

## BOSTON BOROUGH COUNCIL

### Planning Committee – 24<sup>th</sup> March 2026

Reference No: B/25/0356

Expiry Date: 03 December 2025  
Extension of Time: 31 March 2026

Application Type: S73 - Major  
Proposal: Application under s73 for the Variation of Condition 7 (Delivery Route) of permission B/22/0356  
Site: Land to the west of Cowbridge Road, Bicker, Boston

Applicant: Mr Luke Rogers, AGR Solar 2 Limited  
Agent: Mr Andrew Russell, Axis P E D Ltd

Ward: Five Village Parish: Bicker Parish Council

Case Officer: Mark Niland Third Party Reps: 4

**Recommendation:** Approval.

#### **1.0 Reason for Report**

- 1.1 The application has been called to committee by the ward member Councillor Cantwell for the following reason:
- 1.2 The Application is contrary to Policies 2, 3 and 31
- Policy 2 specifically points 4 and 6.
  - Policy 3 specifically point 11.
  - Policy 31 specifically points 2 and 3.

#### **2.0 Application Site and Proposal**

- 2.1 The application site is a solar farm and battery store that is currently under construction. This is a cross boundary site, and application, with South Holland District Council with the larger proportion of the land to be covered with panels within South Hollands Boundary. The total site, including the grid connection corridor, covers approximately 97.3ha of land.
- 2.2 Planning permission was granted on 21<sup>st</sup> July 2023 for a 49.95MW Photovoltaic Solar Array, Grid Connection, Access Improvements Works, Battery Store, and Ancillary Development under reference B/22/0356 subject to 21 conditions.
- 2.3 Details were agreed in connections with conditions 8, 9, 12, 13, 14, 16, 18, 19 and 20 as part of applications B/22/0356/CD1 through CD8. Of particular relevance to this application is an agreed construction management plan as part of C13 agreed through B/22/0356/CD5 on 5<sup>th</sup> July 2024.

- 2.4 This application seeks to vary condition 7 on the planning permission, which relates to the routing of HGV's and reads as follows:

*'Unless agreed otherwise in writing by the Local Planning Authority, all vehicles making deliveries of materials and components to the permitted development shall arrive via the Viking Link haul road and North Ing Drove route described in the submitted Revised Access Strategy Technical Note, dated February 2023, and all departing, unloaded delivery vehicles shall leave the Application Site via the Cowbridge Road, Ing Drove and Bicker Wind Farm haul road route, also described in the same Technical Note. The arrival and departure of Heavy Goods Vehicles during the decommissioning of the permitted development shall be in accordance with routing that shall first be agreed in writing, at the time of decommissioning, by the Local Planning Authority in consultation with the Local Highway Authority and with regard to prevailing condition of the local highway at the time of decommissioning. No other roads between the A52 and the Application Site shall be used by delivery vehicles during the construction and decommissioning phases.'*

- 2.5 And the reason for the condition is given as:

- 2.6 *'Reason: In the interests of highway safety, to reduce the likelihood and frequency of arriving and departing Heavy Goods Vehicles meeting on-coming vehicles on the narrow Fen roads serving the permitted development and having to over-run highway verges or undertake unreasonable reversing manoeuvres in order to pass one another in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.'*

- 2.7 Further to that a Construction Management Plan (CMP) was agreed as part of B/22/0356/CD5. That CMP includes the following at section 4.1.5 to 4.1.9:

*Wherever possible, access to the site will be taken via a combination of two routes so as to provide a separate arrival and departure route for construction vehicles.*

*These routes comprise:*

*i) Route 1: Via the Viking Link 'haul / access road' route from Bridge End Causeway (A52), towards North Ing Drove, and Middle Fen Drove; and,*

*ii) Route 2: Via the existing National Grid 'haul road' from the Bicker Road (A52), towards Ing Drove and Cowbridge Road.*

*Wherever possible, the routes will be allocated for separate arrival and departures, with the exact access and egress routes being depending on the respective construction stage and given area of work being undertaken on the site at that time. This will minimise incidences of vehicles meeting.*

*Whilst the above routing arrangement will be utilised wherever possible, there will likely be periods during the course of the works, particularly prior to the implementation of the bridge across Hammond Beck which traverses the site, where sole access and egress to this site will only be feasible from the east – i.e. via Route 2 (Cowbridge Road and the National Grid haul road).*

- 2.8 In short, the previously agreed condition required loaded HGV's to access the site via North Ing Drove to the south and unloaded vehicles to depart the site via Cowbridge Lane to the north. The construction management plan agreed for access using either route. This application seeks to reconcile these through a variation to Condition 7 to align it with the wording listed in the Construction Management Plan.

