

Our Ref: 2920-01/AR/NMA-BBC

06 June 2025

By email only: daniel.allen@sholland.gov.uk

South Holland District Council
Planning Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Dear Sir/Madam

PROPOSED NON-MATERIAL AMENDMENT IN RELATION TO CONDITION 13 OF PERMISSION H04-0849-22

Introduction

We write on behalf of our client, AGR Solar 4 Limited (the Applicant), to apply for a Non-Material Amendment (NMA) under Section 96A of the Town and Country Planning Act 1990 (as amended), to planning permission H04-0849-22 for "Proposed development of a photovoltaic solar array, grid connection, access improvement works & ancillary development on land at Bicker Fen, Boston and South Holland", ('the Consented Development').

The Non-material Amendment application comprises:

- This Covering Letter;
- Planning Application Form;
- Planning application fee of £298 (excluding the Planning Portal handling fee).

Proposed Non-Material Amendment

The Applicant has been in discussions with Boston Borough Council regarding construction access routes to the Consented Development. Further to these discussions, and in accordance with the provisions contained within Condition 13, the Applicant requests South Holland District Council ('the Council') for its "Approval in Writing" via a Section 96A application to manage the movement of Construction Traffic in accordance with the approved Construction Management Plan (CMP) i.e. facilitating the two-way use of the roads described in Condition 13 for the delivery of materials and components to the construction site.

Condition 13 states:

Unless agreed otherwise in writing by the Local Planning Authority, all vehicles making deliveries of materials and components to the permitted development shall arrive via the Viking Link haul road and North Ing Drove route described in the submitted Revised Access Strategy Technical Note, dated February 2023, and all departing, unloaded delivery vehicles shall leave the Application Site via the Cowbridge Road, Ing Drove and Bicker Wind Farm haul road route, also described in the same Technical Note. The arrival and departure of Heavy Goods Vehicles during the decommissioning of the permitted development shall be in accordance with routing that shall first be agreed in writing, at the time of decommissioning, by the Local Planning Authority in consultation with the Local Highway

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Authority and with regard to prevailing condition of the local highway at the time of decommissioning. No other roads between the A52 and the Application Site shall be used by delivery vehicles during the construction and decommissioning phases.

The Reason given for this condition is:

In the interests of highway safety, to reduce the likelihood and frequency of arriving and departing Heavy Goods Vehicles meeting on-coming vehicles on the narrow Fen roads serving the permitted development and having to over-run highway verges or undertake unreasonable reversing manoeuvres in order to pass one another in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

There are a number of factors which justify that there is no requirement to restrict vehicles to one-way movements along the roads identified in Condition 13 to ensure the safety of road users and / or the condition of the highway, namely:

1. The stated reason for Condition 13 was to avoid the risk of opposing flows of Construction Traffic (HGVs) meeting on Cowbridge Road and Ing Drove, giving rise to concerns about the safety of road users and / or the condition of those roads. Since this matter was considered as part of the original planning application several factors have occurred which reduce the potential risks / impacts to a position where the safety of road users and / or the condition of the access roads is protected. Furthermore, the Council now have the benefit of how the measures prescribed within the approved CMP are operating successfully.
2. Boston Borough Council and South Holland District Council have considered and approved the CMP submitted pursuant to Condition 10, in consultation with Lincolnshire County Council as highways authority. The CMP describes a range of measures to be employed to manage the safe operation of two-way traffic along the site access roads.
3. The temporary Traffic Management arrangements, implemented by AGR (jointly with the developers of the Vicarage Drove Solar Farm) in accordance with the approved CMP have proved effective in mitigating the risks associated with two-way Construction Traffic flows along both Cowbridge Road and Ing Drove. We have not received from either Council, nor direct from Bicker Parish Council, local residents or the local Highway Authority any reports of highway safety concerns on either Cowbridge Road or Ing Drove. Despite AGR only being responsible for a proportion of the traffic that travels along Cowbridge Road and Ing Drove, the verges remain in a condition in keeping with normal highways operation.
4. We recognise that reports were received in relation to delivery vehicles driving through the village of Bicker in the summer of 2024. Some of these vehicles related to the Vicarage Drove Solar Farm, but some were associated with AGRs development. The issue giving rise to this was, we believe, related to the fact that the National Grid Haul Road, which provides a 'bypass' for vehicles travelling between the A52 and Ing Drove to avoid the village, is a private road and does not appear on satellite navigation software used by drivers. This issue was addressed and the matter resolved by providing all drivers with the temporary Traffic Management 'gatehouse' at the junction of the A52 and the haul road as a reference point to navigate to. The 'Gate Men' on the start of the haul road are in radio connect with 'Gate Men' at the site entrance on Cowbridge Road and ensure no vehicles is allowed to progress to site unless their passage is clear of vehicles travelling in the opposite direction (which is the central matter Condition 13 sought to address).
5. In recognition that Ing Drove and Cowbridge Road are used by agricultural, commercial and resident vehicles that are not under our control, AGR escort their construction HGVs along this route to further minimise the risks posed by the relatively narrow minor rural roads with limited

