

EXT/00008/26

Land to the East of Cambridge
Between Burwell and Balsham

**PLANNING INSPECTORATE - Kingsway Solar Farm Development Consent
Order -Adequacy of Consultation.**

To view all of the public access documents relating to this application please use the
following web address or scan the QR code:

[https:// national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010165](https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010165)



TITLE: EXT/00008/26

Committee: Planning Committee

Date: 3 June 2026

Author: Major Projects Officer

Report No: AB13

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Site Address: Land to the east of Cambridge between Burwell and Balsham

Proposal: Planning Inspectorate - Kingsway Solar Farm Development Consent Order - Adequacy of Consultation

Applicant: Planning Inspectorate

Parishes: Bottisham, Brinkley, Burwell, Reach, Swaffham Prior, Swaffham Bulbeck & Westley Waterless

Wards: Bottisham and Burwell

**Ward Councillor/s: Charlotte Cane & John Trapp
David Brown & Lavinia Edwards**

Date Received: 2 April 2026

Expiry Date:

Recommendation

1. Members are recommended to:
 - (a) Approve ECDC's draft response (Appendix 1), stating that the Applicants to the Development Consent Order, Kingsway Solar Farm Limited, have complied with Sections 42 and 48, however have not complied with Section 47 of the Planning Act 2008, for the reasons set out in the proforma;
 - (b) Delegate authority to the Strategic Planning and Development Management Manager to carry out minor amendments to the response post-committee decision if required; and
 - (c) Delegate authority to the Strategic Planning and Development Management Manager to submit the response on behalf of ECDC.

2. The application is being heard by committee as Kingsway Solar Farm is a Nationally Significant Infrastructure Project (NSIP), proposed to be determined by the Secretary of State for Energy Security and Net Zero, under a Development Consent Order (DCO).
3. The object of this report is ECDC's draft statutory response to be submitted to the Secretary of State. As set out in the Planning Committee decision of the 5 November 2025, responses will be taken to Planning Committee for endorsement wherever possible.

Executive Summary

4. Kingsway Solar Farm will comprise the construction, operation, maintenance and decommissioning of a solar photovoltaic (PV) and electrical battery storage generating facility with a generation capacity of up to 500MW.
5. This will include the associated development and infrastructure required to facilitate a connection to the National Grid, mostly affecting the district. The Grid Connection Corridor ('GCC') as identified in the consultation documents will comprise approximately 15 kilometres (9.3 miles) between Brinkley and Burwell, and will be formed by overhead lines, with pylons at approximately every 300 metres (0.2 mile).
6. The submission of the DCO documents in 21 May 2026 initiates the 'Acceptance' stage, whereby the Planning Inspectorate, acting on behalf of the Secretary of State to determine the DCO, decides whether to accept the application for examination. As part of this process, the Planning Inspectorate must have regard to any adequacy of consultation representations it receives from relevant local authorities when deciding whether to accept an application.
7. ECDC as a host authority is a 'relevant local authority' and has been invited to complete an 'adequacy of consultation representation proforma', which is part of ECDC's response in Appendix 1. Local authorities are asked to confirm whether they consider the applicant complied with their pre-application consultation duties as set out in sections 42, 47 and 48 of the Planning Act 2008. It is noted that guidance sets out that any representation at this stage should be about the consultation process at pre-application, and not about the merits of the project itself.
8. In reviewing the Consultation Report submitted by Kingsway Solar Farm Limited (the Applicant), officers concluded that whilst sections 42 and 48 of the Planning Act 2008 have been complied with, the consultation failed to comply with Section 47 of the Act, particularly in relation to subsections 47 (5) and (7), as set out in this report.
9. The Consultation Report, alongside other application plans and documents submitted by the Applicant can be viewed online via the [Kingsway Solar Farm - Project information](#) webpage maintained and updated by the Planning Inspectorate.

