



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	East Pye Solar
Date of request	TBC
Deadline for AOCR	TBC
Return to	TBC

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

Local Authority	Norfolk County Council
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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	No
S47 Duty to consult local authority	Yes
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

Failure to consult statutory consultees

The County Council understands from correspondence with the applicant that for the targeted consultation undertaken between 22 October and 26 November 2025, the applicant consulted Pulham Market Parish Council (“PMPC”), which had not been consulted previously at the statutory consultation due to changes to the project boundary. Parish councils are statutory consultees by virtue of regulation 3 and schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

The Targeted Consultation Information Change Note (October 2025) produced by the applicant at the time of the consultation, while referencing the statutory consultation, did not provide direct links to the statutory consultation materials on the applicant’s website, nor did it invite previously unconsulted statutory consultees to provide a response to the statutory consultation materials. The Targeted Consultation Poster published at the time similarly provided links to the East Pye Solar Farm website and referenced the Information Change Note above, but there was also no direct web-link to statutory consultation materials for the benefit of PMPC or any invitation for it to respond to those materials.

Therefore, on the information provided to NCC by the applicant, it is evident that the full statutory consultation documents were not sent to PMPC. Statutory consultees should not have to go out of their way to find documents, correspondence and websites and then take the initiative to provide responses to this material.

Therefore, Norfolk County Council cannot see how the additional statutory consultee identified by the applicant has been properly consulted as required by section 42. Norfolk County Council consider that the Secretary of State must take steps to confirm whether there is a failure in this respect and if so must conclude that the applicant has not complied with section 42 and should not accept the application for Examination.

Additional Highway Concerns

The National Infrastructure Planning Guidance is statutory guidance and applicants must have regard to it under section 50 of the Planning Act 2008. Under section 55 of the Planning Act, the secretary of state, when deciding whether to accept an application, must have regard to the extent to which the applicant has had regard to any guidance issued under section 50. Of particular relevance here is the guidance titled “Planning Act 2008: Pre-application stage for



Nationally Significant Infrastructure Projects” (“the pre-application guidance”).

The pre-application guidance provides that the “*NSIP consenting process is intended to be front-loaded. The pre-application stage is therefore critical and should be used to ensure project proposals are prepared in line with applicable National Policy Statements (NPS) designated under Part 2 of the Planning Act. ...The pre-application stage should allow the likely effects of a project to be fully consulted upon, with the design of the project evolving up to the point of application submission*”. The guidance “*encourages good quality **engagement** and project development work **from the outset***” (emphasis added).

The County Council raised an objection at the statutory consultation (August 2025) due to the inadequate consultation and engagement undertaken by the applicant. This related specifically to the applicant’s inadequate engagement with the County Council as Highway Authority on construction traffic management matters. Only two meetings between the applicant and NCC highways officers took place before or during the statutory consultation period and insufficient information was provided so as to allow NCC to propose solutions.

While there has been subsequent engagement by the applicant with highway officers, many of the highways and site access issues raised at both the statutory consultation and targeted consultation remain at present unresolved and requiring agreement on an Outline Construction Traffic Management Plan.

We are therefore unable to conclude that the applicant has had regard to the section 50 advice, which requires good quality engagement from the outset.

Conclusion

For the reasons set out above the statutory consultation undertaken by the applicant has fallen short of what the County Council would expect to see on a project of this scale and nature. The Planning Inspectorate, on behalf of the Secretary of State, will need to consider carefully whether to “accept” the application or whether further steps are required to overcome the non-compliance identified.



S47 Duty to consult local authority	No further comment
S48 Duty to publicise	No further comment



Any other comments	<p>The County Council is aware that there are several objectors to this project who feel that they have not been consulted adequately nor has there been sufficient engagement with them or other statutory Consultees. These concerns apply to both the initial consultation with local communities on the Project as a whole, as set out in the S.42 Consultation (Summer 2025); and subsequently in relation to the approach taken in the targeted consultation (proposed changes - Autumn 2025).</p> <p>The targeted consultation has raised significant concerns by local interest groups regarding the absence of appropriate environmental information relating to these proposed changes. In particular, local groups have raised issues with the evidence base as it relates to botany, barbastelle bat maternity colonies, white-clawed crayfish, the water environment and the impact on private water supplies.</p> <p>It is essential that the Secretary of State fully considers these community concerns and is fully satisfied that the amendments to the scheme included in the Targeted Consultation – October 2025 consultation:</p> <ul style="list-style-type: none">(a) have not amounted to a fundamental change to the project as a whole; and(b) that, subject to the above, that proportionate information has been provided as part of that consultation process. <p>The County Council notes that the Applicant has a duty to take into account responses to consultation and publicity; and that the Secretary of State must have regard to the Consultation Report which gives details of the relevant responses and account taken of those responses.</p> <p>It is essential that the Secretary of State assesses whether due regard has been taken of the objections raised, and whether the applicant can demonstrate that, in taking account of and responding to representations, it had published adequate and proportionate information in relation to the substance of those representations as part of the consultation.</p> <p>In deciding on whether to accept the application for examination, the Secretary of State should consider the Applicant's compliance with the public law principles of consultation.</p> <p>Remaining County Council Concerns</p> <p>It should be noted that the County Council maintains significant concerns with the original project and the subsequent proposed changes set out in the targeted consultation. In particular, in relation to</p>
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the location of the National Grid substation close to the village of Great Moulton (see below), alongside other detailed matters.

Further assessment work is clearly needed to support the DCO application regarding this objection and this will need to be set out in the accompanying Environmental Statement (ES) in line with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

In addition to the objection raised above, NCC have also raised concerns relating to:

1. The proposed grid connection infrastructure (National Grid Substation) to the South of Great Moulton village raises: health and safety concerns given its close proximity to residents; poor emergency vehicle access; and landscape concerns;
2. The landscape impact associated with both the solar arrays and the grid connection infrastructure, including proposals for new pylons with tower heights potentially over 60 metres in height, compared to traditional towers of around 53 metres.
3. Cumulative landscape impact concerns, taking into account the proposed Norwich to Tilbury 400 kV power line by National Grid and other emerging energy projects coming forward in the area, including Battery Storage and other solar farms;
4. There are concerns regarding the potential use of tracking solar panels given their height and concerns regarding the uncertainty as to the exact location, design and scale of the new Substations connecting to the wider transmission network, and lack of appropriate mitigation;
5. The loss of high-quality agricultural land - there needs to be further consideration regarding the loss of agricultural land taken cumulatively with other planned projects across Norfolk, both in terms of the potential loss in food production and implications for the wider farming community; and
6. The Highway Authority has serious concerns about the impact of the Project during construction; and the potential impacts arising from glint and glare from the panels. While Norfolk County Council has welcomed subsequent discussions between the applicant and the County Council's Highway officers that resulted from these concerns, there remain substantive highway issues to address, and discussions are continuing with the applicant. The County Council is also aware that some communities feel that the applicant's approach to traffic management have been insufficiently explained and that there has been insufficient opportunity for communities to have their say on options for site access.

