
FENWICK SOLAR FARM

**Fenwick Solar Farm
EN010152**

Consultation Report

Appendix K: Section 46 letter sent to Planning Inspectorate

Document Reference: EN010152/APP/5.2

Regulation 5(2)(a)

Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009

October 2024
Revision Number: 00

Revision History

Revision Number	Date	Details
00	October 2024	DCO application

Prepared for:
Fenwick Solar Project Limited

Prepared by:
AECOM Limited

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Table of Contents

Appendix K1 - Section 46 letter to Secretary of State	1
Appendix K2: Acknowledgement of Section 46 letter from the Planning Inspectorate	5

Appendix K1 - Section 46 letter to Secretary of State

The Secretary of State

Operations Manager – National Infrastructure (Energy)
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

11 April 2024

BY EMAIL

FENWICK SOLAR PROJECT LIMITED
SECTION 46 OF THE PLANNING ACT 2008: DUTY TO NOTIFY SECRETARY OF STATE OF
PROPOSED APPLICATION
PLANNING INSPECTORATE CASE REFERENCE: EN010152

Fenwick Solar Project Limited (“the Applicant”) is proposing to submit a Development Consent Order (“DCO”) application under the provisions of section 37 of the Planning Act 2008 (the 2008 Act) to the Secretary of State for Energy Security and Net Zero (“the Secretary of State”) to authorise the construction, operation (which includes maintenance) and decommissioning of the proposed Fenwick Solar Farm (“the Scheme”).

This letter comprises the formal notification of the proposed application to the Secretary of State under section 46 of the 2008 Act. The Applicant intends to submit the DCO application in late 2024.

The Applicant previously provided notification pursuant to Regulation 8(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 on 1 June 2023 that the Scheme is an Environmental Impact Assessment (“EIA development”), as defined by those regulations, accordingly an Environmental Statement will be submitted as part of the DCO application.

The submission of the DCO application will follow a period of statutory pre-application consultation carried out pursuant to sections 42, 47 and 48 of the 2008 Act, the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (“the APFP Regulations”), and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (“the EIA Regulations”). The consultation will commence on Thursday 18 April 2024 and end at 11.59pm on Friday 31 May 2024.

The Scheme

The Scheme comprises a generating station of above 50 megawatts and therefore qualifies as a Nationally Significant Infrastructure Project under sections 14(1)(a) and 15(2) the 2008 Act due to its capacity.

The Scheme will comprise ground-mounted solar photovoltaic (PV) panels which will generate the electricity together with a Battery Energy Storage System (BESS) that will have the ability to store PV generation from the Scheme and/or import energy from the grid at times of excess generation, discharging the stored energy at times of peak demand and assisting in balancing the UK grid. As well as the PV panels and BESS the Solar PV Site will also comprise an On-Site Substation; cabling between the panels; and areas of landscaping and biodiversity enhancement; and associated infrastructure. The On-Site Substation (located within the Solar PV Site) will be connected to the Existing National Grid Thorpe Marsh Substation (approximately 5 km to the south of the Solar PV Site) by 400 kilovolt grid connection cables. There is also an option to connect the to the grid via underground cables from the On-Site Substation to an existing overhead power line that passes across the east of the Solar PV Site.

The Solar PV Site is proposed to be located on land east of Fenwick, near the town of Askern, the villages of Moss and Sykehouse and the hamlet of Topham, the northern edge of the Solar PV Site borders the River Went in the administrative area of City of Doncaster Council. The Solar PV Site will connect to the national grid at National Grid's Thorpe Marsh Substation in the administrative area of City of Doncaster Council.

Consultation documents

Section 46 of the 2008 Act requires the Applicant to supply the Secretary of State with the information that it intends to provide to consultees under section 42 of the 2008 Act, on or before commencing consultation under section 42. The Applicant hereby supplies the Secretary of State with the same information that is being supplied to all relevant consultees identified in accordance with section 42 of the 2008 Act.

The full set of consultation documents ("the consultation materials") being supplied to section 42 consultees are listed below and will be made available from Thursday 18 April 2024 to 11.59pm on Friday 31 May 2024 on the Scheme's website at: <https://www.boom-power.co.uk/fenwick/>

- Consultation brochure.
- Consultation feedback form.
- Plans of the proposed location of the Solar PV Site and Grid Connection Corridor.
- Non-statutory consultation report.
- Statement of Community Consultation.
- Preliminary Environmental Impact Report (PEIR).
- PEIR Non-Technical Summary.

If you have any problems accessing the consultation documents on the Scheme's website from 18 April 2024 then please let the Applicant know at your earliest convenience. We are providing the above information to the Secretary of State via weblink however should the Secretary of State require the material in an alternative format such as the documents on a USB or via a file sharing link please do not hesitate to contact us using the contact details below.