### **3.0 Relevant History**

- 3.1 B/22/0356 - Proposed Development of A Photovoltaic Solar Array, Grid Connection, Access Improvements Works and Ancillary Development On Land At Bicker Fen, Boston And South Holland – Approved
- 3.2 B/22/0356/CD1 – Approval of details in connection with condition 20 – Agreed on 22/12/2023
- 3.3 B/22/0356/CD2 - Approval of details in connection with condition 9 – Agreed on 27/01/25
- 3.4 B/22/0356/CD3 - Approval of details in connection with condition 12 – Agreed on 25/03/2024
- 3.5 B/22/0356/CD4 - Approval of details in connection with condition 16, 18 and 19 – Agreed on 16/07/2024
- 3.6 B/22/0356/CD5 - Approval of details in connection with condition 13 and 14 – Agreed on 05/07/2024
- 3.7 B/22/0356/CD6 - Approval of details in connection with condition 8 – Agreed on 05/07/2024
- 3.8 B/22/0356/CD7 - Approval of details in connection with condition 9 – Agreed on 25/03/2025
- 3.9 B/22/0356/CD8 – Approval of details in connection with condition 11 – Withdrawn by applicant
- 3.10 B/22/0356/NMA1 - Application under s96a for minor amendments to the approved layout following approval B/22/0356 – Approved on 30/09/2024
- 3.11 B/22/0356/NMA2 - Application for a non-material amendment to amend condition 9 (Archaeological Investigation) – Approved on 04/07/2025
- 3.12 B/22/0356/NMA3 - Application for a non-material amendment to amend condition 7 – Refused due to the change being considered to be material
- 3.13 PENF0241/24 - A Breach of condition notice was served on 02/12/2024 in connection with condition 7

### **4.0 Relevant Policy**

#### **South East Lincolnshire Local Plan**

- 4.1 The following policies contained within the South East Lincolnshire Local Plan (2019) (i.e. SELLP) are relevant to this application:
  - Policy 1 – Spatial Strategy;
  - Policy 2 – Development Management;
  - Policy 3 – Design of New Development;

- Policy 30 – Pollution
- Policy 31 – Climate Change and Renewable and Low Carbon Energy
- Policy 33 – Delivering a More Sustainable Transport Network

## **National Planning Policy Framework**

- 4.2 At the heart of the 2024 Framework is a presumption in favour of sustainable development. The following sections are most relevant to this scheme:
- Section 4 – Decision-making

## **5.0 Representations**

- 5.1 As a result of publicity 4 representations have been received from:

- 5.2 The objections can be summarised as follows:

- For the whole construction period all traffic has used Cowbridge Road, resulting in abuse of residents, damage to the road and danger to road users
- Current AGR signage directs all traffic to use the NG haul road/Ings lane/Cowbridge road
- Traffic Management Plan has not been adhered to, neither has an enforcement notice
- Traffic has been directed through the village centre, exceeds the stated speed limits, and the contractor help line and complaints process refuses to answer calls and ignores complaints
- Permission should be refused and condition 7 enforced
- The application is retrospective by 3 years
- Several examples of specific breaches have been provided
- Impractical and unreasonable to expect residents to enforce the TMP via complaints to the enforcement officer
- No traffic should use the access gate on Cowbridge Lane once the site becomes operational
- All loaded traffic (not just HGV's) should use route 1
- Route 1 is clearly a more suitable traffic route
- Details of traffic routes during the operational phase are required, including for maintenance and works to the BESS during its lifetime
- No overall accountability for cumulative impacts to highways in the area
- Much of the damage is from LGV's vans and cars and these are not included in the traffic management plans
- Pollution impacts from large number of vehicles using single-track lanes
- 'One-way' system was proposed by LCC and they cannot now say the present system makes no difference
- Houses in the vicinity are showing damage as a result of the traffic

## **6.0 Consultations**

- 6.1 Bicker Parish Council – Object - The current arrangement must remain in place, that the Viking Link Haul Road is the only one that should be used for loaded vehicles coming to the site, as the other roads are not suitable for loaded construction traffic. Condition 7 should remain in place and checks should actively be made by the Borough Council to ensure the condition is enforced as residents are informing us that it is currently not being followed.

6.2 BBC Environmental Health – No comments

6.3 LCC Highways/SUDS - The Highway Authority confirms that the submitted Highway Technical Note satisfactorily justifies the proposed change to the approved routing arrangement and raises no objection to the suggested revised condition wording. In reaching this view, the Highway Authority notes that the peak HGV movements now anticipated for the remainder of the construction period are considerably lower than those originally associated with the development. This reflects the fact that only minor residual works and demobilisation activities remain outstanding.

It is also noted that the section of local highway affected between the link road and the site access, namely Cowbridge Road and Ing Drove, is relatively limited in length. In addition, cumulative traffic impacts have reduced as other construction projects in the area have now substantially progressed or reached completion. On that basis, the Highway Authority is satisfied that the proposed amendment would not result in an unacceptable impact on highway safety.

6.4 Black Sluice IDB – None received

## **7.0 Planning Issues and Discussions**

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that the determination of a planning application shall be made in accordance with the Development Plan. As an application under S.73 the only matters that can be considered are those which directly relate to the conditions and the principle of development cannot be revisited. The key issues in the determination of this application are:

- Preliminary matters
- Highway Safety impacts
- Amenity impacts
- Other conditions

7.2 The application has been accompanied by suggested wording from the applicant for a revised condition:

*All vehicles making deliveries of materials and components to the permitted development shall access the permitted development in accordance with the measures set out in the approved Construction Method Statement, Construction Management Plan, Axis, Dated 14.06.2024. (ref. B/22/0356/CD5). The arrival and departure of Heavy Goods Vehicles during the decommissioning of the permitted development shall be in accordance with routing that shall first be agreed in writing, at the time of decommissioning, by the Local Planning Authority in consultation with the Local Highway Authority and with regard to the prevailing condition of the local highway at the time of decommissioning. No other roads between the A52 and the Application Site shall be used by delivery vehicles during the construction and decommissioning phases.*

### **Preliminary matters**

7.3 This application arises following on-going discussion between the LPA and the developer as a result of several complaints to the planning enforcement team that have culminated in the serving of a Breach of Condition Notice in respect of

Condition 7 on Planning Permission B/22/0356. An application made under reference B/22/0356/NMA3 sought the same change the subject of this application, while that application was refused it was due to the changes being considered to be material and as such this was not the correct application type/mechanism to seek the proposed changes. However, this refusal was not a comment on the material considerations or the acceptability of the scheme or the proposed amendments to the condition.

