

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0723-21 **Applicant:** LCC

Proposal: Details of ground investigation report and remediation method statement and appendix - Condition 8 relating to Holbeach Enterprise Zone Local Development Order 2018.

Location: Hub Building Cibus Way Holbeach

Terminal Date: 30th August 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy
30 Pollution

National Guidance

National Planning Policy Framework 2019

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of ground investigation report and remediation method statement and appendix - Condition 8 relating to Holbeach Enterprise Zone Local Development Order 2018.

Site Description

The proposed Hub site is nested within the FEZ scheme. The identified plot for the Hub is 0.396 hectares and located centrally within the wider FEZ development site. Plot 12 is close to the existing highway access spur.

History

H09-0004-21. RESERVED MATTERS. Proposed Food Enterprise Zone Hub Building and

associated works.

The Holbeach Food Enterprise Zone (FEZ) Local Development Order (LDO) was adopted on 20 November 2018. APPROVED. 08-03-21

The adopted LDO is designed to streamline the planning process by removing the need for developers to make separate planning applications for development within the Holbeach FEZ. The FEZ covers an area of 17 hectares and is located at the intersection of the A17/A151.

The LDO provides outline planning permission only for those uses specified in Schedule 1, parts 1 to 8 of the Order. It does not remove the need to obtain other statutory consents from the Council or other organisations, such as Building Regulations, highways consents, environmental permits or Integrated Pollution Prevention and Control licences.

H09-1134-20. CONDITION COMPLIANCE. Plot 12. Details of Surface Water Drainage Scheme, Flood Risk Assessment, Foul Water Drainage Scheme and Existing & Proposed Site Levels (Conditions 6, 9, 10 & 12 relating to Holbeach Enterprise Zone Local Development Order 2018). APPROVED. 25-02-21.

Consultation Responses

SHDC Environmental Protection

I have reviewed the following documents: Collins Hall Green 'G610-CHG-EX-XX-RP-S-0003 Phase 3 Remediation Strategy -July 2021 Rev Initial' Subsurface North East Limited 'NE3989 Ground Investigation Report - December 2020' AECOM 'Phase II Geo-environmental and Geotechnical Assessment report ref 60550563/HOLB/003 dated September 2019' AECOM 'Phase I Geo-Environmental and Geotechnical Desk study report project no 60550563 dated February 2019' Subsurface North East Limited 'NE3989A Ground Investigation Report - February 2021' Drawings PAG 4 FEZ-COR-XX-ZZ-DR-301 - 311 incl. and the Monarflex Reflex Super Technical Data Sheet dated Jan 2021

Recommend discharge of parts i-iii of condition 8 of the Holbeach Food Development Zone Local Development Order 2018 for this application, with part iv remaining outstanding. I understand that validation will include an independent report on the gas membrane installation, as well as details relating to imported soils and look forward to their receipt in due course.

Planning Considerations

Condition 8

"The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters 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) a desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.

ii) 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. 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 site's 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.

iii) thereafter, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters 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.

iv) 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 details have been considered in the context of the wider studies, and the submission is considered to be acceptable and sufficient to discharge items i to iii of condition 8.

A further submission shall be required to discharge item iv of the condition.

Conclusion

Approve items i to iii of condition 8.

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.