The Applicant has included as enclosures with this letter the templates of the letters being sent to statutory consultees under section 42 of the 2008 Act. These are:

- Section 42(1)(a) and (b) consultee letter - prescribed consultees and local authorities;
- Section 42(1)(d) consultee letter – persons with an interest in land.

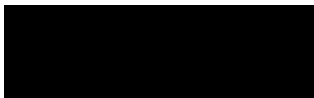
Fenwick Solar Project Limited

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

A copy of the Applicant's statutory notice prepared in accordance with section 48 of the 2008 Act and regulation 4 of the APFP Regulations is an enclosure to the letters and is also included as an enclosure to this notification. Inclusion of the notice with these letters meets the Applicant's obligations under Regulation 13 of the EIA Regulations. A hard copy of the consultation brochure, the consultation feedback form and a plan of the proposed Solar PV Site and Grid Connection Corridor are also enclosures to the section 42(1) (a), (b) and (d) consultee letters and so have also been included with this letter for completeness.

We would be grateful if you could please acknowledge that this section 46 notice has been received as a record of compliance. In the meantime, should you have any questions please do not hesitate to contact the project team by email on fenwick.enquiries@boom-power.co.uk.

Yours sincerely,



Project Manager, Boom Power
On behalf of Fenwick Solar Project Limited |Unit 5e Park Farm | Chichester Road | Arundel | West
Sussex | BN18 0AG

Enc.

- Copy of section 42(1)(a) and (b) letter (prescribed consultees and local authorities);
- Copy of section 42(1)(d) letter (persons with an interest in land);
- Copy of section 48 notice;
- The consultation brochure;
- The consultation feedback form; and
- A plan of the proposed Solar PV Site and Grid Connection Corridor.

Appendix K2: Acknowledgement of Section 46 letter from the Planning Inspectorate



The Planning Inspectorate

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: FenwickSolar@planninginspectorate.gov.uk

[REDACTED]
Project Manager, Boom Power
On behalf of Fenwick Solar Project
Limited

Your Ref:

Our Ref: EN010152

By email only

Date: 15 April 2024

Dear [REDACTED]

Planning Act 2008 (as amended) – Section 46 and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 – Regulation 8

Proposed application by Fenwick Solar Project Limited for an Order Granting Development Consent for the Fenwick Solar Farm

Acknowledgement of receipt of information concerning proposed application

Thank you for your letter of Thursday 11 April 2024 and the following documentation and information:

- Fenwick Solar Farm S42 letter(1)(a) and (b) enclosure
- Fenwick Solar Farm S42 letter(1)(d) enclosure
- Fenwick Solar Farm Section 48
- FWSF Feedback Form
- FWSF Statutory Consultation Brochure
- PEIR Figure 1-1_Scheme Location
- A hyperlink to the website where a full set of consultation documents are to be available from Thursday 18 April 2024

I acknowledge that you have notified the Planning Inspectorate of the proposed application for an Order granting development consent for the purposes of section 46 of the Planning Act 2008 and supplied the information for consultation under section 42. The following reference number has been given to the proposed application, which I would be grateful if you would use in subsequent communications:

EN010152

I also acknowledge notification in accordance with Regulation 8(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 that you propose to provide an environmental statement in respect of the Proposed Development.

<https://infrastructure.planninginspectorate.gov.uk>



I will be your point of contact for this application – contact details are at the top of this letter.

The role of the Planning Inspectorate in the application process is to provide independent and impartial advice about the procedures involved and to have open discussions with potential applicants, statutory bodies and others about the processes and requirements of the regime. It is important that you keep us accurately informed of your timetable and any changes that occur.

We will publish advice we give to you or other Interested Parties on our website and, if relevant, direct parties to you as the Applicant. We are happy to meet at key milestones and/or provide advice as the case progresses through the Pre-application stage.

Once you have prepared draft documents we are able to provide technical advice, in particular on the draft Development Consent Order, Explanatory Memorandum, the Consultation Report and any draft Habitats Regulations Assessment. You may therefore wish to build this into your timetable.

In the meantime, you may wish to have regard to the guidance and legislation material provided on our website including the Infrastructure Planning (Fees) Regulations 2010 (as amended) and associated guidance, which you will need to observe closely in establishing the correct fee to be submitted at the successive stages of the application process.

When seeking to meet your pre-application obligations you should also be aware of your obligation under the current data protection legislation to process personal data fairly and lawfully.

If you have any further queries, please do not hesitate to contact me.

Yours sincerely



This decision was made by officials on behalf of the Secretary of State under delegated powers.

This communication does not constitute legal advice.

Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

An aerial photograph of a vast solar farm at sunset. The rows of solar panels stretch across the landscape, creating a strong sense of perspective. The sky is a deep orange and red, with the sun low on the horizon, casting long shadows and highlighting the texture of the panels.

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