- 7.4 It is, however, important to note the limitations of this application process and the matters which can be considered. The application has been made under S.73 of the Town and Country Planning Act, which allows for an application to vary or remove planning conditions and as such can only consider matters relating to those conditions and the decision maker cannot revisit matters relating to the principle of development or the operative part (the description of development) of a planning permission.
- 7.5 It is also important to note that the permission granted under S.73 takes effect as a new, independent permission to carry out the development previously permitted subject to amended conditions, which would be brought forward into the new decision notice. The original permission remains intact and unamended and it is for the developer to choose which permission they wish to implement. Conversely, it should also be noted that refusal of a S.73 application does not result in the revocation or quashing of the original permission.
- 7.6 Consequently, it is not within the gift of this application to consider certain matters that have been raised by residents, in particular those relating to traffic during the operational phase of development, or the routing of vehicles other than those for deliveries. Therefore, such matters are not given further consideration within this report.
- 7.7 Notwithstanding that, the LPA may use any alternative wording that they consider to satisfy the tests described below. An approval need not remove a condition in its entirety, nor be limited to wording suggested within any application submission.
- 7.8 Conditions may only be imposed where they meet the tests set out in paragraph 57 of the National Planning Policy Framework (NPPF). Namely that they are:
- Necessary to make the development acceptable in planning terms,
  - Relevant to planning and the development being permitted,
  - Enforceable,
  - Precise, and
  - Reasonable in all other regards
- 7.9 Individual conditions should not be considered in isolation and it is appropriate to consider the suite of conditions as a whole, particularly where details may previously have been agreed. An assessment of other conditions is included towards the end of this report.

### **Highway Safety Impacts**

- 7.10 Within the SELLP, Policy 2 (4), Policy 3 (4) and Policy 36 (criterion 1 and 2) seeks to ensure that all proposals can be achieve appropriate means of access, that the likely traffic levels generated can be accommodated by the existing highway network and that the development provide sufficient levels of off-street parking

provision so as to ensure that there would be no adverse impacts upon the existing highway network from either a safety or capacity perspective.

- 7.11 This local policy position is supported further by Paragraph 116 of the NPPF which confirms that, *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*
- 7.12 With regard to the current application, it is considered that condition 7, as previously imposed, met the tests of necessity, relevance, enforceability, precision and reasonableness as described above at the time it was imposed. The original condition sought to reduce the likelihood of Heavy Goods Vehicles meeting along narrow Fen roads with limited passing opportunities. The Transport Note shows that between July 2024 and December 2025 there were a total of 897 movements. It is estimated (by the same document) that a total of 107 movements are forecast between January 2026 – July 2026.
- 7.13 There remains value in a condition securing the routing of HGVs to and from the site in order to prevent construction traffic accessing the site via the village of Bicker, in the interests of both highway safety and amenity. The continued use of the private haul roads connecting to the A52 therefore remains an important component of mitigating impacts on highway safety and residential amenity. As such, it is considered appropriate that routing controls remain in place via condition,
- 7.14 For the sake of clarity the routes referred to below are as follows:
- Route 1 – Viking Link Haul Road from the A52 to North Ing Drove, east along North Ing Drove for approximately 1km to sites southern entrance
  - Route 2 – National Grid Haul Road from the A52 to Ing Drove, west along Ing Drove for approximately 200m, north west along Cowbridge Road for 800m to the sites northern entrance
- 7.15 The condition as imposed was on the premise of access being achieved via route 2 and egress via route 1. However, **it is noted that wording within the CMP allows for access along those routes for either access or egress on an ad hoc basis.** That ad hoc basis has been the prevalent manner of movements during the construction phase so far, with a number of resident objections being submitted in connection with vehicles accessing the site via Cowbridge Road, culminating in the serving of a Breach of Condition Notice in connection with condition 7.

#### Condition Wording Proposed by Applicant

- 7.16 The applicant has included within their submission suggested wording for a revision to condition 7 that seeks to align the proposed routing to that agreed within the Construction Management Plan (CMP) described above at paragraph 2.7 of this report.
- 7.17 However, should that wording be agreed, officers are of the opinion that there would be limited control over which of the routes may be used to access or leave the site. In a worst case scenario, this would result in all vehicles accessing and egressing via one entrance. The principle issue in this application, therefore, is whether that scenario would result in adverse impacts on the highway or residents amenity, to an extent that might justify a stricter condition limiting the number of vehicles on any one route in a given day as the current condition does. Weight needs also to

be given to the remaining amount of construction activity that is likely left, the transport note suggest that the daily movements will be below 4 two way HGV accessing the site (this is a total of 8 movements access/egress).

