DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0082-25**	**Applicant:**	**Tilbury Douglas (on behalf of Department for Education)**
Proposal:	Details of flood warning & evacuation plan (Condition 6 of H16-0373-23)		
Location:	Waterside Campus Neville Avenue Spalding		
Terminal Date:	26th March 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

04	Approach to Flood Risk

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework (December 2024)

Section 14 - Meeting the challenge of climate change, flooding and coastal change

National Guidance

Representations:

	Object	Support	No Obj.	Comments
ENVIRONMENT AGENCY	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge condition 6 of permission H16-0373-23.

Permission H16-0373-23 granted consent for the following development on 08 November 2023:

"Demolition of school building and erection of two-storey teaching block with associated parking and landscaping and temporary siting of classroom units, construction of temporary access and car parking and temporary hardstanding during construction period."

Condition 6 requires the submission of a flood evacuation plan.

Site Description

The application site lies off Neville Avenue, within the town of Spalding and comprises an established school now known as Tulip Academy Spalding (Waterside Campus).

The site, which is located towards the eastern edge of Spalding, is approximately 2.7ha in size and currently comprises the existing school buildings, which includes a recently developed two storey school block, associated car parking and play area/fields.

The application site is predominantly bounded by residential properties, with dwellings neighbouring the site to the north, east and south. Spalding Academy, a further school, neighbours the site to the west.

The site is in Environment Agency Flood Zone 3, and in a "Danger for All" hazard area with a maximum predicted flood depth of 2 metres plus on the 2115 South Holland Strategic Flood Risk Mapping.

Relevant Planning History

H16-0373-23: (Full Application) Demolition of school building and erection of two-storey teaching block with associated parking and landscaping and temporary siting of classroom units, construction of temporary access and car parking and temporary hardstanding during construction period - approved 08 November 2023

H16-1017-23: (Discharge of Conditions) Details of scheme of construction management and construction management plan and method statement (Conditions 4 & 5 of H16-0373-23) - approved 19 December 2023

H16-0146-24: (Discharge of Conditions) Details of flood warning & evacuation plan (Condition 7 of H16-0373-23) - approved 20 March 2024

H16-0215-24: (Discharge of Conditions) Details of a scheme for the removal of the modular units, temporary hardsurfacing and fencing as shown on Dwg No (03)001 Rev 1 (Landscape Concept Plan) and the reinstatement of the playing field land (Condition 12 of H16-0373-23) - approved 05 April 2024

H16-0218-24: (Non Material Amendment) Demolition of school building and erection of two-storey teaching block with associated parking and landscaping and temporary siting of classroom units, construction of temporary access and car parking and temporary hardstanding during construction period - approved under H16-0373-23. Amendments to include an increase in temporary car parking area to southwest of site, addition of the stockpiling area and movement of the southernmost temporary unit to the east - approved 20 March 2024

H16-0820-24: (Discharge of Conditions) Details of bat & bird boxes, design & positions of cycle spaces, external illumination (Conditions 10,11 & 13 of H16-0373-23) - approved 12 November 2024

Consultation Responses

Environment Agency: We have reviewed the submitted Flood Warning & Evacuation Plan prepared by Tulip Academy Spalding and understand that in the event of a breach in the flood defences, safe refuge will be sought on the first floor and will be accessible for all people on site. We are pleased to see acknowledgement of 'no notice flooding events' as it cannot be guaranteed that there will be warning of a breach. We do not approve the adequacy of flood emergency response procedures and therefore we advise your Authority to undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 181 of the NPPF and the guiding principles of the PPG. We also recommend your Authority to refer to the following guidance: 'Flood risk emergency plans for new development'.

Key Planning Considerations

Condition 6 reads as follows:

"Prior to the development of the new permanent teaching block hereby permitted being brought into

use, a detailed flood warning and evacuation plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency, to ensure that the users can be kept safe should breach occur. The approved flood warning and evacuation plan shall be available and implemented at all times for the lifetime of the development.

Reason: To ensure that the development does not result in risk of flooding that would cause harm. This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2023."

Firstly, it should be noted that condition 7 of permission H16-0373-23 required a flood warning and evacuation plan to be submitted and agreed for the temporary classroom units within the site. A flood warning and evacuation plan was submitted and agreed and condition 7 was discharged on 20 March 2024 under reference H16-0146-24. The submitted evacuation plan is similar to the previously approved plan. It is noted that the Environment Agency (EA) has set out that further information is required, however, the EA has not specified what information is lacking. Furthermore, the local authority no longer has an emergency planning officer to advise. The EA has referred to relevant guidance for reference (Flood Risk Emergency Plans for New Development - September 2019). This document is not however part of the development plan and therefore cannot be given full weight in the determination of the current application. Notwithstanding this, the submitted evacuation plan has been reviewed against the relevant section of this guidance document 'The content and structure of emergency plans'. The submitted evacuation plan sets out the site manager will be responsible for ensuring the site is registered with the Flood Warnings Service, and the site manager is responsible for notifying the head teacher of the potential need to activate the plan. The estimated flood warning time is between 2 and 12 hours between a Flood Alert being issued and the flood event possibly occurring. The submitted plan therefore explains how the plan will be triggered, by who and when. This accords with the guidance.

In terms of the proposed evacuation plan, all students and staff will follow the school's normal daily transport plan, which will be undertaken as soon as "Flood Warning" or "Severe Flood Warning" (appendix 1) has been assessed, and the risk of the site flooding is inevitable. If flash flooding is experienced and transport cannot gain access to the site, all staff and students will take refuge on the first floor of the 'LA' block and contact emergency services for rescue.

It is therefore considered that sufficient information is provided within the plan for the condition to be discharged. Furthermore, the plan has previously been found to be acceptable as condition 7 was discharged. Although, this only related to temporary classrooms, the plan is nonetheless considered to be acceptable on balance.

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 address the requirements of condition 6 of permission H16-0373-23.

Recommendation

Discharge condition 6.