

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H18-1274-25 **Applicant:** Enso Green Holdings R Ltd.

Proposal: 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).

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

Terminal Date: 20th March 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
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
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
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
KINGS LYNN INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	7
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This application is made pursuant to Section 73 of the Town and Country Planning Act 1990 and seeks to vary planning permission H18-0448-24, itself a Section 73 permission relating to the approved solar farm and battery energy storage facility.

The application proposes amendments to a number of conditions attached to that permission in order to align the approved solar farm scheme with the separately consented access arrangement at the East Bank/Gunthorpe Road junction under planning permission H18-0922-25.

Specifically, the application seeks:

- The modification of Condition 2 (Approved Plans) to substitute revised drawings reflecting amendments to the internal layout of the solar farm, including the provision of an additional internal access track connecting the solar arrays to the boundary of the site and the separately approved access track.
- The modification of Condition 6 (Construction Traffic Management Plan and Method Statement) to secure details associated with the revised access strategy. The applicant's covering letter refers to the submission of a Construction Traffic Management Plan and Method Statement (CTMP&MS) intended to reflect the use of the East Bank/Gunthorpe Road access for all construction and operational vehicles. A CTMP&MS has been submitted during the application and sent out to highways for consultation.
- The amendment or removal of Condition 7 (Access onto Gunthorpe Road) on the basis that the previously approved access arrangements are no longer intended to serve the development.
- The removal of Condition 8 (Highway Improvements at King John Bank/Marsh Road/Gunthorpe Road crossroads) on the grounds that, with the implementation of the alternative access strategy, construction and operational traffic associated with the development would no longer utilise that junction.

The overarching purpose of the application is therefore to regularise and rationalise highway-related conditions so that the solar farm operates in conjunction with the separately approved access arrangements. No changes are proposed to the description of development, generating capacity, operational lifespan or the approved battery energy storage facility.

Background

The solar farm constitutes a cross-boundary development extending across land within South Holland District Council and the Borough Council of King's Lynn and West Norfolk. The original application was determined at appeal, and subsequent Section 73 applications have amended

aspects of the permission, including extending the operational period to 40 years.

Planning permission has more recently been granted for an alternative access arrangement at the East Bank/Gunthorpe Road junction. That permission authorises the use of the access for all construction and operational traffic associated with the solar farm development.

The Borough Council of King's Lynn and West Norfolk has approved a comparable Section 73 application (reference 25/01114/FM, dated 26 November 2025) to amend the equivalent conditions within its administrative area. The current application seeks to achieve consistency between the parallel planning permissions so that the development may be implemented coherently across both local authority areas.

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.

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.

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

H18-0448-24 - 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

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

H18-0622-25 - 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. Refused 07-10-25

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

Parish Clerk

At a meeting on 27th January 2026 Sutton Bridge Parish Council resolved to object to the application and agreed that the original condition to improve the junction should remain.

Anglian Water

Anglian Water have reviewed the proposals and have no comment to make.

Kings Lynn IDB

Following the Board's comments submitted in relation to planning application H18-0622-25 (our ref 25_32509_P, dated 22/07/2025), the Board would like to remind the applicant of its access requirements to undertake maintenance to the Board arterial watercourse along the eastern boundary of the site, Air Ministry (Drain ID DR039G0103). This watercourse can be identified using the Board's mapping available using the following link: Mapping - Water Management Alliance : Water Management Alliance. The Board requires continued access along the track off Gunthorpe Road as shown in the Proposed Site Plan, Drawing No. WP2-01-P02 (Enso Energy, May 2024) submitted alongside this application.

I note the presence of watercourses which are not maintained by the Board (a riparian watercourse) adjacent to the western side of the northern land parcel and south-eastern boundary of the site. Whilst not currently proposed, should the applicant's proposals change to include works to alter a riparian watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

Highways & SuDs Support

Highways - No objection - The proposal is for minor amendments to 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). The minor amendments proposed will not have an adverse impact upon the public highway or surface water flood risk.

No objections to the construction traffic management plan & method statement.

LLFA - 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.

Fenland District Council

It would appear that the proposal is for minor amendments to Installation of a solar farm and battery storage facility with associated infrastructure - approved under H18-0448-24. Specifically, the application is to modify Condition 2 to allow amendments to previously approved plans and Condition 6 details of Construction Management Plan & Method Statement, and also to amend the requirements of Condition 7 (Access onto Gunthorpe Road) and remove Condition 8 (improvements to crossroads of King John Bank/Marsh Road/Gunthorpe Road).

Having viewed details of the consultation responses received it would appear that there are no technical objections to the proposal, and I can confirm that Fenland District Council has no comments to make on the submission.

