DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-0897-26**	**Applicant:**	**Enso Green Holdings R Ltd.**
Proposal:	Details of certification and completion by Local Planning Authority relating to carriageway widening and improved access construction at junction of Gunthorpe Road & East Bank and 6 passing places/road widening along East Bank (Condition 3 of H18-0922-25)		
Location:	Land Between East Bank/Gunthorpe Road And Gunthorpe Solar Farm Walpole Bank		
Terminal Date:	12th November 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework August 2026

Section 15 - Promoting Sustainable Transport

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of condition application providing details of certification and completion by Local Planning Authority relating to carriageway widening and improved access construction at junction of Gunthorpe Road & East Bank and 6 passing places/road widening along East Bank (Condition 3 of H18-0922-25).

Site Description

This application site 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.

History

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

Highways

The Details of certification and completion by Local Planning Authority relating to carriageway widening and improved access construction at junction of Gunthorpe Road & East Bank and 6 passing places/road widening along East Bank (Condition 3 of H18-0922-25) are acceptable in accordance with the submitted correspondence with Lincolnshire County Council.

Fenland DC

Fenland District Council have no comments or objections to the above consultation.

KL&WN

No comments received other than a holding response confirming receipt of the consultation.

Planning Considerations

Condition 3 - Highway Improvement Works Certification

Condition 3 of planning permission H18-0922-25 states:

"No part of the development hereby permitted shall be brought into use before the works to improve the public highway, by means of carriageway widening and improved access construction at the junction of Gunthorpe Road and East Bank and 6no. passing places/road widening along East Bank, have been certified complete by the Local Planning Authority."

The purpose of the condition is to ensure the provision of safe and adequate access arrangements to serve the development prior to it becoming operational.

The applicant has submitted a discharge of condition application supported by a covering letter and correspondence from Lincolnshire County Council dated 15 September 2026. The submitted information confirms that the highway improvement works required by the condition, namely the carriageway widening, access improvements at the junction of Gunthorpe Road and East Bank, and

the provision of six passing places/road widening works along East Bank, were undertaken between 20 July 2026 and 3 September 2026 pursuant to Section 278 Agreements with the Highway Authority.

The Local Highway Authority have been consulted on the application and advised that the details submitted in support of the application are acceptable. The Highway Authority confirms that the certification and completion of the carriageway widening, improved access construction at the junction of Gunthorpe Road and East Bank, and the six passing places/road widening works along East Bank satisfy the requirements of Condition 3.

No objections have been received from Fenland District Council, whilst King's Lynn and West Norfolk Borough Council provided a holding response only and no substantive comments.

Having regard to the submitted evidence and the consultation response of the Local Highway Authority, it is considered that the required highway improvement works have been completed and satisfactorily certified. As such, the requirements of Condition 3 have been met.

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 3 of planning permission H18-0922-25 can be discharged.