Bicker Fen

Technical Note 01

Section 73 and Condition Wording

Prepared for: AGR Solar 2 Limited

February 2026

2920-01-HTN01

1.0 INTRODUCTION / BACKGROUND

1.1 Introduction

1.1.1 This Highway Technical Note (HTN) has been prepared in response to ongoing discussions regarding vehicle routing for the remaining construction period of the Bicker Fen solar farm. Previous correspondence between Lincolnshire County Council (LCC) and AGR Solar 2 Limited ('The Applicant') (contained as Appendix A of applications H04-0840-25 and B/25/0356) indicates general support for the approach that had been proposed by the Applicant. However, it is understood that some concerns remain from the Council about the practicality of controls on the movement of vehicles along Cowbridge Road. Correspondence with the case officer indicates that it would be necessary to either develop some form of enforceable mechanism to determine the split of vehicles using the two access points to the site or, given the project is reaching the final stages of the construction period whether evidence that the maximum remaining number of HGVs along either route would not harm highway safety or have an unacceptable cumulative impact with other developments.

1.1.2 Accordingly, this note focuses on an evidence-based approach to demonstrate that all remaining HGV movements can be safely accommodated along either route without causing harm to highway safety or creating unacceptable cumulative impacts with other developments. By assessing the maximum potential vehicle movements on each route and their associated impacts, this HTN provides a framework to support the proposed routing under the current CMP while ensuring compliance with highway safety requirements.

1.2 Background / Planning Context

1.2.1 The proposed development of a Photovoltaic Solar Array, Grid Connection, Access Improvements Works and Ancillary Development on Land at Bicker Fen, Boston and South Holland at Land to the west of Cowbridge Road, Bicker, Boston was approved under application numbers H04-0849-22 South Holland District Council (SHDC) and B/22/0356 Boston Borough Council (BBC) in July 2023.

1.2.2 Conditions 7 (BBC) and 13 (SHDC) of this planning consent 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 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.

1.2.3 Concerns were identified regarding the use of Cowbridge Road and Ing Drove, given the presence of nearby residential properties and the potential for conflict with HGV movements. As a result, the following further applications were submitted:

1.2.4 Further planning applications B/25/0356 (BBC) and H04-0840-25 (SHDC), validated on 3rd September 2025 proposed a modification of Conditions 7 and 13, under Section 73 of the Town and Country Planning Act (1990), to amend wording to allow the two-way use of Cowbridge Road and Ing Drove, subject to the current traffic control measures set out in the approved CMP. The proposed wording was as follows:

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, 3735-01-CMP02 Dated 14.06.2024 Revised July 2024 (ref. H04-0558-24). 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.

1.2.5 LCC highways confirmed that the proposal to formalise two-way movements along Ing Drove and Cowbridge Road is acceptable. The Local Planning Authority, acting through the South and East Lincolnshire Councils Partnership on behalf of both BBC and SHDC, recommended approval of the application but proposed further revised wording of the planning conditions.

1.2.6 The Applicant considered that the wording proposed did not fully achieve the intended purpose for the application and imposed limitations on the development which were not reasonable. To deliver an agreed position, the LPA requested that evidence (this HTN) would be prepared to provide additional support to demonstrate that the maximum remaining number of Heavy Goods Vehicles (HGVs) along either route can be accommodated without compromising highway safety.

1.2.7 Construction works at the Bicker Fen Solar Site are now largely complete, with only minor residual activities and demobilisation works ongoing (see section 3.0). The adjacent Vicarage Drove solar development, which relied solely on access via Cowbridge Road and Ing Drove, has now been completed and all associated construction traffic movements have ceased. The Applicant continues to operate agreed traffic management measures along these routes to safeguard residential amenity and ensure highway safety. In addition, the Applicant remains actively engaged with the local community through regular liaison group meetings, which it continues to attend notwithstanding that other developers are no longer present.

2.0 COMPLETED HGV MOVEMENTS

2.1.1 This section summarises HGV movements recorded to date, covering both the cumulative total for the construction period to date and the corresponding average daily movements.

2.1.2 **Table 2.1** presents the total number of HGV movements undertaken between the commencement of construction in July 2024 and the end of December 2025. The data distinguishes between movements associated with Compounds 1 and 2, which are accessed via Cowbridge Road and Viking Link respectively, and provides the basis for assessing historical routing patterns and traffic levels.

