DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-0558-24**	**Applicant:**	**AGR Solar 2 Limited**
Proposal:	Details of construction management plan (Condition 10 of H04-0849-22)		
Location:	Land To The West Of Cowbridge Road Bicker Fen Boston		
Terminal Date:	20th August 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

04	Approach to Flood Risk
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
33	Delivering a More Sustainable Transport Network

National Guidance

National Planning Policy Framework 2023

9 Promoting Sustainable Transport
14 Meeting the Challenge of Climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

Details of Construction Management Plan (Condition 10 of H04-0849-22).

Site Description

As per host consent.

History

H04-0521-24 - Details of Landscape & Ecological Management Plan (Condition 19 and also relating to Conditions 17, 18 & 20 of H04-0849-22). Approved 9 July 2021.

H04-0184-24 - Details of Landscape & Ecological Management Plan (Condition 19 and also relating to Conditions 17, 18 & 20 of H04-0849-22). Refused on 15th May 2024 for the following reason:

"The submitted details, by reason of the inclusion of hedgerows within 9 metres of Internal Drainage Board (IDB) maintained water courses, conflict with IDB requirements to maintain 9m wide maintenance strips adjacent to IDB maintained drains, which are required to be kept free of obstructions at all times for maintenance purposes. Without keeping drains free of obstructions, the IDB would be less able to maintain the drains, thereby increasing the risk of flooding on land which is predominantly in Flood Zone 3, which has the highest probability of flooding. The proposal therefore increases the risk of flooding and drainage problems and as such conflicts with Policy 4 of the South East Lincolnshire Local Plan, 2019 which states that proposals should demonstrate they will not increase flood risk elsewhere and that opportunities through layout, form of development and green infrastructure have been considered as a way of providing flood betterment and reducing flood risk overall."

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

H04-0204-24 - Details of Construction Management Plan & Method Statement and precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from site during construction of development (Conditions 10 and 11 of H04-0849-22). Approved 2 May 2024.

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). Approved 30 April 2024.

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

Lead Local Flood and Highway Authority

No Objections.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

LCC Historic Environment Officer

There is one edit I would request be done. This is for the last sentence of paragraph 2.2.6 of the CMP.
The line is as follows:

"The protection of archaeologically sensitive areas will be in line with a Written Scheme of Investigation for Archaeological Mitigation (WSI), which will contain an appended Archaeological Mitigation and Management Plan (AMMP)."

I would recommend that the following is added:
"The protection of archaeologically sensitive areas, and any other areas which may lie outside the currently indicative ASAs, will be in line with a Written Scheme of Investigation for Archaeological Mitigation (WSI), which will contain an appended Archaeological Mitigation and Management Plan

(AMMP)."

I will have no objection, if the CMP remains as is with the addition of this line as indicated. This is to ensure that if it turns out from the interim archaeological evaluation reports that there is any archaeology needing mitigation outside the indicative ASAs, that these areas are covered both in the
CMP and the to-be-approved archaeological mitigation WSI.

Planning Considerations

Condition Wording

The wording of Condition 10 was as follows:

"The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be submitted to, and approved in writing by the Local Planning Authority.

The Construction Management Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and vehicle parking and shall include:

- the phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- a strategy stating how surface water run off on and from the development will be managed during construction;
- a complaints, engagement and communication procedure.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019."

Condition Detail:

A construction management plan has been submitted which relates to the phasing of development and access construction, parking of site operatives and visitor vehicles, plant and material details in terms of loading and unloading and storage, wheel washing facilities, surface water run off strategy, and the complaints procedure.
There is a no dig zone in fields 7 and 8 where the most sensitive areas of archaeology is likely to be found. Further detail will be provided in terms of the archaeological discharge information.

Following detailed comments from LCC Historic Environment, the Construction Management Plan has been amended so that it includes comments to ensure that it aligns with the forthcoming Written Scheme of Investigation for archaeology. Subject to the revised wording, which has been incorporated into the amended CMP, LCC archaeology raise no objection.

The Lead Local Flood and Highway Authority raise no objection to the details.

Conclusion

The revised submitted proposals are considered satisfactory.

The condition 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.