Lincolnshire County Council
Planning Permission

Town and Country Planning Act 1990

Town and Country Planning General Regulations 1992

Date of Proposal: 28 February 2019

Application No. H14-0326-19

LCC Ref. No. PL/0038/19

Part 1 Planning Permission

1. On 29 July 2019 the Lincolnshire County Council resolved, for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992, to construct Section 5 of the Spalding Western Relief Road comprising of a new single carriageway route from the B1356 Spalding Road and Enterprise Way to Vernatt's Sustainable Urban Extension (SUE) incorporating a new roundabout junction with the B1356 Spalding Road, a bridge over the Peterborough to Sleaford railway line, and a priority junction into Vernatt's SUE at land which runs parallel to Vernatt's Drain and is bound by the B1356 Spalding Road to the east, Spalding.

2. Take notice that Planning Permission is hereby granted by Lincolnshire County Council to carry out the above development in accordance with the application and plans submitted subject to the following conditions.

Part 2 Conditions

1. The development hereby permitted shall be commenced within three years of the date of this permission. Written notification of the date of commencement of development shall be sent to the County Planning Authority (CPA) within seven days of commencement.

   Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Signed N McBride

Head of Planning
Lincolnshire County Council

Date 23 September 2019

NOTES:

1. This permission must be entered in the statutory register of planning decisions maintained by the District Council (as required by the Town and Country Planning General Regulations 1992). In addition the District Council is requested to make an entry in the Land Charges Register of any conditions attached to this permission.

2. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. The development hereby permitted shall be carried out in strict accordance with the details contained in the application and in full compliance with the mitigation measures identified and set out in the supporting Environmental Statement (including supporting technical appendices) and the drawings set out below, unless otherwise agreed in writing with the CPA, or where modified by the conditions attached to this planning permission or by details subsequently approved pursuant to those conditions:

- 70047277-WSP-HGN-S5-DR-CH-0001 Rev.P05 – Site Layout
- 70047277-WSP-HGN-S5-DR-CH-0002 Rev.P02 – Cross Sections Sheet 1
- 70047277-WSP-HGN-S5-DR-CH-0003 Rev.P02 – Cross Sections Sheet 2
- 70047277-WSP-HGN-S5-DR-CH-0004 Rev.P02 – Cross Sections Sheet 3
- 70047277-WSP-HGN-S5-DR-CH-0005 Rev.P02 – Proposed Highway Finishes Sheet 1
- 70047277-WSP-HGN-S5-DR-CH-0006 Rev.P02 – Proposed Highway Finishes Sheet 2
- 70047277-WSP-HGN-S5-DR-CH-0007 Rev.P02 – Proposed Highway Finishes Sheet 3
- 70047277-WSP-HGN-S5-DR-CH-0010 Rev.P01 – Section 5 Proposed Blue Gowt Land Diversion
- 70047277-WSP-ELS-S5-DR-LX-0001 Rev.P02 – Landscape General Arrangement
- 70047277-WSP-HGT-S5-DR-CE-0001 Rev.P02 – Earthworks Foundations Details Sheet 1
- 70047277-WSP-HGT-S5-DR-CE-0002 Rev.P02 – Earthworks Foundations Details Sheet 2
- 70047277-WSP-SBR-S5-DR-CB-0001 Rev.P01 – General Arrangement
- 70047277-WSP-HML-S5-DR-CH-0001 Rev.P04 – General Arrangement Sheet 1
- 70047277-WSP-HML-S5-DR-CH-0002 Rev.P04 – General Arrangement Sheet 2
- 70047277-WSP-HML-S5-DR-CH-0003 Rev.P04 – General Arrangement Sheet 3
- 70047277-WSP-HML-S5-DR-CH-0004 Rev.P04 – General Arrangement Sheet 4
- 70047277-WSP-HML-S5-DR-CH-0005 Rev.P03 – General Arrangement Sheet 5
- 70047277-WSP-HML-S5-DR-CH-0006 Rev.P02 – Junction Long Sections.

Reason: To ensure that the development is carried out in accordance with the details as contained in the application and the principles of the mitigation set out in the Environmental Statement in order to minimise the environmental effects of the development.

<u>Pre-commencement Conditions</u>

3. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the CPA. The CEMP shall include details of measures to be adopted to minimise and mitigate potential impacts during the construction works including (inter alia):

- the measures to avoid the pollution and discharge of any substances, including surface water run-off into controlled waters;
- the measures to be adopted during all works to minimise the incidence and impacts of noise and vibration arising from construction equipment and vehicles;

- the measures to be adopted during all works to ensure that dust emissions are minimised;
- details of the measures to ensure vehicles do not leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the public highway;
- hours of working for construction activities;
- measures to exclude and protect legally protected species and their retained habitats from injury or damage (e.g. badger fencing, daily checks of trenches, etc).

The approved plan shall thereafter be implemented and carried out in full accordance with the approved details.

Reason: To minimise the impacts of the construction operations and impacts such a noise, dust and light pollution on the local landscape, ecology and nearby residents.

4. No development shall take place until full details of the surface water drainage proposals, including details of the proposed drainage ditch design and landscape treatment have been submitted to and approved in writing by the CPA. The approved scheme shall be implemented and carried out before the development is completed and shall thereafter be maintained for the duration that the development hereby permitted subsists.

Reason: To ensure further details of the proposed surface water drainage proposals and opportunities to secure improved habitat creation are secured in line with the recommendations of the Environmental Statement.