Table 2.1 – Bicker Fen Deliveries (HGVs) – July 2024 to December 2025

Item Vehicle Type Quantity	Compound 1 (Cowbridge Rd)	Compound 2 (Viking Link)	Total
Solar Panels, Piles, Framing HGV	197	120	317
Invertors/Transformers etc HGV	12	9	21
Waste Management HGV	68	43	111
40 Tonne Crane	3	2	5
Plant/Welfare Units Low-loader/HGV	45	35	80
Concrete and Aggregate 10-20t trucks	125	91	216
Fencing HGVs	2	2	4
Small Deliveries 10t truck	81	62	143
	533	**364**	
		Total	**897**

2.1.3 On the basis that construction commenced in July 2024 and that the movements summarised above extend to the end of December 2025, this construction period to date equates to approximately 18 months, or around 76 working weeks when allowing for Bank Holidays. Assuming a five-day working week, this corresponds to approximately 380 working days.

2.1.4 Based on the construction period to date, this results in average daily HGV movements of approximately 2.36 movements per day (equivalent to around five two-way movements) via Cowbridge Road, and 0.96 movements per day (approximately two two-way movements) via Viking Link. Movements during peak periods of construction would have exceeded this level.

3.0 ESTIMATED REMAINING HGV TRIPS AND PROGRAMME

3.1.1 **Table 3.1** below sets out the forecast number of remaining HGV movements monthly up to July 2026, which represents the current estimated grid connection date. All remaining construction-related HGV movements are anticipated to access the Site, reflecting the revised construction programme and routing arrangements:

Table 3.1 – Bicker Fen Forecast Remaining Deliveries (HGVs) – January to July 2026

Month	Type	Number of HGVs
January	BESS, Welfare Servicing and Demobilising Civils Contractor	20
February	Welfare servicing	8
March	BESS, Fencing, Welfare Servicing and completion of internal roads	35
April	Welfare servicing	8
May	Welfare servicing	8
June	Welfare servicing	8
July	Welfare servicing, principal contractor, and BESS electrical contractor demobilisation	20
Total		**107**

3.1.2 The period from January to July 2026 covers seven months, equivalent to approximately 29 working weeks when allowing for Bank Holidays. Based on a five-day working week, this corresponds to roughly 148 working days.

3.1.3 Over this period, the average daily HGV movements are estimated at approximately 0.72 movements per day, equivalent to around one two-way movement.

3.1.4 During the peak month of March 2026, which includes 22 working days, the daily average is forecast to be 1.59 HGV movements per day, or approximately three two-way movements. This demonstrates that even at peak activity, the daily HGV movements are projected to remain well below the levels experienced during the Bicker Fen construction period to-date, which averaged around five two-way movements per-day.

3.1.5 The continued use of Cowbridge Road as the primary access route reflects practical site constraints rather than operational preference. The remaining works are concentrated on the eastern part of the site, which is directly accessed via Cowbridge Road. The site is physically divided by Hammond Beck, which restricts the movement of vehicles, plant and materials between the western and eastern areas and makes cross-site access impractical. In addition, the internal access roads on the western side of the site have recently been constructed in their final formation for operational works as part of the completed development, and their use for ongoing construction traffic would risk damage. Any such damage would necessitate further repair works, resulting in additional vehicle movements and prolonged construction activity. On this basis, continued access via Cowbridge Road for the above remaining deliveries represents the most practical and least disruptive approach.

3.1.6 It is also noteworthy that Cowbridge Road previously accommodated significant HGV activity associated with the adjacent European Energy solar site. As this construction is now complete, that level of traffic has ceased, meaning that HGV movements along Cowbridge Road associated with the remaining months of construction at the Site will be minimal in comparison. Cumulative traffic impacts are therefore substantially less than during the peak periods of construction.

Landscaping Works (Via both Cowbridge Road and Viking Link)

3.1.7 Landscaping works are scheduled for Autumn 2026 and will generate additional traffic movements. While the majority of these are expected to be light vehicles, there may be some HGV movements associated with the delivery of materials and equipment. These movements are anticipated to utilise both Cowbridge Road and Viking Link, though at relatively low volumes compared to the main construction period.

4.0 PROPOSED CAP ON CONSTRUCTION TRAFFIC MOVEMENTS

4.1.1 Based on the traffic generation calculations set out above, it is recommended that a cap be applied to daily construction traffic movements in order to provide certainty and reassurance in relation to highway impacts to the LPA, LHA and local community. Allowing for a modest degree of flexibility, the proposed cap has been derived by applying approximately 10% headroom to the forecast peak movements (Three two-way), resulting in a recommended maximum of up to four two-way HGV movements per day. This level reflects a realistic upper limit of activity while remaining materially below thresholds that would give rise to highway safety or capacity concerns.

4.1.2 It is recognised that, on rare occasions, there may be an operational requirement to exceed the daily cap for a short period, for example to accommodate a one-off delivery or unforeseen site requirement. In such circumstances, it is proposed that any exceedance would be subject to prior agreement with the LPA, ensuring that flexibility is retained while maintaining appropriate oversight and control.

