

Our ref: 5603/kc - 2112
Your ref: 2021/93644

Higher Ford ■ Wiveliscombe
Taunton ■ Somerset ■ TA4 2RL

Mr N Hirst – Kirklees Council
Planning and Building Control
Growth and Regeneration
Civic Centre, High Street
Huddersfield
HD1 2NF

Tel: +44 (0)1984 624989
environment@aardvarkem.co.uk
www.aardvarkem.co.uk

12 November 2021

Dear Nick,

Ref: Aardvark EM Limited - Response on behalf of Boom Energy Limited to LPA query about installed capacity of the proposed development

It has been drawn to my attention that the plan (drawing V1.6 Overall Layout 'Issued for Review') was included in the appendices to the Glint and Glare report by Neo Environmental (Ref: R014 Neo Environmental 'Glint and Glare Assessment V2, Appendix A, Figure 3 – Site Layout'). The excerpt below shows the drawing information of that plan which has prompted a query to the LPA about the installed capacity of the development.

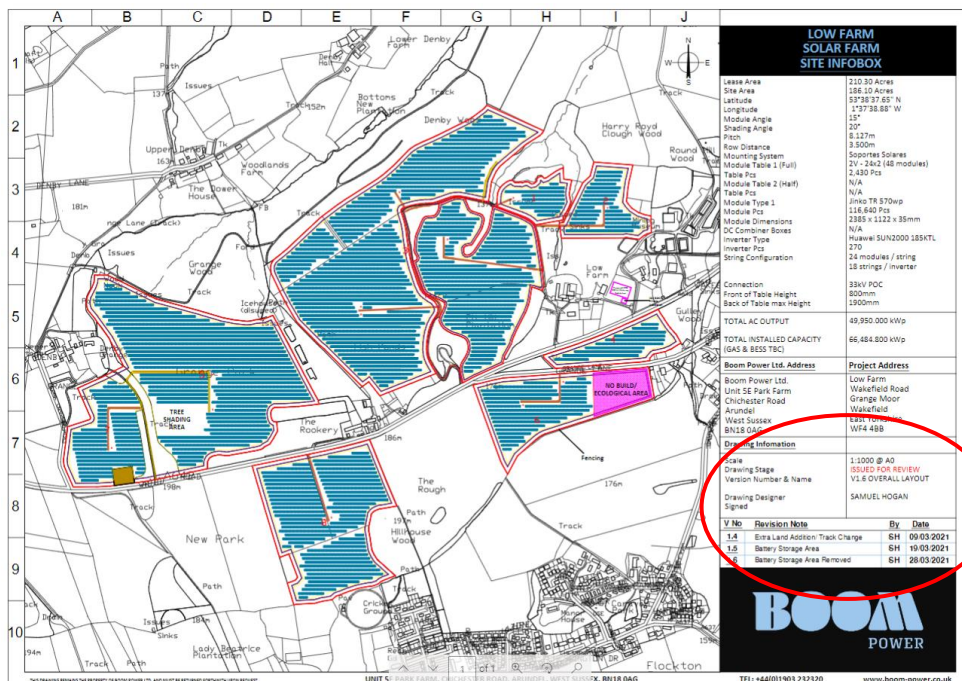


Figure 1: Drawing taken from Document R014, Neo Environmental 'Glint and Glare Assessment V2', Appendix A, Figure 3, Site Layout

Managing Director – Mark Clayton ■ Nicholas Leaney – Director
Alan Taylor – Director ■ Jonathan Boles – Chairman

Aardvark EM Limited Registered in England at
21 Silver Street, Ottery St Mary, Devon EX11 1DB
Company Registration Number 3473012
VAT Registration Number 709 8450 13