5. (a) No development shall take place until a written archaeological scheme of works has been submitted to and approved by the CPA. This scheme should include the following items set out below and be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the CPA:

- An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements);
- A methodology and timetable of site investigation and recording;
- Provision for site analysis;
- Provision for publication and dissemination of analysis and records provision for archive deposition;
- Nomination of a competent person/organisation to undertake the work;
- The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

(b) The archaeological site work shall be undertaken only in full accordance with the approved written scheme. The applicant will notify the CPA of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the CPA.

(c) A copy of the final report will be submitted within three months of the work to the CPA for approval (or according to an agreed programme). The material and paper archive required as part of the written scheme of investigation shall be

deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure that satisfactory arrangements are made for the investigation, retrieval and recording of archaeological deposits within the site.

Landscaping

6. In the first available planting season following the completion of the construction of the development hereby permitted, soft landscape planting and fencing shall be carried out within the development footprint in accordance with a scheme and details that have first been submitted to and approved in writing by the CPA. The soft landscape planting scheme shall contain details including the species, size, number, spacing and positions of any plants and trees and include details of the measures to be adopted for their future maintenance and 10 year aftercare. In respect of fencing, details shall include the type, height, treatment/colour and position of any fencing to be erected as part of the development. Once implemented all soft landscaping and fencing shall be managed in accordance with the approved scheme.

7. All trees and shrubs not scheduled for removal and which are to be retained as part of the development shall be protected during the construction works in accordance with the recommendations of BS5387 'Trees in relation to design, demolition and construction – recommendations'. All protection fencing, barriers and measures implemented to protect trees and shrubs hall be maintained during the course of the construction works on site and be removed following their completion.

Reason: To minimise the impact of the development on the local landscape in the interests of visual amenity.

Noise & Lighting

8. All floodlighting and external site lighting associated with the construction of the development hereby permitted shall be positioned and operated to minimise the potential nuisance of light spillage from the site.

9. Before the road hereby approved is brought into use details of all proposed lighting to be implemented as part of the development (including street lighting and that associated with the bridges, underpasses and other circulation areas, etc) shall be submitted for the approval of the CPA. Thereafter the lighting shall be implemented and carried out in full accordance with the approved details.

Reason: In the interests of visual amenity and to minimise the impacts of light pollution on the local landscape and adjoining land uses (e.g. railway infrastructure).

Ecology / Pre-construction Surveys

10. No soil stripping or vegetation clearance works shall be undertaken between March and September inclusive unless otherwise agreed in writing with the CPA. If these works cannot be undertaken outside this time, the land affected should be evaluated and checked for breeding birds by an appropriately qualified ecologist and if appropriate, an exclusion zone set up. No work shall be undertaken within the exclusion zone until birds and any dependent young have vacated the area.

Reason: In the interests of safeguarding nesting birds that are protected by law.

11. Prior to any vegetation clearance, groundworks or site preparation works taking place within 30m of the main badger sett affected by this development, the sett shall be closed and an artificial sett provided in accordance with the terms of a Natural England Mitigation Licence and details and information confirming the completion of these works shall be submitted for the written approval of the CPA.

12. Prior to the demolition of the residential dwellings (167 & 169 Spalding Road), an updated pre-construction bat survey shall be carried out to establish the presence or absence of bats in the internal roof space. The results of this survey, along with details of any mitigation measures, including details of the design and proposed locations for the replacement and compensatory bat boxes, along with any contingency plans shall be submitted to the CPA for their written approval. No demolition works shall take place until those details have been approved in writing by the CPA and thereafter all works shall be carried out in full accordance with the approved details.

13. Prior to any vegetation clearance or works affecting existing drainage ditches taking place, an updated pre-construction water vole survey shall be carried out and the results of this submitted to the CPA. Should no water voles be identified then any vegetation clearance that could affect water vole habitat shall be gradually and directionally removed under the supervision of an appropriately qualified ecologist. In the event that water voles are found to be present, then no works shall take place until a detailed method statement including details of the measures to be adopted to displace and protect water voles from the works has first been submitted to and been approved in writing by the CPA. All works shall thereafter be carried out in full accordance with the approved details.

    Reason: To ensure the mitigation measures for these species as set out in the Environmental Statement are carried out and implemented.

<u>Contaminated Land</u>

14. If, during the construction works, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the CPA) shall be carried out in the area affected by the identified contamination until the developer has submitted a remediation strategy to the CPA detailing how this unsuspected contamination will be dealt with and obtained written approval from the CPA. The remediation strategy shall be implemented as approved.

    Reason: To ensure that appropriate remediation measures can be secured to protect controlled waters for any contaminated land which may be present within the site.

Informatives

Attention is drawn to:

(i) In dealing with this application the County Planning Authority has worked with the applicant in a positive and proactive manner by giving pre-application advice in advance of the applications and seeking further information to address issues identified to enable the applications to be processed efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015; and

(ii) The validity of the grant of planning permission may be challenged by judicial review proceedings in the Administrative Court of the High Court. Such proceedings will be concerned with the legality of the decision rather than its merits. Proceedings may only be brought by a person with sufficient interest in the subject matter. Any proceedings shall be brought promptly and within six weeks from the date of the planning permission. What is prompt will depend on all the circumstances of the particular case but promptness may require proceedings to be brought at some time before the six weeks has expired. Whilst the time limit may be extended if there is good reason to do so, such extensions of time are exceptional. Any person considering bringing proceedings should therefore seek legal advice as soon as possible. The detailed procedural requirements are set out in the Civil Procedure Rules Part 54 and the Practice Directives for these rules.