

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H22-0222-23 **Applicant:** Spalding Developments Ltd

Proposal: Details of contamination of land or pollution of controlled waters (Condition 11 of H22-0510-23)

Location: Rear Of 192 High Road Weston Spalding

Terminal Date: 14th December 2023

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 2023

Section 2. Achieving sustainable development.
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

The application is to discharge condition 11 of H22-0510-23 (Remediation Strategy).

Site Description

The site (some 0.24ha) is land to the rear of nos. 192 to 200 High Road, which are semi-detached houses. It is accessed by an existing private roadway.

Houses are situated to the east off St Mary's Close and garden land associated with no 202 High Road to the west. Three pairs of semi-detached houses are situated to the south, with long rear

gardens (nos. 55-65 (odd) Broadgate).

Relevant Planning History

H22-0685-20 - O/A - Residential development (maximum 3 single storey dwellings) - Granted 8 December 2020.

H22-0725-21 - RM - Residential development (maximum 3 single storey dwellings) - Approved 18 August 2021.

H22-0747-21 - C/C - Details of construction management, drainage & means of foul water disposal and archaeological investigation (Conditions 9, 10, 11 & 15 of H22-0685-20) - Approved 18 August 2021.

H22-0075-22 - C/C - Details of scheme to deal with contamination (Parts i and ii of Condition 14 of H22-0685-20) - Approved 22 March 2022.

H22-0224-23 - NMA - Erection of 3 dwellings - outline approval H22-0685-20 - approved under H22-0725-21. Amendment to material of road - Approved 21 March 2023.

H11-0510-23 - S73 - Erection of 3 Dwellings - approved under H22-0725-21. Modification of Condition 1 to allow amendments to previously approved plan - Approved July 2023.

Consultation Responses

Environmental Protection

I make the follow comments and request these points are clarified in any resubmission:

1. The original Ground Engineering report for the site investigation recommend that at least 1m of clean cover was provided over the made ground/ fill identified, due to the presence elevated of Lead and PAH's.

2. Site levels are to be increased by 300mm for flood purposes.

3. The new report suggests that the unsuitable material 'could be stripped and reused' in section 5.2, yet in section 7.1 suggests that it could be kept insitu below 300mm of clean cover. Section 8.1 says there 'will be a site strip'. It is not clear at this point what the actual remedial solution is. Please could this be clarified.

4. Section 9.1 makes reference to BRE 465 'Cover systems for land regeneration' and suggests a clean cover thickness between 0.3-0.6m is appropriate. A cover of 0.3m is not suitable for a Cg/TV threshold of 2, as we have here, and any final thickness cannot be calculated until concentration present in the imported soil are known.

5. An encapsulation solution, such as the BRE465 approach is acceptable, however more detail is needed at this stage.

6. In section 9.1, regarding imported soil, the report states 'A cumulative TPH EC5-EC35 of 500 mg/kg and total PAH of 50 mg/kg would be considered as acceptable.' I do not agree with this approach and would wish to see speciated testing undertaken. To put this in context, at HA5, where elevated Dibenz(a,h) Anthracene was reported, the total (16) PAH was just 25mg/kg, half of the proposed imported soil criteria.

7. Further guidance on cover systems can be found in the 'Verification Requirements for Cover Systems. YALPAG Technical Guidance for Developers, Landowners and Consultants.' Which can be downloaded here: <https://www.sholland.gov.uk/article/11653/Planning-application-consultations>

Planning Considerations

Environmental Protection has reviewed the submitted remediation strategy report and require further clarification in respect of a number of matters, plus speciated testing.

As such, the submitted remediation strategy report does not satisfactorily demonstrate how contamination issues would be addressed. Consequently, condition 11 of H22-0510-23 is not discharged, and the details are not approved.

Conclusion

That the application for discharge of conditions be refused.