

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0920-21 **Applicant:** Longhurst Group Ltd.

Proposal: Details of final report relating to contamination (Condition 7 (iii) of H16-0853-17). Plots 1-19 only

Location: Former Welland Hospital Site Holbeach Road/Roman Bank Spalding

Terminal Date: 26th October 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
30 Pollution

National Guidance

National Planning Policy Framework 2021

NPPF 2021

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Details of final report relating to contamination (Condition 7 (iii) of H16-0853-17) Plots 1-19 only.

Site Description

As host consent.

History

H16-0853-17. OUTLINE. Residential development for up to 36 residential units and associated works. APPROVED. 15-01-19.

H16-0754-20. Details of remediation requirements in relation to contamination (Condition 7 (ii) of

H16-0853-17). APPROVED 05-11-20.

Consultation Responses

SHDC Environmental Protection Service

Has reviewed the Delta-Simons 'Remediation Validation Report Former Welland Hospital Site, Holbeach Road, Spalding' ref 18-1093.06_REP_Holbeach-Road_Spalding_210827 Issue 2 dated 14/09/2021.

Please note that this validation report refers to plot 1-19 of the development only, known as the Holbeach Road site, and that further information on plots 20-36, the Roman Bank site, is expected to follow at a later date. The validation report shows that the remediation previously agreed has been completed in accordance with the approved plans, and recommend discharge of condition 7 of H16-0853-17 for plots 1-19.

Planning Considerations

Condition 7

The development hereby permitted shall not be commenced 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) and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures:

i) 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.

ii) 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. 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.

iii) 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.

Details for Plots 1-19 have been submitted, The remaining plots are to be submitted at a later date.

The Environmental Protection officer confirms that the details are acceptable.

Conclusion

Approve for Plots 1-19 only.

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.