

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0857-25 **Applicant:** Wray Trading Ltd

Proposal: Details of Construction Management & Method Statement & precautions to be taken to prevent the deposit of mud on public highways (Conditions 3 & 4 of H04-0130-22)

Location: Land At Gibbet Fen Fen Road Donington

Terminal Date: 6th November 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Description of Proposal

This is a discharge of conditions application, seeking to discharge Conditions 3 and 4 of H04-0130-22, which relate to a Construction Management & Method Statement & precautions to be taken to prevent the deposit of mud on public highways.

Site Description

The A52 Fen Road is situated approximately 0.7km to the south of the development, which will provide access to the site, and the upgrading of this access is described below.

The site, of some 10.5 hectares, is located within an agricultural field that is edged by a combination of hedgerows with intermittent tree field boundaries and drainage ditches. Small pockets of woodland sit in the local landscape, but the area is generally unwooded. The site sits adjacent south of the railway line. The site sits in a generally flat landscape.

There is a small open drainage ditch along the northern site boundary adjacent to the Spalding to Sleaford railway lines. There is an open agricultural drainage ditch to the south west of the site and an open agricultural drainage ditch crossing the site (Old Swimmer Dam Drain). There is a large open drain along the north western site boundary (Hammond Beck).

Relevant History

H04-0130-22 - Full. Erection of 6 No. poultry houses and associated infrastructure. Approved 06/10/22

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Anglian Water

"We have reviewed the submitted documents with the variation of condition and there are no drainage related documents therefore we are unable to make comments on the above application."

Black Sluice Internal Drainage Board

Outline that consent may be required from the Board, should water be discharged into one of their assets.

Environmental Protection

"The Construction Management plan is acceptable"

Highway and Lead Local Flood Authority

"Lincolnshire County Council did not request any conditions for 0130-22 - the wheel wash details are acceptable and are set away from the public highway. No concerns were raised previously in respect of routing"

Network Rail

"In relation to the above application, I can now confirm that Network Rail have no objection to the discharge of these conditions. We would, however, remind the applicant to remain mindful of any works taking place in proximity to the operational railway environment. We would recommend that they liaise with our Asset Protection Team (assetprotectioneastern@networkrail.co.uk) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety."

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Condition 3 - Construction Management and Method Plan

Wording

"A detailed scheme of construction management and method statement to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along Fen Road and residential amenity. A routing agreement shall accompany the construction management scheme."

Assessment

The submitted construction management plan thoroughly outlines how the impact of construction would be mitigated. This includes a prescribed route for construction vehicles to follow into the site, the implementation of a phased construction plan over a 40 week period, specified material store positions amongst other matters. The works will take place well within the site, far from the road and public realm. As such, bar disturbances from exiting and entering the site, it is unlikely that there would be an impact on the road via the construction process.

The details provided would ensure the aims of the condition and are considered acceptable. Therefore, Condition 3 can be discharged.

Condition 4 - Mud on highways

Wording

"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."

Assessment

A wheel wash facility would be installed on the site to ensure all vehicles are cleaned prior to leaving the site. In addition to the wheel wash, a road-sweeping contractor will be engaged on an as needed basis to keep the access road and any adjoining public highway free from mud and debris.

These methods are considered to be appropriate and would suitably prevent the deposit of mud on public highways. As such, the aims of condition 4 have been met and 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.

Conclusion

The details provided are considered to be acceptable, and Conditions 3 and 4 can be discharged.

Recommendation

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