Status Design
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Holbeach
Spalding
Lincs
PE12 7AP

Council Offices
Priory Road
Spalding
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PE11 2XE
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planningadvice@sholland.gov.uk
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TOWN AND COUNTRY PLANNING ACT 1990
APPROVAL REQUIRED BY CONDITION OF PERMISSION

Reference: H20-0977-19 **Date of Decision:** 26th February 2020

Applicant: Kirk Home Developments Ltd.
C/O South Lincs Plant Hire
Enterprise Way
Spalding
Lincs

Location: Adj. Havencombe Chapelgate Sutton St James Spalding

Description: Details of external materials, contamination, landscaping, boundary treatment and construction management plan (Conditions 3, 4, 5, 6 and 9 of H20-0043-18)

South Holland District Council hereby give notice that CONSENT HAS BEEN GRANTED for the details submitted for the purpose of conditions attached to the planning permission.

Notes:

The determined plans are:
Application form
SD16-049/3G
Phase I Desk Study Report R17053 Issue 1 5th July 2017
Phase 2 Intrusive Ground Works Factual Report R17053 July 2017 Final Report
Ground Investigation Report 20 November 2017
Phase 1 & 2 Intrusive Ground Investigation Final Report Reference R17053 April 2018
General Considerations document received 21 Feb 2020

Please note that in accordance with the approved details, during the period of site preparation and construction no machinery shall be operated, no processes shall be

carried out and no deliveries shall be taken at or dispatched from the site outside the hours of 07.30 to 17.00 Mondays to Fridays, 08.00 to 12.00 (midday) on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Parts iii and iv of Condition 4 are not discharged by this consent.

Report ref R17053 dated April 2018 clearly identifies that remedial action is required at this location in order to ensure a safe development, and therefore a remediation method statement must be submitted in order to discharge part iii.

The Council's Environmental Protection Officer raises reservations regarding the proposed remediation, and there are a number of options available to the developer at this stage. The consultant has divided the site into two sections. To the east, the 'paddock site' and to the west the 'pig farm site'. The Council's Environmental Protection Officer agrees with the conclusion that no further action is required in the easterly 'paddock site'. The consultant has proposed a simple cover system for the whole of the 'pig farm site', in areas of soft landscaping. They have proposed a 600mm soil cap and possibly a marker membrane to prevent soil mixing. Whilst the Council's Environmental Protection Officer feels this may be appropriate in the central and northern part of the 'pig farm site', the Council's Environmental Protection Officer does not consider that this is a sufficiently robust solution in the animal burial area to the south in order to protect both future users and the water environment. The report states that 'levels of bacterial spores in the soils are at a level where they are likely to require removal to ensure safe occupation of the site for use as residential properties in the future' and 'it is considered that the site may be having a detrimental impact on the nearby surface water network'. On this basis, The Council's Environmental Protection Officer considers it likely that some soil removal, particularly in the southern part of the western half of the site will be required, in order to ensure a safe development.



Phil Norman
Planning and Building Control Manager
South Holland District Council

BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the

Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.