

Enso Energy Ltd
Unit 1 & 2 Cirencester Office Park
Tetbury Road
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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73 MODIFICATION

Reference: H18-1034-23 **Date of Decision:** 27th February 2024

Applicant: Enso Green Holdings R Ltd
C/O Enso Energy Ltd
Unit 1 & 2 Cirencester Office Park
Tetbury Road
Cirencester
GL7 6JJ

Location: Gunthorpe Road Solar Farm Land South Of Gunthorpe Road Walpole Marsh
Wisbech

Description: Installation of a solar farm and battery storage facility with associated infrastructure - H18-0741-21 - approved on Appeal. Modification of Condition 3 to allow the solar farm and battery storage facility to operate for a further 5 years to 40 years

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

- 1 The development hereby permitted shall begin on or before 28th September 2026 three years from the date of the original decision.

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:

003 Rev 003;
GR2.0 Revision 05A;
GR3.0 Revision 03;
GR4.0 Revision 01;

GR5.0 Revision 01;
GR6.0 Revision 01;
GR7.0 Revision 01;
GR8.0 Revision 01;
GR9.0 Revision 01
GR10.0 Revision 01;
GR11.0 Revision 01;
GR12.0 Revision 01;
GR13.0 Revision 01;
GR14.0 Revision 01.

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

- 3 Within 1 month of the date of first export of electricity, confirmation shall be given in writing to the local planning authority of the date of first export to the Grid. The development hereby permitted shall cease on or before the expiry of a 40-year period from the date of the first export of electricity and the local planning authority shall be notified of the cessation of electricity generation and storage in writing no later than 5 working days after the event. The land shall thereafter be restored to its former condition in accordance with a scheme of decommissioning work (the Decommissioning Scheme).
- 4 The Decommissioning Scheme shall be submitted to and approved in writing by the local planning authority no later than 6 months prior to decommissioning and shall include provision for the dismantling and removal from the site of the solar PV panels, frames, foundations, inverter housings and all associated structures, storage facilities and fencing. The decommissioning shall be carried out strictly in accordance with the approved scheme.
- 5 In the event the site ceases to generate and store electricity for supply to the electricity grid network for a period of 12 months, an Early Decommissioning Scheme shall be submitted to and approved in writing by the local planning authority, no later than 3 months from the end of the 12-month period. The scheme shall include the same provisions referred to in Condition 4 and the decommissioning shall be carried out strictly in accordance with the approved scheme.
- 6 Notwithstanding the submitted details, no development shall take place, including any site clearance or works of demolition, until a Construction Traffic Management Plan and Method Statement shall have been submitted to, and approved in writing by the local planning authority.
This shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development and provide for:
 - a) phasing of the development to include access construction;
 - b) the parking of vehicles of site operatives and visitors;
 - c) loading and unloading of plant and materials;
 - d) storage of plant and materials used in constructing the development;
 - e) wheel washing facilities;
 - f) the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material;
 - g) strategy stating how surface water run off on and from the development will be

managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction;

- h) measures to control the emission of dust and dirt during construction; and
- i) measures to control noise generated by construction machinery

- 7 No development shall take place, including any site clearance or works of demolition, until the existing access onto Gunthorpe Road shall have been widened and all obstructions exceeding 0.6 metres high cleared from the land within the visibility splays as illustrated on Drawing number SK01 Rev D, and thereafter the visibility splays shall be kept free of obstacles exceeding 0.6 metres in height.
- 8 No development shall take place, including any site clearance or works of demolition, until the works to improve the public highway by means of carriageway junction widening at the crossroads of King John Bank/Marsh Road/Gunthorpe Road in accordance with the details as shown on Drawing number SP01 Rev E have been certified complete by the local planning authority.
- 9 The development shall be carried out in accordance with the Written Scheme of Investigation and timetable for a programme and reporting of archaeological 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 archeological findings.

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

- 10 Prior to first use of the Battery Storage System, a Battery Safety Management Plan (BSMP) shall be submitted to, and approved in writing by, the local planning authority. The BSMP must prescribe measures to facilitate safety during the construction, operation and decommissioning of the battery storage system. The BSMP shall only be implemented as approved.
- 11 Notwithstanding the submitted details, prior to the development first becoming operational, a surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and provide details of:
 - a) how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
 - b) attenuation and discharge rates which shall be restricted to 1.4 litres per second;
 - c) the timetable for and any phasing of implementation for the drainage scheme; and
 - d) how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall not become operational until the approved scheme has been

completed or provided on the site in accordance with the approved phasing and thereafter retained and maintained strictly in accordance with the approved details.

- 12 Details of the external illumination of all buildings and areas of the site, including details of luminance and fields of illumination, shall be submitted to, and approved in writing by, the local planning authority, prior to the first use of those buildings and areas and there shall be no external illumination other than that so approved.
- 13 The development shall be carried out in accordance with the Landscape & Ecological Management Plan, the mitigation measures in the Ecological Impact Assessment, and the Biodiversity Net Gain Assessment, all prepared by Delta Simons and dated February 2022, June 2021 and November 2021 respectively; and the approved details of landscaping, shown on Drawing No 1284/10 - Revision E, shall be implemented in the first planting season following the completion of the development.

Any trees/shrubs/plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Similarly, any trees shown to be retained on the drawing shall be protected during construction work as follows:

- a) chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees;
 - b) no materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made;
 - c) no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained;
 - d) no services shall be routed under the spread of the crowns of the trees to be retained;
 - e) no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority; and
 - f) if any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.
- 14 For the duration of the construction and decommissioning periods, construction/deconstruction activities and deliveries received at or despatched from the site, shall only occur between the hours of 0800-and 1800-hours Monday to Friday, 0800-and 1330-hours on Saturday and not at all on Sundays and Bank Holidays other than with the prior written approval of the local planning authority.
 - 15 The development shall be undertaken in accordance with the Solar Farm Grazing Management Plan (SFGMP) dated March 2022 submitted as part of the appeal statement. If for any reason grazing by sheep fails to occur for a period of more than 12 months, the solar panels, battery storage facilities and the related ancillary equipment shall be decommissioned and removed from the site in accordance with Condition 4 above.
 - 16 The development must adhere to the predicted operational noise levels stated in Chapter 5 of the Noise Impact Assessment, dated 21 June 2021.

- 17 The development hereby permitted shall be implemented in accordance with the flood risk mitigation recommendations contained in the Flood Risk Assessment and Outline Surface Water Drainage Strategy, dated October 2021.
- 18 All cabling (with the exception of that connecting between solar arrays) shall be installed underground.
- 19 Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no buildings, structures, fences, gates, posts, solar panels, hardstandings, footings, platforms, pavements, bunding, earthworks or other engineering operations shall be constructed, installed, or carried out on site other than in accordance with the details on the approved drawings.

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 subsequently determining to grant planning permission.

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



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.