

Process concern: risk of examination proceeding ahead of a settled evidence base (Tas Valley, water courses)

Ross Jolliffe, Tas Valley resident, registration identification number: [REDACTED]

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 East Pye evidence base contains internal inconsistencies and uncertainties that go beyond matters of interpretation. The examples in attachment 1 evidence a pattern across the evidence base; they are not an exhaustive list of defects. Compiling a sufficient Environmental Statement for assessment by the Examining Authority is the Applicant's obligation. I have made a parallel representation submitted for the South Norfolk Tree Warden Network that raises the same procedural point in relation to trees because of the scale of the problem across many documents. It is not confined to one topic/species e.g. Water Framework Directive/crayfish.

I am 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 environment of the Tas Valley and water course or its mitigation from documents to date.**

The Examining Authority has already recognised the risk for white-clawed crayfish survey evidence (Rule 6 Letter, Annex F, item 9a), directing the Applicant to provide a methodology-explained update by procedural deadline A. *I request 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.*

I am concerned that, if a full assessment has not been made during an iterative process, not envisaged in EN-1, then urgency and practical issues may lead to regrettable practice such as disturbance, introduction of disease or alien species, the release of temporary or persistent chemicals etc. and at any stage of construction, operation, maintenance, decommissioning or legacy: any of which could be harmful to river life.

The Applicant has sometimes stated such river life to be unlikely within the order limits or in part, for example in the case of water vole, otter and white clawed crayfish. Various local knowledge of white clawed crayfish and even Norfolk Rivers Trust survey presence

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confirmation that was conscientiously reported to East Pye Solar pre-application (BEPS
RR refers) and then submitted in my own RR, has been overlooked (Rule 6 Letter, Annex
F refers).

The East Pye evidence base concentrates upon protected species within the insufficient
environmental statement, but obviously there are thousands of less protected species
that are equally vulnerable to harm in the Tas Valley and its water courses.

Attachment one:

Tas Valley water course ecology, representation 2, planning process, evidence

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Following my Relevant Representation (RR), I further object to the East Pye Solar proposal with the following additional evidence and points, mainly arising from incomplete evidence of impact assessment and assurance, and fears that evidence of the existence of river life has been either overlooked or systematically ignored together with a lack of application of regulations, namely the Water Framework Directive that is intended to protect the entire water course and not just that within the project limits. (my RR refers). Omissions and errors, if uncorrected, lead to the potential for a landscape-scale experiment within the ecological impact of massive industrial installation, operation and decommissioning works, particularly in consideration of the River Tas catchment. The primary purpose of Nationally Significant Infrastructure Project (NSIP) regulation is to provide a fast, clear, and centralized consenting process for major public works while protecting the environment from serious harm.

1. It appears that a proper account of the natural environment baseline has not been carried out and that it is unrealistic to suggest that a catch-up could be achieved within the examination process without extending and confusing the process as conflicts emerge and revisions emerge:

I am a newcomer to this process, and I am impressed by the access to well-organised information on the Planning Inspectorate website but already feel concerned that the volume of material produced by East Pye Solar would be beyond the ability of most citizens, me among them, to read and digest properly: many of the documents contain detailed procedural information where specific Tas Valley survey/application is thin and scattered relative to its importance. This is to be expected, and so it is the job of statutory bodies, in this case Norfolk County Council, South Norfolk Council, the Environment Agency, Natural England and Anglian Water, to lead the response to proposals by thoroughly examining, assessing, and advising on the national infrastructure application so that the Secretary of State can make a final, legally sound consent decision. My reading to date suggests a procedural and limited approach, bound in official language and abbreviation and showing the potential for insufficient official resources, including those to read and digest more than two-thousand relevant representations from the public and organisations, most of which refer to protest and/or shortcomings. Adding new material ad-hoc to the documents as examination proceeds as suggested by the Applicant would impose a heavy and disruptive burden, even for the authorities.