#### Condition Wording Proposed by Officers

- 7.18 In light of the above, officers have considered the merits of the changes proposed by the applicant and support a change to the wording of condition 7. Giving weight to the submitted transport note, highlighting the reduced need for delivery and the recent highways comments.
- 7.19 In consideration of this matter, the highway safety impacts of the routing are twofold. Firstly, is the wear and tear of the highway. Condition 8 seeks to mitigate the impacts of the construction traffic physically along the highway via a survey with a Lincolnshire County Council (LCC) highway engineer prior to the start of construction on following completion of construction, with any defects rectified at that stage. This condition was recommended by LCC at the time of the original application and has been complied with to date. These impacts are therefore already mitigated through conditions, and while an increase in traffic may increase the degree of wear and tear, it would still be returned to the condition it was at the time construction commenced. This would address some of the concerns raised by objectors to this application.
- 7.20 Furthermore, while not material, it is also noted the proposal involves the transportation of some sensitive components to site and it is not within the developers' interest for road quality to deteriorate so significantly as to impact the delivery of these components.
- 7.21 The second issue is the safety of other road users. Objections have raised the speed of vehicles using the public highway and the intimidation arising from encountering construction traffic while using the highway. The first of these matters is a police enforcement matter, and beyond the control of the planning authority, whether drivers are travelling at an appropriate speed is not within the scope or control of this planning permission. In addition, matters relating to intimidation are both difficult to define or quantify but are also not a material consideration in the determination of planning applications.
- 7.22 In assessing the acceptability of the proposed variation, it is necessary to consider the likely impacts of HGV movements along the local highway network. In this regard, the submitted Highway Technical Note provides updated evidence on historic and forecast construction traffic movements.
- 7.23 The Technical Note confirms that between July 2024 and December 2025 a total of 897 HGV movements were recorded associated with the construction of the solar development. Over that period this equated to approximately five two-way HGV movements per day via Cowbridge Road and approximately two two-way movements per day via the Viking Link route during the peak phases of construction.
- 7.24 The Technical Note further confirms that the remaining construction works between January and July 2026 will generate a total of approximately 107 HGV movements. This equates to an average of approximately one two-way HGV movement per day, with a forecast peak of approximately three two-way movements per day during March 2026. These levels are significantly below those experienced during earlier

stages of construction and substantially lower than those assessed within the original Transport Statement.

- 7.25 The evidence therefore demonstrates that the level of construction traffic expected during the remainder of the works will be very limited. Furthermore, the Highway Authority has confirmed that the proposed amendment to the routing arrangements is acceptable in highway safety terms, noting that the peak vehicle movements now anticipated are considerably lower than those originally associated with the construction phase. It is also relevant that cumulative impacts have reduced due to other solar developments and infrastructure projects in the area reaching completion stages, resulting in a reduction in background construction traffic along Cowbridge Road and Ing Drive.
- 7.26 It is noted that a similar issue may arise through the sole use of Route 1, however, that route lies solely within South Holland district and is not a consideration in this application and is outside of the control of Boston Borough Council.
- 7.27 In addition to the significantly reduced vehicle numbers, the Highway Technical Note displays the forecasted number of movements left until completion (July 2025), circa 107 movements. This would limit construction traffic, with peaks in March (BESS Fencing and Welfare) and July (Bess contractor demobilisation, welfare servicing). The Technical Note confirms that construction traffic movements would be monitored and recorded by the site operator, with records available to the Local Planning Authority upon request. The Highway Authority has confirmed that the submitted evidence satisfactorily demonstrates that the remaining HGV movements can be accommodated without giving rise to unacceptable highway safety impacts.
- 7.28 Given the significantly reduced levels of construction traffic anticipated for the remainder of the development, together with the Highway Authority's confirmation that the revised routing arrangement is acceptable, it is considered that the proposed variation to Condition 7 would not result in unacceptable impacts upon the local highway network.
- 7.29 The proposed amendment would allow two-way movements along Cowbridge Road and Ing Drive for the remaining construction period in accordance with the measures set out in the approved Construction Management Plan. To give some additional mitigation a cap of 4 two-way movements will also be worked into a condition. Given the limited number of HGV movements anticipated, and the relatively short length of local highway affected between the link road and the site entrance, the proposal is not considered to give rise to unacceptable highway safety impacts.
- 7.30 Officer's suggested wording is:

*'All vehicles making deliveries of materials and components to the permitted development shall access and depart the site in accordance with the measures set out within the approved Construction Method Statement and Construction Management Plan (Axis, 3735-01-CMP02, dated 14 June 2024, revised July 2024, approved under application B/22/0356/CD5) and the Bicker Fen Highway Technical Note (February 2026).*

*During the remaining construction period, Heavy Goods Vehicle (HGV) movements associated with the development shall not exceed four two-way HGV movements*

*per day. A record of HGV movements shall be kept by the site operator and shall be made available to the Local Planning Authority upon request.*

*No other roads between the A52 and the application site shall be used by delivery vehicles during the construction or decommissioning phases of the development. The arrival and departure of Heavy Goods Vehicles during the decommissioning of the development hereby permitted shall be in accordance with routing that shall first be submitted to and agreed in writing by the Local Planning Authority, having regard to the prevailing condition of the local highway at that time.'*

