

PINS Reference: EN010165
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12th December 2024

Kingsway Solar Project Team
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Electronic submission only

Dear Sir / Madam

Application by Downing Renewable Developments for an Order Granting Development Consent for the Kingsway Solar Project (PINS ref: EN010165): Response to Phase One Non-Statutory Consultation (NSC 1)

Introduction, Proposed Development and Response

1. I am writing on behalf of South Cambridgeshire District Council (SCDC) in response to the Non-Statutory Consultation (NSC 1) for the Kingsway Solar Development Consent Order (DCO). The consultation commenced on 31 October 2024 and invites comments until 12 December 2024.
2. The proposed development is classified as a Nationally Significant Infrastructure Project (NSIP) under Sections 14 (Part 3) and 15 (2) of the Planning Act 2008 (as amended). This designation requires an application for a Development Consent Order (DCO) to be submitted to the Secretary of State in accordance with Section 31 of the Planning Act 2008 (as amended).
3. South Cambridgeshire District Council, referred to hereafter as 'SCDC' or 'the District Council,' understands it would act as one of the host authorities for the Kingsway Solar DCO under Sections 42 and 43 of the Planning Act 2008 (as amended), as the development is located within the district.

Engagement and Duty to Consult

4. The proposed NSIP would be determined having regard to the relevant National Policy Statements EN-1 and EN-3. EN-1 also references the Secretary of States capacity to consider the National Planning Policy Framework (NPPF) and National Planning Guidance (NPG), alongside where appropriate, Local Development Plans.
5. The Government's Guidance: "*Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects*" clearly outlines the expectation that applicants for a NSIP will adopt a "front-loading" approach to their proposals. This includes a strong

recommendation for early engagement with expert bodies and the local community, alongside the more formal provisions for engagement outlined in Chapter 2, Part 5 of the 2008 Act.

6. The assessment principles in Chapter 4 of EN-1, along with the guidance on assessing generic impacts in Chapter 5 of EN-1, make clear the importance of good design and the early consideration and assessment of impacts, particularly in the context of exploring mitigation, at the earliest stage of a project. Part 2.10 of EN-3 emphasises that, notwithstanding the technical and operational parameters effecting Solar Photovoltaic (PV) generation, applicants are expected to devote significant effort towards identifying, assessing and minimising the adverse impacts from their proposals.
7. Against that policy backdrop, it is a matter of particular concern that the applicants to date have undertaken very limited engagement and consultation with the expert landscape, design, ecology, heritage, environmental and planning specialists within the Local Authority or with our local Parish Councils. There remains no formal engagement with the LPA, despite initial contact in late 2023 at which point the applicants shared the principle of a development. The form of the development has also subsequently changed.
8. Through the Greater Cambridge Shared Planning Service, South Cambridgeshire District Council offered to enter a Planning Performance Agreement (PPA) with the applicants in November 2023 to facilitate early and structured engagement. The applicants have not yet entered into such an agreement. Instead, contact was made with the LPA immediately prior to the current consultation exercise to advise of the intention to commence the non-statutory consultation phase.
9. The non-statutory consultation itself contains very limited information to enable the Local Authority's officers to determine whether the number and location of the sites identified for development of the applicants' proposals fulfil the requirements of EN-1 and EN-3 or the NPPF and Local Development Plan policy expectations. The Local Authority also considers the information published to be insufficient to allow it to determine the likely impacts of the development and how they have been considered and mitigated through good design in accordance with the mitigation hierarchy.
10. The attached schedule, accordingly, represents a summary of the Local Authorities areas of concern on the basis of the limited scheme details, absent any meaningful engagement with its officers.

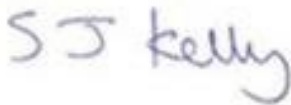
Conclusion and Next Steps

11. South Cambridgeshire District Council, through its Shared Planning Service, has sought to engage with the applicants on the proposals for the Kingsway Solar Farm. However, since November 2023 and presentation to lead members in December 2023, the applicants have not entered into any structured pre-application process with the Council in advance of the non-statutory consultation. Coupled with the limited information provided, this means that the Council is not able to form a determinative view on the extent to which the sites selected

for the proposed project have been identified with clear regard for the principles in EN-1 and EN-3, the policies in the NPPF where relevant and the South Cambridgeshire Local Plan 2018. The Council is also unable to determine whether the potential adverse impacts of the proposal can be minimised through good design and the application of the mitigation hierarchy.

