

**From:** Kingsway Solar Farm <SM-KingswaySolar@planninginspectorate.gov.uk>

**Sent:** 23 May 2025 13:27

**To:** [REDACTED] Kingsway Solar Farm <SM-KingswaySolar@planninginspectorate.gov.uk>

**Subject:** RE: Kingsway Solar Farm; Land Access Demands

Good afternoon Mr Pargeter,

Thank you for your further request for advice dated 22 May 2025 about an applicant's right of entry into land in relation to a proposed Nationally Significant Infrastructure Project (NSIP). The Planning Inspectorate has a duty, under section 51 of the Planning Act 2008, to provide advice about applying for a Development Consent Order and making representations about an application, or a proposed application, for such an order.

There are several reasons why an applicant may need to enter land during the planning process for an NSIP. The most common of these are:

- to identify and gather information about persons who have ownership of, and / or an interest in, the land that could be affected by a proposed NSIP
- to carry out surveys to understand the natural habitat and to identify protected species
- take measurements and levels
- drill bore holes and take samples to understand the nature of the subsoil and check for minerals or other matter
- to carry out an assessment of the likely significant effects of the proposed development on the environment and to produce, where necessary, an Environmental Statement
- to record the status of the natural habitat and assess whether the project may have adverse effects on any protected European sites.

There are several statutory procedures governing the Planning Act 2008 process which applicants must comply with. An applicant has a legal duty to notify everyone with an interest in the land that could be affected by the project, including anyone who might be entitled to make a relevant claim for compensation, that the application has been accepted. Where the application includes a proposal to compulsorily acquire an interest in, or rights over, land the applicant must also give the Planning Inspectorate a notice which specifies the names of each person with an interest in the land which may be compulsorily acquired under Chapter 1 of Part 6 of the Planning Act 2008. The applicant may also need to comply with The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and The Conservation of Habitats and Species Regulations 2017.

Information about obtaining information about interests in land under section 52 of the Planning Act 2008 and the right of enter land under section 53, with details on the process for making a request for authorisation, is set out in our published advice pages on the government's website:

- [Nationally Significant Infrastructure Projects: Advice on the process for](#)

[obtaining information about interests in land \(under section 52 of the Planning Act 2008\)](#)

- [Nationally Significant Infrastructure Projects: Advice on the process for rights of entry to land \(under section 53 of the Planning Act 2008\)](#).

Applicants must act reasonably when trying to obtain information about interests in the land and when seeking permission to access the land and have a genuine need to enter the land.

If an applicant considers they have been refused the information in relation to land interests unreasonably, they can make a request to the Planning Inspectorate through section 52 of the Planning Act 2008 for authorisation to serve a 'land interests notice' on the person or organisation who has refused to provide it. A 'land interests notice' is a written document which requires the person or organisation served with it to provide the name and address of any person who has an interest in the land to the applicant. A recipient of a land interests notice commits an offence if they do not comply with the notice. Similarly, where an applicant makes a request to the Planning Inspectorate through section 53 of the Planning Act 2008 for authorisation to enter land, where they have been refused entry unreasonably, they may be granted a 'right to enter land' authorisation, which is a written document that confirms the applicant can, at any reasonable time, enter the specified land for the reasons given in the authorisation. Again, it is an offence to wilfully obstruct a person with the authority to enter the relevant land.

The Planning Inspectorate's role is to administer the process set out in sections 52 and 53 of the Planning Act 2008 and decide on behalf of the Secretary of State on whether to allow the applicant to issue a land interests notice and, or, to provide the applicant with the authority to enter the relevant land.

Additionally, the government has published guidance on compulsory acquisition - [Planning Act 2008: procedures for the compulsory acquisition of land - GOV.UK](#). There is also guidance on the [Compulsory purchase process](#).

Section 172 of the Housing and Planning Act 2016 stipulates that a person authorised in writing by an acquiring authority may enter and survey or value land in connection with a proposal to acquire an interest in or right over land. It further sets out at section 172(3) that the person must, if required when exercising or seeking to exercise the power conferred by subsection (1), produce evidence of the authorisation, and a copy of any warrant issued under section 173(1). However, the Planning Inspectorate is not responsible for requests made under s172 of the Housing and Planning Act 2016, and as such we are unable to provide advice regarding this process.

In terms of whether an applicant can use s172 of the Housing and Planning Act 2016 (as amended by the Neighbourhood Planning Act 2017) instead of s53 of the Planning Act 2008 to gain access to land, our advice has been that in relation to a prospective Development Consent Order, the policy intention is that the power of entry in s53 of the Planning Act 2008 should be used.

Where an existing specific power of entry has not been limited in scope by Schedule 14 to the Housing and Planning Act 2016, the policy intention is for this existing power to continue to be used in the same way. The Inspectorate notes the principle of statutory interpretation that where a general enactment covers a situation for which specific provision is made by another enactment contained in an earlier Act, it is presumed that the situation is intended to continue to be dealt

with by the specific provision rather than the later general one. Therefore, while the Neighbourhood Planning Bill amends the definition of “acquiring authority” in s172 of the Housing and Planning Act 2016 to remove the link to the definition of “compulsory purchase” in the Acquisition of Land Act 1981, in the case of a prospective Development Consent Order, the policy intention is that the more specific power in s53 of the Planning Act 2008 should remain in use.

