DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-0542-26**	**Applicant:**	**Enso Green Holdings R Ltd**
Proposal:	Details of Road Condition Survey (Condition 4 of H18-0922-25)		
Location:	Land Between East Bank/Gunthorpe Road And Gunthorpe Solar Farm Walpole Bank, Walpole Marsh		
Terminal Date:	31st July 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application seeking permission to discharge Condition 4 of H18-

0922-25 relating to a Road Condition Survey.

Site Description

This application site relates to an existing agricultural field that is located to the east of the banks of the Nene. It is wholly within the SHDC district.

The application is to serve the broader permitted solar site that straddles the administrative boundary between local authorities in two different counties, South Holland District Council (SHDC); and the Borough Council of Kings Lynn and West Norfolk (KLWN), in Norfolk.

That site benefits from an extant permission to formulate a solar farm; approved by the Planning Inspectorate in September 2023. A subsequent Section 73 application was approved which allowed the lifetime of the development to be extended to 40 years. All conditions originally attached, with the exception of the WSI, have not been addressed, as well as an application allowing for a battery energy storage system.

This application site, relating to the formulation of an access track is located wholly within the administrative boundary of South Holland. A public Right of way exists along the western side of the bank (of the River Nene) as well as TPOs. These are located outside of the proposed redline boundary. The application site is located within Flood Zone 3 in accordance with Environment Agency mapping. The South East Lincolnshire SFRA shows that the broader area is in a 'danger for most' area, however the bank, and land immediately to its west is in a less hazardous area, according to the SFRA, this presumably relates to the defence from the bank.

An extant permission exists to formulate this access, however its use is constrained to that of AIL vehicles only.

History

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.
This application was allowed on appeal.

H18-1034-23 - 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. Approved 27-02-24.

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

H18-0085-25 - Installation of access track and associated development. Approved 16-04-25

H18-0922-25 - Installation of access track and associated development - approved under H18-0085-25. Modification of Condition 2 to allow amendments to previously approved plans and Condition 5 relating to Traffic Management Plan - Approved 24-11-25

Consultation Responses

Lincolnshire County Council Highways & SUDS

Recommendation: No objection

Comments:

The Details of Road Condition Survey (Condition 4 of H18-0922-25) Location: Land between East Bank/Gunthorpe Road and Gunthorpe Solar Farm Walpole Bank, Walpole Marsh Wisbech are acceptable in accordance with approved drawings and details submitted with this application.

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Planning Considerations

Road Condition Survey

Condition 4 of H18-0922-25 states that:

Prior to the commencement of any part of the development hereby permitted, the condition of East Bank from the A17 to the site 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.

Reason: In the interests of safety of the users of the public highway and to ensure any damage caused to the public highway is remedied at the applicant's expense.

As discussed above, LCC Highways have been consulted on this application and outlined that the details within the submission, in relation to the Road Condition Survey, are acceptable in accordance with the approved drawings and details.

The details submitted are considered to be suitable, and adequately provide the detail required under Condition 4.

As such, Condition 4 can therefore be 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.

Conclusion

Condition 4 of H18-0922-25 can therefore be discharged.