

8th October 2025

Dear Ms Chew,

Re: Planning Application 2025/92303 – Land at Low Farm, Wakefield Road, Flockton

I wish to object to the above application for a Certificate of Lawfulness.

The planning permission granted under reference **2021/62/93644/E** does not appear to have been lawfully commenced prior to its expiry on **24 August 2025**. The limited works undertaken on **4 August 2025**, comprising the formation of an access track and the erection of palisade fencing within Parcel 9, were carried out while several key pre-commencement conditions remained undischarged or unimplemented.

It is also noted that the approved **Construction Management Plan (CMP)** and **Construction Environmental Management Plan (CEMP)** were only issued shortly before those works took place and were addressed to a different company from the named permission-holder. Furthermore, there is no evidence of compliance with the **Construction (Design and Management) Regulations 2015 (CDM 2015)**.

Under **Regulation 6 of CDM 2015**, a client must notify the **Health and Safety Executive** by submitting **Form F10** before any construction project begins where it is expected to:

- last longer than 30 working days and involve more than 20 workers simultaneously on site, or
- exceed 500 person-days of construction work in total.

The CMP and method statements confirm that the solar farm falls within these thresholds. The absence of a Form F10 notification therefore demonstrates that the project, together with the lack of any evidence of appointed duty-holders, site inductions or welfare arrangements, that the August 2025 activity was limited enabling work rather than the lawful commencement of the main construction phase.

The **Land & Power Ltd method statement**, dated 11 August 2025, also raises further concern. It confirms that the company's scope of work was limited solely to the formation of an **access track and palisade fencing**, with no reference to solar panels, cabling, substations or other core elements of the approved development. The document names **Boom Power Ltd** as the client, yet the Certificate of Lawfulness application has been submitted by **Boom Low Farm Solar Ltd**, illustrating continuing confusion over which entity was lawfully exercising the permission. The method statement refers to the **Construction (Design and Management) Regulations 2015**, but it is dated after the reported works and there is no evidence of the required **Form F10** notification or appointed duty-holders. These inconsistencies indicate that the August 2025 activity was retrospective, narrowly scoped and non-compliant, further supporting the conclusion that **no lawful commencement of the solar farm** took place.

As no further development followed, those operations cannot reasonably be regarded as lawful commencement of the permission.

Accordingly, I respectfully request that the Council **refuse the Certificate of Lawfulness**

Yours sincerely,