

East Pye Solar PINS Reference: EN0110014
Preliminary Meeting Submission
Response on Examination Timetable and Procedure

Submitted by BEPS (Block East Pye Solar [REDACTED])

Procedural Deadline A – 1 September 2026

1. Purpose

BEPS broadly welcomes the Initial Assessment of Principal Issues (IAP). Its concern is that East Pye Solar raises a set of interdependent questions – scheme definition, site selection, grid and construction deliverability, environmental baseline, mitigation and compulsory powers – which risk being fragmented between individual Environmental Statement chapters. The Examination should test those questions as connected issues.

2. ISH1 should be treated as an initial hearing, with a follow-up reserved

Current examination guidance expressly encourages early scrutiny of the DCO, and BEPS welcomes this. However, ISH1 on 16 and 17 September also covers site selection and the scope of the proposed development, while Deadline 1 is not until 6 October. Written Representations, Local Impact Reports, ExQ1 responses and initial Statements of Common Ground will therefore not yet be before the ExA.

Important statutory and specialist consultees have themselves indicated that their Relevant Representations are not their final examination evidence. Historic England expressly states that it will make further comments in its Written Representation on cumulative effects, while Natural England states that its Relevant Representation identifies only the principal submissions it wishes to make ‘at this point’ and that those matters may be developed or supplemented during the Examination.

The ExA will therefore be asked to examine site selection and Scheme scope before the fuller positions of key consultees are necessarily before it. That creates a particular difficulty because site selection is not a self-contained topic. Its adequacy depends upon the complete evidence concerning ecology, heritage, transport, water, agricultural land, aviation, grid infrastructure and cumulative effects. Until the Written Representations and Local Impact Reports are available, neither the ExA nor other Interested Parties can know the full extent to which those bodies consider the selected Sites, design envelope or associated infrastructure to remain acceptable, to require redesign or avoidance, or to depend upon unresolved mitigation.

BEPS therefore respectfully asks that ISH1 be treated expressly as an **initial, high-level hearing**, consistent with the Rule 6 letter, and that the ExA reserve a second hearing on site selection, Scheme scope and the draft DCO after Deadline 1.

This would not delay early scrutiny of the DCO. It would ensure that final oral scrutiny of the Scheme’s scope and site-selection case takes place only once the principal examination evidence of the statutory and specialist bodies is available to all parties.

3. Cross-cutting matters require an express examination route

BEPS asks the Rule 8 timetable and/or ExQ1 to identify how the following will be examined:

- consultation adequacy and the Consultation Report;
- overall EIA adequacy and interdisciplinary integration;
- material changes to the Scheme after consultation;
- deferred surveys, licences and management plans;
- the Rochdale Envelope;
- severability and partial implementation;
- whole-life replacement, cessation and decommissioning;
- the solar/BESS/NGET relationship and project-specific grid deliverability;
- protected species and EPS licensing issues and WFD compliance and other unresolved ecological and water-environment legal gateways;
- cumulative and in-combination effects; and
- the necessity and proportionality of compulsory acquisition.

BEPS asks the ExA to identify whether each issue will be dealt with through written questions, Written Representations, an ISH, a Compulsory Acquisition Hearing, or a combination.

4. Further targeted Issue Specific Hearings

The Relevant Representations show substantial convergence between statutory and specialist bodies on unresolved matters. BEPS therefore asks that the timetable retain capacity for the following, where the written process does not resolve them:

Consultation, EIA adequacy and deferred decision-making: material scheme changes, the Consultation Report, missing or late environmental information, and whether matters determining environmental acceptability have been left to post-consent approval.

Ecology, HRA, water and ground conditions: barbastelle and other protected species; white-clawed crayfish; botanical and aquatic baselines; River Tas and Hempnall Beck; WFD; groundwater and private water supplies; Source Protection Zones; piling and Foundation Works Risk Assessments; HDD and hydrological connectivity. The ExA has already required further crayfish information.

Construction and physical deliverability: HGV and AIL routes; the end-to-end port-to-site route; Sites 7–10; highway works and vegetation removal; PRowS; cumulative construction; National Gas and other infrastructure interfaces. National Highways and NCC both identify unresolved route and construction issues, while NGT's representation raises the FM05 pipeline and protective provisions.

Aviation, major accidents and BESS safety: Tibenham operations and emergency landing considerations; glint/glare and obstacles; BESS technology and safety envelope; emergency access; firewater containment; groundwater consequences and operational noise. The ExA has already required further aviation engagement and a position statement.

Heritage, landscape and good design, if material disagreement remains after the Local Impact Reports and Written Representations: particularly Site 1/Great Moulton, major electrical infrastructure, conservation areas, heritage settings and the environmental consequences of mitigation planting.

5. Information required to make ISH1 and later hearings effective

BEPS respectfully suggests to the ExA, that our Relevant Representation review has identified four schedules which would materially improve the Examination and avoid repeated disputes over what is actually authorised:

A Scheme-to-powers and severability schedule: for each principal Work, whether it is mandatory, optional or severable; its dependencies; land and rights sought; and what happens to those powers if the Work is omitted, delayed or replaced by a different solution. Given East Pye's Gate 1 BESS and NGET's uncertainty over the final substation solution, that extra severability information has a particularly strong project-specific justification.

