DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0029-23**	**Applicant:**	**Broadgate Homes**
Proposal:	Details of scheme specifying the methods of recording or preserving any archaeological deposits, programme of archaeological work in accordance with a written scheme of investigation, the monitoring, including a report of all stages of the development and details of scheme to deal with contamination (part Conditions 66, 67, 68 & 76 of H16-0571-09 relating to Plots 313 - 462 Phase 2, Northern Neighbourhood)		
Location:	Site To The South West Of Spalding With Access From The Broadway To The North And B1172 To The South		
Terminal Date:	8th March 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment
30	Pollution

National Guidance

National Planning Policy Framework 2021

NPPF 2021

Sections:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
15. Conserving and enhancing the natural environment

Planning Practice Guidance (PPG)

Representations:

	Object	Support	No Obj.	Comments
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of scheme specifying the methods of recording or preserving any archaeological deposits, programme of archaeological work in accordance with a written scheme of investigation, the monitoring, including a report of all stages of the development and details of scheme to deal with contamination (part Conditions 66, 67, 68 & 76 of H16-0571-09 **relating to Plots 313 - 462 Phase 2, Northern Neighbourhood**)

Site Description

History

H16-0571-09. OUTLINE. Erection of 2,250 dwellings, district centre, 2 local centres, primary school, public open space, access and estate roads. APPROVED 18-05-12.

H16-0067-18. Details of scheme to deal with contamination (Condition 76 of H16-0571-09). APPROVED 22-02-18.

H16-1153-16. Details of scheme to deal with contamination (Condition 76 of H16-0571-09). APPROVED 4-01-17.

Consultation Responses

SHDC Environmental Protection

Has reviewed the Create Consulting Engineers Ltd report 'HOLLAND PARK: PHASE 2, SPALDING, PE11 3AP Phase I Geo-Environmental Assessment' Reference: SG/CC/P13-501/05 Date: November 2019 and 'HOLLAND PARK: PHASE 2, SPALDING Phase II Geo-Environmental Assessment Revision A' Reference: TB/CC/P13-501/06 Rev A Date: January 2020 and is in general agreement with the findings. Therefore recommend discharge of condition 76 of H16-0571-09 relating to Plots 313 - 462 Phase 2, Northern Neighbourhood.

LCC Historic Environment Officer

The results of the evaluation submitted here are not sufficient to justify any further archaeological input being required in association with present application, and any outstanding archaeological conditions could now be discharged. Therefore on this basis we would recommend that no further archaeological input be required in association with this phase of the Holland Park development.

Planning Considerations

Part Conditions 66, 67, 68 & 76 of H16-0571-09

Condition 66

No development shall take place within any phase of the development hereby permitted until a scheme specifying the methods of recording or preserving any archaeological deposits which may be affected by the approved works and including a timetable for such recording has been submitted to and been approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with the agreed scheme.

As per the response of the LCC Historic Environment Officer this condition can be agreed.

Condition 67

No development shall take place within any phase of the development hereby permitted until the

applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority.

As per the response of the LCC Historic Environment Officer this condition can be agreed.

Condition 68

Before each phase of development is commenced details of the arrangements made for an archaeologist recognised by the Local Planning Authority to monitor all stages of the development involving ground disturbance shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be carried out during site operation, and a report of the findings of the archaeologist shall be submitted to the Local Planning Authority within one month of the completion of site operation and shall include arrangements for the conservation of artefacts removed from the site.

As per the response of the LCC Historic Environment Officer this condition can be agreed.

Condition 76

No part of the development hereby permitted, or any phase of the development hereby permitted, shall be commenced until a scheme to deal with any contamination of any land or any pollution of any 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 unless the LPA dispenses with any such requirement in writing.
(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 one 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 sites 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 without the express written agreement of the LPA. 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.

As per the response of the SHDC Environmental Protection, this condition can be discharged in relation to Plots 313 - 462 Phase 2, Northern Neighbourhood.

Conclusion

Details are acceptable.

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.