<u>Drawing Information</u>			
Scale		1:1000 @ A0	
Drawing Stage		ISSUED FOR REVIEW	
Version Number & Name		V1.6 OVERALL LAYOUT	
Drawing Designer		SAMUEL HOGAN	
Signed			
<u>V No</u>	<u>Revision Note</u>	<u>By</u>	<u>Date</u>
<u>1.4</u>	Extra Land Addition/ Track Change	SH	09/03/2021
<u>1.5</u>	Battery Storage Area	SH	19/03/2021
<u>1.6</u>	Battery Storage Area Removed	SH	28/03/2021

Figure 2: Scaled up excerpt from Figure 1 (as highlighted in red)

The dates on this plan show that it is a now superseded version of the plan, dated at the beginning of the year when the project was in its early stages. The correct site layout was included as part of Document Reference R002 - Drawings Pack, Drawing number B001 Overall Layout Planning V 3.3 (Figure 3).

The first part of a solar project is to identify a landowner who has available land where there is grid capacity for the energy that would be generated. Next, a planning feasibility assessment is made which includes a site visit and a desk based review considering all potential planning constraints. At this stage it is common, and indeed was the case for this project, that a larger area of land than will ultimately be required for the target output is considered. Inevitably, areas are removed from the project as feasibility work informs the project and the site boundary is refined to avoid: particularly environmentally sensitive areas; areas particularly sensitive to amenity impacts and; areas that are not viable or practical from a construction point of view. As this process takes place, the plans are subject to change and the various technical specifications, including installed capacity, have to be recalculated by Boom Power to track the impact of each change on the scheme.

Boom Power want to get best value from the land they develop, and is aware that the trigger for a 'Nationally Significant Infrastructure Project' is an installed capacity of 50MW. Such applications need to be considered by the Secretary of State (and handled by the Planning Inspectorate) and the LPA would not be the determining authority. In line with this, I have amended the description of development on the amended application form (underline added):

“Construction and operation of a grid-connected solar photovoltaic farm to supply up to 49.9MW of clean, renewable electricity to the National Grid, along with ancillary infrastructure and landscaping and biodiversity enhancements.”

On the basis of this description alone, should the development be approved, Boom would only have consent specifically for the MW stated in the description of development. The submitted Planning Statement refers only to 'up to 49.9MW' throughout.

The amended Application Form is also submitted to provide some amendments to the Certificates and Notices sections. Additional landowners have been listed and I enclose in the accompanying email copies of those notices, the covering letters, and a list of the parties to whom they were sent.

However, as further reassurance, I can also clarify that the drawing shown in Figure 1, was not a plan intended for approval by the LPA, but forms part of an appendix to a supporting document. It was an administrative error in the proof reading process that an older version of the Site Layout plan was included. The correct site layout was shown on the drawing forming part of R002 Drawings Pack, Ref: B001 Overall Layout Planning V 3.3. That version has a smaller array than earlier versions showed as

some panel areas were removed e.g. south of Parcel 2 to accommodate the tree planting suggested by the Landscape and Visual Impact Assessment. The installed capacity shown on B001 Overall Layout Planning V 3.3 is up to 49.9MW. You will note that drawing (see Figure 3) omits the data panel from the earlier version and so has no reference to anything above the 49.9MW installed capacity being sought. This also makes space for the key so the drawing can be understood by readers. The detailed technical information is not needed for planning application purposes. It does not relate to any material planning consideration, and throughout the application the reference to capacity is 'up to 49.9 MW'.

The final important point to make is that if this application is approved, the decision notice itself will include the description of development which contains 'up to 49.9MW', and would permit only that installed capacity. A planning condition on a consent would also list the specific plans which it approves, which would include B001 Overall Layout Planning V 3.3 and not the unscaled image shown in the appendices to the Glint and Glare Assessment. A decision notice only permits development as described in drawings and documents which are specifically listed in a planning condition. Should the development not be implemented in accordance with those approved details, i.e. if the installed capacity were to be 50MW or more, the LPA would be within their rights to consider enforcement action.

It is not the intention of Boom Power to exceed the stated 49.9MW capacity.