4.1.3 All construction traffic movements would be recorded and monitored by the site operator, with records retained and made available to the LPA upon request. This approach would enable effective monitoring of compliance with the agreed cap and provide transparency in relation to site activity.

4.1.4 The remaining construction traffic is not considered to give rise to any material highway safety concerns, having regard to the low number of daily movements. It is also noted that Cowbridge Road previously accommodated significantly higher levels of HGV activity associated with construction of the adjacent European Energy solar site; however, these works are now complete and the associated traffic has ceased. As a result, HGV movements on Cowbridge Road during the remaining months of construction at the Site would be minimal by comparison. In terms of cumulative effects, impacts are considered to be exceptionally unlikely at the forecast levels of traffic generation. Any other development capable of generating materially significant traffic would be expected to be subject to its own controls through the planning process.

5.0 REVISED CONDITION WORDING (CONDITIONS 7 (BBC) AND 13 (SHDC))

5.1.1 Accordingly, it is proposed that the condition wording be updated to reflect and incorporate the findings of this HTN:

All vehicles making deliveries of materials and components to the permitted development shall access and depart the Site in accordance with the measures set out in the approved Construction Method Statement and Construction Management Plan (Axis, 3735-01-CMP02, Dated 14.06.2024, Revised July 2024, Ref. H04-0558-24), as informed by the Bicker Fen Highway Technical Note (HTN) (February 2025). The routing of Heavy Goods Vehicles during construction shall primarily utilise Cowbridge Road with two-way movements permitted along this route. The maximum number of HGV movements shall not exceed the levels identified in the HTN. The arrival and departure of HGVs during decommissioning shall be agreed in writing with the Local Planning Authority, in consultation with the Local Highway Authority, taking into account the prevailing condition of the local highway at the time. No other roads between the A52 and the Site shall be used by delivery vehicles during the construction or decommissioning phases.

6.0 SUMMARY AND CONCLUSION

6.1 Summary

6.1.1 This Highway Technical Note has reviewed HGV movements associated with the construction of the Bicker Fen Photovoltaic Solar Array, Grid Connection, Access Improvements, and Ancillary Development, with a focus on the remaining construction period. The HTN demonstrates that:

i) Historical HGV movements between July 2024 and December 2025 totalled 897 trips, with an average daily movement of approximately five two-way trips via Cowbridge Road and two two-way trips via Viking Link.

ii) Forecast HGV movements for the remaining construction period (January to July 2026) are low and significantly below historic levels. All remaining construction deliveries expected to utilise Cowbridge Road, with movements controlled through a proposed cap of no more than four two-way HGV movements per day, including during the forecast peak month of March 2026.

iii) Cowbridge Road previously accommodated substantially higher levels of HGV traffic associated with construction of the adjacent European Energy solar site. As those works are now complete, traffic levels along Cowbridge Road during the remaining Bicker Fen construction period will be minimal in comparison.

iv) Landscaping works anticipated in Autumn 2026 may generate limited additional traffic, predominantly light vehicles, with only occasional HGV movements. These movements are expected to be low in volume and distributed across Cowbridge Road and Viking Link, remaining well below levels experienced during the main construction phase.

6.2 Conclusion

6.2.1 The evidence presented in this HTN confirms that the remaining HGV movements associated with the Bicker Fen development can be safely accommodated along Cowbridge Road without exceeding previously experienced traffic levels or giving rise to adverse highway safety impacts. With the implementation of a cap of four two-way HGV movements per day, traffic associated within the remaining construction works will remain low, predictable and manageable. Landscaping works in Autumn 2026 will generate only minimal additional traffic, predominantly light vehicles, with infrequent HGV movements.

6.2.2 In light of these findings, it is considered that the Section 73 application and the proposed amendment to the approved condition wording are supported. The revised condition secures compliance with the approved Construction Management Plan (Axis, 3735-01-CMP02, dated 14.06.2024, revised July 2024, Ref. H04-0558-24) and the parameters established in this HTN, permitting two-way HGV movements along Cowbridge Road, subject to a defined daily cap of four two-way movements.

6.2.3 This approach provides a robust and proportionate, evidence-based framework for managing construction traffic for the remainder of the works, ensuring highway safety is maintained, while aligning with the objectives of the planning consent and the Section 73 application.

Appendix A – Correspondence with LPA and LHA

Catherine Zoeftig

From: Samantha Legg <Samantha.Legg@lincolnshire.gov.uk>
Sent: 28 February 2025 07:00
To: Catherine Zoeftig
Cc: Marwood, Abbie (BBC)
Subject: [Filed on 2025-02-28] RE: Bicker Fen Solar Farm - H04-0849-22

Categories: Filed to CloudFiler

Good Morning Catherine,

Given your reasoning – only short length of Cow Bridge Drove is affected before the vehicles use the Haul Road, and it will not increase vehicle movements I am prepared to accept this changing in routing. There is a Section 59 in place.