12. The appended schedule therefore represents South Cambridgeshire District Council's initial response to the proposals and signals areas for further discussion that it would expect to explore with the applicants through structured pre-application engagement, framed by a Planning Performance Agreement, ahead of any further formal consultation being undertaken.

Yours faithfully



Stephen Kelly

Director of Planning & Economic Development

On behalf of: South Cambridgeshire District Council

Encl. Table 1: Response to Phase One Non-Statutory Consultation (NSC 1)

Application by Downing Renewable Developments for an Order Granting Development Consent for the Kingsway Solar Project (PINS ref: EN010165)

Response to Phase One Non-Statutory Consultation (NSC 1)

Grid Connection Comments:

The Kingsway Solar project appears to rely entirely on the planned Burwell South Substation located adjacent to the existing substation in Burwell, East Cambridgeshire to be delivered by National Grid. Without this connection, there would be no access to the National Grid for the project. Given the competing demands from other nearby solar developments also seeking grid connections, SCDC raises concerns about the overall deliverability of the project and the sufficiency of capacity at the Burwell South substation to support all proposed developments.

Biodiversity and Habitats Comments:

The information provided lacks any specific details regarding ecological constraints, proposed mitigation measures, or compensation strategies. It merely states that an Environmental Impact Assessment (EIA) will be conducted, that the Applicant intends to request an EIA Scoping Opinion from the Planning Inspectorate, and that surveys are currently in progress.

Based on the limited information provided, SCDC considers that the likely 'Statutory Protected Sites' to be impacted by the proposals are as follows:

- Balsham Woods SSSI
- Carlton Woods SSSI
- Fleam Dyke SSSI
- The Roman Road SSSI
- Park Wood SSSI (outside of district boundary)

These statutory protected sites all fall within 2 km of the proposal and will need to be considered in greater detail as part of a comprehensive pre-application process.

Non-statutory protected sites to be impacted

The following sites are all located within 2 km of the proposals and may be impacted:

- Carlton Lane County Wildlife Site
- Great Coven's Wood and Lower Wood County Wildlife Site
- Hill Crofts County Wildlife Site
- Leys Wood County Wildlife Site
- Lopham's Wood County Wildlife Site
- Old Cambridge Road Verges County Wildlife Site
- Rand's Wood County Wildlife Site
- Signal Hill Plantation Grassland County Wildlife Site
- West Wratting Valley Farm Roadside Verge County Wildlife Site
- Whiting's Grove County Wildlife Site
- Worsted Lodge Roadside Verge County Wildlife Site
- Binkley Wood County Wildlife Site (outside of district boundary*)
- Ladies Grove and Hay Wood County Wildlife Site (outside of district boundary*)
- Binkley Hall Veteran Trees County Wildlife Site (outside of district boundary*)

*Please note: County Wildlife Site data from outside of the SCDC boundary is from 2020 and may have been subject to amendment in the interim.

Protected and priority species that maybe impacted

- Great crested newt
- Barn owl
- Skylark
- Farmland birds (including grey partridge, corn bunting, turtle dove, and yellow hammer)
- Arable weeds

- Invertebrates
- Reptiles
- Bats, including western barbastelle
- Brown hare
- Badger
- Water vole
- Harvest mouse
- Polecat
- Hedgehog

Biodiversity Net Gain

- SCDC understands that Biodiversity Net Gain (BNG) will become mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) in later 2025.
- As part of the emerging Greater Cambridge Local Plan, SCDC itself will expect the proposals to deliver at least 20% BNG including all habitat units, linear units, and river habitat units.
- SCDC supports BNG delivery on and off site or a combination of both.

All BNG should be secured for a period of 30 years through a Section 106 agreement.

Historic Environment comments:

The information provided lacks any specific details regarding heritage constraints, impacts or proposed mitigation measures. The provided information only confirms that an EIA will be undertaken after a scoping report is produced for the Planning Inspectorate.

Based on the limited information, there are particular concerns about the impact of 'Parcel C' on the setting, group value, and connections between the conservation areas, listed buildings, and Non-Designated Heritage Assets (NDHA), of Balsham, West Wratting, Weston Colville, Weston Green, Carlton Green, and West Wickham (off page, 5km search radius is cut off).