opportunities for two vehicles to pass each other without overrunning (and damaging) verges or using private access property access bellmouths.

6. It is worth noting that other permitted developments in the area, namely the Vicarage Drove Solar Farm (which generates two-way construction traffic movements along Cowbridge Road and Ing Drove), are now substantially complete, and HGV construction traffic movements associated with this development have now ceased, further reducing risks associated with highway safety and road conditions.
7. Notwithstanding the developers of the Vicarage Drove Solar Farm will drop away from the provisions of Joint Working in terms of the temporary traffic management arrangements along Cowbridge Road / Ing Drove route, the arrangements will remain in place by AGR in accordance with the approved CMP until such time as all of the construction works have completed.
8. In relation to vehicle numbers passing along the access roads it should be noted that splitting construction traffic movements between two accesses (i.e. Route 1 and Route 2 on Image 4.3 of the CMP), rather than circulating all traffic in a wider one-way system, does not significantly increase the overall numbers of construction traffic vehicles using the Cowbridge Road / Ing Drove route. In simple terms 100 movements in one access and out another is the same as 50 in and out of two.

We have discussed the above with Lincolnshire Highways. They agree that the proposed arrangement for formalising two-way movements along Ing Drove and Cowbridge Road, controlled via the approved CMP, is acceptable. Appendix A contains correspondence on this matter between Axis and Lincolnshire Highways.

On this basis, we request that the Council confirm in writing that the current two-way use of Cowbridge Road and Ing Drove is acceptable subject to the current traffic control measures set out in the CMS being maintained. Should the Council be minded to alter the wording of Condition 13, we propose the following:

Condition 13

All vehicles making deliveries of materials and components to the permitted development shall access the permitted development in accordance with the measures set out in the approved Construction Method Statement, Construction Management Plan, Axis, Dated 14.06.2024. (ref. B/22/0356/CD5). The arrival and departure of Heavy Goods Vehicles during the decommissioning of the permitted development shall be in accordance with routing that shall first be agreed in writing, at the time of decommissioning, by the Local Planning Authority in consultation with the Local Highway Authority and with regard to the prevailing condition of the local highway at the time of decommissioning. No other roads between the A52 and the Application Site shall be used by delivery vehicles during the construction and decommissioning phases.

We trust the contents of this letter are self-explanatory and look forward to receiving your decision on the application.

A mirror application has also been submitted to the Boston Borough Council regarding permission reference B/22/0356.

If you have any queries regarding the proposed amendments or wish to discuss this application in further detail, then please do not hesitate to contact the undersigned.

Yours sincerely

Andrew Russell

Andrew Russell
Director

Cc: Kimberley Watts – AGR
Anna Ambroziewicz – AGR

Encl:

Appendix A - Email correspondence between Axis and Lincolnshire Highways (dated 12th February to 28th February 2025)