

**Boom Power East Yorkshire Solar Farm Ltd**  
**Development Consent Order Application**

Interested Party Ref. No: 20047292

Comments from the East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum relate to:

*Framework Public Rights of Way Management Plan; Doc. Ref: EN010143/APP/7.13*  
*Environmental Statement, Vol. 1, Chapt. 12: Socio-economics and Landuse; Doc. Ref: EN010143/APP/6.1*

And, to an important but lesser degree:

*Environmental Statement, Vol. 1, Chapt. 10: Landscape and Visual Amenity; Doc. Ref: EN010143/APP/6.1*  
*Environmental Statement, Vol. 1, Chapt. 13: Transport and Access; Doc. Ref: EN010143/APP/6.1*

The East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum (JLAF) is a statutory advisory body that safeguards **Public Rights of Way (PRoW)** and promotes their use for the benefit of both countryside access and public health through exercise and the enjoyment of countryside amenity. PRoWs are part of the King's Highway and, as such, are protected in law.

The East Yorkshire Solar Farm photovoltaic panel arrays and connecting and export cable corridors affect directly or through close proximity 22 PRoWs. PRoWs are recorded on the Definitive Map held by the Definitive Map Team of the East Riding of Yorkshire Council.

***The JLAF does not object to the proposed development, but asks that the following issues be addressed during the review and deliberation of the Development Consent Order (DCO) application:***

1. There is a ***need for specific details about PRoW diversions*** where the photovoltaic panel arrays and connecting and export cable corridors intersect or otherwise affect PRoWs. The JLAF asks that ***temporary diversion routes be defined by the Applicant after consulting the East Riding of Yorkshire Council's Countryside Access Team***. Permissions will also need to be sought from landowners. ***In each and all cases, JLAF asks that diversions be in place before temporary closure and diversion is effected.***
2. ***Temporary closure of each PRoW where diversion cannot be implemented should be limited in time*** in order to minimize, as much as possible, the interruption of public rights of access and loss of the physical and mental public health benefits that accrue to countryside access. ***The Applicant must be required to liaise with the East Riding of Yorkshire Council's Countryside Access Team regarding temporary closure and diversion of PRoWs and, further, to specify a maximum period that will be required for temporary closure and diversion of a PRoW. JLAF recommends a maximum period of three months.***
3. The JLAF asks that the Applicant be directed to give an ***outline schedule of the way the installation will proceed. It wishes to be assured that the work will progress on a 'rolling' geographical basis i.e. that work shifts progressively, and that there is no intention to divert or close all PRoWs affected*** either directly or through proximity to installation, to cable corridor excavation or to haul roads for the duration of the installation and at the same time.
4. ***The Applicant, and/or subsequent owners of the cables, should be required to adopt medium-term responsibility for restoration of surface settlement where PRoWs cross ground that has been disturbed.*** Given the burial depth of cables and given the easily-poached soils of the southern Vale of York and typical dilated and consolidated soil bulk densities, soil settlement is eventually likely to be around 15 - 25 cm (6 – 10 inches). This will attract pools of water and plasticise the soil, resulting, *de facto*, in cul-de-sac PRoWs because of unfavourable ground conditions, particularly in winter, thereby severely reducing usage and the public health benefits of countryside access. ***JLAF suggests a watch-period of at least seven years to allow time for soil settlement.*** With regard to this matter, ***the cable owner would best be required to deal with the ERYC Countryside Access Team*** which, ordinarily, would receive reports of access issues from members of the public and/or be aware of such issues through

the field experience of its own officers. These reports and observations could be evaluated and passed directly to the company for action. When ground restoration works take place, permissions will have to be sought beforehand and restoration carried out to standards set by ERYC's Countryside Access Team.

5. ***The National Planning Policy Framework (para. 104) indicates that development should enhance PRoWs affected. JLAF therefore requests that the Applicant be required to clearly identify how the project will enhance rights of way in the project area*** in addition to the stated intention to provide new Permissive Paths. The Applicant's PEIR does not identify potential enhancements, nor does its PRoW Management Plan (EN010143/APP/7.13). ***JLAF does not think that the two permissive paths proposed by the Applicant are sufficient compensation for either (a) the disruption, inconvenience, noise and mess for residents during the development work over several months/years or (b) the significant loss of amenity arising from extensive geographical coverage of the terrain by solar panels which, together with security fencing, will not only dominate the vicinity of the PRoWs but obscure distant views – views that provide the health benefits and enjoyment of countryside access. Alternatively, JLAF asks that the Applicant be required to give an undertaking to provide a reasonable annual developer contribution (e.g. Section 106 or similar agreement) to East Riding of Yorkshire Council, this fund being used to deliver improvements to public rights of way and access in parishes affected by the PV arrays and crossed by the cable corridors, in accordance with NPPF para 104 and with Rights of Way Improvement Plan priorities in the East Riding.***
6. ***JLAF notes that the Secretary of State should consider whether a development application includes appropriate mitigation measures regarding its impact on PRoWs and countryside access (Overarching National Policy Statement for Energy EN-1; paras 5.11.30 and 5.11.31). In this regard, it will be essential to specify in the development consent order the distances between all PRoWs and security fencing that encloses solar panel arrays as described in the applicant's Environmental Statement, Vol. 1, Chapt. 12: Socio-economics and Landuse; Doc. Ref: EN010143/APP/6.1.***
7. ***The JLAF welcomes the Applicant's stated intention to provide new Permissive Paths and asks that the alignment of these be specified and included as an element of the permission granted by the DCO with an expectation that these Permissive Paths are available for public use during the life of the project.***
8. ***JLAF wishes to draw attention to the Secretary of State for the Environment's extension of the deadline to the year 2031 for submission of claims of historical rights of way that are not recorded on the Definitive Map. Were these claims under Schedule 14 of the Wildlife and Countryside Act 1981 to emerge within the project area, JLAF asks that the East Riding of Yorkshire's Definitive Map Team be required to inform the Applicant and that the Applicant be required to make reasonable accommodation of any proven claim to PRoW, whether involving agreed diversion of alignment, with costs borne by the Applicant, or adjustment of the PV arrays or cable corridors.***

#### **JLAF Contacts:**

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