



Boom Developments Ltd.

Unit 5e Park Farm | Chichester Road |
Arundel | West Sussex | BN18 0AG

Date: 12th August 2025

Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL

Dear Sir/Madam,

**Certificate of lawfulness to establish the lawful commencement of development of
planning permission 2021/62/93644/E**

Planning permission was granted on the 24th August 2022 under referenced 2021/62/93644/E – for the *Erection and operation of grid-connected solar photovoltaic farm to supply up to 49.9MW, with ancillary infrastructure and landscaping and biodiversity enhancements* at Low Farm, Wakefield Road, Flockton, Huddersfield, WF4 4BB.

The planning permission was subject to several planning conditions, with condition 1 stating that:

The development hereby permitted shall be begun within three years of the date of this permission.

The date that the permission was granted was the 24th August 2022. Works commenced onsite on 4th August 2025. Further details of these works are set out within this letter and accompanying Appendices. Therefore, a Lawful Development Certificate is sought from Kirklees Council under Section 191 of the Town and Country Planning Act 1990 (TCPA) in order to confirm that the commencement of development is lawful and took place prior to the 24th August 2025 in accordance with the requirements of planning condition 1.



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Site Works

Section 55 of the TCPA defines development as:

'Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land'.

Section 56 of the TCPA sets out the provisions in which it means development shall be taken to be initiated. Subsection 1 states:

'Subject to the following provisions of this section, for the purposes of this Act development of land shall be taken to be initiated –

- (a) If the development consists of carrying out operations, at the time when those operations are begun;*
- (b) If the development consists of a change in use, at the time when the new use is instituted;*
- (c) If the development consists of both the carrying out of operations and of a change in use, at the earlier of the times mentioned in paragraphs (a) and (b).'*

Subsection 2 states that *'development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out'.*

Subsection 4 defines the meaning of "material operation" as (amongst others):

- (d) Any operation in the course of laying out or constructing a road or part of a road;*
- (e) Any change in the use of land which constitutes material development.*

As noted above works commenced on the 4th August 2025. This constituted the laying of a section of the consented internal access road within parcel 9 and the installation of a section of the approved palisade fencing associated with the substation to be built in parcel 9. The location of the works is shown in the context of the consented development in drawing ref: Commencement Works V1.0 dated 11th August 2025 provided at Appendix 1 of this letter. The approved layout is also appended to this letter drawing ref: B001.1 V5.1 dated 5th July 2022 as Appendix 2. The specification of the consented internal access road is shown in drawing ref: B107 V1.0 dated 16th April 2021 provided at Appendix 3 and the specification of the consented palisade fencing is shown in drawing ref: B120 V1.2 dated 15th March 2022 provided at Appendix 4. The access road works were completed on the 8th of Aug 2025.

In accordance with the definitions set out above, these works constitute 'Development' in accordance with Section 55 of the TCPA and planning permission 2021/62/93644/E has been implemented and development has commenced.



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Supporting Evidence

Photographs were taken by BOOM Power's site manager who was overseeing the groundworks contractor Land and Power. These date and time stamped photos can be found at Appendix 5 of this letter.

Additional dated site records and information are also provided as follows:

- Appendix 6 Site signing in book.
- Appendix 7 RAMs for site work.
- Appendix 8 Invoice for site work from ground works contractor.

Summary

It is considered that there is sufficient evidence available to demonstrate that the stated development works have commenced on the site before the 24th August 2025, and therefore a lawful commencement of the development has taken place.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jack Spurway".

Jack Spurway

Head of Planning
BOOM Power