- 7.31 It is noted that some difference has been suggested to the impacts of loaded and unloaded vehicles. In this, there is not considered to be any material difference. Any impacts arising from weight or damage to the highway are covered by condition 8, which would see the condition of the highway repaired to an appropriate standard following the completion of construction works. The planning rationale for the extent that any additional harm that loaded vehicles may cause, or indeed why such harm should be worse or more impactful along Cowbridge Road than North Ing Drove has not been adequately justified by the highway authority.
- 7.32 It is also noted that objections have raised concerns regarding light goods vehicles, and construction staff cars accessing the site via the public highways in and around this fen area, including through Bicker village. However, the conditions imposed on the original consent do not secure routing of all construction traffic and solely relate to HGV's. It would be unreasonable within the terms of this application, and outside of the reasonable control and remit of the planning system, to impose restrictions on all traffic movements associated with the site on a public highway, through the imposition of conditions.
- 7.33 Lastly, the permission as granted does not seek to secure routing access to the site during the operational phase and as such, is beyond the scope of consideration under the current application.
- 7.34 Overall, having regard to the updated evidence submitted in the Highway Technical Note and the consultation response from the Highway Authority, it is considered that the proposed amendment to Condition 7 would not result in unacceptable impacts upon the surrounding highway network in terms of either safety or capacity. The proposal is therefore considered to accord with the requirements of Policy 2 (4), Policy 3 (4) and Policy 36 (criterion 1 and 2) of the South East Lincolnshire Local Plan and Paragraph 116 of the NPPF.
- 7.35 As such, the proposed amendment would not result in any adverse impacts or harm upon the surrounding highway network from either a safety or capacity perspective. Therefore, the proposal is considered to accord with the requirements of Policy 2 (4), Policy 3 (4) and Policy 36 (criterion 1 and 2) of the SELLP and with Paragraph 116 of the NPPF.

### **Amenity Impacts**

- 7.36 Policy 31 of the Local Plan requires renewable energy proposals to not cause significant harm to residential amenity in respect of: noise, fumes, odour, vibration, shadow flicker, sunlight reflection, broadcast interference, traffic. Policy 2 of SELLP states that development will only be permitted where there is no impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion and Policy 3 states that residential amenity should be secured. Section 12 of the

NPPF (Achieving well-designed places), is also relevant, in particular paragraph 130 which seeks to ensure development creates a high standard of amenity for existing and future users.

- 7.37 It is noted that objections received in connection with this application have identified impacts on residential amenity arising from the proposed change, including but not limited to, noise impacts, air pollution, and damage to properties from the HGVs.
- 7.38 There are three properties along Cowbridge Road and one on Ing Drove that are impacted by the use of Route 2. A further two or three properties along North Ing Drove are impacted by the use of Route 1, but these lie outside the Boston Borough area.
- 7.39 It is acknowledged that residents along Cowbridge Road and Ing Drove have experienced disturbance from construction traffic during earlier phases of the development. However, the Highway Technical Note confirms that the remaining construction works will generate significantly fewer HGV movements than those previously experienced. Forecast traffic movements equate to approximately one two-way HGV movement per day on average, with a peak of approximately three two-way movements per day during March 2026.
- 7.40 Given the limited number of remaining construction movements, it is considered that any noise or disturbance associated with HGV traffic during the final stages of construction would be temporary and limited in nature. These impacts would be materially less than those previously experienced during earlier phases of construction.
- 7.41 In light of the significantly reduced vehicle movements anticipated and the short remaining construction period, it is not considered that the proposed amendment to Condition 7 would give rise to unacceptable impacts on residential amenity.
- 7.42 While the increased movements along Route 2 may result in an increase in air pollution, such an increase is likely to be negligible within the wider context of the area and it is not an identified air quality management zone. This view is supported by the Council's Environmental Protection Team which raises no concerns or objection to the proposal. Issues relating to the damage to properties are not material planning considerations, but would be civil matters between the property owners and the applicant should any future issues arise.
- 7.43 Overall, it is considered that the proposed variation to condition 7, as outlined above represents reasonable variation which would accord with the requirements of Policy 31 of the SELLP and the NPPF. The new condition acknowledges the limited amount of movements that are now required to conclude the construction phase and is based upon guidance from LCC Highways.

#### **Other conditions**

- 7.44 Conditions 1 to 4 relate to the commencement, temporary period for consent, and decommissioning of the proposal and should be imposed as existing. Condition 5 is the approved plans and is varied to account for changes agreed through NMA applications. Conditions 6, 15, 17, and 21 are ongoing conditions and are reimposed.

- 7.45 Conditions 8, 9, 11, 12, 13, 14, 16, 17, 18, 19 and 20 have had details agreed and are amended to account for agreed details or removed where that condition has been fully complied with.
- 7.46 Of particular note is condition 13 of the original permission, which approved the CMP. To ensure there is no conflict with that an this permission, wording has been recommended to remove the routing details from the approved document.

