

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0199-25 **Applicant:** AGR Solar 2 Limited
Proposal: Details of archaeological investigation (Condition 7 of H04-0849-22)
Location: Land To The West Of Cowbridge Road Bicker Fen Boston
Terminal Date: 23rd April 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
05	Meeting Physical Infrastructure and Service Needs
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 6 - Building a strong, competitive economy
Section 8 - Promoting healthy and safe communities
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge Condition 7 of planning approval H04-0849-22, relating to details of a written scheme of archaeological investigation.

Planning approval H04-0849-22 granted planning permission for the development of a photovoltaic solar array, grid connection, access improvement works and ancillary development on land at Bicker Fen, Boston and South Holland.

Site Description

The application site predominantly comprises arable farmland made up of large fields, crossed by a network of ditches and drains. It also includes the grid connection corridor where underground cables would be laid. Field margins are typically formed by open ditches, however in some locations established hedgerows and hedgerow trees make up the field boundaries. These features are characteristic of the wider local landscape. The landscape is interspaced by occasional farm buildings (both residential and functional) of varying size and condition. A Public Right of Way follows Hammond Beck in a broadly north/south direction.

The site is not subject to any landscape, heritage or conservation area designations and there are no listed buildings on the site itself. There are listed buildings in Bicker to the east, but these are some distance away. There are no formal ecological designations within 2.5km of the site.

History

H04-1021-23 - Condition Compliance - Details of written scheme of archaeological investigation (Condition 7 of H04-0849-22) - Withdrawn

H04-0969-23 - Condition Compliance - Details of training & employment management plan (Condition 16 of H04-0849-22) - Approved 15 December 2023

H04-0849-22 - Proposed development of a photovoltaic solar array, grid connection, access improvement works & ancillary development on land at Bicker Fen, Boston and South Holland. Approved 21 July 2023.

H04-0078-24 - Condition Compliance - Details of foul & surface water disposal (Condition 15 of H04-0849-22) - Approved 22nd March 2024.

H04-0204-24 - Condition Compliance - Details of Methods to prevent the deposit of mud on public highways by vehicles travelling from site during construction of development, together with a Health, Safety & Environment Plan (Condition 11 of H04-0849-22) - Approved 02 May 2024

H04-0184-24 - Condition Compliance - Details of Landscape & Ecological Management Plan (Condition 19 and also relating to Conditions 17, 18 & 20 of H04-0849-22) - Refused 15 May 2024

H04-0219-24 - Condition Compliance - Details of the parts of North Ing Drove, Cowbridge Road and Ing Drove that will be used by vehicles making deliveries of materials and components shall be recorded by written notes, still and moving photographic images during an inspection (Condition 14 of H04-0849-22) - Approved 30 April 2024

H04-0521-24- Condition Compliance - Details of Landscape & Ecological Management Plan (Condition 19 and also relating to Conditions 17, 18 & 20 of H04-0849-22) - Approved 09 July 2024

H04-0558-24 - Condition Compliance - Details of construction management plan (Condition 10 of H04-0849-22) - Approved 29 July 2024

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Historic Environment Officer

The amended Written Scheme of Investigation for Archaeological Mitigation uploaded on 13/03/2025 is acceptable for discharge of condition 7 of planning permission H04-0849-22.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Planning Considerations

The application is to discharge Condition 7 of planning approval H04-0849-22, relating to details of a written scheme of archaeological investigation.

Condition Details

The conditions detail:

Condition 7

No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

- 1. an assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements);*
- 2. a methodology and timetable of site investigation and recording;*
- 3. provision for site analysis;*
- 4. provision for publication and dissemination of analysis and records;*
- 5. provision for archive deposition;*
- 6. nomination of a competent person/organisation to undertake the work;*
- 7. the scheme to be in accordance with the Lincolnshire Archaeological Handbook.*

The archaeological site work shall only be undertaken in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021. 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 29 of the South East Lincolnshire Local Plan, 2019.

LCC Historic Environment have been consulted and have indicated that the Written Scheme of Investigation for Archaeological Mitigation is acceptable. They therefore recommend that condition 7 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 in relation to Condition 7 are acceptable and can be discharged.