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## **TOWN AND COUNTRY PLANNING ACT 1990**

### **SECTION 73 MODIFICATION**

<b>Reference:</b>	H18-0622-25	<b>Date of Decision:</b>	7th October 2025
<b>Applicant:</b>	Enso Green Holdings R Limited 17th Floor Hylo 103-105 Bunhill Row London EC1Y 8LZ		
<b>Location:</b>	Gunthorpe Road Solar Farm Land South Of Gunthorpe Road Walpole Marsh Wisbech		
<b>Description:</b>	Installation of a solar farm and battery storage facility with associated infrastructure - approved under H18-1034-23 (original permission H18-0741-21). Modification of Condition 2 to allow amendments to previously approved plans - approved under H18-0448-24. Modification of Condition 6 (Construction Traffic Management Plan and Method Statement) (CTMP&MS), modification of condition 7 relating to access onto Gunthorpe Road and removal of condition 8 relating to improvements to crossroads of King John Bank/Marsh Road/Gunthorpe Road.		

**South Holland District Council, in pursuance of the provisions of the Town and Country Planning Act 1990 (as amended), hereby give notice that permission has been REFUSED (or equivalent) for the development referred to above, for the following reason(s):**

- 1 The proposal to re-route the construction and operational traffic through the East Bank/Gunthorpe Road access cannot be achieved under this application. The permission that exists for the access track at the East Bank/Gunthorpe Road junction is for the use of Abnormal Indivisible Loads (AIL) movements only. It is beyond the scope of a Section 73 in this instance to vary something outside of the red line boundary of the original permission.

Taking the above considerations into account, the proposal is considered not to accord

with policies 2, & 3 of the South East Lincolnshire Local Plan (2019), along with Section 9 of the National Planning Policy Framework (December 2024), as the access track proposed does not benefit from an existing permission for all construction and operational vehicles and these amendments (if approved) are likely to result in the removal of an existing access that does benefit from permission to accept all construction (and operational) traffic movements. It would also remove mitigation that is required at present to make the original scheme acceptable in planning terms.

The amendment of this permission, given the approved AIL track is outside of the red line of the original permission is also outside of the scope for a section 73 in this instance and cannot be achieved by varying the original permission.

Notes:

The determined plans are:

- 003 - Site Location Plan
- SK02 - Proposed Site Access Design
- SP01 Rev E - Crossroads Vehicle Tracking Of A 16.5m Articulated Vehicle
- WP2-01-P44 - Proposed Site Plan with BNG Areas
- 2503-045/CTMP&MS/01 | June 2025 - Construction Traffic Management Plan and Method Statement (Condition) - June 2025
- Covering Letter
- WP2-01-P02 - Proposed Site Plan
- SK 01 Rev D - Access Design

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. However, the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason(s) for the refusal, that approval has not been possible.

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**  
Assistant Director - Planning and Strategic Infrastructure  
South Holland District Council

## 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@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.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.