Main Issues

Section 47(5) of the Planning Act 2008

10. Section 47(5) of the Planning Act 2008 requires that, in preparing the consultation statement, the Applicant has regard to any response to consultation that is received by the Applicant. Officers consider that this has not been complied with as the Applicants did not have regard to ECDC's concerns regarding the information provided in the consultation process, to allow consultees to make an informed opinion regarding the development.
11. ECDC provided feedback on the draft Statement of Community Consultation (SoCC), raising concerns in relation to the absence of details preventing full comments to be provided on its acceptability or its final content. This has been acknowledged in the Applicant's Adequacy of Consultation Milestone Report (January 2026 Version 2) paragraphs 4.2.4 and 4.2.6.
12. The response provided by the Applicants did not address Section 47(5), where it requires that the Applicant must have regard to any response to consultation under subsection 47(2). Whilst it may be legally debatable that the level of information is not strictly defined by the relevant legislation, the justification for not making the information available has not been provided at any point in the consultation process. It is concluded therefore that the Applicants did not have regard to ECDC's comments in this respect.

Section 47(7) of the Planning Act 2008

13. Section 47(7) of the of the Planning Act 2008 requires the Applicant to carry out consultation in accordance with the proposals set out in the Statement of Community Consultation (SoCC). The Applicant's proposal in the SoCC (and other consultation documents) to refine the development through ongoing evaluation and stakeholder engagement was not fully realised. For this reason, officers are of the view that the requirements of Section 47(7) have not been met by the Applicant.
14. Whilst the consultation documents presented the wider area affecting the district, and the two corridor options considered for the GCC (east and west), the SoCC stated that the options "have been refined through considering stage one consultation feedback and ongoing environmental and technical assessments" (Section 3.3 of the SoCC). No further information regarding the consultation feedback and assessments have been provided in the SoCC.
15. The Preliminary Environmental Information Report (PEIR) made available as part of stage two of the consultation process stated that the GCC was intended to be refined through ongoing evaluation and stakeholder engagement (Volume 1, Chapter 3, paragraph 3.6.6). Chapter 4, paragraph 4.3.45 and Table 4.1 summarised the comparison of the east and west corridors for the GCC, and paragraph 4.3.46 concluded for the selection of the east option, which once again would be "refined further having regard to feedback from the statutory consultation, ongoing engagement with stakeholders, and the findings from continuing environmental and technical surveys". No summary of the ongoing engagement

informing the design refinement, beyond the selected technical aspects on Table 4.1 was provided in the PEIR.

16. It is reasonable to assume that this initial design refinement to the GCC has not considered ongoing engagement or consultation feedback into account, particularly from ECDC and possibly from people living in the vicinity of the land. This is contrary to the Applicant's proposal to refine the development's design "having regard to feedback from the statutory consultation, ongoing engagement with stakeholders, and the findings from continuing environmental and technical surveys".

Section 12 of the 2017 EIA Regulations

17. Officers have on several occasions during the consultation process raised concerns in relation to the absence of information reasonably required for ECDC to develop an informed view of the likely significant environmental effects of the development. This includes the information in the SoCC and in the PEIR.
18. Information including baseline surveys and technical studies with principles for the effective mitigation relating to the GCC have not been made available throughout the consultation process, particularly in relation to the topics of heritage, landscape and visual, ecology and trees.
19. Officers therefore the absence of this reasonably required information leads to the conclusion that requirements of Section 12 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) have not been met. Consequently, the aim set out in the SoCC to provide preliminary environmental information on the potential environmental effects and any proposed mitigation to help the consultation bodies to understand the likely significant effects of the development and inform responses regarding the proposals has not been achieved.

Conclusions and Recommendations

20. Considering the above context it is recommended that the draft response which includes the 'adequacy of consultation representation proforma' (Appendix 1) is approved and submitted to the Planning Inspectorate, as the Council's response to the consultation regarding the acceptance of the DCO application.

Appendices

21. Appendix 1 – Draft ECDC consultation response

Plans

The following plans are a selection of those submitted as part of the application and are provided to illustrate the proposed development. They may not be to scale. The full suite of plans can be found on the Planning Inspectorate's website at [Kingsway Solar Farm - Project information](#).