Kind regards

Samantha Legg
Principal Development Management Officer
Lincolnshire County Council
County Offices, Newland, Lincoln LN1 1YL

Phone: 01522 782070
Email: developmentmanagement@lincolnshire.gov.uk
Teams: Chat with me
Website: www.lincolnshire.gov.uk

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From: Catherine Zoeftig <catherinezoeftig@axis.co.uk>
Sent: 27 February 2025 08:51
To: Samantha Legg <Samantha.Legg@lincolnshire.gov.uk>
Subject: RE: Bicker Fen Solar Farm - H04-0849-22

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Hi Samantha,

Having spoken to my client at AGR they are in line with what was disclosed in the original planning application.

Catherine

Regards
Catherine Zoeftig
Associate Director | BA (Hons) MCIHT

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From: Samantha Legg <Samantha.Legg@lincolnshire.gov.uk>
Sent: 27 February 2025 08:48
To: Catherine Zoeftig <catherinezoeftig@axis.co.uk>
Subject: RE: Bicker Fen Solar Farm - H04-0849-22

Good Morning Catherine,

I see your reasoning with regards to the movements. You were going to come back to me with figures, are they in line with what was disclosed with the original planning application?

Thanks
Sam

Samantha Legg
Principal Development Management Officer
Lincolnshire County Council
County Offices, Newland, Lincoln LN1 1YL

Phone: 01522 782070
Email: developmentmanagement@lincolnshire.gov.uk
Teams: Chat with me
Website: www.lincolnshire.gov.uk

From: Catherine Zoeftig <catherinezoeftig@axis.co.uk>
Sent: 26 February 2025 19:12
To: Samantha Legg <Samantha.Legg@lincolnshire.gov.uk>
Subject: RE: Bicker Fen Solar Farm - H04-0849-22

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Hi Samantha,

Could I please have your availability for a phone or Teams call to discuss this further tomorrow.