A grid connection status and responsibilities matrix: solar and BESS connection status; when or whether the BESS can proceed/operate; the status of Site 1B; and who constructs, owns, operates and maintains each Applicant/NGET asset. NGET states that the final connection solution is not confirmed and that DCO consent would not oblige NGET to use the proposed substation.

A consolidated maximum design and construction parameters schedule: including site-by-site duration, simultaneous work fronts, piling, HGV/AIL limits, HDD, compounds, haul roads, dewatering, lighting and out-of-hours work. These quantities determine the worst case assessed.

A legal-plan reconciliation schedule: Works Plans, Land Plans, Streets/Access plans and Book of Reference on one current geographical base, with all superseded plans identified. BEPS's Relevant Representation noted inconsistent mapping throughout the application, including mapping that does not show the operational Long Stratton Bypass. This schedule would require the Applicant to demonstrate in one place that its legally operative documents actually correspond.

Of particular importance due to **contradictory information and minimal cross-referencing** across the ES chapters, the Applicant should also provide an **Environmental Interrelationships and Mitigation Consequences**

Schedule identifying where mitigation or redesign in one discipline creates effects in another, so that transport, landscape, drainage and ecological solutions are not assessed in isolation.

Before any later dDCO hearing, BEPS additionally asks for a **Consolidated Mitigation Route Map/mitigation-to-DCO audit** linking each relied-upon mitigation measure to the precise Requirement, protective provision or certified document that secures it, including monitoring, remedial triggers and enforcement, together with clear controls for replacement, cessation, decommissioning and successor liability.

6. New evidence, project changes and Statements of Common Ground

BEPS requests that material new evidence should always be followed by a deadline at which other parties can make a considered response. Updated reports should identify what has changed and provide the underlying survey dates, methodology and mapping.

If a Scheme element or mitigation package changes materially during Examination, including revisions made following the Inspectorate's Section 51 advice, the dDCO, legal plans and affected environmental/control documents must be revised consistently. A change should not be absorbed into one document while the rest of the application remains unchanged.

BEPS welcomes the requested SoCGs. We request that **each should retain a prominent list of matters not agreed or outstanding, identify the action/evidence required, responsible party and target date, and record unresolved protective provisions or side agreements**. 'Ongoing discussion' should not allow an objection to disappear from later versions.

7. Consultation adequacy and project-specific engagement

As the application has passed acceptance, BEPS does not ask the ExA to revisit the acceptance decision at the Preliminary Meeting. It asks instead for a defined examination route for material consultation issues which remain relevant to the adequacy of the evidence and the fairness of the Examination.

BEPS respectfully requests an early written question requiring the Applicant to respond to the consultation concerns raised by the host authorities, BEPS and relevant statutory and specialist consultees, together with an opportunity for those bodies to comment upon the Applicant's response. Where a consultee contends that it was not provided with sufficient, timely or accurate information about a material element or change to the Scheme, that consultee should be invited to explain the resulting consequences for its assessment, advice or outstanding position.

The purpose would not be to reopen the section 55 acceptance decision. It would be to establish whether shortcomings in consultation have left **material evidential consequences which remain unresolved in the Examination**, including whether affected consultees were able to assess the Scheme ultimately submitted and whether subsequent design changes, surveys or mitigation have been adequately scrutinised.

If material factual disputes remain after written exchanges, BEPS asks that they be addressed at an appropriate Issue Specific Hearing.

BEPS also asks the ExA to identify the appropriate route for evidence concerning **project-specific engagement between the Applicant/Macquarie, DESNZ and NESO, which we believe gives rise to a serious appearance of bias in decision-making on East Pye Solar**. (This same engagement issue has also been raised in the Light Valley Solar examination). The issue should be confined to any project-specific material relevant to East Pye's claimed need, grid alignment or facilitation, with disclosure of relevant Applicant-held documents, where relied upon. This avoids conflating the issue with a challenge to the merits of national policy.

8. Site inspection, document accessibility and participation

BEPS requests a November leaf-off site inspection. A separate Procedural Deadline A site-inspection schedule will identify a preliminary list of locations with features to be observed.

BEPS also asks that current plans be available as legible conventional PDFs; all amended documents carry clear version/date identifiers; hearing agendas be issued as early as practicable; and community parties are not required to reconstruct the current Scheme from multiple superseded plans and correction documents.

9. Conclusion

The central procedural risk is fragmentation. The Examination should establish, in a coherent sequence:

- what development is actually authorised;
- which parts are genuinely deliverable;
- which land and powers are therefore necessary;
- whether the environmental baseline is sufficient;
- whether mitigation relied upon is effective and secured; and
- whether changes made to solve one topic create unassessed effects in another.

BEPS respectfully asks the ExA to structure the Examination so those questions are resolved during the Examination, not deferred beyond it.

AI declaration

This document was compiled from BEPS's Preliminary Meeting draft note, BEPS's draft Written Representation Volumes 1 and 2 (compiled from human research), BEPS's response to Relevant Representations (also submitted at Deadline 1), PINS Rule 6 letter and current official National Infrastructure Planning Guidance. It was cross-referenced and drafted using BEPS's bespoke GPT closed project folder (GPT-5.6 Sol). Given the scale of the East Pye Solar application, the volume of documentation and the extent to which issues overlap across environmental, technical, legal and planning topics, BEPS could not cross-reference the entire application and contextual material, or draft suitably detailed responses without the assistance of its GPT. The final text was adjusted, edited and reviewed by BEPS before submission, and BEPS accepts responsibility for its contents.