DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0839-25**	**Applicant:**	**BLM Builders Ltd**
Proposal:	Details of Verification Report (Condition 10 of H16-0185-22)		
Location:	Plot 3 Adj. Douglas Horseshoe Road		
Terminal Date:	29th October 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

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions application that seeks the discharge of Condition 10 of H16-0185-22 (details of verification report).

Site Description

The application site is within defined settlement limits on the edge of Spalding and relates to Plot 3 of a broader permission. The surrounding area is predominately rural, characterised by non-nucleated linear development of varying ages and design. Plot 1 to the west is a bungalow, with Plot 2 a two-storey dwelling. Arable fields are located to the north and south of the site. Plot 4 to the east is proposed to be a two-storey dwelling with rooms in the roofspace. This plot is yet to be developed. The site is in Environment Agency Flood Zone 3, and is not subject to increased flood hazard or risk on the 2115 South Holland Strategic Flood Risk Mapping.

History

H16-0185-22 - Erection of Dwelling (Plot 3). Approved 20-04-22

H16-0715-16 Reserved Matters - Residential development - Erection of four dwellings - Outline approval H16- 0482-14 - Approved - 23 October 2017

H16-0397-18 Condition Compliance - Details of Archaeological Investigation (Condition 3 of H16-0715-16) - Part Approved / Part Refused - 20 November 2018.

H16-0703-20 Non-material amendment - Residential Development - erection of 4 dwellings - approved under
H16-0715-16. Amendments to design of Plot 2 and design and re-location of garage to Plot 2 - Non-determined - 19 October 2020.
H16-0383-24 - Discharge of conditions application that seeks the discharge of Conditions 3, 4, 5, 8 & 9 (i) relating to H16-0185-22. Approved

Consultation Responses

Environmental Protection

A consultation was issued on two occasions; however, no response has been received.

Condition 10 - Verification Report

The condition requires:

If contamination of land and/or pollution of controlled waters has been identified as a result of investigation undertaken in accordance with Condition 9 above and remediation is required, a full copy of a verification report shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development. 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 objectives and criteria has been fully met.

The applicant has provided:

Verification Report by Goldfish Environmental Limited

A Phase 2 Investigation report was prepared and subsequently approved by the Local Planning Authority. The Phase 2 report carried out revealed localised contamination in Plot 3 (lead and one PAH Congener), it was understood that formation levels at the site were too 'low' relative to those required for 'flood risk assessment' purposes and also some parts had been further excavated to allow installation of services etc., it was necessary to import soils to achieve the required topographic levels and to provide a suitable growing medium for landscaping purposes and this would also serve to provide the necessary mitigation from the raised determinant concentrations.

The submission relates to the verification element. It evidences the validation information regarding soil import. Delivery notes have been supplied by the applicant. This information has been included in Appendix 1 of the report. It is understood that the soil importation was required across the wider Plot 3 area for this Application area to compensate for 'low levels' and to comply with FRA Planning requirements.

The evidence shows that soil imported is from British Sugar (who have previously provided a chemical laboratory test report representative of the candidate import soils). This information is considered satisfactory.
Environmental Protection have been consulted twice and have not made a response. In the absence of any objection therefore this information is considered acceptable and sufficient to discharge condition 10.

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

Condition 10 of H16-0185-22 is hereby discharged.