Lincolnshire Wildlife Trust

Thank you for inviting comment from Lincolnshire Wildlife Trust on this application. Our conservation officers have reviewed the referenced development against a series of strategic conservation and ecological criteria. In review of the variation documents presented, The Trust has no substantive comments or recommendations on the proposal.

National Grid Energy Distribution

Please contact NGET (National Grid Transmissions) regarding the 132kv and towers in area

National Gas Transmission

Regarding planning application H18-1274-25, there are no National Gas Transmission assets in this area.

Lincolnshire Police

Lincolnshire Police do not have any objections to this amendment.

County Fire Officer

Lincolnshire Fire & Rescue have provided an extensive response, this states (in part "This document relates to Battery Energy Storage Systems (BESS) which are deployed in open air environments with an energy capacity of 1 megawatt (MWh) or greater using lithium variant batteries. The principles contained within this document may also be relevant to other battery technologies, advice should however also be sought from a competent person. This document identifies key areas regarding the prevention of fire in BESS installations and the actions and protective measures for fire service personnel, employees and the public in the event of a fire occurring."

Officer Response

The BESS was approved under a separate application. This proposal does not seek to amend that permission.

Representations

This application has been publicised in accordance with the Development Management Procedure Order 2015 (as amended). It has received a letter of representation which in summary objects to the character of the solar farm as well as the impact on local wildlife.

Evaluation - Section 73

The proposal relates to the variation of conditions attached of H18-0448-24, through seeking permission under Section 73 of the Act. The purpose of an application made under Section 73 of the Town and Country Planning Act 1990 is to vary or remove conditions associated with an existing planning permission. These applications are used to allow for amendments to an approved scheme and can be made both retrospectively and prior to a permission being implemented, as long as the permission is extant.

The Act is very clear that: "On such an application the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted." As such, the Local Planning Authority are not able to revisit the principle of development and only matters relevant to the specific conditions can be considered.

The effect of granting permission would be to issue a new permission with the relevant conditions amended, together with any other relevant conditions from the original permission, or subsequent relevant revisions since this permission.

Planning practice guidance highlights that where less substantial changes are proposed, amending a proposal can occur through 'Amending the conditions attached to the planning permission, including seeking to make minor material amendments'. The PPG clarifies that "Permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions.

The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted".

There is no statutory definition of a 'minor material amendment'; but this is likely to include any amendments where its scale and/or nature results "in a development which is not substantially different from the one which has been approved". In the case of R (Vue Entertainment Limited) v City of York Council, it was concluded that the decision gives clear support for use of s.73 in respect of changes to conditions which go beyond 'minor' amendments.

It places a clear emphasis on preserving the precise terms of the grant. If an amendment to a condition can be made which keeps the description of the development intact it may well be appropriate to make such an application under a s.73, even if the affect of the change will be significant".

Planning Considerations

As established above, the scope of this application is limited to the variation and removal of conditions attached to planning permission H18-0448-24. The principle of the solar farm and battery storage facility is established through the appeal decision under H18-0741-21 and subsequent Section 73 permissions. The development remains extant and capable of implementation.

The proposed amendments arise from the approval of a separate access arrangement at East Bank/Gunthorpe Road under H18-0922-25. The purpose of this application is to align the operational and construction access arrangements of the solar farm with that consented access, and to rationalise highway-related conditions that are no longer necessary or relevant.

Condition 2 - Approved Plans

The proposed amendment to Condition 2 seeks to substitute approved plans to reflect the inclusion of an additional internal access track linking the solar farm to the separately approved access route.

The alteration is limited to internal circulation within the established red line boundary and does not materially alter the scale, layout or operational characteristics of the approved solar farm. The development remains the same in description and function. The additional track is operationally necessary to facilitate use of the newly approved access and does not introduce materially different environmental or visual effects beyond those previously assessed.

The amendment therefore falls within the scope of Section 73 and does not result in a development that is substantially different from that approved. Subject to substitution of the relevant plan numbers, the variation is considered acceptable.

Condition 6 - Construction Traffic Management Plan & Method Statement

The applicant proposes to amend Condition 6 to secure a compliance-based Construction Traffic Management Plan and Method Statement (CTMP&MS) reflecting the revised construction access strategy via East Bank/Gunthorpe Road.

The submitted CTMP&MS has now been reviewed by the Highway Authority, who raise no objection and confirm that the document is acceptable. They advise that the plan can be secured through a compliance-based planning condition. The Highway Authority and Lead Local Flood Authority therefore confirm that the proposed amendments would not result in an unacceptable impact on highway safety, nor a severe residual cumulative impact on the local highway network, having regard to the National Planning Policy Framework (NPPF).

Notwithstanding this position, it remains necessary and reasonable, in accordance with paragraph 115 of the NPPF and Policy 36 of the South East Lincolnshire Local Plan (where relevant), to secure the implementation of the approved CTMP&MS in order to manage construction routing,

delivery timings and associated highway mitigation measures.