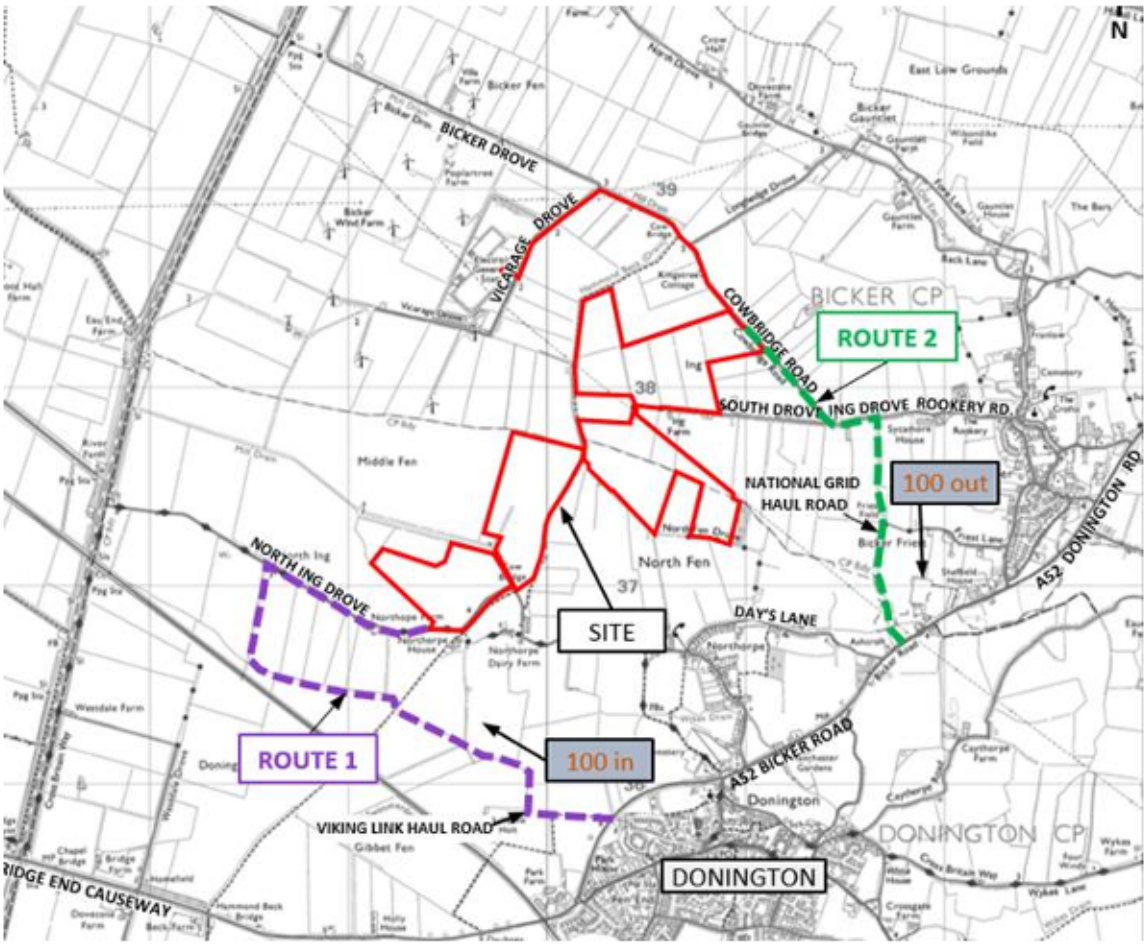
Catherine

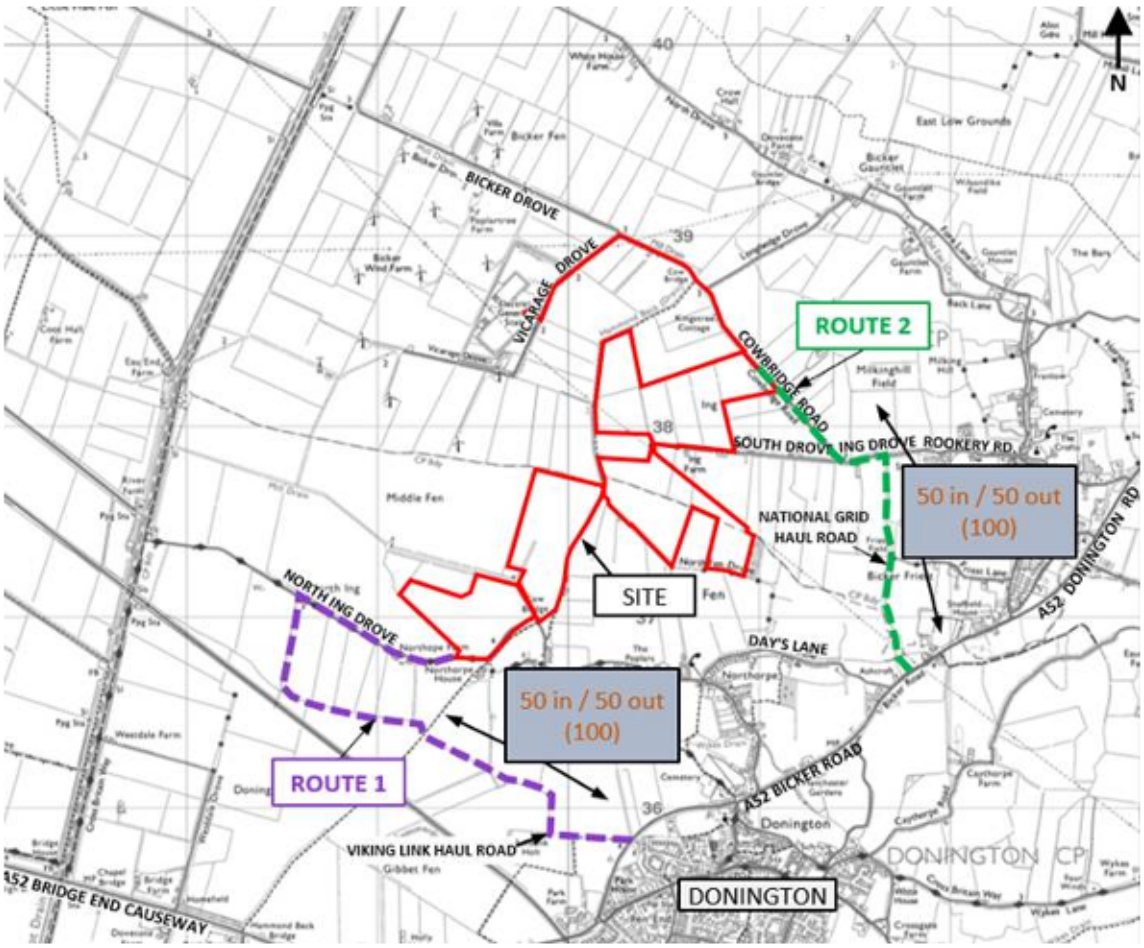
Regards
Catherine Zoeftig
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From: Catherine Zoeftig
Sent: 25 February 2025 09:27
To: Samantha Legg <Samantha.Legg@lincolnshire.gov.uk>
Subject: [Filed on 2025-02-25] RE: Bicker Fen Solar Farm - H04-0849-22
Importance: High