Draft ECDC consultation response



Planning Inspectorate

c/o QUADIENT
69 Buckingham Avenue
Slough
SL1 4PN
SM-

KingswaySolar@planninginspectorate.gov.uk
(via e-mail only)

This matter is being dealt with by

David Morren

Strategic Planning and Development
Management Manager

Email david.morren@eastcambs.gov.uk

Phone 01353 665555

Date 10 June 2026

Our ref.: EXT/00008/26

Your ref.: EN010165

If you require this letter in large
format, please email

ContactUs@eastcambs.gov.uk.

Dear Mr Barrowman,

Re: Application by Kingsway Solar Farm Limited for an Order Granting Development Consent for Kingsway Solar Farm (EN010165) – Adequacy of Consultation Response

The Planning Inspectorate's letter dated 21 May 2026 notified East Cambridgeshire District Council (ECDC) of the submission of the application for a Development Consent Order (DCO) by Kingsway Solar Farm Limited (the Applicant) in respect of the Kingsway Solar Farm Project.

The letter invites the Council to submit a representation relating to the adequacy of the Applicant's pre-application consultation. Please see below the Adequacy of Consultation Representation Proforma completed by the Council, in response to the notification.

ECDC reserves the right to make further and more detailed representations regarding consultation compliance, including compliance with section 47(5)(7) of the Planning Act 2008, once the DCO application has been submitted and the full Consultation Report is available for review.

Yours faithfully,

David Morren

Strategic Planning and Development Management Manager

Adequacy of Consultation Representation Proforma

Under Section 55(4)(b) of the Planning Act 2008 (PA2008) the Planning Inspectorate, on behalf of the Secretary of State, must take any adequacy of consultation representation (AoCR) received from a local authority consultee into account when deciding whether to accept an application for development consent, and this will be published should the application be accepted for examination.

An AoCR is defined in s55(5) in PA2008 as “a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48”.

| | |
|--------------------------|--|
| Project name | Kingsway Solar Farm |
| Date of request | XX May 2026 |
| Deadline for AOCR | XX May 2026 |
| Return to | SM-KingswaySolar@planninginspectorate.gov.uk |

Please complete the proforma outlining your AoCR on the above NSIP.

| | |
|------------------------|--------------------------------------|
| Local Authority | East Cambridgeshire District Council |
|------------------------|--------------------------------------|

In the opinion of the local authority, has the applicant complied with the legislative requirements listed below?

Please note that this is specifically about the statutory consultation(s) undertaken.

| Assessment of Compliance - Required | |
|--|-----|
| S42 Duty to consult | Yes |
| S47 Duty to consult local authority | No |
| S48 Duty to publicise | Yes |

If you would like to give more detail on any of the above, please do so below.

Please keep it as succinct as possible and refer to facts and evidence related to consultation, rather than the merits of the application.

Additional comments - *Not compulsory*

| | |
|--|---|
| S42 Duty to consult | The Applicant has consulted ECDC as a lower-tier district council where the land is located, in accordance with Section 42(1)(b). |
| S47 Duty to consult local authority | <p>The Applicant prepared a consultation statement setting out how people living in the vicinity of the land would be consulted in accordance with Section 47(1) of the PA2008. The preparation of the consultation statement then complied with Sections 47(2), (3) and (4) of the PA2008.</p> <p>Notwithstanding compliance with those requirements, ECDC submits that the Applicant did not have regard to ECDC's feedback on the draft Statement of Community Consultation (SoCC), raising concerns in relation to the absence of details preventing full comments to be provided on its acceptability or its final content. ECDC accordingly further submits that this failure contravenes the provisions of Section 47(5).</p> <p>Furthermore, ECDC contends that the purported objectives set out in the SoCC aimed at refining the design of the development through stakeholder engagement and technical information were not fully achieved thus not complying with requirements of Section 47(7).</p> <p>Regarding Section 47(6), there is no evidence available to ECDC that this section has been contravened.</p> |
| S48 Duty to publicise | No additional comments. |

Any other comments

Section 47(5) of the PA2008

In preparing the consultation statement, the Applicant is required to have regard to any response to consultation that is received by the Applicant, in accordance with Section 47(5) of the PA2008. ECDC contends that this requirement has not been complied with as the Applicants did not have regard to ECDC's concerns regarding the information provided in the consultation process, to allow consultees to make an informed opinion regarding those parts of the development located within the district.