2. Further illustrative evidence on shortcomings:

a) the absence of protected species, for example white clawed crayfish, water vole and otters in various locations has been implied by the Applicant through a view of habitat, and survey limitation, apparently done from the office. The shortcoming is typified within the Applicants own documentation in an opening procedural statement: ‘... the lack of data... does not prove that a specific species/species-group is absent from the search area... the area may simply be under-recorded.’ (Environmental Statement Volume 3: Appendix 8.1, 2.7.1). Phrases such as ‘*based upon the assumption that the lack of water permanence was by itself enough to make the ditches unsuitable for water voles and otter*’ do not generate confidence in basic surveys - as if these animals were not opportunistic foragers in places where conditions are not permanently wet (and ‘surveys were completed during a period of unusually dry conditions... the wetted extent, depth and in-channel habitat availability observed may under-represent typical conditions, particularly for ephemeral headwaters and field ditches.’). (Environmental Statement Volume 3: Appendix 8.9 Aquatic Habitat Assessment Report and Appendix 8.8 Water Vole and Otter Survey Report, 2.4.1 as quoted in Rule 6 Letter, annex F).

Tas Valley-specific survey content is concentrated almost entirely in Environmental Statement Volume 3: Appendix 8.1, where crayfish are mentioned twice in about 25,000 words, first to state ‘no records’ for native white clawed crayfish and secondly referring to ‘an older record of 2005’ for non-native signal crayfish, that most readers would take to imply absence of native crayfish - and perhaps even the presence of non-native crayfish making native presence even more unlikely. (Again, this drives down confidence in survey method and effectiveness, specifically with respect to crayfish and overall).

Curiously, in the Outline Landscape and Ecology Management Plan, a new artificial otter holt at Hempnall Beck implicitly assumes otter presence in somewhat similar habitat to Shotesham Beck, where absence is implied by the applicant, despite Shotesham Parish Council’s evidence of presence. (Outline Landscape and Ecology Management Plan, 3.16.20 & Shotesham Parish Council RR ‘Objection to East Pye Solar – Land Parcel 8...).

Project ‘hardware’ contact with the watercourse and risks appear uncertain from a reading of several documents.

b) I have tried to form an understanding of what fluids such as bentonite are used in ‘horizontal direct drilling’ intended to avoid trenches through watercourses when burying cables etc. The Environment Agency has referred to this process and products called ‘bore-gel’ and ‘EZ mud in their RR together with the potential for persistent toxic chemicals. It seems clear that the fluids remain in the ground, but it remains unclear exactly what the chemicals are, whether they are toxic and/or persistent over time and

what happens when accidentally spilled into rivers or introduced by flood damage, spring water etc. The drilling itself will surely open new drainage pathways making it likely that synthetic fluids will enter the water course. The drilling process appears potentially to introduce a permanent and less-understood hazard than the obvious hazards of cutting into riverbeds, and may not be one designed primarily to prevent water contamination.

c) The consequences upon the watercourse of firefighting through unknown chemicals and dust from various burning infrastructure including batteries can be assumed to be toxic, likely permanently hazardous and with no certainty of containment (and indeed containment does not seem possible).

A similar set of problems remain on commissioning, operation, maintenance and decommissioning pesticide, chemical and dust contaminations. Management appears to rely upon monitoring rather than certainty of containment: so a contamination may eventually be detected, but then what? This appears more experimental than preventative.

d) Parts of the project will never be removed after its useful life has ended with unknown consequences for currently unknown reasons and long into the future.

e) I have not been able to find a dedicated and comprehensive crayfish protection method statement anywhere across the Outline Protected Species Mitigation Strategy, the Outline Construction Environmental Management Plan, the Outline Decommissioning Environmental Management Plan, the Outline Operational Environmental Management Plan, the Outline Landscape and Ecology Management Plan, or the Outline Cable Route Construction Statement.

f) Nearly 600 people/organisatinos mentioned concern for animal species and/or their habitats in relevant representations. Over a hundred people mentioned crayfish, and many other people have pointed-out easily obtainable evidence, including some photographs, showing protected species' presence, including where absence is implied by the Applicant. This level of concern and knowledge surely undermines public confidence in the adequacy of professionally produced documents upon which Examining Authority is expected to make judgements.

g) Finally, Biodiversity Net Gain is offered together with small land areas dedicated to nature as if the project will create a significant natural benefit. Biodiversity Net Gain is often paired with small, fragmented plots of land, overstating their potential to deliver meaningful environmental benefits. The complex dynamics of the natural world will inevitably conflict with the assumptions of people. For instance, instead of the intended high-value habitat, such areas could degrade with die-off of the desired species, especially planted flora. Even with mitigation strategies, complete ecological certainty is unachievable, especially when the long-term management actions and their ultimate

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impacts were not fully undocumented/managed. (A proper analysis of benefit or damage in later years would be highly desirable to assess assertions, but only if a reliable baseline were available now).

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.