## **8.0 Summary and Conclusion**

- 8.1 The application seeks to amend Condition 7 to allow two-way HGV movements along Cowbridge Road and Ing Drove for the remaining construction period. Evidence submitted within the Highway Technical Note demonstrates that construction works are now nearing completion and that the remaining HGV movements will be significantly lower than those assessed as part of the original planning permission.
- 8.2 The Highway Authority has confirmed that the revised routing arrangements are acceptable and that the remaining vehicle movements are considerably lower than those originally associated with the development. Furthermore, cumulative impacts have reduced due to other projects in the area reaching completion stages.
- 8.3 In light of the significantly reduced construction traffic levels, the limited duration of the remaining works, a daily cap on movements and the absence of objection from the Highway Authority, it is considered that the proposed variation to Condition 7 would not give rise to unacceptable impacts on highway safety or residential amenity.

## **9.0 Recommendation**

- 9.1 It is recommended that Committee grant consent subject to the conditions below.

| <b>CONDITIONS / REASONS</b>  |  |                                     |     |
|------------------------------|--|-------------------------------------|-----|
| Pre-commencement conditions? | n/a  | Agreed with applicant/agent - Date: | n/a |
| 1                            | <p>The development hereby permitted must be begun not later than the expiration of three years from the 21<sup>st</sup> July 2023 and the grant of planning permission B/22/0356</p> <p><b>Reason:</b> Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>   |                                     |     |
| 2                            | <p>The permission hereby granted shall expire 40 years from the date when electrical power is first exported from the solar farm to the electricity grid network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the Local Planning Authority no later than one calendar month after the event.</p> <p><b>Reason:</b> To limit the long term effects of the development and in recognition of the temporary lifespan of the structures, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p> |                                     |     |

|   |   |
|---|---|
| 3 | <p>Not later than 12 months before the expiry of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the solar panels and all other associated equipment &amp; paraphernalia and the subsequent restoration of the site. The scheme shall include details of:</p> <ul style="list-style-type: none"> <li>▪ The extent of equipment and foundation removal and the site restoration to be carried out;</li> <li>▪ the management and timing of any works;</li> <li>▪ a traffic management plan to address likely traffic impact issues during the decommissioning period;</li> <li>▪ an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife, habitats and tree features on the site;</li> <li>▪ location of material laydown areas;</li> <li>▪ full details of the removal of the solar arrays, associated buildings and plant, any trackways and sub-surface cabling and all associated works of ground restoration including trench backfilling;</li> <li>▪ full details of all other works to restore the land to allow for agricultural production following the removal of structures from the site; and</li> <li>▪ a programme of implementation.</li> </ul> <p>The approved scheme shall be implemented and then proceed fully in accordance with the agreed details in accordance with the decommissioning programme</p> <p><b>Reason:</b> To ensure the site is fully restored to allow agricultural use and to maintain the rural appearance of the area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p> |
| 4 | <p>If the solar farm hereby permitted (or any substantial sub-part of the farm) fails to produce electricity for supply to the grid for a continuous period of two years, a scheme for either:</p> <ol style="list-style-type: none"> <li>1. the decommissioning and removal of the solar farm (if there is no realistic prospect of the solar farm becoming operational again), incorporating the same details required under condition 3;</li> </ol> <p>or</p> <ol style="list-style-type: none"> <li>2. the repair or replacement to enable the solar farm to continue to operate, including a programme and timetable of remedial works;</li> </ol> <p>shall be submitted to the Local Planning Authority for their written approval within 6 months of the solar farm ceasing to operate.</p> <p>The relevant scheme shall thereafter be implemented in accordance with the approved details and timetable.</p> <p><b>Reason:</b> To ensure the solar farm beneficially generates electricity or is otherwise removed to the benefit of the character and appearance and the agricultural potential of the area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>  |

- 5 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
- Planning Design and Access Statement August 2022
  - 2920-01-01 Site Location Plan
  - 2920-01-02 Statutory Plan
  - 2920-01-03 Rev F General Arrangement Full Layout
  - 2920-01-03a Rev F General Arrangement Sheet 1
  - 2920-01-03b Rev F General Arrangement Sheet 2
  - 2920-01-03c Rev F General Arrangement Sheet 3
  - 2920-01-04 Illustrative PV Frame and Panels
  - 2920-01-05 Solar Farm Indicative / Transformer Station
  - 2920-01-06 Solar Farm Storage Building
  - 2920-01-07 Solar Farm Control Building
  - 2920-01-08 Solar Farm Switchgear Building
  - 2920-01-09 Indicative Deer / Stock Fencing, Access Track and CCTV
  - 2920-01-10 Rev A Typical Cable Trench
  - 2920-01-11 Battery Storage Containers
  - 2920-01-12 Battery Inverter/Transformer Stations
  - 2920-01-13 Battery Switchgear Buildings
  - 2920-01-14 Battery Control Building
  - 2920-01-15 Acoustic Screen
  - 2920-01-16 Rev A Indicative Box Culvert
  - 2920-01-17 General Arrangement with Sky Lark Mitigation Area
  - CA Report MK0548\_01 Historic Environment Desk-Based Assessment July 2022
  - Flood Risk Assessment v1.1 November 2022
  - Appendix D2 Hydrological Analysis
  - Ecological Assessment Report - Version 2 dated 26th September 2022 Appendix 3: Water Vole and Otter Survey Report
  - Skylark Habitat Management Plan - Issue 3 - reference Axis-043-1379 dated 10 February 2023
  - 2920-01-TN01 - Technical Note 01 Agricultural Land Note dated 14th April 2023
  - 2920-01-TN01 - Technical Note - Cumulative Effects on Agricultural Land and Farming Consequences dated 14th April 2023
  - Cumulative Landscape & Visual Effects Document March 2023
  - Highways Scoping Note- Revised Access Strategy Technical Note 01
  - Landscape and Visual Impact Assessment Appendix B Part 1 August 2022
  - Landscape and Visual Impact Assessment Appendix B Part 2
  - Landscape and Visual Impact Assessment Appendix B Part 3
  - Landscape and Visual Impact Assessment Appendix B Part 4
  - 40312 Archaeological Geophysical Survey June 2022 Part 1 – 25th August
  - 40312 Archaeological Geophysical Survey June 2022 Part 2 – 25th August
  - Appendix F Noise Impact Assessment May 2022
  - Appendix G Glint and Glare Study
  - Appendix H Agricultural Land Assessment - November 2021
  - 2920-01-TS01 August 2022 - Appendix I Transport Statement
  - 2920-01-TN01 - Highways Scoping Note- Revised Access Strategy Technical Note 01 dated February 2023
  - Appendix J Stage 1 Contamination Assessment Part 1 - August 2022
  - Appendix J Stage 1 Contamination Assessment Part 2

