DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-1011-25**	**Applicant:**	**Keystone Academy Trust**
Proposal:	Details of a biodiversity gain plan and a scheme to deal with any contamination of land or pollution of controlled waters (Conditions 4 & 5 of H17-0479-25)		
Location:	Surfleet Primary School 76 Station Road Surfleet		
Terminal Date:	8th January 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

28	The Natural Environment
30	Pollution

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
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 to discharge conditions 4 and 5 of permission H17-0479-25, which granted consent for the demolition of an existing temporary classroom building and the erection of a new classroom block.

Site Description

The application site comprises land to the rear of Surfleet Primary School. The area where the

building is proposed comprises mowed lawn. The area is only partially visible from the street scene along Station Road as the main school building screens most of the site. There are mature trees near the eastern boundary which also provide some screening.

The site is within the settlement boundary of Surfleet, as identified by the South East Lincolnshire Local Plan 2011-2036 and accompanying policies map. The site is identified as Recreational Open Space by Policy 32 of the Local Plan.

The site is within Flood Zone 1, as identified by the Environment Agency's flood risk maps.

Relevant Planning History

H17-1100-94: (Full Application) Erect hipped roof and shallow pitched roof on existing flat roof buildings - approved 12 January 1995

H17-0485-96: (Full Application) Station a relocatable classroom unit - approved 20 June 1996

H17-0479-25: (Full Application) Proposed demolition of existing temporary classroom building & erection of new classroom - approved 22 August 2025

Consultation Responses

Environmental Protection:

First Response (14 November 2025): I have reviewed Listers Geo Geotechnical and Geoenvironmental Consultants, Phase 1 Geoenvironmental Desk Study, Dated: October 2025, Report Ref: 25.09.007-f01 for Surfleet Primary School. I am in general agreement with the findings of this document that that further investigation is required in regards to land contamination in the form of a phase 2 investigation.

Second Response (05 January 2026): I have reviewed the following documents: Listers Geotechnical Consultants Ltd Phase 1 Geo-environmental Desk Study for Surfleet Primary School, Ref: 25.09.007-dr01, Dated: 09.10.2025. Listers Geotechnical Consultants Ltd Phase 2 Ground Investigation Draft for Surfleet Primary School, Ref: 25.09.007a, Dated: 02.12.2025. I am in general agreement with the findings of these reports. I therefore recommend that the the land contamination condition is discharged.

Ecology Officer: No response received.

Key Planning Considerations

Condition 4 reads as follows:

"The development hereby permitted shall not commence until a biodiversity gain plan has been submitted to and approved in writing, by the Local Planning Authority. The development shall then be carried out in accordance with the details as approved.

Reason: To comply with Schedule 7A of the Town and Country Planning Act (1990, as amended).

This Condition is imposed in accordance with Schedule 7A of the Town and Country Planning Act (1990, as amended) and Policy 28 of the South East Lincolnshire Local Plan, 2019."

The application is accompanied by a Biodiversity Gain Plan which proposes to deliver a 10.54% increase in Biodiversity Net Gain on site. This aligns with the calculation that was provided during the determination of application H17-0479-25. As such, it is considered that condition 4 can be discharged.

Condition 5 reads as follows:

"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).

The scheme shall include all of the following measures:

i) A preliminary risk assessment (desk study) shall be 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 none required). A full copy 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, 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. 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.

Reason: 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."

Initially, the application was accompanied by a Phase 1 Geoenvironmental Desk Study. Within this assessment, it was recommended that a Phase 2 intrusive site investigation be undertaken (page 14). This was queried with the applicant's agent as a Phase 2 had not been submitted and as such, the submitted information only addressed part i) of the condition.

A Phase 2 report was subsequently submitted and SHDC's environmental protection team have reviewed this report and agree with the report's findings. As the risk of contamination within the site is considered to be low, no further remediation work is considered to be necessary. As such, it is considered that the condition can be discharged.

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 conditions 4 and 5 of permission H17-0479-25.

Recommendation

Discharge conditions 4 and 5.