

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-1056-25 **Applicant:** Seagate Homes

Proposal: Details of construction method statement, assessment of risks posed by any contamination (including gases & water quality), detailed remediation scheme & Biodiversity Net Gain Plan (Conditions 3, 4, 5 & 10 of H11-0289-25)

Location: Four Acres 36 Lime Walk Long Sutton

Terminal Date: 22nd December 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment
30	Pollution

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions application providing details of construction method statement, assessment of risks posed by any contamination (including gases & water quality), detailed remediation scheme & Biodiversity Net Gain Plan (Conditions 3, 4, 5 & 10 of H11-0289-25).

Site Description

The application site relates to a housing allocation Los008 (which abuts Los026) the allocation site area is 1.72ha approximately (though this includes an existing dwelling and its curtilage) and the allocation sets a capacity for 34 number dwellings. Number 36 Lime Walk is located immediately to the west. Phase 1 (70 dwellings) is located to the south west on the opposite side of a LCC footpath and estate (Anfield Road/Magpie Close) A play area is located to the south east and thereafter residential properties off St John Swains Way.

The application site abuts the open countryside along its northern boundary and recreational open space to its east. To the south the settlement is located and Lime Walk runs along the west.

History

H11-0842-23 - Residential development comprising 48 dwellings - re-submission of H11-0994-22. Allowed at Appeal

H11-0418-25 - Details of Construction Method Statement (Condition 3 of H11-0842-23). Approved 25-06-25

H11-0306-25 - Details of Contamination and Remediation Scheme (Conditions 4 and 5 of H11-0842-23) - Allowed on appeal. Discharged 15th May 2025

H11-0590-25 - Details of Biodiversity Net Gain Plan (Condition 10 of H11-0842-23) - approved on appeal. Approved 6th August 2025

Consultation Responses

Highways & SuDs Support

Condition 3 - CMP previously approved and has not changed. I have no further comments to add.

Ecology

1. The HMMP needs specific wording inserted into the HMMP to trigger the start of the 30 year clock to the effect of "habitat creation and enhancement works in accordance with the Habitat Management and Monitoring Plan will be completed no later than 12 months after the completion of development work".

2. The HMMP needs specific wording inserted into the monitoring section of the HMMP to clarify what reporting shall be undertaken for this development:

· The monitoring reports as referenced above shall be sent to the local authority by November 1st of each year in which monitoring is undertaken. As a minimum these reports shall contain:

1) a summary of management actions taken over the previous monitoring period and their timing;
2) a summary of problems encountered in meeting management objectives and any mediation actions taken or planned to address problems;

3) A current UK habitat condition assessment for each post-development habitat accompanied by the following supporting evidence:

i) species composition and % cover quadrat data for grassland habitats following sampling methods of the National Vegetation Classification or similar (NVC; Rodwell 1992*) - specifically for the proposed Other Neutral Grassland enhanced area;

ii) species composition and whole feature assessment of hedgerow habitat; and

iii) representative photographs of each habitat parcel.

Other than these two additions, we are happy with the HMMP and once they have been included, we will support the condition discharge of Condition 10 of the application: H11-0289-25.

Environmental Protection

I would recommend 2m temporary hoarding be used around the rear and side boundaries of the site compound in order to protect the amenity of nearby properties

Planning Considerations

Background/Previous Discharges

It is material to this assessment that some of the information has already been before the LPA for discharge. However, these were submitted prior to (and still being considered when permission H11-0289-25 was issued). The topics relate to:

- H11-0418-25 - Details of Construction Method Statement (Condition 3 of H11-0842-23). Approved 25-06-25
- H11-0306-25 - Details of Contamination and Remediation Scheme (Conditions 4 and 5 of H11-0842-23) - Allowed on appeal. Discharged 15th May 2025
- H11-0590-25 - Details of Biodiversity Net Gain Plan (Condition 10 of H11-0842-23) - approved on appeal. Approved 6th August 2025

Condition 3 - Construction Method Statement

The condition requires:

The development hereby permitted shall be carried out in accordance with the Construction Method Statement, as submitted and agreed in writing under reference H11- 0418-25, unless otherwise agreed in writing with the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

The applicant has provided:

- LWLS-SH-PD-CMP-1020 Rev A - Construction Management Plan
- 1st Issue - 20.09.2023 - Construction Method Statement.

Highways have been consulted and confirmed that the information contained within this submission is the same as previously discharged. On this basis the condition is discharged.

Condition 4 - Contamination

The condition requires:

No development shall commence until an assessment of the risks posed by any contamination (including gases and water quality) has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

The applicant has provided:

27th June 2022 - Phase I Land Contamination Assessment (27th June)

Environmental Protection have made comment, but not in regards of contamination. However the information provided was discharged under application H11-0306-25, confirming that Details of Contamination and Remediation Scheme (Conditions 4 and 5 of H11-0842-23), were discharged.

On this basis, the information provided is acceptable and is discharged.

Condition 5 - Remediation

The condition requires:

No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the Local Planning Authority before any individual dwelling is occupied.
The applicant has provided:

27th June 2022 - Phase I Land Contamination Assessment (27th June)

Please see the commentary to condition 4 (above). This information has already been discharged. The information is therefore acceptable.

Condition 10 - Bio-diversity Net Gain Plan

The condition requires:

Prior to any development above ground level, a Biodiversity Net Gain Plan to demonstrate a minimum of 10% net gain in biodiversity on-site, calculated using the Biodiversity Metric 3.1 (or any successor) shall be submitted to, and approved in writing by the Local Planning Authority. This shall be supported by a Biodiversity Management Plan setting out how the biodiversity enhancements will be managed and monitored for the lifetime of the development. The development shall be undertaken and thereafter maintained in accordance with the approved details.

The applicant has provided:

- Biodiversity Gain Plan
- BNG Metric Calculation Tool
- Habitat Management & Monitoring Plan

Ecology has made comment that the proposal unacceptable subject to a few inclusions within the HMMP. However the HMMP, in its current form was previously discharged under application H11-0590-25. It is therefore unreasonable for the LPA to pursue these inclusion at this stage. The condition is therefore 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

Conditions 3, 4, 5 & 10 of H11-0289-25 are hereby discharged.