ECDC provided feedback on the draft Statement of Community Consultation (SoCC), which pointed to concerns in relation to the absence of details thus hindering provision of detailed comments on the acceptability of the content and its final conclusions. This feedback has been acknowledged in the Applicant's Adequacy of Consultation Milestone Report (January 2026 Version 2) (AoCMR) paragraphs 4.2.4 and 4.2.6.

As set out in paragraphs 4.2.7-9 of the AoCMR, the Applicant takes issue with ECDC in this respect, asserting that there is no requirement within Section 47(2) to provide a specific level of detail for consultation. This is correct, as this Section deals with the requirement for the Applicant to consult each local authority as defined in Section 43(1) with regard to the contents of the statement. ECDC is of the view, therefore, that Section 47(2) has been complied with.

Notwithstanding, this response does not address the requirements set out in Section 47(5), which stipulates that the Applicant must have regard to any response to consultation under Section 47(2). Whilst it could be argued by the Applicant that the level of information is not strictly defined by the relevant legislation, the justification for the level of information that was made available has not been provided at any point.

The Applicant stated in the AoCMR (paragraph 4.2.9) that the draft SoCC clearly outlined the nature and content of what was to be in the final SoCC which is correct. The Applicant, however, in this response continues the failure to justify and does not have regard to ECDC's response raising concerns in relation to the absence of details thus hindering ECDC's ability to adequately respond.

In ECDC's view, the submission is premature and the Applicants failed to allow enough time for itself to prepare sufficient information for the consultation process to allow consultees to come to an informed opinion regarding the impact of the project within the district.

Section 47(7) of the PA2008

Section 47(7) of the PA2008 requires the Applicant to carry out consultation in accordance with the proposals set out in the statement. This has not been complied with in that the Applicant's proposal to refine the development through ongoing evaluation and stakeholder engagement was not achieved.

The district is mostly affected by the Grid Connection Corridor ('GCC') proposed as part of the development. At stage one of consultation, a map was made available with two wide corridor options for the GCC

(east and west), and at stage two the map showed the chosen option (corridor east). The SoCC at stage two was updated to reflect both boundary maps, stating that the options “have been refined through considering stage one consultation feedback and ongoing environmental and technical assessments” (Section 3.3 of the SoCC). No further information regarding the consultation feedback and assessments have been provided in the SoCC.

The SoCC in Section 3.4 confirms the Preliminary Environmental Information Report (PEIR) was produced and publicised as part of the statutory consultation and that the PEIR “provides preliminary environmental information on the potential environmental effects of the Scheme and any proposed mitigation to help the local community and consultation bodies to understand the likely significant effects of the Scheme and inform responses regarding the proposals”.

The PEIR made available as part of stage two of the consultation process stated that the GCC was intended to be refined through ongoing evaluation and stakeholder engagement (Volume 1, Chapter 3, paragraph 3.6.6). Chapter 4, paragraph 4.3.45 and Table 4.1 summarised the comparison of the east and west corridors for the GCC, and paragraph 4.3.46 concluded for the selection of the east option, which once again would be “refined further having regard to feedback from the statutory consultation, ongoing engagement with stakeholders, and the findings from continuing environmental and technical surveys”. No summary of the ongoing engagement informing the design refinement, beyond the selected technical aspects on Table 4.1 was provided in the PEIR or on late stages of engagement with ECDC.

It is reasonable therefore to assume that this initial design refinement to the GCC has not considered ongoing engagement or consultation feedback into account, particularly from ECDC and possibly from people living in the vicinity of the land. In fact, ECDC’s Statutory Response dated 29 October 2025 regarding the PEIR highlighted that the baseline position for the GCC had not been established across a wide range of PEIR topics. These related particularly to trees, ecology (including bird strike), landscape and visual amenity, built heritage, soils and agriculture, and, to a lesser degree, socioeconomics and population.