The heritage assessment should take into account the following matters:

- Landscape and settlement character, informing the setting of heritage assets.

- Connections between assets in the landscape, including historic routes e.g., to churches or between village conservation areas, as well as identifying assets with group value.
- Designed views, such as those from the Registered Parks & Gardens, as well as fortuitous views which contribute to appreciation of the significance of an asset or group of assets. There are a number of archaeological and built heritage assets in this area which offer raised vantage points and potential for broad views across the historic landscape.
- The effect of light, noise and vibration, as well as landscape and visual impacts, on heritage assets during construction and operational phases.

A Heritage Assessment and Landscape and Visual Impact Assessment (LVIA) should be completed in parallel and inform each other (in line with Historic England Advice Note 15¹), noting that while LVIA's are usually based on publicly accessible viewpoints, the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to access or experience that setting.

Landscape and Visual comments:

The Applicant has indicated that landscape and visual amenity considerations will be considered as part of the development process. While there are no statutory designations within Parcels A, B, and C, the sensitivity of the area to absorb development of this scale has not been considered.

The Applicant has cited reasons for the site's selection, suggesting that the willingness of landowners is as significant a factor as is the proximity to a reception site such as the proposed Burwell South Substation and to major strategic transport infrastructure like the A11. However, it appears that other areas in Cambridgeshire, which may have lower sensitivities to development while meeting similar criteria, have not been considered or, if they have, this information has not been shared. It is expected that further information will be provided on the site selection process as part of the EIA.

Equally, the provided information shows two connection corridor options which states that the most likely option for delivering power from the site to the receptor site in Burwell is through overhead power cables on lattice pylons which raises significant concern in respect of views within the local areas and beyond the boundaries of the District.

The applicant acknowledges that there will be impacts on landscape features and visual receptors, though this has not yet been assessed in full. It is expected that there will be more information provided as part of the EIA process.

Trees comments:

All proposed locations of the proposals are within a network of fields, some of which are encompassed by established hedgerows. Such hedgerows may be protected under the Hedgerow Regulations 1997 and may qualify to be important. Such level of detail has not been provided by the Applicant. It is therefore not clear which, if any hedgerows will be impacted or removed as part of the proposals. Based on satellite imagery of the site, there are pockets of trees and small wooded areas within some areas of the proposed boundary. In terms of individual trees, there may be trees within established hedgerows or trees closer to roads and villages that are of public amenity value. A tree constraints plan & arboricultural impact assessment should be undertaken to establish impacts on existing trees & hedgerows across the site.

Health and Wellbeing comments:

Insufficient information has been provided in respect of impacts on health and wellbeing of communities in proximity to the proposals for the Council to be able to provide detailed comments. The Council directs the Applicant's attention to the SCDC Health Impact Assessment (HIA) Supplementary Planning Document (SPD)² framework and methodology and well as the Greater Cambridge Shared Planning (GCSP) Health Impact Assessment SPD, draft for consultation (Winter 2024)³.

The site is in close proximity to villages classified as Minor Rural Centres (Policy S/9 of the SCDC Local Plan, 2018) with key access to amenities such as GP practices, primary schools, public transport hubs and supermarkets. These villages perform a key role in service provision for residents living in these rural areas. Consideration should be given to the potential disruption to services and impacts on identified vulnerable groups outlining how these may be more adversely impacted, due to pre-existing health conditions or life challenges.

To further strengthen the proposal, SCDC would expect to see:

- Details of the public consultation undertaken with any vulnerable groups previously identified.
- Details of the communication methods used and how feedback has influenced the design of the project
- The impact of any battery and power storage facilities generally and specifically the risk posed by fire has been of concern to communities local to other similar projects and information on this issue should be provided.
- Similarly, communities have expressed concerns on the impact of similar projects on food growing and long-term soil quality and information on this issue should be provided.

Whilst it is noted that the proposals could provide significant national benefit, it is recognised that solar farms can have a negative impact on communities local to this infrastructure. SCDC expects the Applicant to have early conversations with the Council and communities in regard to a meaningful mitigation package that is community led and includes:

- opportunities for education,
- skills and training on solar energy,
- new jobs (temporary or permanent)
- access to services, schools, leisure and amenities through new active travel routes and access to green and blue spaces;
- visual and noise screening which also enhance biodiversity and improve the local environment.

