

AXIS
11 Well House Barns
Chester Road
Bretton
Chester
CH4 0DH

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
DC Officers 01775 764703

planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H04-0849-22 **Date of Decision:** 21st July 2023
Applicant: AGR Solar 2 Ltd.
Fourth Floor
19 Heddon Street
London
W1B 4BG
Location: Land West Of Cowbridge Road Bicker Fen Boston
Description: Proposed development of a photovoltaic solar array, grid connection, access improvement works & ancillary development on land at Bicker Fen, Boston and South Holland

South Holland District Council hereby give notice that permission has been GRANTED (or equivalent) subject to the following condition(s):

- 1 The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Application Form
Planning and Design Access Statement - August 2022
Amended Flood Risk Assessment by Weetwood Services Ltd dated November 2022
2920-01-01 Site Location Plan
2920-01-03 rev E General Arrangement Full Layout
2920-01-03a rev E General Arrangement Sheet 1

2920-01-03b rev E General Arrangement Sheet 2
 2920-01-03c rev E General Arrangement Sheet 3
 2920-01-02 Statutory Plan
 2920-01-09 Indicative Deer / Stock Fencing, Access Track and CCTV
 2920-01-04 Illustrative PV Frame and Panels
 2920-01-05 Solar Farm Indicative / Transformer Station
 2920-01-06 Solar Farm Storage Building
 2920-01-07 Solar Farm Control Building
 2920-01-08 Solar Farm Switchgear Building
 2920-01-10 Typical Cable Trench
 2920-01-11 Battery Storage Containers
 2920-01-12 Battery Inverter/Transformer Stations
 2920-01-13 Battery Switchgear Buildings
 2920-01-14 Battery Control Building
 2920-01-15 Acoustic Screen
 2920-01-16 rev A Indicative Box Culvert
 Ecological Assessment Report - Version 2 dated 26th September 2022
 Appendix 3: Water Vole and Otter Survey Report
 Written Scheme of Investigation for an Archaeological Evaluation - Rev 2 dated 31 January 2023
 Skylark Habitat Management Plan - Issue 3 - reference Axis-043-1379 dated 10 February 2023
 2920-01-17 General Arrangement with Sky Lark Mitigation Area
 2920-01-TN01- Technical Note 01 Agricultural Land Note dated 14th April 2023
 2920-01/Bicker Fen Solar Farm - Cumulative Landscape & Visual Effects Document March 2023
 2920-01-TN01 - Technical Note - Cumulative Effects on Agricultural Land and Farming Consequences dated 14th April 2023
 Highways Scoping Note - Revised Access Strategy Technical Note 01
 Biodiversity Metric 3.1 Calculation
 2920-01-TS01 August 2022 - Transport Statement
 Land Contamination Assessment Page 1 of 5 - Soil Chemistry
 Land Contamination Assessment Datasheet - Historical Mapping
 Land Contamination Assessment - Historical Map - Slice C
 Land Contamination Assessment - Industrial Land Use Map - Slice B
 Land Contamination Assessment - Historical Aerial Photography - Segment A15
 Land Contamination Assessment - Site Sensitivity Map - Segment A14
 R3051-R01-v1 - Stage 1 Contamination Assessment - August 2022
 Agricultural Land Classification - November 2021
 10299A - Glint and Glare Study
 R22.0201/DRK - Noise Impact Assessment May 2022
 Hydrological Analysis - Final v1.0 dated 13 May 2022
 40312 Archaeological Geophysical Survey June 2022 Part 1
 40312 Archaeological Geophysical Survey June 2022 Part 2
 CA Report MK0548_01 Historic Environment Desk-Based Assessment July 2022
 Landscape and Visual Impact Assessment Appendix B Part 1 August 2022
 Landscape and Visual Impact Assessment Appendix B Part 2
 Landscape and Visual Impact Assessment Appendix B Part 3
 Landscape and Visual Impact Assessment Appendix B Part 4

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The permission hereby granted shall expire 40 years from the date when electrical power is first exported from the solar farm to the electricity grid network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the Local Planning Authority no later than one calendar month after the event.

Reason: To limit the long term effects of the development and in recognition of the temporary lifespan of the structures, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

- 4 Not later than 12 months before the expiry of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the solar panels and all other associated equipment & paraphernalia and the subsequent restoration of the site. The scheme shall include details of:

- the extent of equipment and foundation removal and the site restoration to be carried out;
- the management and timing of any works;
- a traffic management plan to address likely traffic impact issues during the decommissioning period;
- an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife, habitats and tree features on the site;
- location of material laydown areas;
- full details of the removal of the solar arrays, associated buildings and plant, any trackways and sub-surface cabling and all associated works of ground restoration including trench backfilling;
- full details of all other works to restore the land to allow for agricultural production following the removal of structures from the site; and
- a programme of implementation.