N
BICKER DROVE
VICARAGE DROVE
COWBRIDGE ROAD
ROUTE 2
SOUTH DROVE
ING DROVE
ROOKERY RD
BICKER CP
NATIONAL GRID HAUL ROAD
100 out
A52 DONINGTON RD
NORTH ING DROVE
SITE
DAY'S LANE
ROUTE 1
100 in
A52 BICKER ROAD
VIKING LINK HAUL ROAD
DONINGTON
DONINGTON CP
A52 BRIDGE END CAUSEWAY
Middle Fen
North Fen
Gibbet Fen
East Low Grounds


N
BICKER DROVE
VICARAGE DROVE
COWBRIDGE ROAD
ROUTE 2
SOUTH DROVE
ING DROVE
ROOKERY RD
NATIONAL GRID HAUL ROAD
50 in / 50 out (100)
A52 DONINGTON RD
NORTH ING DROVE
SITE
DAY'S LANE
ROUTE 1
50 in / 50 out (100)
A52 BICKER ROAD
VIKING LINK HAUL ROAD
DONINGTON
DONINGTON CP
A52 BRIDGE END CAUSEWAY
Middle Fen
Gibbet Fen
East Low Grounds

Happy to have a Teams meeting to explain further if required. Please let me have your availability.

Catherine

Regards
Catherine Zoeftig
Associate Director | BA (Hons) MCIHT

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From: Samantha Legg <Samantha.Legg@lincolnshire.gov.uk>
Sent: 24 February 2025 14:52
To: Catherine Zoeftig <catherinezoeftig@axis.co.uk>
Subject: RE: Bicker Fen Solar Farm - H04-0849-22

Hi Catherine,

Apologies that you have not been able to get hold of me. I have had some leave over the last couple of weeks and so I am catching up on emails and calls.

Not only was this routing conditioned so that vehicles do not meet one another but it was also so that the loaded vehicles use the Viking Link to ensure less impact on Cowbridge Drove.

I fail to agree with your reasoning behind the paragraph highlighted below. By using Cowbridge for both in and out vehicles you are doubling the vehicle movements.

Could you provide some clarity on the number of vehicle movements please.

Kind regards

Samantha Legg
Principal Development Management Officer
Lincolnshire County Council
County Offices, Newland, Lincoln LN1 1YL

Phone: 01522 782070
Email: developmentmanagement@lincolnshire.gov.uk

Teams: Chat with me
Website: www.lincolnshire.gov.uk

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From: Catherine Zoeftig <catherinezoeftig@axis.co.uk>
Sent: 24 February 2025 10:50
To: Samantha Legg <Samantha.Legg@lincolnshire.gov.uk>
Cc: Tim Edmunds <tim.edmunds@agr-group.co.uk>; Anna Ambroziewicz <anna.ambroziewicz@agr-group.co.uk>; Kimberley Watts <kimberley.watts@agr-group.co.uk>
Subject: RE: Bicker Fen Solar Farm - H04-0849-22

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Morning Samantha,

I have been trying to reach you to discuss my email below and have left another VM on your mobile again just now. As I am sure you can appreciate my client is keen to resolve matters as soon as possible so I would be grateful if we could speak as soon as possible.

Look forward to speaking soon.

Catherine

Regards
Catherine Zoeftig
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From: Catherine Zoeftig
Sent: 12 February 2025 12:20
To: Samantha Legg <Samantha.Legg@lincolnshire.gov.uk>
Cc: Tim Edmunds <tim.edmunds@agr-group.co.uk>; Anna Ambroziewicz <anna.ambroziewicz@agr-group.co.uk>; Kimberley Watts <kimberley.watts@agr-group.co.uk>
Subject: [Filed on 2025-02-12] RE: Bicker Fen Solar Farm - H04-0849-22

Hi Samantha,

Further to our telephone call on 10th February 2025 I am writing on behalf of my client AGR, to clarify the position in respect to the routing of construction traffic at the Bicker Fen Solar site. The purpose of this email is to build on our telephone conversation, relieve the concerns raised via the Breach of Condition Notice, and to alleviate any future apprehensions going forward.

1. Cowbridge Road has also been used as a construction route by European Energy (EE) for the neighbouring Vicarage Drove solar development. 100% of construction vehicles associated with this site have been accessing via Cowbridge Road. The complaints received in respect of the use of Cowbridge Road for construction vehicle traffic do not distinguish between construction vehicles for the Vicarage Drove or Bicker Fen sites. We understand that construction of the neighbouring Vicarage Drove site (EE) will be concluding sometime next month resulting in all associated vehicle movements ceasing.

2. Whilst Condition 7 of the planning permission stipulated an arrival and departure route for construction vehicles, Boston Borough Council, together with South Holland District Council, have considered and approved the Construction Management Plan (CMP) related to Condition 13 Boston Borough Council (and Condition 10 South Holland District Council), in consultation with yourselves at Lincolnshire County Council (LCC) as highways authority. Within this document flexibility was suggested in respect to routing. Furthermore, the CMP outlines the range of measures implemented to manage the safe operation of two-way traffic along the site access roads.