|   |  |
|---|--|
|   | <ul style="list-style-type: none"> <li>▪ Appendix J Stage 1 Contamination Assessment Part 3</li> <li>▪ Appendix J Stage 1 Contamination Assessment Part 4</li> <li>▪ Appendix J Stage 1 Contamination Assessment Part 5</li> <li>▪ Appendix J Stage 1 Contamination Assessment Part 6</li> <li>▪ Appendix J Stage 1 Contamination Assessment Part 7</li> <li>▪ Technical Note 01 'Section S73 and Condition Wording' dated February 2026</li> </ul> <p><b>Reason:</b> To ensure that the development is carried out in accordance with approved plans in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>  |
| 6 | <p>The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) completed by Weetwood Services Limited, Final Report v1.1 dated November 2022 and the following mitigation measures detailed within section 5 of the FRA:</p> <ul style="list-style-type: none"> <li>• The three inverter/transformer stations in the western portion of the site to be raised to a minimum level of 3.10m AOD</li> <li>• The remaining inverter/transformer stations and all storage/control/switchgear buildings and battery storage containers to be located outside the 1 in 100 plus climate change AEP flood outline, as shown in Appendix A, proposed layout plan 2920-01-03</li> </ul> <p>The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.</p> <p><b>Reason:</b> To reduce the risk of flooding to the proposed development and future occupants, in accordance with Policy 4 of the South East Lincolnshire Local Plan 2019.</p>   |
| 7 | <p>All vehicles making deliveries of materials and components to the permitted development shall access and depart the site in accordance with the measures set out within the approved Construction Method Statement and Construction Management Plan (Axis, 3735-01-CMP02, dated 14 June 2024, revised July 2024, approved under application B/22/0356/CD5) and the Bicker Fen Highway Technical Note (February 2026).</p> <p>During the remaining construction period, Heavy Goods Vehicle (HGV) movements associated with the development shall not exceed four two-way HGV movements per day.</p> <p>A record of HGV movements shall be kept by the site operator and shall be made available to the Local Planning Authority upon request.</p> <p>No other roads between the A52 and the application site shall be used by delivery vehicles during the construction or decommissioning phases of the development.</p> <p>The arrival and departure of Heavy Goods Vehicles during the decommissioning of the development hereby permitted shall be in accordance with routing that shall first be submitted to and approved in writing with the Local Planning Authority, , having regard to the prevailing condition of the local highway at that time.</p> <p><b>Reason:</b><br/>In the interests of highway safety and to ensure that construction traffic associated with the</p> |

|    |  |
|----|--|
|    | <p>development is appropriately managed along suitable routes, having regard to the limited width of surrounding fenland roads and to minimise impacts upon highway safety and residential amenity, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).</p>  |
| 8  | <p>The public roads surveyed and inspected as agreed through B/22/0356/CD6 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. The Applicants shall also follow a reciprocal process during the decommissioning of the permitted development.</p> <p><b>Reason:</b> To ensure the safety and free-passage of the public using North Ing Drove, Cowbridge Road and Ing Drove during the construction and decommissioning of the permitted development in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>                                  |
| 9  | <p>The development hereby permitted shall only proceed in accordance with the Archaeological Mitigation Strategy Version 8 dated 10th June 2025 as agreed as part of B/22/0356/NMA2</p> <p><b>Reason:</b> To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2024. This condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan 2019.</p>  |
| 10 | <p>The applicant shall notify the Lincolnshire County Council Archaeology in writing of the intention to commence any further works at least fourteen days before the start of archaeological work required in connection with condition 9 above in order to facilitate adequate monitoring arrangements.</p> <p><b>Reason:</b> To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021. This condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan 2019.</p>   |
| 11 | <p>A copy of the final report required in connection with Condition 9 and 10 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.</p> <p><b>Reason:</b> To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021. This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.</p> |
| 12 | <p>The scheme of foul and surface water disposal shall be as agreed as part of B/22/0356/CD3 and shall be implemented in full before the development hereby permitted is first brought into use.</p>   |

