DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-0040-24**	**Applicant:**	**Enso Green Holdings R Limited**
Proposal:	Details of written scheme of investigation (Condition 9 of H18-0741-21)		
Location:	Gunthorpe Road Solar Farm Land South Of Gunthorpe Road Walpole Marsh		
Terminal Date:	13th March 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

29 The Historic Environment

National Guidance

National Planning Policy Framework 2023

Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
HISTORIC ENVIRONMENT OFFICER	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application is for the approval of details reserved by condition 9 'Written Scheme of Investigation (SHDC reference: H18-0741-21. PINS Reference: APP/A2525/W/22/3295140) for the:

"INSTALLATION OF A SOLAR FARM AND BATTERY STORAGE FACILITY WITH ASSOCIATED INFRASTRUCTURE" AT GUNTHORPE ROAD SOLAR FARM, LAND SOUTH OF GUNTHORPE ROAD, WALPOLE MARSH, WISBECH NEAR PE14 7JH

The applicant has provided an updated written scheme of Investigation, by Red River Archaeology and draft trench plan drawing.

Site Description

The appeal site straddles the administrative boundary between local authorities in two different

counties, South Holland District Council (SHDC) in Lincolnshire; and the Borough Council of Kings Lynn and West Norfolk (KLWN), in Norfolk.

The appeal site covers an area of 78ha, comprises two large agricultural fields south of Gunthorpe Road and west of the River Nene and land within nearby roads for cabling to export energy to the Grid at the Walpole Substation.

History

H18-0741-21 - Installation of a solar farm and battery storage facility with associated infrastructure. Allowed at appeal 29-09-23

Consultation Responses

LCC Historic Places Team:
Happy to recommend approval of the attached WSI (rev 3) for the archaeological trenching at the Gunthorpe Road solar site.

Planning Considerations

Condition 9 was attached by the inspector, it states that:

No development shall take place, including any site clearance or works of demolition, until a Written Scheme of Investigation and timetable for a programme and reporting of archaeological works has been submitted to, and approved in writing by, the local planning authority. Development shall only be implemented in accordance with the approved scheme and timetable.

Although no reason was given for the condition, under paragraph 18 of the appeal decision the inspector states:
The site may also possibly include archaeological deposits, dating back as far as the Iron Age. A precautionary approach would therefore be appropriate in the context of the conflicting evidence before me regarding the potential for archaeological deposits. A condition requiring a programme of archaeological works would be reasonable and proportionate.

The applicant has provided an updated WSI by Red River Archaeology dated February 2024. The Historic Places team have reviewed this document along with the draft trench plan and have no objections to it. Therefore the condition is discharged, though compliance with this document in terms of the approved scheme and timetable set out within it needs to be adhered to.

Conclusion

Condition 9 of H18-0741-21 (PINS Reference: APP/A2525/W/22/3295140) is therefore discharged.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity,

race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.