DECISION DELEGATED TO HEAD OF PLANNING

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| **Application No:** | **H18-0191-26** | **Applicant:** | **Enso Green Holdings R Limited** |
| **Proposal:** | Details of written scheme of investigation (Condition 7 of H18-1274-25) | | |
| **Location:** | Gunthorpe Road Solar Farm Land South Of Gunthorpe Road Walpole Marsh | | |
| **Terminal Date:** | 22nd April 2026 | | |

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

29 The Historic Environment

**National Guidance**

**National Planning Policy Framework December 2024**

Section 16 - Conserving and enhancing the historic environment

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| HISTORIC ENVIRONMENT OFFICER | 0 | 0 | 0 | 1 |
| OTHER STATUTORY BODIES | 0 | 0 | 0 | 1 |

CASE OFFICER ASSESSMENT

**Proposal**

This application seeks to discharge Condition 7 of planning permission H18-1274-25 by submitting details relating to the approved Written Scheme of Investigation (WSI).

Condition 7 states:

*"The development shall be carried out in accordance with the Written Scheme of Investigation and timetable for a programme and reporting of archaeological works written by Enso Energy and dated February 2024, discharged under H18-0040-24.*

*Reason: In the interests of the historic environment and the potential for archaeological findings. This condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan (2019)."*

The wording of the condition is such that it is a compliance condition, requiring development to be carried out in accordance with an already approved WSI. As such, it does not allow for further approval of details or amendments to the agreed scheme, and cannot be formally discharged through a subsequent application.

Notwithstanding this, the applicant has submitted information intended to demonstrate compliance with the approved WSI. This comprises:

·Archaeological Trial Trenching Report dated 09.04.2026

## Site Description

The application site comprises agricultural land situated within open fenland countryside and straddles the administrative boundary between South Holland District Council (Lincolnshire) and the Borough Council of King's Lynn and West Norfolk (Norfolk). The greater proportion of the site lies within the Borough of King's Lynn and West Norfolk; however, part of the development falls within South Holland District, necessitating parallel planning permissions. The site benefits from an extant planning permission for the installation of a solar farm and battery energy storage facility with associated infrastructure, originally allowed on appeal in September 2023.

A subsequent Section 73 permission extended the operational lifespan of the development to 40 years. The solar arrays, inverter stations, substation infrastructure, battery storage facility and associated internal access tracks are approved within defined red line boundaries.

The surrounding landscape is characterised by expansive, flat agricultural fields typical of the South Lincolnshire and West Norfolk Fens, interspersed with drainage ditches, engineered watercourses and sporadic farmsteads. The site is not located within a defined settlement and is accessed via rural highway networks, including Gunthorpe Road and East Bank. A separate planning permission has been granted for the installation of an access track connecting the site to the East Bank/Gunthorpe Road junction. That access now provides an alternative route for construction and operational traffic associated with the solar farm. The works proposed under this Section 73 application relate solely to amendments required to align the approved solar farm scheme with that consented access arrangement.

## Relevant Planning History

·H18-1274-25 - Installation of a solar farm and battery storage facility with associated infrastructure - approved under H18-0448-24. Modification of Condition 2 to allow amendments to previously approved plans, Condition 6 details of Construction Management Plan & Method Statement, amend requirements of Condition 7 (Access onto Gunthorpe Road) and remove Condition 8 (improvements to crossroads of King John Bank/Marsh Road/Gunthorpe Road). 11-03-26

·H18-0040-24 - Condition 9 Written Scheme of Investigation. Approved 27-02-24

·H18-0448-24 - Installation of a solar farm and battery storage facility with associated infrastructure - approved under H18-1034-23. Modification of Condition 2 to allow amendments to previously approved plans. Approved 30-07-24

·H18-0741-21 - Installation of a solar farm and battery storage facility with associated infrastructure. Allowed at appeal 29th September 2023. An application was submitted to each Council (SHDC & KL &WN), on 21 January 2022 SHDC considered a report that raised no objections to the proposal. The resolution was that decision making authority should be delegated to KLWN, as the greater proportion of the site lies in its administrative area, and we issued a notice of non-determination on 25 February 2022. This stated no further action would be taken on that application. SHDC therefore failed to determine the application. In the Statement of Case, SHDC suggest it does not wish to defend the appeal and has no objection to the proposal.

## Consultation Responses

Historic Places Team

*1st Response*

"The submitted archaeological report does not meet the required standards, and we cannot recommend the full discharge of Condition 9 of H18-1034-23. The environmental samples are not adequately reported on, and the report lacks photographic records of the sondages. The results are insufficient to characterise the archaeological resource; therefore, further site assessment is recommended"

*2nd Response following updated trial trenching report*

We are happy with the report from a technical point of view, as they have adjusted it. However, the evaluation exercise has sampled only 0.21% of the area, whereas we would expect 3% as a minimum, in line with industry standards, regional guidance, and current advice.

I am aware that a WSI was approved with that scope, but the document also states: "1.1.5 If additional archaeological works are required for this site, further WSIs will be prepared and submitted for approval by the relevant archaeological advisor."

## Planning Considerations

The key issue in this case is that the condition in question is a compliance condition, requiring the development to be carried out in accordance with an approved Written Scheme of Investigation (WSI). As such, it does not provide for formal discharge and instead requires adherence to the previously approved details.

The Historic Places Team have reviewed the submitted Archaeological Trial Trenching Report (dated 09.04.2026) and confirmed that, from a technical perspective, the report is acceptable. Their remaining concern relates to the extent of site coverage, noting that only 0.21% of the site has been sampled, whereas a 3% sample is typically expected in accordance with industry standards and guidance.

However, it is important to note that the extent of trenching was explicitly agreed as part of the approved WSI under application H18-0040-24. The Historic Environment Team confirmed in correspondence dated 24th February 2024 that they were "happy to recommend approval" of the submitted WSI (Revision 3), which included the scope and methodology for trenching. The approved WSI also identified the specific trench locations, and the submitted trial trenching report demonstrates that these works have been carried out in accordance with those agreed details. While the Historic Places Team reference paragraph 1.1.5 of the WSI, which allows for further archaeological works to be secured through additional WSIs if required, no substantive evidence has been provided to demonstrate that further investigation is necessary in this instance. In particular, no harm to archaeological assets has been identified, nor has any failure to comply with the approved WSI been demonstrated.

Accordingly, the Local Planning Authority is satisfied that the submitted information demonstrates compliance with the approved Written Scheme of Investigation. The matter raised by the Historic Places Team relates to the adequacy of the originally agreed scope rather than any failure in its implementation.

Given that this is a compliance condition which cannot be formally discharged, and in the absence of any identified harm or non-compliance, there is no reasonable basis on which to refuse the submission.

## Conclusion

The submitted Archaeological Trial Trenching Report demonstrates that the works have been carried out in accordance with the approved Written Scheme of Investigation. Although the extent of trenching is below current standard expectations, this approach was previously agreed by the Historic Environment Team and forms part of the approved scheme.

As the condition is a compliance condition, it cannot be formally discharged. In the absence of any

evidence of non-compliance or harm to archaeological interests, the Local Planning Authority considers that no further action is required. The submitted details will therefore be retained on file as evidence of compliance with the condition.

## 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.