|    |  |
|----|--|
|    | <p><b>Reason:</b> To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained within the National Planning Policy Framework 2021.</p>   |
| 13 | <p>The development hereby permitted shall be undertaken in accordance with the Construction Management Plan agreed as part of B/22/0356/CD5 except for those provisions relating to the routing of construction traffic detailed in paragraphs 4.18 and 4.19 of the approved document.</p> <p><b>Reason:</b> In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction. This condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.</p>   |
| 14 | <p>The development shall proceed in accordance with the measures to prevent the deposit of mud on public highways agreed as part of B/22/0356/CD5. These precautions shall be made available before commencement of the construction of the development and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development.</p> <p><b>Reason:</b> In the interests of highway safety during the construction process. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan 2019.</p>  |
| 15 | <p>In the event that problems are encountered caused by glint/glare sufficient to result in a serious effect on amenity, details of proposed remediation/mitigation measures to be undertaken shall be submitted to the Local Planning Authority for written approval within 1 month of such problems being identified. The remediation/mitigation measures shall be carried out in their entirety within 3 months of the date of their approval in accordance with the approved details and retained thereafter.</p> <p><b>Reason:</b> To safeguard the amenity of nearby residents and road users, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>   |
| 16 | <p>Prior to the installation of any lighting (other than temporary lighting for construction), and before any above ground works commence, details of all external lighting to all buildings and areas of the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include luminance, fields of illumination, the type, design, location, angle, fall, spread and intensity of the lighting together with a lighting assessment which sets out a lighting strategy and measures to minimise the impact of lighting, particularly on any nearby residences, villages or on wildlife/biodiversity. The lighting strategy shall be informed by the Landscape and Ecological Management Plan required by condition 19 to minimise the impact of lighting to sensitive receptors and measures to prevent light spillage. The approved lighting scheme and strategy shall be implemented and maintained for the lifetime of the development. There shall be no external illumination other than that so approved.</p> |

|    |  |
|----|--|
|    | <p><b>Reason:</b> To ensure an appropriate level of lighting is provided which is not detrimental to the amenity of the area or biodiversity in accordance with Policies 2, 3, 28 and 30 of the South East Lincolnshire Local Plan 2019.</p>   |
| 17 | <p>The scheme of landscaping and tree planting shown on drawing 2920-02-01 Rev F shall be carried out and completed in its entirety during the first planting season following the first installation of any of the solar panels. All trees, shrubs and hedgerows forming part of the overall landscaping scheme shall be maintained by the owner or owners of the land on which they are situated for the period of thirty years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.</p> <p>New hedgerows should be maintained at a height of approximately 3m-3.5m. Within the proposed woodland belts, larger stock (a combination of feathered and standard trees) should also be planted to provide initial screening benefit close to residential properties.</p> <p>The landscaping and tree planting details shall be informed by the Landscape and Ecological Management Plan required as part of condition 19 and implemented and maintained during the 30 year period.</p> <p><b>Reason:</b> To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set. This condition is imposed in accordance with Policies 2, 3, 28 and 31 of the South East Lincolnshire Local Plan 2019.</p> |
| 18 | <p>The development shall proceed in accordance with the Landscape and Ecological Management Plan agreed as part of B/22/0356/CD4. The plan shall remain in force for no less than 30 years.</p> <p>The approved LEMP, the future maintenance and management scheme and associated measures shall be implemented within the first planting season following installation of any of the solar panels. All trees, shrubs and hedgerows and skylark mitigation shall be maintained by the owner or owners of the land on which they are situated for the period of thirty years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.</p> <p><b>Reason:</b> To ensure that the development is adequately landscaped, in the interests of its biodiversity, visual amenity and that of the area in which it is set. This condition is imposed in accordance with Policies 2, 3, 28 and 31 of the South East Lincolnshire Local Plan 2019.</p>   |
| 19 | <p>The Skylark Mitigation Area shall be maintained by the owner or owners of the land on which it is situated in line with the Landscape and Ecological Management Plan (agreed as part of condition 18) for a period of not less than 30 years and during that period all losses shall be made good as and when necessary.</p> <p><b>Reason:</b> To ensure that the development is adequately landscaped, in the interests of its biodiversity, visual amenity and that of the area in which it is set. This condition is imposed in accordance with Policies 2, 3, 28 and 31 of the South East Lincolnshire Local Plan, 2019.</p>  |
| 20 | <p>Development shall proceed in accordance with the Training and Employment Management Plan agreed as part of B/22/0356/CD1.</p> <p><b>Reason:</b> In the interests of promoting economic and training opportunities and social benefits in</p>  |

|    |  |
|----|--|
|    | association with approved developments in accordance with Policy 1 of the South East Lincolnshire Local Plan 2019 and the National Planning Policy Framework (2021).   |
| 21 | <p>Noise from fixed plant and machinery shall not exceed the representative background noise level by more than a rating value of 5 dB(A) when measured as a 15 minute L(A)eq at any residential boundary not within the applicant's ownership, when measured in accordance with BS 4142:2014+A1(2019).</p> <p><b>Reason:</b> To ensure that there is no noise nuisance to nearby residents. This condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2019.</p> |