Whilst a similar condition is imposed on the separate permission for the access works, that consent is distinct from the solar farm permission. It is therefore necessary to attach a condition to this permission to ensure enforceable control over construction traffic associated with the development.

Accordingly, Condition 6 will be reimposed in an updated compliance-based form.

Condition 7 - Access onto Gunthorpe Road

Condition 7 required widening of the former access and provision of visibility splays onto Gunthorpe Road in accordance with a specified drawing.

In light of the approval and intended use of the alternative access at East Bank/Gunthorpe Road under H18-0922-25, the previously approved access arrangement is no longer proposed to serve construction or operational traffic associated with the solar farm. The Highway Authority has confirmed no objection to this revised arrangement.

As the condition references infrastructure that will not now form part of the implemented scheme, and given that highway safety is adequately addressed through the separate access permission and the reimposed CTMP&MS condition, Condition 7 is no longer necessary or relevant to the development permitted. Its removal is therefore justified in accordance with paragraph 56 of the NPPF (conditions must be necessary, relevant and reasonable).

Condition 8 - Junction Improvements

Condition 8 required off-site highway improvement works at the crossroads of King John Bank/Marsh Road/Gunthorpe Road prior to commencement.

The necessity for those works was directly linked to the originally proposed construction routing strategy. The revised access arrangements remove the need for construction or operational traffic associated with the development to utilise that junction. The Highway Authority raises no objection to the removal of this condition and confirms that the amended arrangements would not adversely affect highway safety.

Given the change in routing and the absence of technical objection, the junction improvement works are no longer necessary to make the development acceptable in planning terms. The retention of Condition 8 would therefore fail the necessity and reasonableness tests set out within national policy. Its removal is considered justified.

Re-Attachment of Conditions

Section 73 of the Town and Country Planning Act 1990 enables the Local Planning Authority to grant a new planning permission subject to varied or amended conditions. A permission issued under Section 73 constitutes a new, standalone planning permission which sits alongside the original consent.

In accordance with established practice and Planning Practice Guidance, where a Section 73 permission is granted, all conditions from the parent permission must be reattached to the new decision notice unless they are expressly varied or removed. This ensures clarity and enforceability and avoids any ambiguity as to which controls apply to the development.

In this instance, it is proposed that all conditions attached to planning permission H18-0448-24 (and any subsequent relevant Section 73 permissions) be reattached in consolidated form, save where specifically amended or removed by this application (namely Conditions 2, 6, 7 and 8).

For completeness, it is noted that Condition 9 (Written Scheme of Investigation) was formally discharged under application H18-0040-24. As that condition has already been satisfied, it will be reattached to the new permission in its original wording for completeness and legal continuity, but no further action will be required in respect of its discharge.

This approach ensures that the development remains subject to the full suite of previously imposed planning controls, with only the necessary amendments made to reflect the revised access strategy.

Other Matters

Lincolnshire Fire & Rescue have provided an extensive response which outlines (in part) "This document relates to Battery Energy Storage Systems (BESS) which are deployed in open air environments with an energy capacity of 1 megawatt (MWh) or greater using lithium variant batteries. The principles contained within this document may also be relevant to other battery technologies, advice should however also be sought from a competent person. This document identifies key areas regarding the prevention of fire in BESS installations and the actions and protective measures for fire service personnel, employees and the public in the event of a fire occurring."

It should be noted that the BESS referred to was approved under a separate application. This proposal does not seek to amend that permission and as such, the assessment of this matter is not appropriate to this application.

In addition, within the public representation received, concerns relating to the character of the solar farm, as well as the impact on local wildlife, was raised. The solar farm already has permission and this application seeks only to amend certain conditions. The changes are beyond the scope of the topics raised by the representee for the council to address in this assessment.

Planning Balance

The application does not seek to revisit the principle of the solar farm and battery storage facility, which has been established through appeal and subsequent permissions. Nor does it materially alter the scale, lifespan or generating capacity of the development.

The amendments are operational in nature and relate primarily to the mechanism by which construction and operational traffic access the site. The alternative access has been granted planning permission and has been assessed by the Highway Authority as acceptable. No statutory consultee raises objection to the proposed variations, and there is no identified conflict with the development plan or national policy arising from the revised arrangements.

The removal of highway improvement conditions is directly consequential to the approved alternative access and is supported by the Highway Authority. The development, as varied, would continue to comply with the relevant provisions of the National Planning Policy Framework in respect of highway safety and sustainable infrastructure delivery.

No material planning harm has been identified arising from the proposed variations. The amendments do not result in a development that is substantially different from that previously approved and fall squarely within the scope of Section 73.

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

Taking into consideration these factors, the proposal is considered to accord with Policies 1, 2, 3, 4, 28, 30 and 31, of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024). On this basis the proposal is recommended for Approval.