The approved scheme shall be implemented and then proceed fully in accordance with the agreed details in accordance with the decommissioning programme.

Reason: To ensure the site is fully restored to allow agricultural use and to maintain the rural appearance of the area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

- 5 If the solar farm hereby permitted (or any substantial sub-part of the farm) fails to produce electricity for supply to the grid for a continuous period of two years, a scheme for either:

(i) the decommissioning and removal of the solar farm (if there is no realistic prospect of the solar farm becoming operational again), incorporating the same details required under Condition 4;

or

(ii) the repair or replacement to enable the solar farm to continue to operate, including a programme and timetable of remedial works;

shall be submitted to the Local Planning Authority for their written approval within 6 months of the solar farm ceasing to operate.

The relevant scheme shall thereafter be implemented in accordance with the approved details and timetable.

Reason: To ensure the solar farm beneficially generates electricity or is otherwise removed to the benefit of the character and appearance and the agricultural potential of the area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

- 6 In the event that problems are encountered caused by glint/glare sufficient to result in a serious effect on amenity, details of proposed remediation/mitigation measures to be undertaken shall be submitted to the Local Planning Authority for written approval within 1 month of such problems being identified. The remediation/mitigation measures shall be carried out in their entirety within 3 months of the date of their approval in accordance with the approved details and retained thereafter.

Reason: To safeguard the amenity of nearby residents and road users, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

- 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.

- 8 The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence works at least fourteen days before the start of archaeological work required in connection with Condition 7 above in order to

facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

- 9 A copy of the final report required in connection with Conditions 7 and 8 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

- 10 The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be submitted to, and approved in writing by the Local Planning Authority.

The Construction Management Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and vehicle parking and shall include:

- the phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- a strategy stating how surface water run off on and from the development will be managed during construction;
- a complaints, engagement and communication procedure.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

- 11 Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made

available before commencement of the construction of the development and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development.

Reason: In the interests of highway safety during the construction process. 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 3 of the South East Lincolnshire Local Plan, 2019.

- 12 The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) completed by Weetwood Services Limited, Final Report v.1.1 dated November 2022 and the following mitigation measures detailed within the FRA:

- the three inverter/transformer stations in the western portion of the site to be raised to a minimum level of 3.10m AOD;

- the remaining inverter/transformer stations and all storage/control/switchgear buildings and battery storage containers to be located outside the 1 in 100 plus climate change AEP flood outline, as shown in Appendix A, proposed layout plan 2920-01-03.

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason: To reduce the risk of flooding to the proposed development and future occupants, in accordance with Policy 4 of the South East Lincolnshire Local Plan 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

- 13 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 site via the Cowbridge Road, Ing Drove and National Grid 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 conditions of the local highway at the time of decommissioning. No other roads between the A52 and the site shall be used by delivery vehicles during the construction and decommissioning phases.

Reason: 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.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

- 14 Prior to the commencement of any part of the development hereby permitted, the condition of the parts of North Ing Drove, Cowbridge Road and Ing Drove that will be used by vehicles making deliveries of materials and components to the permitted development shall be recorded by written notes, still and moving photographic images during an inspection that shall be undertaken by the Applicants' representatives in the company of an officer of the Local Highway Authority. Those public roads shall be maintained, at the cost of the Applicants, in a safe and suitable condition throughout the construction phase of the permitted development and shall be reinstated to no less than the standard of their pre-commencement condition following completion of the construction phase. The Applicants shall also follow a reciprocal process during the decommissioning of the permitted development.

Reason: To ensure the safety and free-passage of the public using North Ing Drove, Cowbridge Road and Ing Drove during the construction and decommissioning of the permitted development.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

- 15 Prior to commencement of the development hereby approved, full details of the means of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained within the National Planning Policy Framework 2021.

- 16 No above ground work shall commence until details of a Training and Employment Management Plan, including Education, has been submitted to and approved in writing by the Local Planning Authority. The plan will aim to promote training and employment opportunities at all stages of the development for local people and social benefits and should include:

- Measures to ensure the owner and contractors work directly with local employment and training agencies;
- Targets for employing local labour;
- Targets for work experience opportunities and apprenticeships;
- Measures to provide training opportunities in respect of any new jobs created;
- An Educational Strategy/Plan, which sets out opportunities and measures for Education benefit in connection with local schools, colleges and universities;
- Requirements to submit monitoring information on the plan at regular intervals to the Local Planning Authority.

The development shall be carried out in accordance with the agreed plan and any amendments to the plan shall be agreed in writing with the Local Planning Authority.

Reason: In the interests of promoting economic and training opportunities and social benefits in association with approved developments in accordance with Policy 1 of the South East Lincolnshire Local Plan 2019 and the National Planning Policy Framework

2021.