3. In relation to the number of vehicles utilising 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 circulate all traffic in a wider one-way system does not result in increase to the number of construction vehicles utilising Cowbridge Road. In simple terms 100 movements in one access and out another is the same as 50 in and out of two.

4. The stated reason of Condition 7 is 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, having to over-run highway verges, or undertake unreasonable reversing manoeuvres*'. The traffic management measures currently implemented jointly by AGR and EE, which comprise, delivery time-slots, vehicle holding, communication and vehicle escorting, have to-date proven effective in ensuring that no two-way movements occur.

My client is committed to ensuring continued planning compliance and highway safety throughout the remainder of the site construction period, and would therefore welcome further discussion with you in respect to the on-going Traffic Management (TM) and necessary highways re-instatement works.

Once EE have completed construction at the Vicarage Drove site, the existing traffic management measures implemented along Cowbridge Road will continue with organisation of these being taken over by AGR. Further to this, AGR proposes to incorporate additional highway safety measures, including a Traffic Marshall who will record the speed of construction vehicular movements along Cowbridge Road. Any incidents of speeding documented will be reported to the site manager and appropriate action taken against the delivery driver / company. The on-going joint Traffic Management Plan meetings, which currently include National Grid, AGR and EE, will continue to take place, even following EE's withdrawal.

AGR is committed to delivering the necessary highway reinstatement works in respect to any dilapidation. We would welcome your thoughts on how the cost of this is to be shared proportionately between AGR and EE and to how such works are to be programmed.

I would welcome your acknowledgement to the above email and I am still open to having a collective meeting with Abbie Marwood (Planning Officer, Boston Borough Council), in respect of the concerns surrounding Condition 7, if you believe there would be merit in doing so.

Kind Regards,
Catherine

Regards
Catherine Zoeftig
Associate Director | BA (Hons) MCIHT

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From: Samantha Legg <Samantha.Legg@lincolnshire.gov.uk>
Sent: 14 February 2024 16:32
To: Carly Jeffrey <Carly.Jeffrey@lincolnshire.gov.uk>; Catherine Zoeftig <catherinezoeftig@axis.co.uk>
Subject: RE: Biker Fen Solar Farm- H04-0849-22

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Hi Carly,

Looking back on the applications on our system I think this is in relation to B/21/0443 it doesn't look like a condition survey was requested for this application – a Material Delivery Plan was conditioned to be submitted prior for approval and prior to construction. If required then a condition survey can be conditioned.

I would say as this has not been submitted to dated then they are some way behind Catherines site. I will look out for this information should it be forth coming and confirm as to what their proposals are.

Apologies these are all Jon's sites which I seem to have inherited.

Thanks
Sam

Samantha Legg
Principal Development Management Officer
Lincolnshire County Council
County Offices, Newland, Lincoln LN1 1YL

Phone: 01522 782070
Email: developmentmanagement@lincolnshire.gov.uk
Teams: Chat with me
Website: www.lincolnshire.gov.uk

Lincolnshire COUNTY COUNCIL *Working for a better future*

From: Carly Jeffrey <Carly.Jeffrey@lincolnshire.gov.uk>
Sent: Wednesday, February 14, 2024 3:09 PM
To: Catherine Zoeftig <catherinezoeftig@axis.co.uk>; Samantha Legg <Samantha.Legg@lincolnshire.gov.uk>
Subject: RE: Biker Fen Solar Farm- H04-0849-22

Hi Catherine,

Sorry this has taken me a while to get back to you.

I have the videos for you which I will try and send however just concerned they may not go through to you due to the size of the folders but will try.

In relation to the adjacent approved solar farm site (Vicarage Drove Solar) (different developer) @Samantha Legg when does this site start and will they be using the same route as Catherines?

Thanks
Carly

From: Catherine Zoeftig <catherinezoeftig@axis.co.uk>
Sent: Wednesday, February 7, 2024 11:25 AM

To: Carly Jeffrey <Carly.Jeffrey@lincolnshire.gov.uk>; Samantha Legg <Samantha.Legg@lincolnshire.gov.uk>
Subject: RE: Biker Fen Solar Farm- H04-0849-22

You don't often get email from catherinezoeftig@axis.co.uk. Learn why this is important

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Hi Carly,

Really good to meet you on site yesterday. Please let me know if a link to your footage of the survey might be available to is. It would be useful for me to cross reference against my own notes / videos.

On another note, my client (AGR Solar) has raised a question in regard the adjacent approved solar farm site (Vicarage Drove Solar) (different developer) and how it is proposed to differentiate between any potential damage caused by the two alternate parties. It is understood that there will be some overlap in construction programmes with the Vicarage Drove site commencing first and my clients site commencing after.

