washing facilities will be used to prevent mud on the roads during construction.

It is considered that the submitted details are satisfactory, and condition 11 can be discharged.

Conclusion

Condition 11 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.