As you will appreciate, the Planning Inspectorate is an impartial executive agency with responsibility for administering the Planning Act 2008 process, which includes the examination of NSIP applications. Anyone who has an interest in land which the applicant wants to access may need to consider obtaining their own professional advice or seek to employ an agent to act on their behalf, about these matters and in their discussions with the applicant or about seeking redress through a relevant Tribunal.

I hope that the above information is helpful.

Many thanks,

[Redacted signature]



[Redacted]  
Case Manager  
Planning Inspectorate  
[Redacted]

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DPC:76616c646f72



**From:** [REDACTED]  
**Sent:** 22 May 2025 12:44  
**To:** Kingsway Solar Farm <[SM-KingswaySolar@planninginspectorate.gov.uk](mailto:SM-KingswaySolar@planninginspectorate.gov.uk)>  
**Subject:** Re: Kingsway Solar Farm; Land Access Demands

[REDACTED],

Thank you for your reply. I understand that the Kingsway Solar Farm is at the pre-application stage, and that questions and comments about the proposal itself should be directed to Kingsway Solar at this time. However, the questions I was raising with the Planning Inspectorate are concerned with the **process** of developing the proposal. Kingsway Solar are unlikely to give an unbiased response, and I was hoping that the Planning Inspectorate could advise on correct and legal processes for gaining access to land in the development of a proposal. This would be relevant to all NSIPs.

I recognise that you may not wish to comment directly on the issues I described in my first three paragraphs, but could you please provide a response to the four questions, which I have re-iterated below:

What reasons for accessing private land would be valid?  
Whether landowners have the right to refuse access?  
Whether Section 172 from the Housing and Planning Act 2016 or other mechanisms can be used to force access?  
Whether a Section 172 notice can be contested, and whether access can be refused while the objections remain unresolved?

Many thanks and best wishes,  
Richard Pargeter.

On Mon, 19 May 2025 at 13:46, Kingsway Solar Farm <[SM-KingswaySolar@planninginspectorate.gov.uk](mailto:SM-KingswaySolar@planninginspectorate.gov.uk)> wrote:

Good afternoon Mr Pargeter,

Thank you for your email and apologies for the late response.

The proposed application above is currently at the pre-application stage of the Planning Act 2008 process. Further information about the process can be found in The Planning Inspectorate's [Advice for members of the public: The stages of the NSIP process and how you can have your say](#).

The Planning Inspectorate is unable to consider comments about the advantages and/ or disadvantages (the merits) of any application until it has been submitted and accepted for examination.

As the application has not yet been submitted to The Planning Inspectorate you should make your comments to the applicant. You can contact Kingsway Solar Farm Limited directly by:

Email: [enquiries@kingswaysolar.co.uk](mailto:enquiries@kingswaysolar.co.uk)

Telephone: 0800 012 9881

It is important that the applicant is made aware of your comments at the pre-application stage so that they can consider the points raised before finalising their proposals and submitting the application.

Many thanks,

[Redacted]



[Redacted]  
Case Manager  
Planning Inspectorate  
[Redacted]

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**From:** [Redacted]

**Sent:** 13 May 2025 16:04

**To:** Kingsway Solar Farm <[SM-KingswaySolar@planninginspectorate.gov.uk](mailto:SM-KingswaySolar@planninginspectorate.gov.uk)>

**Subject:** Kingsway Solar Farm; Land Access Demands

Good morning,

A number of residents have recently received letters from Kingsway (but signed by WSP on behalf of Kingsway) making requests for access to their property for surveys related to the Kingsway proposal. The reasons for the proposed surveys are at best unclear, and at worst apparently totally illogical, for example a letter to a property 2.7 km from the corner of the published grid connection corridor options states that *"We are contacting you as we are in the early stages of refining the route for the grid connection"*. Several people have queried the requests before considering whether to give permission. Clear explanations have not been forthcoming.

The letters were dated 30 April, and gave a deadline of 7 May (one week) for response. It was stated that Kingsway's contractor (WSP) would *"follow up and try to make contact with you again"* if a response was not received by that date. However residents have been reporting that they have received personal visits in advance of the May 7<sup>th</sup> deadline, pushing for a response.

Finally, the letters contained a threat of forcing access by invoking Section 172 from the Housing and Planning Act 2016 *"in cases where access cannot be agreed in time"*, and furthermore a notice under section 172 was immediately served on one resident who refused access.

Could you please advise:

- What reasons for requesting access to private land would be valid
- Whether landowners have the right to refuse access
- Whether Section 172 from the Housing and Planning Act 2016 or other mechanisms can be used in this case to force access
- Whether a Section 172 notice can be contested, and whether access can be refused while the objections remain unresolved.

Many thanks and best wishes,

Richard Pargeter.

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