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TOWN AND COUNTRY PLANNING ACT 1990

NON MATERIAL AMENDMENT

Reference: H04-0965-26 **Date of Decision:** 4th November 2026

Applicant: AGR Solar 2 Limited
19 Heddon Street
Fourth Floor
London
W1B 4BG

Location: Land To The West Of Cowbridge Road Bicker Fen South Holland And 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 - approved under H04-0849-22. Amendments to proposed site layout.

South Holland District Council hereby give notice that this application has been REFUSED in respect of the non-material amendments referred to above for the following reason(s):

1 The submitted acoustic information contains inconsistent representative background noise levels, giving rise to a potential conflict between the predicted rating levels for the amended development and the operational noise limit imposed by Condition 21 of planning permission H04-0849-22.

Consequently, it has not been demonstrated that the revised plant arrangements and reduction in acoustic fence height from 5 metres to 3.5 metres would have a non-material effect upon residential amenity.

Having regard to the effect of the proposed amendments together with previous changes approved under section 96A, the Local Planning Authority is not satisfied that the amendments are non-material within the meaning of section 96A of the Town and Country Planning Act 1990 (as amended).

Notes:

The determined plans are:

2920-01-03 Rev H - General Arrangement - Full Layout
2920-01-03a Rev H - General Arrangement - Sheet 1
2920-01-03b Rev H - General Arrangement - Sheet 2
2920-01-03c Rev H - General Arrangement - Sheet 3
2920-01-04 Rev A - Illustrative PV Frame and Panels
2920-01-05 Rev A- Solar Farm Indicative Inverter/Transformer Station
2920-01-11 Rev A - Battery Storage Containers
2920-01-12 Rev A - Battery Inverter / Transformer Stations
2920-01-05 Rev A - Acoustic Screen
2930-01-03 Rev A - General Arrangement With Skylark Mitigation Area
2920-01-24 - String Inverter
Landscape and Ecological Management Plan
5467/NMA - Cover Letter - 07 October 2026
Noise Technical Note
22 June 2026 - Surface Water Drainage Scheme Technical Note



Phil Norman
Assistant Director - Planning and Strategic Infrastructure
South Holland District Council

DC_FINAL_DECISION - ODB:14

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://appeal-planning-decision.service.gov.uk/before-you-start**. 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.