Consideration should also be given to delivering a project similar to Cambridgeshire County Councils Solar Together ⁴ which supports residents to purchase solar panels, potentially with subsidisation as well as bulk buying.

Lastly, communities have expressed concerns about the impact of the project on biodiversity and wildlife so mitigation of this impact should also provide opportunities for local community engagement.

Communities comments:

Approach to Community Consultation Document:

Consultation Period

South Cambridgeshire District Council (SCDC) was not given the opportunity to review the *Approach to Community Consultation* document prior to the commencement of this non-statutory consultation (NSC 1) conducted by the applicants. SCDC strongly recommends that the applicants share such documents in draft form ahead of any future statutory or non-statutory consultation periods, allowing sufficient time for review and feedback. The Council also wishes to highlight that a six-week consultation period is considered too short, particularly given the very short notice provided. This approach risks leading to low participation and a limited response to this important consultation.

Consultation Events

The consultation material should include:

- attendance numbers at consultation events via feedback forms, (both in person and the webinars).
- demographic information to enable a proper assessment of whether appropriate and effective consultation has taken place.
- information on how hard-to-reach groups have been consulted and contributed the process.
- details on how the consultation was promoted via the local press.
- lists of the identified community groups referenced in page 3.

SCDC is also concerned that there may have been insufficient promotion of the consultation to stakeholders, in particular, all of the affected parishes in the district. Not all of the named parishes include information about the consultation on their websites. SCDC would therefore wish to see further and more meaningful and effective engagement with the parishes in future consultations to enable a distinct “conversation” to be had at a local level.

Hard to Reach / Seldom Heard Groups

The Council is concerned that the information provided does not include a list of ‘Hard to Reach / Seldom Heard Groups’ and does not include a methodology for seeking views of these groups.

Community Liaison Group

The Council notes that a Community Liaison Group (CLG) has not yet been established. Once set up, this group should include representatives from each affected parish council, ward members and members of the Council’s Communities Team.

The Council is aware of a local action group, *Kingsway Solar Community Action Group*⁵ has been established. It would be beneficial to understand how the applicant intends to engage with this group.

Communications

The Council has immediate communication channels (e.g., weekly updates, district magazine, parish e-bulletin etc.) as well as service-specific newsletters that could be utilised as a means of information sharing. Further engagement with the Council’s communication teams ahead of the next stage of consultation is therefore encouraged.

Climate and Carbon comments:

Although it is unlikely that the whole life carbon impacts of a development of this nature would outweigh the carbon benefits, the

information provided at this stage does not provide sufficient specific details to allow for a detailed response on carbon or climate resilience. It is however noted that greenhouse gas emissions and impact on climate will be a matter assessed within the EIA and further, more detailed, assessment will take place and be provided in due course.

Noise and Vibration comments:

The information provided at this stage lacks sufficient specific detail to allow for a comprehensive response on noise. However, it is noted that noise and vibration will be assessed as part of the EIA, with further, more detailed assessments to be provided in due course. SCDC is particularly concerned about noise impacts from substations and construction activities. The consultation material refers to potentially seeking agreement from the Council on noise monitoring locations. Discussion of these points should be through a formal pre-application process to ensure clarity, and any potential mitigation required

Air Quality comments:

The information provided at this stage does not, in the Council's view, provide sufficient detail to allow for a detailed response on likely air quality impacts. It is however noted that air quality is identified as a proposed subject within the EIA and further, more detailed assessment will take place.

Land Use, Quality, Soils and Agriculture comments:

The information provided at this stage does not provide sufficient detail to provide a detailed response on land contamination. However, it is noted that land quality is identified as a subject within the proposed EIA and further, more detailed, assessment will take place.

Water resources & Flood Risk comments:

SCDC defer to Cambridgeshire County Council as the Lead Local Flood Authority and the Environment Agency on this matter.

Minerals and Waste comments:

SCDC defer to Cambridgeshire County Council as the Minerals and Waste Local Planning Authority on this matter.

Transport and Highways comments:

SCDC defer to Cambridgeshire County Council as the Highway Authority on this matter.

Public Rights of Way comments:

SCDC defer to Cambridgeshire County Council as the Highway Authority on this matter.

Archaeology comments:

SCDC defer to Cambridgeshire County Council on this matter.