It would be useful if we could understand what you have agreed in terms of pre and post construction surveys with the neighbouring Vicarage Drove Solar site.

I look forward to hearing from you.

Catherine

Regards
Catherine Zoeftig
Associate Director

E: catherinezoeftig@axis.co.uk
T: 0344 8700 007
M: 07951 372761

www.axis.co.uk

From: Carly Jeffrey <Carly.Jeffrey@lincolnshire.gov.uk>
Sent: Monday, February 5, 2024 1:26 PM
To: Catherine Zoeftig <catherinezoeftig@axis.co.uk>; Samantha Legg <Samantha.Legg@lincolnshire.gov.uk>
Subject: RE: Biker Fen Solar Farm- H04-0849-22

You don't often get email from carly.jeffrey@lincolnshire.gov.uk. Learn why this is important

Hi,

Will have a look as not sure where the entrance is along here but I am sure we will see you. My number is 07496 134034 😊

Our Ref: 2920-01/AR/S73-SHC

02 September 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

APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1999 TO NOT COMPLY WITH CONDITION 13 OF PERMISSION H04-0849-22

Introduction

We write on behalf of our client, AGR Solar 2 Limited (the Applicant), to apply under Section 73 of The Town and Country Planning Act 1990 ('the TCPA') to amend Condition 13 of planning permission 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,* ('the Consented Development').

The application comprises:

- This Covering Letter;
- Planning Application Form;
- Planning application fee of £2,000 (excluding the Planning Portal handling fee) – we note that a cross-boundary application should be subject to 150% of the application fee. Unfortunately, the Planning Portal website does not facilitate this type of cross-boundary fee; as such, we will contact the council on validation to determine whether any fee should be reimbursed to the Applicant.

A mirror application has also been submitted to the Boston Borough Council regarding Condition 7 of planning permission reference B/22/0356.

Proposed Amendment

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 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.

The Applicant has been in discussions with Boston Borough Council and South Holland Council regarding construction access routes to the Consented Development. Further to these discussions, the Applicant made an application under Section 96A of the TCPA ('the S96A application') to South Holland Council (in relation to permission reference H04-0849-22) to amend the wording of Condition 13 to allow construction traffic to be managed as per 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.

This application was made on the 06 June 2025. South Holland Council informed the Applicant on 04 July 2025 that the application to revise the wording of Condition 13 was refused, as the request amounted to an amendment that was deemed to be more than non-material.

On this basis, the Applicant is now making an application under Section 73 of the TCPA. Planning Practice Guidance (Paragraph: 013 Reference ID: 17a-013-20230726) sets out the following:

"In contrast to section 96A, an application made under section 73 of the Town and Country Planning Act 1990 can be used to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission."

The Applicant is applying to amend the wording of Condition 13 to allow the two-way use of Cowbridge Road and Ing Drove, subject to the current traffic control measures set out in the approved Construction Management Plan (CMP) being maintained (application *ref. H04-0558-24)*. Should the Council be minded to approve the application, 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, 3735-01-CMP02 Dated 14.06.2024 Revised July 2024 (ref. H04-0558-24). 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 consider that the measures set out in the approved CMP ensure that the reasons stated by the Council for requiring Condition 13 are met i.e. they maintain highways safety and avoid vehicles from having to over-run highway verges or undertake unreasonable reversing manoeuvres in order to pass one another.

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. 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. Whilst we recognise the concerns of residents living on Cowbridge Road, we are confident that the measures AGR have implemented to manage construction traffic address all matters raised by the Council, Bicker Parish Council, local residents and the local Highway Authority. On this basis, we are confident that there has been no reduction in highway safety, as evidenced by the absence of reports of highway accidents or damage to the highway's structure along either Cowbridge Road or Ing Drove.

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 the applicants 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 ceased, further reducing risks associated with highway safety and road conditions.

7. Notwithstanding that 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.

We note that the S96A application was refused as it was not considered that the change would be non-material owing to the sensitivity of construction matters on the amenity of residents in the wider area. The decision did not provide a judgment on whether the changes proposed would indeed give rise to unacceptable amenity effects, this now falls to be determined via this application.

As set out above, and as recognised by Lincolnshire Highways in Appendix A, there would be no increase in vehicle numbers using Ing Drove and Cowbridge Road. Furthermore, with the cessation of traffic from other developments, the number of heavy vehicles using these roads is less than it has been in the past two years. The approved CMP provides adequate controls to ensure that highway safety and amenity are adequately protected to avoid unacceptable effects on highway safety and amenity from the impacts arising from the temporary use of these roads for the remainder of the construction period.

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

A mirror application has also been submitted to the South Holland District Council regarding permission reference H04-0849-22.

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: Tim Edmunds – AGR
Anna Ambroziewicz – AGR

Encl:

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