

## Process concern: risk of examination proceeding ahead of a settled evidence base (Trees)

**Ross Jolliffe, Co-ordinator SNTWN, registration identification number: F658FD3BF**

NPS EN-1 4.2.12 states that applicants must ensure that applications are ready to be examined before an application is made. The Planning Act 2008 system is designed to be frontloaded and applications should not enter the statutory system if they are not ready to be consented. It also states that examination should not be used to address deficiencies in the application.

The **South Norfolk Tree Warden Network** is concerned that, without a structured mechanism to require resolution on a fixed timetable, the examination risks reaching Deadline 1, and ultimately the Examining Authority's recommendation, on a substantial but uncertain evidence base. **We cannot ascertain the true extent of damage to the arboricultural environment or mitigation from documents to date.**

The Examining Authority has already recognised an analogous risk for white-clawed crayfish survey evidence (Rule 6 Letter, Annex F, item 9a), directing the *Applicant to provide a methodology-explained update before examination commences. The Network requests that examination proceeds only on the basis that a complete ecological update is available and in line with regulation and NPS EN-1, rather than leaving arguments and resolution to an uncertain iteration within the examination process or later in the project*, when urgency and practical issues may lead to regrettable practice and ultimately increase the risk of avoidable ecological damage including disturbance, avoidable or unexpected tree felling and loss of habitat, disease introduction, landscape deterioration, slow decline of damaged trees, avoidable or unexpected hedgerow removal etc.

The East Pye evidence base concentrates upon protected trees and species within the insufficient environmental statement, but obviously there are innumerable less impressive trees and inter-dependent arboricultural features that are equally vulnerable to harm within the order limits.

**Attachment one:**

## Trees at Risk, representation 2, planning process, evidence presented for the South Norfolk Tree Warden Network:

**Ross Jolliffe, Co-ordinator SNTWN, registration identification number: F658FD3BF**

Following my Relevant Representation, 'South Norfolk Tree Warden Network' I further object to the East Pye Solar proposal with the following additional evidence and points, mainly arising from uncertainty. I note that under the National Policy Statement for Energy (NPS EN-1) 5.4.55, the Secretary of State should not grant consent for development resulting in loss or deterioration of ancient or veteran trees unless there are wholly exceptional reasons and a suitable compensation strategy exists. Given the documented uncertainties in the Applicant's own evidence base, the Applicant has not discharged the burden EN-1 4.3.10–4.3.12 places on it to properly assess worst-case impacts.

1. veteran and ancient trees get particular emphasis. Please clarify whether other tree categories of habitat or other conservation value (including under BS5837 guidance) have been identified and then considered for protection in the same way as veteran or ancient trees – I note that the physical survey has mapped them;
2. please clarify whether any 'category c' or 'category u' trees will be properly considered for ecological habitat contributions (including but not limited to roosting birds and animals) before disturbance or removal;
3. the order limits enclose an area so large, that to exclude consideration of impacts over a wider appears questionable in ecological terms. For example, I understand that a 2km species search radius and 10km for European Sites is convention, when conforming to guidance and regulations but that it is not a legal maximum. Please clarify whether these limitations are reasonable given that *highly mobile species* will be affected;
4. appendix 7.10 states its findings are valid for a maximum of two years from inspection (the surveys ran from 2024 to 2026). Chapter 4 anticipates construction starting 2028, when its arboricultural evidence base is likely to have expired. Please clarify how subsequent arrangements will manage the implied obsolescence?
5. the Environmental Statement Appendix 7.10 (Preliminary Arboricultural Impact Assessment), 1.5.18 states plainly that trenchless crossings will pass beneath named individual trees, appendix 7.2 (Landscape Baseline), 2.4.7 (and elsewhere) implies that a "trenchless solution" to cable installation as self-evidently benign. The Outline Cable

Route Construction Statement refers to the Outline Construction Environmental Management Plan for the detail of root management (and both that and Appendix 7.10 most often refer to structural roots, as if other root parts essential to the trees' health were not important). All this read, documents do not give assurance that the health-critical fine/absorptive roots and mycorrhizal fungal networks etc will be mapped and protected in the same way as above ground features of similar importance;

Arboriculturist supervision is a good point, but it would be very difficult to prove that is sufficient owing to invisibility, unknown root structure, soil variation, future effect of tunnels, backfill contaminations by trenching chemicals etc. It is unclear whether any arboricultural oversight applies to the trenchless operation itself, and no mechanism has been identified for verifying that the 1m clearance suggested is adequate given the apparently unmapped root structure.

I have been unable to find assurance that trees are unaffected by tunnelling materials like bentonite, 'bore-gel' and 'EZ mud'.