In assessing the Alternatives and Design Evolution, paragraph 4.15 of ECDC’s response had already noted that the development appeared to be ‘refined’ (noting the area for the GCC was still vast), based on limited information and engagement with statutory consultees, including ECDC. Paragraph 5.6 of ECDC’s response has reiterated that it was (still) unknown how the Applicant planned on refining the routing of the pylon line, reserving comment in the absence of any baseline for the GCC being established.

Officers concluded in the 29 October 2025 response that ECDC’s ability to provide substantive and informed comments at stage two of the statutory consultation was significantly constrained. This was reiterated on several occasions, including in ECDC’s response to the draft AoCR dated 19 January 2026, and during the Technical Working Group (TWG) meetings established between January and March 2026.

The proposals to refine the development's design "having regard to feedback from the statutory consultation, ongoing engagement with stakeholders, and the findings from continuing environmental and technical surveys" has not been realised.

Section 12 of the EIA Regulations

Section 12 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) relates to Section 47 of the PA2008, setting out consultation statement requirements. The proposed scheme is EIA development and Section 12(1)(b) applies, where it requires the consultation statement to set out how the Applicant intends to publicise and consult on the preliminary environmental information. ECDC considers the Applicants have complied with this requirement.

It is not however reasonable to ascertain that the Applicants have complied with Section 12(2)(b), as the preliminary environmental information reasonably required for the consultation bodies to develop an informed view of the likely significant environmental effects of the development has not been made available during consultation and in the SoCC.

Section 12(2) refers to regulation 14(2) and the information to form the preliminary environmental information. In this regard, ECDC is of the view that the information reasonably required was not present in the PEIR, including baseline surveys and technical studies with principles for the mitigations relating to the GCC. This is particularly in relation to the topics of heritage, landscape and visual, ecology and trees, which were not shared throughout the consultation process, concluded with the final TWGs in March 2026.

ECDC's response to the PEIR and position during the TWGs have continuously reiterated the significant impact upon the landscape and its assets, and the need to explore less impactful routes for the GCC, with the use of the Landscape and Visual Impact Assessment. No visualisation or baseline photographs had been shared and, whilst the Applicant has agreed that re-routing of the GCC would be the best approach to mitigations the landscape and visual impact, it is not clear how this has been considered in the GCC refinement and positioning.

Whilst the Applicant has acknowledged that re-routing or making the GCC underground would be the only plausible mitigation to the likely significant adverse impacts from the GCC in the historic and wider rural landscape, this was not part of the agenda in any consultation event, or to the TWG meetings.

Ecological and arboricultural surveys (or a summary of their findings) were not made available during the consultation process, or during the TWG meetings. The absence of this information does not allow ECDC to take an informed view and influence the refinement of the GCC, reducing the environmental impact as much as possible. The BNG proposal (which is very limited in content, and the council has never been provided with an emerging BNG metric) is said to be concentrated in the solar panel's areas (areas ABC) and it is not clear how the trade rules will be met so the BNG from the GCC is achieved. That said, we accept BNG is presently not mandatory for this application, and instead

the applicant is proposing to follow BNG rules as if BNG was mandatory.

ECDC also highlights the missed opportunity for fully understanding and for proposing mitigations to the economic impact to the horse racing industry (HRI) from the likely resulting pollution from traffic routing and from the demand for temporary accommodation during construction.

This is intensified when considering the likely cumulative impact with other major developments in the Burwell/ Newmarket area. ECDC notes the response submitted to the Applicant on 04 February 2026 following review of the proposed shortlist of cumulative developments. ECDC has required the inclusion of more than 20 major developments, potentially not considered in the environmental assessment until very late stage. The cumulative impact assessed considering these major developments therefore was not considered in the design refinement during the consultation process.

Considering the above, ECDC is of the view that the preliminary environmental information reasonably required for ECDC as a consultation body to develop an informed view of the likely significant environmental effects of the development was not made available at any stage of the consultation.

Consequently, the aim set out in the SoCC to provide preliminary environmental information on the potential environmental effects and any proposed mitigation to help the consultation bodies to understand the likely significant effects of the development and inform responses regarding the proposals has not been achieved.