

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0278-25 **Applicant:** Seagate Homes Ltd
Proposal: Details of scheme to deal with contamination of land or pollution of controlled waters (Condition 15 of H16-0136-23)
Location: Ivanda Nursery Monks House Lane Spalding
Terminal Date: 26th May 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

30 Pollution

National Guidance

National Planning Policy Framework December 2024

Section 15: Conserving and Enhancing the Natural Environment.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This application seeks approval of the details in respect of Condition 15 of planning permission H16-0136-23. Condition 15 requires a scheme to deal with any contamination of land or pollution of controlled waters to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (other than demolition).

Site Description

The site relates to a former nursery located within the settlement boundary of Spalding. Planning permission was granted in September 2024 (reference H16-0136-23) for the residential development of 70 dwellings including the demolition of existing glasshouses.

History

H16-0136-23: Proposed residential development of 70 dwellings, including demolition of existing glasshouses. Approved 25.09.2024.

H16-0885-24: Details of Archaeological Mitigation Strategy (Condition 05 of H16-0136-23)

:Approved 07.11.2024.

H16-0277-25: Details of gas/electricity external boxes, gas flues and soil vents (Condition 27 of H16-0136-23). Approved 08.04.2025.

H16-0220-25: Details of external materials of construction of buildings and hard surfaced areas (Condition 09 of H16-0136-23).. Approved 08.04.2025.

H16-0222-25: Details of foul water disposal and surface water disposal (Condition 17 and 18 of H16-0136-23). Approved 23.04.2025.

H16-0226-25: Details of estate road phasing and completion plan (Condition 30 of H16-0136-23). Approved 16.05.2025.

Consultation Responses

Environmental Protection Officer

Recommend Condition 15 is discharged.

Planning Considerations

Condition 15 Wording

The development hereby permitted shall not be commenced, with the exception of demolition, 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). The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:

- ii) If identified as being required following the completion of the desk-top study, an exploratory 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 end use. A full copy 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 strategy for land contamination and/ or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.

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 suspected contamination has been submitted to and agreed in writing by the LPA.

The reason for the condition is:

To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

Condition 15 Detail

The Environmental Protection Officer advises that the submitted reports have been reviewed and the Environmental Protection Officer is in agreement with the findings of these reports. The Environmental Protection Officer has also reviewed the Remediation Strategy and is in general agreement with the proposal for site remediation. The Environmental Protection Officer recommends the condition is discharged.

Conclusion

The submitted details are considered 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.

Recommendation

Condition 15 of application reference H16-0136-23 is discharged.