6. please confirm that the Appendix 7.10 survey methodology include specific criteria for identifying ancient coppice stools (as opposed to single-stem veteran trees), and were any such stools identified within or adjacent to the Order Limits? (Appendix 8.1 confirms coppice stools are present in the immediately adjacent Ancient Woodlands at Pope's Wood, Spring Wood, and Saxlingham Grove and my own observations of such trees around the Saxlingham area suggest that veteran/ancient coppiced stools are present in hedgerows throughout the order limits, some of which might be recently managed and so present as trees already cut down.) Coppiced stools in hedgerows may be particularly valuable, especially in impoverished hedgerows and simultaneously vulnerable to removal or damage;

7. documents contain, for example, landscape visualisations, but no photos of trees scheduled for removal or other damage and public access to view them may be difficult. Because the NSIP process relies largely on written information, I suggest that the Applicant provide photographic records for the trees scheduled for full or partial removal and those subject to trenchless crossing;

A further benefit to such visualisation is that, in any future maintenance plan or tree health dispute, a photographic record (captioned with position and other details) would help managers and officials verify condition at the time of survey, which the written description alone doesn't allow;

8. future tree/soil monitoring, maintenance and new planting/measures establishment reports are mentioned in the impact arboriculture assessment, appendix 7.10 and/or in management plans. I suggest committing the Applicant and any future site owners to sending report copies to the relevant authorities (probably South Norfolk Council and the parish councils). Similarly, the relevant authorities need a mechanism to report

East Pye, arboricultural evidence, South Norfolk Tree Warden Network / Ross Jolliffe, F658FD3BF, representation 2, planning process and supporting evidence

problematical observations (eg of their officers or tree wardens) that would trigger an arboricultural assessment. For written reports and problem reporting, a commitment to take action where mitigation is needed and a process to deal with dispute would be necessary;

9. please clarify the number of trees to be removed, modified or otherwise affected. I am unable to do that because numbers vary, and woods appear to be counted as if they were one tree:

**Count A** — Appendix 7.10 (Arboricultural impact...), Executive Summary and Section 1.2: Stated twice, in almost the same words, both times giving a total of 70:

"A search of the Woodland Trust Ancient Tree Inventory found 39 ancient or veteran trees within or adjacent to the Site. The survey found a further 31 trees, one group of trees and one hedgerow [that] exhibit ancient or veteran characteristics." (1.2.40)

The Executive Summary (1.1.3) repeats this but drops the "one group... and one hedgerow" detail, describing the 31 as simply "31 trees".

**Count B** — Appendix 7.10, Conclusions section:

The same report, same total of 70, but now split differently:

"A total of 70 ancient or veteran trees... consisting of 56 individual trees identified during the survey as ancient or veteran trees and 14 individual trees designated as ancient or veteran in the [Woodland Trust Ancient Tree Inventory]." (1.8.2)

Count A says 39 trees came from the Woodland Trust database and 31 were found by the surveyors on site. Count B says 14 came from the database and 56 were found on site.

**Count C** — Appendix 8.1 (Ecological Desk Study...), Table 4, arrives at a total of 70 — but by a third method:

"There are 49 trees with veteran features recorded within the Order Limits and a further 21 within 30m of the site boundary." (Table 4)

and, a sum of 52... "In addition, veteran (or ancient) trees are also categorised as 'irreplaceable habitat' under the NPPF and Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. Norfolk Biodiversity Information Service provided 544 records of veteran trees within the 2km search radius, **46** of these being located within the Sites and a further **six** being located within the

CRC route [Preliminary Arboriculture Impact Assessment [EN0110014/APP/6.3.7.10]. Further details of important trees are provided within the arboricultural impact assessment for the scheme.” (3.4.3)

Further to these counts, Appendix 7.10, Table 1.7 further confuses the reader both by listing individual trees and an ancient woodland, apparently as one tree, and then arriving at a different total (17) (but the sums in terms of rows and totals column do not add-up consistently);

10. the 2026 summer has been extraordinarily dry and extremely challenging for plant life, including trees. I suggest assessment of that factor against normal mature tree resilience assumptions before mitigations are finalised and work commences.

11. I have stated before that any particular number of planted trees can't mitigate the loss of mature habitat trees, however, where trees or other flora are to be planted, I'd like to suggest a mandate that: local sapling stock and seed is used and maintained (weeded, watered); that properly maintained natural tree regeneration also be considered and; protection of planted trees only by natural fibre mats, spirals, tubes etc. This request is to keep local species genetically consistent and to prevent the importation of diseases, especially from foreign sources (in the manner that ash dieback (*Hymenoscyphus fraxineus*) was probably imported). There should be plenty of time for planting and post-planting care to be properly planned and sourced to avoid late sourcing plans and the common problem of rows of plastic spirals containing dead twigs littering the countryside and later disease problems.

AI disclaimer: This report was prepared by myself using standard consumer-level AI tools for research, with all document, ecological and legal references either found or manually verified by me.

I have aimed to avoid unnecessarily repeating points adequately made in statutory authority and other relevant representations to date.