- 17 Prior to the installation of any lighting (other than temporary lighting for construction), and before any above ground works commence, details of all external lighting to all buildings and areas of the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include luminance, fields of illumination, the type, design, location, angle, fall, spread and intensity of the lighting together with a lighting assessment which sets out a lighting strategy and measures to minimise the impact of lighting, particularly on any nearby residences, villages or on wildlife/biodiversity. The lighting strategy shall be informed by the Landscape and Ecological Management Plan required by Condition 19 to minimise the impact of lighting to sensitive receptors and measures to prevent light spillage. The approved lighting scheme and strategy shall be implemented and maintained for the lifetime of the development. There shall be no external illumination other than that so approved.

Reason: To ensure an appropriate level of lighting is provided which is not detrimental to the amenity of the area or biodiversity in accordance with Policies 2, 3, 28 and 30 of the South East Lincolnshire Local Plan 2019.

- 18 The scheme of landscaping and tree planting shown on drawing 2920-01-03 Rev E shall be carried out and completed in its entirety during the first planting season following the first installation of any of the solar panels. All trees, shrubs and hedgerows forming part of the overall landscaping scheme shall be maintained by the owner or owners of the land on which they are situated for the period of thirty years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

New hedgerows should be maintained at a height of approximately 3m-3.5m. Within the proposed woodland belts, larger stock (a combination of feathered and standard trees) should also be planted to provide initial screening benefit close to residential properties.

The landscaping and tree planting details shall be informed by the Landscape and Ecological Management Plan required as part of Condition 19 and implemented and maintained during the 30 year period.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.

This Condition is imposed in accordance with Policies 2, 3, 28 and 31 of the South East Lincolnshire Local Plan, 2019.

- 19 No above ground development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall set out detailed scaled plans and shall include the following and be in force for no less than 30 years:

a) description and evaluation of features to be managed, informed by the Ecological Assessment;

b) details associated with the Skylark Mitigation Area and Skylark Habitat Management Plan by Avian Ecology reference: AXIS-043-1379 dated 10/02/2023 as required by

Condition 20;

c) details of the landscaping as required by Condition 18;

d) ecological trends and constraints on site that might influence management;

e) aims and objectives of management;

f) appropriate management, maintenance, ongoing monitoring and remediation measures and retention;

g) prescriptions for management actions, broken into monitoring time periods;

h) preparation of a work schedule, including a timetable for implementation of all the planting, works and ecological and landscape enhancement/creation measures and an annual work plan capable of being rolled forward over a five-year period;

i) a scheme for dark corridors for biodiversity protection (including bats) to work in combination with an approved lighting strategy as part of Condition 17;

j) retention of higher quality nesting and foraging habitat and semi improved field margins, size and details associated with their buffer zones;

k) construction and ecological management plan including ecologist pre-site clearance measures, survey to identify wild birds nests (including ground nesting birds), suitable work exclusion zones around any identified nest sites, and habitat protection during construction;

l) use of mammal gates to allow free movements of mammals, amphibians and reptiles;

m) use of box culvert for water voles in association with the new crossing in Hammond Beck;

n) species rich hedgerow management plan;

The approved LEMP, the future maintenance and management scheme and associated measures shall be implemented within the first planting season following installation of any of the solar panels. All trees, shrubs and hedgerows and skylark mitigation shall be maintained by the owner or owners of the land on which they are situated for the period of thirty years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its biodiversity, visual amenity and that of the area in which it is set.

This Condition is imposed in accordance with Policies 2, 3, 28 and 31 of the South East Lincolnshire Local Plan, 2019.

- 20 The Skylark Mitigation Area and Skylark Habitat Management Plan by Avian Ecology reference: AXIS-043-1379 dated 10/02/2023 shall be incorporated into an overall Landscape and Ecological Management scheme, including a future maintenance

schedule, as required by Condition 19 as above, and shall be implemented no later than the first planting season following the first installation of any of the solar panels.

The Skylark Mitigation Area shall be maintained by the owner or owners of the land on which it is situated in line with the Landscape and Ecological Management Plan for a period of not less than 30 years and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its biodiversity, visual amenity and that of the area in which it is set.

This Condition is imposed in accordance with Policies 2, 3, 28 and 31 of the South East Lincolnshire Local Plan, 2019.

- 21 Noise from fixed plant and machinery shall not exceed the representative background noise level by more than a rating value of 5 dB(A) when measured as a 15 minute L(A)_{eq} at any residential boundary not within the applicant's ownership, when measured in accordance with BS 4142:2014+A1(2019).

Reason: To ensure that there is no noise nuisance to nearby residents.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs, guidance documentation can be found on the highway authority's website, accessible via the following link:
<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>



Phil Norman
Head of Planning
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		

<https://www.gov.uk/appeal-householder-planning-decision>

<https://www.gov.uk/appeal-planning-decision>

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.