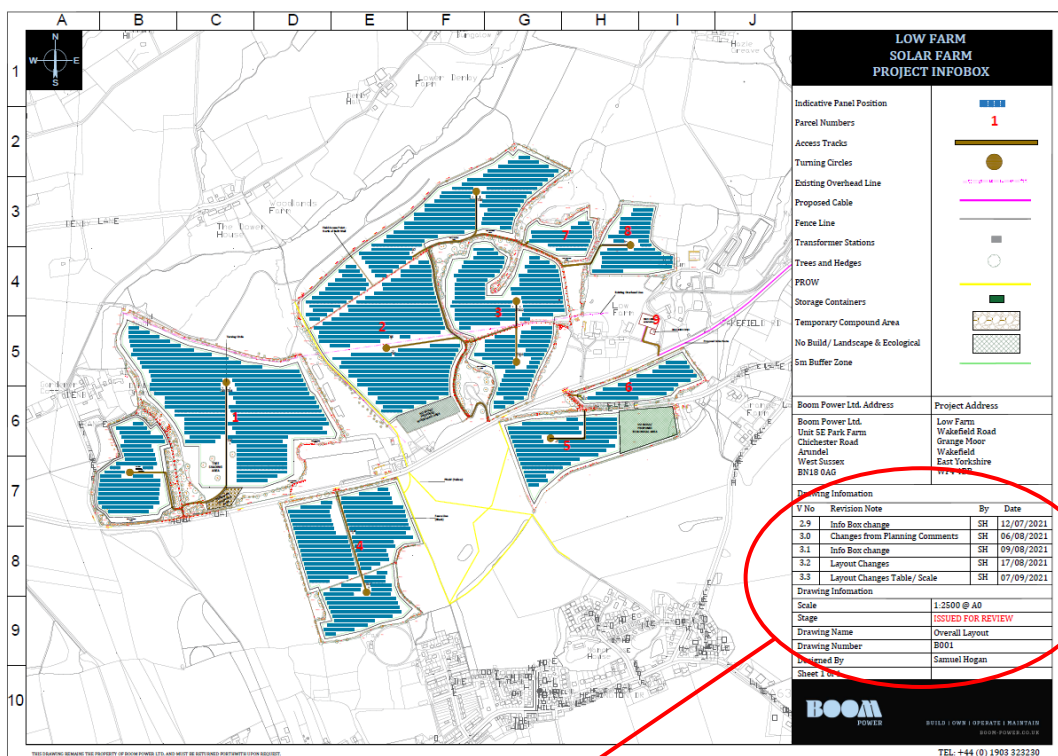


Figure 3: B001 Overall Layout Planning V 3.3 with scaled up drawing information panel

Managing Director – Mark Clayton Nicholas Leaney – Director
 Alan Taylor – Director Jonathan Boles – Chairman

Aardvark EM Limited Registered in England at
 21 Silver Street, Ottery St Mary, Devon EX11 1DB
 Company Registration Number 3473012
 VAT Registration Number 709 8450 13

Cross Boundary Application

You have also drawn to my attention the fact that the planning application red line area crosses into Wakefield District. For that reason I will today also submit a of this application via the Planning Portal to Wakefield District Council. As you have already noted, the majority of the site is located in the jurisdiction of Kirklees Council, and so I anticipate that Wakefield will agree that the determining authority will remain Kirklees, with Wakefield having the opportunity to comment.

Other matters

I have previously provided a WeTransfer link with some documentation that was missing from the website when the application was first submitted. This accounts for some documents that had been added to the Planning Portal by Aardvark, but which did not appear on Kirklees Council website. Please can you provide a copy of the list of received documents I believe the Planning Portal provides to LPAs when the application is originally transferred? This will help us to address the technical error with Planning Portal directly.

Please add this letter to the website as supporting information so that it is available for the public to view.

Please can you confirm if the response I have to your query about the EclA / PEA and the Highways Authority query regarding tracking of construction vehicles was acceptable? I would also be grateful if you can confirm you have identified the Greenbelt assessment within the Planning Statement.

Sincerely



Kate Cantwell BA Hons, MSc, MRTPI

Principal Consultant